

Amador Resource Conservation District

PUBLIC CONTRACT BIDDING, VENDOR AND PROFESSIONAL CONSULTANT SELECTION, AND PURCHASING POLICY

February 16th, 2017

The purpose of this policy is to ensure that the District obtains quality services, supplies, material and labor at the lowest possible cost, and to provide a uniform method for procurement of services and supplies. In addition, through proper documentation, conformance to this Policy will enable the District's constituents to know that their public funds are being spent responsibly, and potential vendors and contractors to know that they are being treated equitably.

I. PURCHASING AUTHORITY

There are three levels of authority for purchases: Board Approval, District Manager Approval and Delegated Approval. The maximum purchasing authority amounts refer to the total price of an order, including tax and/or shipping, which may include more than one item and also includes change orders and contract amendments. As used in this Policy, the term "purchasing" refers collectively to contracting or procurement of services, supplies, material or labor.

A. Board Approval for Purchases In Excess of \$500

If the cost for furnishing services, supplies, materials, labor, or other valuable consideration to the District will exceed Five Hundred Dollars (\$500), approval from the Board of Directors is required prior to entering into the contract.

Contracts which have been approved by the Board shall be signed by the Board President, or in the Board President's absence, his or her designee, the board can direct the Secretary to sign on behalf of the District.

B. District Manager Approval for Purchases Not Exceeding \$500

The District Manager may obtain bids without advertisement or published notice inviting bids and may authorize and execute contracts for payment for services, supplies, material, labor, or other valuable consideration for any purpose, including the new construction of any building, structure, or improvement, in an amount not exceeding \$500.

II. SOLICITATION OF BIDS

A. Solicitation of Formal Advertised Bids for Expenditures Exceeding \$10,000

When any expenditure is expected to exceed \$10,000, the District shall invite bids a minimum of one week prior to the time of receiving bids. Distribution may include digital distribution networks, a general circulation newspaper, or other means deemed appropriate. This type of formal bidding process typically includes the issuance of written plans or specifications describing the goods or services to be provided and the receipt of written bids from the vendors involved. Solicitation of

formal bids from a minimum of three vendors is required. As described in Section III.D below, selection of vendors may be based on a variety of criteria and may include but is not limited to the lowest cost bidder.

B. Expenditures Not Exceeding \$10,000

The District may invite bids for expenditures not expected to exceed \$10,000 at the discretion of the District Manager or at the Request of the Board of Directors. The District Manager shall obtain competitive cost information and consider qualifications of contractors providing services, whenever reasonably feasible, for any District purchase even though formal bids are not required for goods or services costing \$10,000 or less.

III. EXCEPTIONS TO STANDARD PURCHASING PROCEDURES

A. Emergency Conditions

An emergency is defined as a the inability of the District to provide services, or a threat to public health, safety, or welfare, including, but not limited to, threatened damage to natural resources. In the case of an emergency requiring an immediate purchase, the Board President may authorize his or her designee to secure in the open market any services, supplies, material or labor required to respond to the emergency, regardless of the amount of the expenditure. The Secretary shall, as soon as possible, provide a full written explanation of the circumstances to the Board for inclusion at a publicly noticed meeting.

In the case of a disaster or for civil defense, nothing contained in this Policy shall limit the authority of the Board President to make purchases and take such other emergency steps as are, or may be, authorized by the Board.

B. Limited Availability/Sole Source

Occasionally, necessary supplies, material, equipment, or services are of a unique type, are of a proprietary nature, or are otherwise of such a required and specific design or construction, or are specifically necessary for purposes of maintaining cost effective system consistency, so as to be available from only one source. After reasonable efforts to find alternative suppliers, the District may dispense with the requirement of competitive bids and recommend negotiating and making the purchase from the sole source. The basis for the sole source recommendation shall be documented in writing and approved, in advance, by the Board for purchases exceeding \$10,000.

C. Cooperative Purchasing

The District shall have the authority to join in cooperative purchasing agreements with other public agencies to purchase goods or services at a price established by that agency through a competitive bidding process. The Secretary may authorize and execute such cooperative purchasing agreements.

The formal competitive bidding procedures of Section II.A. for purchases exceeding \$10,000 are not required when the other public agency has secured a price through a formal, advertised

competitive bidding process. Board approval is required prior to purchase.

D. Professional Services

Professional consultant services are of a technical and professional nature, and, due to the nature of the services to be provided, do not readily fall within the "low bid" competitive bidding process. In addition, State law requires that selection of professional consultants in the categories of architects, landscape architects, engineers, surveyors, construction managers, and environmental consulting be made on the basis of demonstrated competence and the professional qualifications necessary for the satisfactory performance of the required services. Professional consultants should be individually selected for a specific project or problem with the objective of selecting the most qualified consultant at a price that is fair and reasonable. Professional services agreements shall not be split into smaller units, nor shall contract amendments be used, for the purpose of circumvention of this Policy.

1. Selection Procedures for Professional Services in Excess of \$10,000

When the cost for professional services is expected to be in excess of \$10,000, the District shall prepare a Request for Qualifications (RFQ) outlining the professional's qualifications, relevant experience, staffing and support and hourly rates as a basis for negotiating a contract or a Request for Proposal (RFP) outlining the terms, conditions and specifications of the services required by the District. A minimum of three (3) qualified firms or individuals shall be invited to submit proposals.

District staff and/or District directors and/or partners selected by District staff will review the proposals received, will select the most qualified firms for interviews, and will rank the consultants based upon appropriate criteria developed for the project or required services. These criteria will be included in the RFQ or RFP.

2. Renewal of Contracts with Professional Consultants

The District may, at its sole discretion, and after following required consultant selection procedures, enter into consultant agreements which contain provisions authorizing their extension or renewal. However, recommendations to extend or renew an existing contract with a professional consultant should include an annual evaluation of the work performed by the consultant as well as a determination that the fees being charged are comparable to similar services offered by other consultants at the time of renewal or extension. If the total amount of the original and renewed contract in any one fiscal year does not exceed \$10,000, the Board President may execute the agreement. If the total amount exceeds \$10,000, the request must be approved by the Board.

3. Conflict of Law

These procedures are not applicable where superseded by local, state or federal law, where the terms of grant funding provide for the use of other consultant selection procedures, or where the District is obligated to select consultants through the use of different procedures, such as

due to the requirements of an insurance or self-insurance program.

4. Special Circumstances

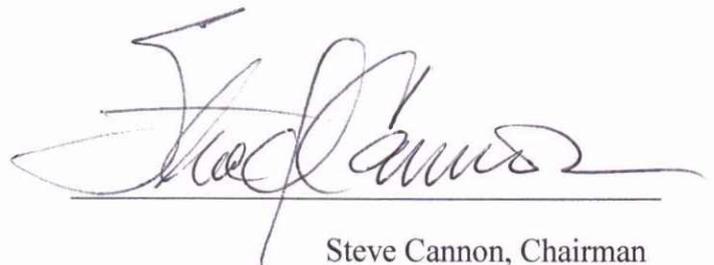
These procedures are not applicable when three (3) qualified firms or individuals are unavailable, or if it is appropriate and in the best interest of the District under the specific circumstances of the project at issue, to limit the number of consultants solicited. The basis for such action shall be documented in writing and approved by the Board President. When Board approval is required, the documented basis for such action shall be included in the report to the Board and publicly noticed at the next meeting of the Board.

E. Open Purchase Orders for Routine and Repetitive Supplies and Services

Open purchase orders may be entered into with vendors who are expected to supply routine services, supplies, materials or labor to the District on a regular basis throughout the fiscal year. Open purchase orders shall be closed at the conclusion of each fiscal year. Vendors of repetitive supplies and services shall be selected through the competitive bidding procedures set out in Section II, based upon the anticipated or budgeted cumulative cost of the supply or service. Multi-year contracts can be let only when appropriate and necessary to secure the best pricing, best service, or assure continuity of service. An annual review of the services and prices provided shall be documented by District staff to assure that the vendor is meeting the District's needs and expectations and remains at a competitive price. Whenever feasible, multi-year contracts for service or supplies shall provide that the option to renew or extend the contract is at the District's sole discretion.

IV CONFLICT OF INTEREST

No District employee or official shall be financially interested, directly or indirectly, in any purchase, contract, sale, or transaction to which the District is a party and which comes before said official or employee for recommendation or action. Any purchase, contract, sale, or transaction in which any employee or official is or becomes financially interested shall become void at the election of the District. No employee or official shall realize any personal gain from any purchase, contract, sale, or transaction involving the District.

A handwritten signature in black ink, appearing to read "Steve Cannon", is written over a horizontal line. The signature is fluid and cursive.

Steve Cannon, Chairman
Amador Resource Conservation District