

# Upper Mokelumne River Watershed Authority

<p style="text-align: center;"><b>PROCUREMENT POLICY and PROCEDURE</b></p> <p style="text-align: center;"><b>General, Professional and Construction Services, and Materials and Supplies</b></p>	<p style="text-align: center;"><b>Policy No. 4</b></p> <p>Revised: 25 April 2025 Revised: 24 July 2020 Revised: 27 April 2018 Adopted: 28 April 2017</p>
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IT IS THE POLICY OF THE UPPER MOKELUMNE RIVER WATERSHED AUTHORITY TO:

1. Secure goods and services for the Authority's use so as to receive high value for each dollar expended consistent with ultimate need, service quality, and provider performance. In doing so:
  - a. Provide a fair and impartial competitive environment.
  - b. Provide equal opportunity in its procurement of general and professional services, construction services, and materials and supplies.
  - c. Seek a reasonable rate of participation by local businesses in the Authority's procurement activities.
2. Provide uniform methods and procedures for receiving and opening proposals for general and professional services and materials and supplies, and competitive bids for construction services.
3. Place the authority and responsibility with the Executive Officer, or designee, to administer and coordinate all the above.

FURTHER, IT IS THE POLICY OF THE AUTHORITY, with regard to general services agreements and procurement of materials and supplies, to promote employment and business opportunities for local residents and firms by giving preference to qualified local business engaged in providing such services.

## PROCEDURE:

### PURPOSE and SCOPE

The purpose of this procedure is to provide guidance, define responsibility and assign authority for the procurement of general services, professional services,

construction services and materials and supplies. This procedure applies to the procurement and administration of all Authority procurements. On any occasion this procedure does not effectively address a procurement question or issue encountered, staff will seek further direction from the Board of Directors.

## DEFINITIONS

*General Services*: General services are recognized as physical tasks that often require the provision and use of special tools, equipment, and/or the technical ability and experience to use such items. Examples of general services include logging operations, truck drivers, heavy equipment operators, and well drilling services. General services normally result in specific physical tasks being accomplished. General services often fall within the legal definition of a public work and as such are subject to public work requirements including DIR registration, submission of form PWC 100 to DIR, payment of prevailing wages and use of apprentices.

*Professional Services*: Professional services are services requiring specialized knowledge or expertise provided by independent contractors in such areas as legal, programming, planning, economics, finance, environmental, construction management, and engineering. Broadly speaking, professional services normally result in a report, drawing, plan or document as the final product or contract deliverable.

*Construction Services*: Construction services involve the erection, construction, alteration, repair and/or improvement to a building, road or other physical structures and appurtenances.

*Local Service Provider*: A business enterprise, including but not limited to a sole proprietorship, partnership, or corporation, which has the following:

- Where available, a valid business license issued from Amador, Calaveras or Alpine County or a political subdivision within these counties; and
- Its principal business office, or a satellite office from which the business enterprise operates or performs business on a day-to-day-basis, physically located within Amador, Calaveras or Alpine County.

*Community Benefit Area*: This is an area comprised by the counties of Amador, Calaveras and Alpine.

*Materials and Supplies*: Materials and supplies are tangible items such as office equipment, business supplies, building materials and tools.

## RESPONSIBILITY FOR PROCUREMENT OF SERVICES

1. The Executive Officer, or designee, is responsible for administering all Authority procurements. Accordingly, the Executive Officer is authorized to carry out authorized bid and/or proposal solicitations for general, professional and construction\_services procurements in conformance with this Policy and Procedure.
2. When and as necessary to fulfill Authority purposes, the EO will recommend to the Board potential general, professional and construction services procurements. When and as authorized by the Board the EO will:
  - Take necessary actions consistent with this Policy and Procedure to complete the bid and/or proposal process.
  - Generally use the *Request for Proposal (RFP) Guideline and Template* as the basis for soliciting and evaluating general and professional services proposals, and Invitations to Bid (ITB) for construction services.
3. Board authorized purchases of materials and supplies may be procured by the EO, or designee, in conformance with this Policy and Procedure.

## PROCUREMENT TYPES, LIMITS, METHODS AND AWARDS

Type	Limit	Method	Award
Informal Quote	Up to \$5,000	Obtain up to 3 price quotes by telephone or email whenever feasible.	EO
Formal Quote	Up to \$50,000	Obtain up to 3 written price quotes by email or letter whenever feasible.	EO
Request for Proposal/ Invitation to Bid	Above \$50,000	Issue RFPs (generally conforming to the accompanying <i>RFP Guideline and Template</i> ) to seek proposals from at least 3 qualified proposers, and ITBs <u>for competitive bidding processes</u> .	Board

## SELECTION AND AWARD

Professional and General Services: Professional and general services selection decisions are generally qualifications based decisions. Accordingly, assuming a reasonable price for the service can be negotiated, the Authority may consider multiple potential service providers and award a contract to the provider it determines is best qualified to perform the work. Regardless of the value of the resulting contract, this selection decision must be documented.

Generally, the following factors will be considered in determining the best-qualified professional and/or general services provider.

- Approach and technical criteria – for example: planned approach, key personnel, organizational capacity, production capability, schedule availability
- Cost – for example: total amount, reasonableness, affordability
- Relevant experience – for example: knowledge of local conditions from prior work within region, extensiveness of provider's experience, degree of direct experience of assigned individuals
- References – for example: demonstrated competence, quality of work, effective communication, budget adherence, degree of cooperativeness

Construction Services: Construction service procurements will generally be awarded to the lowest-priced responsive and responsible bidder identified through a competitive bidding process.

Generally, the following Invitation to Bid process will be followed.

- Invitations for Bid shall include detailed specifications, general provisions, special provisions, and in some instances bond forms, legal statements, affidavits, or other documents.
- A Notice inviting bids will be posted electronically on the Authority website and when appropriate posted in at least one local newspaper. The Notice shall state the time and place for receiving and opening the sealed bids and describe in general terms the work to be done.
- Bidders submit the required information in a sealed bid for public opening by staff at a specified date, time, and place.
- Bid pricing shall be publically read aloud by the person opening the sealed bids.
- Contract award, if any, shall be to the lowest-priced responsive and responsible bidder which is the bidder submitting the lowest-priced bid

that materially conforms to all requirements in the ITB and has demonstrated the ability to perform the work.

Materials and Supplies: Material and supply procurements generally will be awarded to the lowest responsive and qualified bidder. A responsive bidder is one that is in substantial conformance with the requirements of the bid solicitation. A qualified bidder is one that has the demonstrated ability, capability and skill to satisfactorily fulfill the requirements of the bid solicitation within the time required.

Sole Source Purchases: Services, materials and supplies that can be obtained from only one provider are exempt from the competitive procurement process. Sole source procurements may include proprietary items sold directly from the manufacturer or one authorized provider; items that could normally be obtained competitively but due to an emergency situation must be obtained from a specific provider; or a certain good or service that has been proven to be available from only one acceptable provider. The Executive Officer shall provide written justification to the Board of Directors of any sole source procurement.

## COMMUNITY BENEFIT

The Authority recognizes that strategies that promote the use of Local Service Providers helps preserve local businesses, retain local dollars within the community, and enhance employment opportunities, all of which contribute to sustaining the economic health of local communities.

The Executive Officer, or designee, shall consider the locality of business enterprises submitting proposals and bids to the Authority. In evaluating proposals or bids submitted to the Authority by a qualified Local Service Provider the applicable preference as specified below shall be applied.

General Services: A five percent (5%) preference will be applied to the scoring evaluation of proposals submitted by qualified Local Service Providers.

Construction Services: No preference will be applied to construction services bid award determinations.

Materials and Supplies: When price is the determining factor for an award a five percent (5%) preference shall be subtracted from a bid submitted by a qualified Local Service Provider. If application of the 5% results in the Local Service

Provider's bid being at or lower than the non- local vendor, the award shall be made to the Local Service Provider at the Local Service Provider's bid price.

Declaration of Local Service Provider: To qualify for consideration under this preference, a business enterprise must meet applicable criteria and include a completed Declaration of Local Service Provider (see Appendix A) in any proposal or bid submitted to the Authority.

Quality and Fitness: The preference established in this policy shall not be construed to limit or restrict the Authority from comparing quality and fitness of proposed services and from comparing the qualifications, character, responsibility and fitness of all firms submitting proposals. The preference established in this policy shall not be construed to prohibit the Authority from giving any other preference permitted by law.

Affordability: Application of the preference established in this policy is contingent on the availability of sufficient funding.

## CONTRACT EXECUTION and ADMINISTRATION

1. Professional, general and construction services contracts above \$50,000 must be approved by the Board of Directors.
2. The EO, or designee, is responsible for administering agreements between the Authority and consultants and contractors. These responsibilities include: verifying compliance with contractual provisions; ensuring that contract tasks are completed on schedule and within budget; verifying the accuracy of invoices; recommending payment; and ensuring that expenditures do not exceed the contract amount.

## PROTESTS AND REJECTION OF BIDS

1. Bid protests will be considered by the Authority provided a written protest on company letterhead is received by the Authority Secretary within seven working days after notification of selection/non-selection.
2. Protests will be accepted from bidders or potential bidders only. Bid protests shall contain a detailed and complete written statement describing the reason(s) for protest. The protest must include the RFP title and/or number, the name of the firm protesting, and the name, telephone number, email address and physical address of the protestor.

3. If the Authority does not receive the bid protest within the seven working day protest period, the protesting party bears the burden of proof to submit evidence (e.g., certified mail receipt) that the protest was sent in a timely manner for it to be received by the Authority within the bid protest period.
4. Upon receipt of a written protest, the Authority Secretary will confirm receipt to the sender and inform the EO. The EO will consult with Authority Counsel and conduct an investigation into the protest.
5. If the EO determines that the protest is valid, one of the following actions may be taken:
  - All bids may be rejected and a re-bid conducted.
  - All bids may be rejected and no re-bid conducted.
  - An award may be made to the best remaining responsive qualified bidder.
6. Affected bidders will be notified by certified mail of the action taken. If the protest is denied, the EO shall provide the determination to the affected bidders by email and certified mail, and the award will be made to the best responsive qualified bidder in accordance with the applicable bid solicitation documents.
7. The bid protester can appeal the determination to the Authority Board of Directors. The appeal must be submitted to the Authority Secretary no later than five working days from the date of receipt of the EO's determination on the initial protest.
8. Such an appeal must be made in writing on company letterhead and must include all grounds for the appeal and copies of the original protest and the Authority's response (email accepted with a signed letter attached and formatted as a PDF).
9. The appeal will be scheduled for the next Board of Director's meeting and the Authority Secretary shall advise the protestor of the date, time, and location of the Board of Directors meeting at which staff will make a recommendation regarding the appeal and award and inform protestor it may request to address the Board of Directors at that meeting.

## CHANGE ORDERS

1. The EO is authorized to approve change orders to a Board-approved

professional services, general services and construction services contracts in a cumulative sum amount not to exceed 10 percent of the original contract amount provided sufficient remaining budget is available.

2. Change orders that exceed the EO's cumulative 10 percent limit and change orders for which there is insufficient available budget must be approved by the Board of Directors.

## PROHIBITED ACTIONS

No one participating in a procurement process on the Authority's behalf shall:

1. Accept any gift, fee, compensation or payment of expenses that results in private gain in return for preferential treatment; nor
2. Grant any special consideration, treatment, or advantage to any person or company beyond that which is available to every other person or company in similar circumstance.

## Appendix A

### DECLARATION OF LOCAL SERVICE PROVIDER

The Upper Mokelumne River Watershed Authority (UMRWA) may give local business enterprises a preference when awarding general service agreements as set forth in UMRWA's Procurement Policy.

In order to qualify for consideration with this preference, a business enterprise must meet the following criteria:

- Where available, a valid business license issued from Amador, Calaveras or Alpine County or a political subdivision within these counties; and
- Its principal business office, or a satellite office from which the business enterprise operates or performs business on a day-to-day-basis, physically located within Amador, Calaveras or Alpine County.

All information submitted is subject to investigation, as well as disclosure to third parties under the California Public Records Act. Incomplete, unclear, or incomprehensible responses to the following may result in the Proposer not being considered as a Local Service Provider under this policy.

1. Legal name of business: \_\_\_\_\_
2. Physical address of principal place of business, or bona-fide satellite office (e.g. with daily operations; or at least one regular employee, etc.)

\_\_\_\_\_  
\_\_\_\_\_

3. Business license number issued by City of \_\_\_\_\_, or County of \_\_\_\_\_:

License Number: \_\_\_\_\_ Issued by: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name & Title: \_\_\_\_\_