

PART 5. PROPERTY

CHAPTER 1. PROCUREMENT POLICY

5-1.101 POLICY DEFINITIONS

The following terms shall apply to this policy:

- A. Amendment and Change Order – modification of the terms of an existing contract.
- B. Consultant – an individual, firm, or entity that provides Professional Services.
- C. Contract – a written agreement for goods or services (Professional or Non-Professional), and includes both formal contracts and purchase orders.
- D. Cooperative Purchase – any procurement conducted on behalf of two or more public agencies in order to obtain the benefit of volume purchasing or reduction in administrative expenses.
- E. Formal Solicitation – the issuance of a written request for bids, proposals, or quotations.
- F. Goods – supplies, materials, equipment, consumer products, and any other tangible personal property not considered to be a Professional or Non-Professional service.
- G. Informal Solicitation – an oral or written request for a bid, proposal, or quotation in accordance with oral or written conditions and other requirements included in the request.
- H. Local Business Enterprise – to be considered as a local business enterprise, a firm must provide evidence the firm is located at a fixed commercial or residential address where administrative, clerical, professional or other productive work is performed relative to its commercial purpose. The firm must be located within the District's service area for a minimum of one year.
- I. Non-Professional Services – services provided by an independent contractor other than Professional Services, including, but not limited to, repair and maintenance services.

- J. Professional Services – any specifically trained or experienced person, firm or corporation specializing in financial, economic, accounting, engineering, information technology, legal, architectural, public relations, or other specialized disciplines. Services may include the provision of a report, study, plan, design, specification, document, program, advice, recommendation, analysis, review, opinion, inspection, investigation, audit, brokering or representation of the District before or in dealings with another party. Non-Professional technical and maintenance services (such as janitorial services, landscape maintenance, etc.,) differ from professional services as such services involve limited discretionary judgment and are primarily manual in nature.
- K. Purchase Order – an authorization under which the party designated as Supplier is to provide Goods and/or services for which the District agrees to pay.
- L. Request for Proposal – a written request for the submission of a proposal in accordance with specifications, conditions, and other requirements included in the request.

5-1.102 PROCUREMENT SOLICITATION

A. Informal Solicitations

For informal solicitations, a minimum of three competitive written or electronic price quotes shall be solicited. If less than three quotes are obtained or are available, the reason shall be documented and included with the other quotes received.

B. Formal Solicitations

Formal Solicitations shall be advertised on the District's web site, and as otherwise required by law. Whenever possible and practical, a minimum of 14 calendar days shall be provided for responses.

1. The formal solicitation process requires a written Request for Proposal (RFP) covering the following (as applicable):

- (a) Scope of work, including community outreach on construction projects.
 - (b) A list of basic questions regarding each firm (address, number of personnel, qualifications, experience, etc.).
 - (c) A description of the method of selection used by the District.
 - (d) An explanation of the District's insurance requirements.
 - (e) A model contract which the bidder will be required to execute, if selected.
2. All proposals submitted in response to a formal solicitation process will be reviewed by District staff. Such review shall include review and comment by a third party with relevant expertise. The Board may excuse this independent review requirement prior to the receipt of proposals.
- (a) Interviews will be conducted with the most qualified bidders and proposed project team to assure a mutual understanding of the project and to obtain additional details related to their capabilities. The Board may excuse this interview requirement prior to the receipt of any proposals.
 - (b) Based upon a review of proposals and interviews (as applicable), the District shall rank the bidders in order of preference, taking into account all of the information obtained.
3. The following criteria, as applicable, shall be considered in the RFP evaluation of qualified Consultants to provide professional services:
- (a) Project approach and schedule.
 - (b) Specialized experience and technical competence of the bidder and personnel considering the type of services required and the complexity of the project.
 - (c) Suitability of the bidder's proposed services to meet the District's needs.
 - (d) Specific experience and qualifications of identified team members and their familiarity with the types of problems applicable to the project.

- (e) Time commitment of key staff.
- (f) Past record of performance on contracts with the District, other public agencies, and private industry, including control of costs, quality of work, and ability to meet schedules.
- (g) Other key factors as appropriate for the type of service.

4. Board Review

Contractors responding to a RFP for construction work, and professional service providers, non-professional service providers, and suppliers of goods and equipment who respond to a formal solicitation from the District, shall have the right to address the Board before the Board authorizes any contract for such work, goods, or services.

The staff will provide written notice to all such contractors, vendors, suppliers, professional service providers, and non-professional service providers of the recommendation the staff will present to the Board. The notice will provide a one-week time period to allow any such contractor, vendor, supplier, professional service provider, and non-professional service provider a chance to address the Board at the next meeting at which the Board plans to authorize the agreement.

5-1.103 PURCHASING OF SUPPLIES, GOODS AND EQUIPMENT

The District shall purchase supplies, goods, and equipment through a competitive bid process to maintain a consistent and satisfactory supply for the District's use. Purchases shall be made at the lowest possible cost commensurate with acceptable quality. Controls shall be exercised to ensure that all expenditures for goods and services are pre-authorized and do not exceed budgeted amounts without Board approval. Opportunities to participate in cooperative purchasing shall be pursued whenever feasible and in the best interests of the District.

For the purposes of evaluation of competitive bids, the bids of local business enterprises will be reduced by 3%. If, after this adjustment, the local business

enterprise is determined to be the most competitive bid, the actual contract amount will be the amount originally bid by the local business enterprise.

The procurement of supplies, goods, equipment and personal property over \$500 requires a purchase order. Authorized staff may purchase supplies, goods, equipment or other personal property as outlined below:

Deleted: 100

Single Items up to \$5,000.00 Requires at least one price quote and purchase order with Department Manager approval.

Deleted: 1,000

Single Items over \$5,000 to \$25,000 Requires informal solicitation with at least three competitive price quotes and purchase order approved by Department Manager and General Manager.

Deleted: 1,000

Deleted:

Single Items over \$25,000 Requires formal solicitation process and Board approval prior to execution of contract by General Manager and District Counsel.

Competitive bids shall be obtained in writing or by electronic format through an individual quote or from the product catalog and shall be filed with the authorized purchase order. The District shall maintain a purchase order log to track all purchase orders. Splitting or separating of supplies, goods or equipment to avoid required bidding process is prohibited.

Purchases exempt from the competitive bid process include: supplies, goods, equipment or other personal property unique in nature; a sole brand when a given brand or product specifically meets the form, fit, and function of the required procurement; or when it is necessary to standardize certain parts, designs, or features. Whenever possible, staff will work with the vendor to obtain the best pricing and/or terms.

Leasing of any equipment or other personal property at a cost of \$25,000 or more requires an RFP and Board approval prior to the execution of a lease agreement by the General Manager and District Counsel.

5-1.104 PROFESSIONAL SERVICES

The District may enter into professional services arrangements as authorized below:

Services up to \$5,000	Requires single price quote, and purchase order approved by Department Manager,
Services over \$5,000 - \$25,000	Requires informal solicitation with at least three competitive proposals/quotes and PSA executed by General Manager and District Counsel.
Services over \$25,000	Requires formal solicitation process and Board approval prior to execution of PSA by General Manager and District Counsel.
Amendments/Change Orders	Over contract authorization require Board approval.

Deleted: and General Manager

All proposals for professional services over \$25,000 value will be evaluated on a 100-point scale. A value of three additional points will be added to the evaluation scores of Local Business Enterprises who bid on professional services contracts.

In the event that the proposed services will be evaluated on a price basis only, the bids of local business enterprises will be reduced by 3%. If, after this adjustment, the local business enterprise is determined to be the most competitive bid, the actual contract amount will be the amount originally bid by the local business enterprise.

5-1.105 NON-PROFESSIONAL SERVICES

Non-Professional services shall mean services other than Professional Services and includes, but not limited to, technical services, catering/food services, repair, and maintenance services.

The District may enter into non-professional services arrangements as authorized below:

Services up to \$5,000	Requires single price quote and purchase order approved by Department Manager,
------------------------	--

Deleted: and General Manager

Services over \$5,000 to \$25,000	Requires informal solicitation with at least three proposals/quotes and a Services Agreement executed by General Manager and District Counsel.
Services over \$25,000	Requires formal solicitation process and Board approval prior to execution of Services Agreement by General Manager and District Counsel.
Amendments/Change Orders	Over contract authorization require Board approval.

All proposals for non-professional services over \$25,000 value will be evaluated on a 100-point scale. A value of three additional points will be added to the evaluation scores of Local Business Enterprises who bid on non-professional services contracts.

In the event that the proposed services will be evaluated on a price basis only, the bids of local business enterprises will be reduced by 3%. If, after this adjustment, the local business enterprise is determined to be the most competitive bid, the actual contract amount will be the amount originally bid by the local business enterprise.

Deleted: ¶

5-1.106 PUBLIC WORKS

The procurement of public works by the District shall be governed by the provisions of the California Public Contracts Code. All construction projects will include a community outreach component as part of the basic project structure.

5-1.107 ECONOMIC OUTREACH

As set forth in Proposition 209, economic outreach to encourage disadvantaged business participation will be implemented to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the District.

If implemented, the District will follow the guidelines indicated below:

- (a) The following terms shall apply to this section:
 - (1) Economic Outreach Plan – a set of specific and result-oriented procedures designed to achieve equal employment opportunity.

5-1.108 EMERGENCY PURCHASES AND SERVICES

In the event of an emergency, the General Manager may make immediate purchases of materials and services pursuant to California Government Code requirements. Emergency purchases include any purchase required to prevent imminent danger or to prevent or mitigate the loss or impairment of life, health, property, or essential public services. Every effort will be made to receive advance approvals or to obtain approvals as soon as possible following the purchase.

5-1.109 EXCEPTIONS TO COMPETITIVE BID REQUIREMENTS

Purchases that do not require competitive bids under this policy include books, periodicals, advertising, seminars, conferences, travel, subscriptions, temporary employment agencies, postage, utilities, bank charges, memberships, claims, travel reimbursements, fees or permits, and health or other benefit related reimbursement services.

CHAPTER 2. DISPOSITION OF PROPERTY

Deleted: ¶

¶
¶
¶
¶
¶
¶

5-2.101 POLICY

Whenever the District has materials, supplies, equipment or other personal property no longer needed for District purposes, the General Manager, with prior board approval, shall arrange for the sale of such items in the manner most advantageous to the District. Upon a determination by the Board that certain materials, supplies, equipment or other personal property are surplus, the General Manager may donate materials, supplies, equipment or other personal property to a public agency or non-profit organization.