

# SHASTA VALLEY RESOURCE CONSERVATION DISTRICT

## Procurement Policy

Approved February 19, 2014

Amended November 2021

The purpose of this policy is to ensure that the District obtains services, supplies, materials and labor that are of the highest quality at an efficient 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 and funders to know that their funds are being spent responsibly, and potential vendors and contractors to know that they are being treated equitably.

The Shasta Valley Resource Conservation District (SVRCD) performs restoration and conservation activities intended to demonstrate and implement conservation practices which support ecological integrity. The SVRCD will perform such activities in a variety of ways including "in house" and/or partnerships with local, state and federal agencies and non-profit organizations. The SVRCD frequently engages in contracts with professionals for construction and other services.

The SVRCD shall maintain, and periodically update, a list of competent and qualified contractors, identified according to categories of work, that have notified the SVRCD of their interest in receiving notice for projects (the "Contractors List"). For major construction and/or service contracts, the SVRCD will publish contracting opportunities in a local newspaper or builder's exchange and on the SVRCD website as defined below.

The SVRCD contracts on a non-discriminatory basis, without regard to race, color, national origin, sex, age, religion, marital status or disability. As the manner prescribed by law and SVRCD policy, minority firms, women's business enterprises, and labor surplus area firms will be solicited and encouraged to submit bids for consideration.

All receipts and invoices must be reviewed by the project manager and coded properly for accounting and invoicing purposes.

### **I. SVRCD Expenditures at or below \$250**

These purchases must be distributed equitably among qualified suppliers and can be purchased by SVRCD staff as needed for specific job, contract, field, or office related needs. (CFR-2014-title2-vol1-part200-subpartD § 200.320)

### **II. SVRCD Contracts/Expenditures between \$250.01 and \$2,999.99**

These purchases must be distributed equitably among qualified suppliers and can be purchased by SVRCD staff with the approval of the Executive Director/District Manager. These purchases may be awarded without soliciting competitive quotations if the price is considered reasonable. This method can also be used of acquisitions for construction subject to the Davis-Bacon Act of up to \$2,000. (CFR-2014-title2-vol1-part200-subpartD § 200.320)

### **III. SVRCD Contracts/Expenditures Valued between \$3,000 and \$14,999.99.**

The Executive Director/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 \$15,000.

For non-construction procurement, staff members shall obtain competitive cost information and consider qualifications of contractors providing services, materials and/or supplies whenever reasonably feasible for any District purchase even though formal bids are not required for goods or services costing less than \$15,000.

For construction valued at less than \$15,000.00, the solicitation of an interested contractor/party who is competent and qualified to complete the project may be done at the discretion of the Executive Director/District Manager. A contractor may be solicited by the Executive Director/District Manager and an award may be made by the Executive Director/District Manager as is in the best interest of the District. No advertisement or formal release of Requests for Proposals is required. The Executive Director/District Manager may reject any and all bids received.

The Executive Director/District Manager, at his/her discretion, may seek a contractor in good standing. The Executive Director/District Manager shall follow the procedure set forth below.

- a. The project description, plans specifications and related drawings shall be made available to the contractor for examination prior to a site visit. An engineer's cost estimate may be separately prepared.
- b. A site visit or pre-bid meeting shall be scheduled if needed. At the end of the visit or meeting, a bid due date shall be agreed upon. If no date is acceptable to both parties, the SVRCD may solicit additional bids.
- c. The interested contractor shall submit a cost bid form to the SVRCD no later than the bid due date. If a contractor's bid is accepted, it shall be attached to the SVRCD contract and shall become a part thereof. The SVRCD has the right to reject any and all proposals.
- d. If the contractor's cost bid is greater than 125% of the SVRCD's or engineer's cost estimate, a second bid shall be solicited, unless there is insufficient time or the unexpected cost is sufficiently explained.
- e. If in the opinion of the Executive Director/District Manager it is in the best interest of the District and/or the selected bid is priced at or greater than \$15,000, all bids shall be rejected and a request for bids shall be issued using the competitive procedure for projects at or over \$15,000, unless an emergency exists or develops.

- f. The SVRCD Board will approve the selected bid which best meets the goals of the project. The SVRCD board will consider the quality of prior work, project costs, and the preferences of the landowner while reviewing contractor candidates. The choice of contractor may not be the lowest bid. The SVRCD Board has the right to reject any and all bid proposals. A performance bond is left to the discretion of the SVRCD. Liability, vehicle and workers compensation insurance is required.

#### **IV. SVRCD Contracts/Expenditures Valued Between \$15,000.00 and \$249,999.99**

If the cost for furnishing services, supplies, materials, labor, or other valuable consideration to the District is valued between \$15,000 and \$249,999.99, approval from the Board of Directors is required prior to entering into the contract.

For non-construction procurement, staff members shall obtain competitive cost information from at least three sources and consider qualifications of contractors providing services, materials and/or supplies whenever reasonably feasible for the SVRCD purchase even though advertising is not required.

The acquisition of construction services valued between \$15,000.00 and \$249,999.99 shall require an informal competitive procedure. The SVRCD staff shall seek, but is not required, to receive at least three bids for projects in this size range. Advertising is not required. Bid and performance bonds are required. The SVRCD may reject any and all proposals received. The following procedures shall apply:

- a. A request for bid package (RFB), which includes a project description, plans, specifications, and related drawings shall be prepared. An engineer's cost estimate may be separately prepared. A bid due date and time shall be established and clearly stated in the RFB. A copy of the bid package will be available for review at the SVRCD office.
- b. The SVRCD shall solicit bids from three or more interested contractors who are competent and qualified, as specified by SVRCD in the RFB, to complete the project. SVRCD shall review contractor and subcontractor qualifications and determine eligibility for the project work.
- c. SVRCD shall send a request for bid (RFB) notification to each applicable contractor on the Contractors List at least five (5) days prior to a site tour or meeting. Any licensed contractor who contacts the SVRCD may also receive the request for bids. There may be a reasonable fee required to receive a bids package.
- d. A site tour or meeting will be scheduled, if needed. All interested contractors or representatives must attend the site visit or meeting, at which time SVRCD staff will show or explain the project details to contractors and answer any

questions as a group. At SVRCD staff's discretion, the project designer may be available to clarify design details. Any revisions to the plans shall be submitted in writing as amendments to the RFB and provided to all bidders in a timely manner.

- e. Each interested contractor shall use the cost bid form for their proposal and return it signed with the completed bidding documents, no later than the stated due date and time. Bid bonds shall be required.
- f. The SVRCD Board of Directors will approve the selected bid which best meets the goals of the project. If a contractor's proposal is awarded, it will be attached to the SVRCD contract and will become a part thereof. A performance bond and liability, vehicle and workers compensation insurance will be required. The SVRCD Board of Directors has the right to reject any and all proposals.
- g. Bid packages shall specify that all bids submitted shall be under 250,000.00. If no qualified bids under \$250,000.00 are received, a new request for bids shall be issued using the competitive procedure for projects over \$250,000.00, unless an emergency situation exists or the project description is revised (See Emergency Conditions).

#### **V. SVRCD Contracts Valued At or Over \$250,000.00**

The acquisition of construction services valued at or over \$250,000.00 shall require a competitive procedure. All federal and state statutes and regulations shall be followed. The Board shall seek, but is not required, to receive at least three proposals for projects in this size range. Advertising in a newspaper of general circulation printed and published in the District is required at least 2 weeks before bid due date. Additional advertising can be done at the discretion of the SVRCD staff.

The following procedures shall apply:

- a. A Request for Bid (RFB) package, which includes a project description, plans, specifications and related drawings shall be prepared. An engineer's cost estimate may be prepared separately. A bid due date and time shall be established and clearly stated in the RFB. A copy of the bid package will be available for review at the SVRCD office.
- b. SVRCD staff shall send a Request for Bids notification to each applicable contractor on the Contractors List at least ten (10) days prior to the site tour. Any licensed contractor who contacts the SVRCD may also receive the RFB. There may be a reasonable fee required to receive a RFB package. The RFB may be sent to the Shasta and/or Siskiyou Builders Exchange at least fifteen (14) days prior to the site tour.
- c. A site visit/meeting will be scheduled in coordination with the land owner. All

interested contractors or their representatives must attend the site visit/meeting, at which time SVRCD staff will show or explain the project site to contractors and answer any questions as a group. At SVRCD staff's discretion the project designer may be available to clarify design questions. Any revisions to the plans shall be submitted in writing as amendments to the RFB and provided to all bidders in a timely manner.

- d. Each interested contractor shall use the SVRCD's Bid Form for their proposal and return it signed with the completed bidding documents, no later than the stated bid proposal due date and time. Bid bonds shall be required.

- e. The bids will be examined for completeness, and scored using the criteria developed for each project. This may include but is not limited to experience, landowner preference and other unique factors based on the project. Two or more responsive bids with costs that are within 5% of each other will be considered of equal value and ranked as such. The bids will be scored based on a *best score per price* rubric based on the Bid Scoring template attached.

- f. Bids that are incomplete or received after the bid due date and time will be deemed non-responsive and will not be scored and therefore not eligible for contract award.

- g. The Bid Scoring sheet will be presented to the SVRCD Board of Directors. The SVRCD Board of Directors will review the bids and approve the bid which is of the greatest advantage to the SVRCD, landowner and funder based upon the Bid Scoring sheet. If a contractor's bid is awarded, it will be attached to the SVRCD contract and will become a part thereof. A performance bond and liability, vehicle and workers compensation insurance will be required. The SVRCD Board of Directors has the right to reject any and all bids.

## **VI. Emergency Conditions and Emergency Repairs**

In the event of a determination of emergency conditions by the Board of Directors, the provisions herein shall not apply.

The District shall proceed as outlined in Public Resources Section 22050, with the exception that this process may also be used for emergency repairs to previously publicly funded projects.

## **VII. Limited Availability/Sole Source**

In the event that there is a project that requires special skills, the Executive Director/District Manager shall search for a potential contractor that has a demonstrated history of successfully completing the specialized work that is required. A contract may be negotiated that falls within the budgeted amount for the work required.

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 or contract with 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 \$14,999.99. The SVRCD Board of Directors will approve the selection, which will meet the goals of the project to be undertaken. The SVRCD Board of Directors has the right to reject any and all bid proposals.

## **VIII. 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, Government Code Section 4525-4529.5 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. The District will keep a running list of interested contractors. These contractors will be informed in writing of all new projects and bidding opportunities.

Consultants will be selected by the Executive Director/District Manager and are subject to approval by the Board of Directors. The Executive Director/District Manager and/or Board of Directors will make their selection based on the consultant’s experience and qualifications. The consultant will also be required to provide an explanation of scope of work, hours to complete and applicable cost estimate for their services that will be used in their evaluation in the selection process.

### **Selection Procedures for Professional Services in Excess of \$14,999.99**

When the cost for professional services is expected to be in excess of \$14,999.99, the District shall prepare a Request for Proposal (RFP) outlining the professional’s qualifications, relevant experience, staffing and support and hourly rates as a basis for negotiating a contract 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 unless criteria is met for a limited availability/sole source contract.

SVRCD 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 and present their findings to the SVRCD Board of Directors. The SVRCD Board of Directors has the right to reject any and all bid proposals.

## **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 written 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.

### **IX. Special Circumstances**

Where one bidder has donated time and/or expertise to assist SVRCD staff in developing project details, an estimate of the amount and value of that donation may be presented to the SVRCD Board of Directors by SVRCD staff at the time of contractor selection, and will be suitably weighed by the SVRCD Board in making its selection amongst the various bidders of a contractor to perform the paid work.

### **X. Additional Provisions**

Minimum qualifications, insurance, bonding, and other requirements shall be set forth as appropriate for each project in the Requests for Bids or Proposals and included in the final contract.

The provisions of Chapter 1, Part 7 of the California Labor Code, with respect to wages (regular or prevailing), hours, discrimination and worker's compensation benefits shall be applicable to all contracts entered into by SVRCD, and contractors and proposed contractors are expected to familiarize themselves with these provisions. Prevailing wage code sections will be provided in RFBs for public works projects in accordance to law.

### **XI. Landowner Consent**

Projects will only be performed with the written consent of the landowners of the project site. **A landowner may withdraw from the project** prior to contract award. The landowner will be given the bid documents for review to ensure the landowner understands how the project will be carried out on their property by competing bidders. The landowner will be allowed to provide comment on the bid documents and landowner preference will be part of the bid evaluation process. Prior to the site visit, the landowner shall be provided with a list of contractors known to have received advertisement of the project. Landowner may provide both positive and negative input on their contractor preferences, which becomes part of the bid evaluation data. Any contractor that, due to some prior experience, is not considered acceptable by the landowner will be advised as such prior to the site visit.

### **XII. Contract Enforcement**

Contractors will be expected to satisfactorily complete contracted work or services. All contracted work equal to or in excess of \$15,000 requires a performance bond in the amount of the accepted bid. Upon an unsatisfactory review of work, the contractor will be notified. If the contractor cannot or will not complete the contract satisfactorily, the District

will hire an alternate contractor to complete work utilizing the bond funds.

Throughout the term of a contract, the SVRCD Project Manager will inspect the work to ensure that the work meets expectations, is on schedule, and adheres to the contract budget. The Field Project Manager, who may be under a professional contract, will inspect construction projects to ensure satisfactory progress and to ensure materials utilized on-site are adequate and meet project specifications.

### **XIII. Appeal Process**

The perceived lowest responsive bidder, the highest scored bidder or any bidder who claims that SVRCD failed to follow its Procurement Policy or the law may submit a written appeal letter to the SVRCD Board within 5 calendar days of bid award. It will be reviewed by the SVRCD Board of Directors in closed session. SVRCD will respond in writing within 30 calendar days after it receives the written appeal.

If the contract is not being awarded to the low bidder, the District will notify the low bidder at least five working days prior to award the contract. The notification must be by email, fax or overnight courier.

The contract award will not be issued until the appeal is satisfied.

### **XIV. 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.

### **XV. Cooperative Purchasing**

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

The formal competitive bidding procedures for purchases exceeding \$14,999.99 are not required when the other public agency or partner has secured a price through a formal, advertised competitive bidding process. Board approval is required prior to purchase.



## XVI. Construction Services Evaluation Form Example

The below form is an example only and may be altered at any time and for any reason as the project requires.

<b>Construction Services Evaluation Form</b>			
Funding Source:			
Project Title:			
Bidder/Contractor:			
Lump Sum Bid Amount:			
Where does this Bid rank?			
<b><i>Bid Evaluation Matrix</i></b>			
Does Contractor have a current contractors license that enables them to do the work?	Yes		
	No	(reject Bid)	
Contractor has a current DIR registration? (includes all subcontractors listed on bid)	Yes		
	No	(reject Bid)	
Does Contractor have direct experience with all aspects of this project? (Depending on project components: instream, LWD placement, irrigation pipeline, concrete structures)	Yes		
	No	(reject Bid)	
<b>Scoring Criteria:</b> 5 = Excellent			
3 = Adequate			
1 = Inadequate			
	<b>Score</b>		
Experience/success with similar projects (based on References and community):			
Experience with working with the landowner:			
Guarantee on Services:			
Labor Compliance Experience (direct experience or hired):			
Ability to implement project within stipulated timeframe:			
Labor force to perform work:			
Contractor's License necessary to perform project:			
	<b>Total Score</b>	<b>0</b>	
<i>Note: Take total score and divide it by the price represented as decimal.</i>	<b>Score/price</b>	<b>0</b>	
<b>Explain any issues that could arise from hiring this contractor or inadequacies in the bid.</b>			