

MENLO PARK FIRE PROTECTION DISTRICT
PURCHASING AND CONTRACTING
PROCEDURES POLICY



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1.0 POLICY

The purpose of this Purchasing and Contracting Procedures Policy (“Policy”) is to provide the Menlo Park Fire Protection District (“District”) a means of assuring continuity and uniformity in its purchasing practices and to provide guidelines to ensure purchasing practices comply with legal requirements and best practices.

2.0 SCOPE

Procedures outlined in the Policy are to be adhered to by District employees and agents when procuring supplies, equipment, Public Works, and Services. This Policy is not intended to address the hiring of personnel or the purchase of utility services, insurance coverage, and any other items or services which are not conducive to the requirement of this Policy

3.0 ETHICS IN PROCUREMENT

A. Fundamental Principles of Ethical Procurement. The District’s procurement practices, and this Policy, reflect its commitment to fundamental principles of ethical procurement, which are as follows:

1. Foster maximum open and free competition for District contracts;
2. Promote the greatest economy and efficiency in District procurements;
3. Ensure adherence to proper standards of conduct by District board members, officers and employees;
4. Maintain procurement policies and procedures that guarantee compliance with applicable state and federal laws and regulations;
5. Establish and maintain an arm's length relationship with all contractors, vendors, and consultants;
6. Treat all prospective contractors, vendors, and consultants including small businesses, in an equal and equitable manner; and
7. Provide guidance for remedy and resolution of contract claims or disputes.

B. Conflicts of Interest. No director, officer, employee, or agent of the District may participate in any procedure, tasks, or decisions relative to initiation, evaluation, award, or administration of a contract if a conflict of interest, real or apparent, exists. Such a conflict of interest arises when (a) the director, officer, employee, or agent, (b) any member of his or her immediate family, (c) his or her business associate, or (d) an organization which employs, or which is about to employ, any of the above described individuals has a financial or other interest in a firm that participates in a District procurement process or that is selected for an award. The standards governing the determination as to whether such an interest exists are set forth in the Political Reform Act (Section 81000 et seq. of the California Government Code) and in Sections 1090 et seq. of the California Government Code.

C. Gift Prohibition.

1. When a Procurement is Pending. No director, officer, or employee of the District, for him or herself or family, and whether or not such employee's position is included in the District's Conflict of Interest Code, may accept or solicit a gift of any value, including travel, from a person the director, officer, or employee knows, or has reason to know, has a financial interest in a pending procurement with the District. "Pending procurement" refers to a procurement that is underway during the following time periods:
 - a) Beginning 60 days prior to the District's issuance of any request for information, quotes, bids or proposals; through the solicitation and evaluation of quotes, bids or proposals; up until award of a contract or abandonment of the procurement process by the District; and
 - b) Within the 60 days prior to the expiration of the term of an existing contract and during negotiations of a contract renewal or exercise of any contract option.
 - c) Regardless of the time frame, a procurement is "pending" if a reasonable person would consider that the District is contemplating the procurement.

2. When a Procurement is not Pending. Under the Political Reform Act, individuals in positions designated in the Conflict of Interest Code's Disclosure Category 1 or who are covered by Government Code section 87200 are prohibited from receiving gifts totaling more than \$520 from any single source in a calendar year. For purposes of this Policy, the Political Reform Act is the floor for the prohibition against receiving gifts. No director, officer, or employee of the District, for him or herself or family, and whether or not such employee's position is included in the District's Conflict of Interest Code, may receive gifts totaling more than \$100 in a calendar year from any single source that provides or that seeks to provide services, supplies, materials, machinery or equipment of the type utilized by the District.

This annual limit will automatically increase or decrease consistent with modification to the gift limit established by the FPPC every two years.

4.0 DEFINITIONS

- A. Architectural and Engineering Services. Professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms.

- B. Complex Professional Services. Services that are not sufficiently uniform or generic to be evaluated on price alone. Such services may include, but are not limited to, financial advisory services, legal services, auditing services, training services, and accounting services.

- C. Lowest Responsive and Responsible Bidder. A bidder that has provided all information and materials required by the solicitation documents, is deemed responsive by the District. A bidder is "responsible" if the bidder has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the contract. The Lowest Responsive and Responsible Bidder is the bidder, deemed responsive and responsible, that has demanded the least compensation (including tax and shipping).

- D. Maintenance. Includes routine, recurring and usual work for the preservation, protection, and

keeping of any publicly owned or publicly operated facility for its intended purposes in a safe and continually usable condition for which it has been designed, improved, constructed, altered or repaired. Maintenance services may also include carpentry, electrical, plumbing, glazing, touchup painting, and other craft work designed to preserve the publicly owned or publicly operated facility in a safe, efficient and continuously usable condition for which it was intended. Maintenance services may also include repairs to, cleaning of, and other operations on machinery and other equipment permanently attached to the building or realty as fixtures. The definition is not exhaustive or necessarily intuitive. For example janitorial or custodial services are not maintenance services, but landscape maintenance is included in the definition of maintenance. Maintenance work may require the inclusion of numerous legal requirements, including the payment of prevailing wages. Consult legal counsel if there are questions as to whether particular work falls within the definition of Maintenance work.

- E. **Non-Complex Services**. Any services that are neither Complex Professional Services nor Architectural and Engineering Services.
- F. **Program Manager**. A Program Manager is a representative of the District authorized to lead a project and entrusted with following the applicable procurement process as set forth in this Policy.
- G. **Public Works**. Erection, construction, alteration, repair or improvement of any public structure, building, road, or other public improvement of any kind.
- H. **Services**. Includes accounting, administration, ambulance, custodial, economics, finance, insurance, labor relations, law, maintenance, mechanics, medicine, planning, science, technology, and other services which are incidental and ongoing for the operations of the District. Services may include Complex Professional Services, Non-Complex Services, or Architectural and Engineering Services.

5.0 METHODS OF PROCUREMENT

See Attachment A for a table of the different methods of procurement and when they apply.

- A. **Open Market Purchase Procedure**. Whenever the estimated expenditure is less than \$25,000, purchases may be made without necessarily obtaining competitive quotations. The Open Market Purchase Procedure is a process by which the Program Manager selects a vendor, without necessarily obtaining competitive quotations, on the basis of price, quality, and availability, based on the Program Manager's judgment and experience. Open Market purchases will be equitably distributed among qualified suppliers and will not be used to avoid the requirement for competition at \$25,000 or greater. Open Market purchases may be made without obtaining competitive quotations if the price to be paid is fair and reasonable. To be considered fair and reasonable, the price must be evaluated based upon known market prices. To track market prices, the Program Manager will periodically request quotations or review pricing information available on the internet from various vendors of the materials, equipment, and services that the District routinely purchases. The vendor will be selected on the basis of the price quoted, the quality and availability of the product, and the vendor's experience and history of service to the District. Open market procedures may not be used for Architectural and Engineering Services or Public Works contracts.
- B. **Informal Purchase Procedure**. The Informal Purchase Procedure is a cost-effective competitive process for canvassing the marketplace to identify vendors most likely to provide appropriate supplies or services at a reasonable price and in an efficient manner. Informal Purchase Procedures may be used for all non-Public Works contracts where the estimated expenditure is between \$25,000

and \$100,000 and for Public Works contracts where the estimated expenditure is \$10,000 or less. Award will be made to the responsible offeror submitting the lowest responsive bid; or, as determined by the District, award may be made to the responsible offeror submitting the proposal that provides the best value to the District when considering price and other qualitative factors.

The Informal Purchase Procedures require the Program Manager to solicit written quotations from a minimum of three (3) vendors. If after soliciting written quotations from a minimum of three (3) vendors, the District learns that a vendor has declined to provide a quotation or a vendor does not respond to the District's request within a reasonable period of time, then the Program Manager may proceed with the purchase. The Program Manager will prepare and provide to all vendors a written scope of work for contract services including any time restraints and minimum specifications for purchases which will include physical and functional characteristics and/or performance requirements. The minimum specifications can reference one or more brand names however this does not preclude vendors from proposing an equal substitution which would then be evaluated for equivalency. The bid solicitation for contract services will include, at a minimum, the District's standard contract, which the vendor must acknowledge that they are willing to sign and insurance requirements, which the vendor must acknowledge that they are capable of providing.

The Program Manager will document which vendors were solicited, when and how they were solicited and the response received, if any.

C. Formal Bidding Procedure. Formal competitive bidding must be used for Public Works contracts whenever the estimated expenditure for such work exceeds \$10,000. Formal competitive bidding will also be used when purchasing equipment, supplies, or materials whenever the estimated expenditure for such work exceeds \$100,000. Formal competitive bidding will ordinarily be used for the procurement of Non-Complex Services whenever the estimated expenditure for such services exceeds \$100,000, unless the Board determines that the best interest of the District would be served without the necessity of competitive bidding.

1. Preparation of the Solicitation. For Public Works, the District will prepare plans and specifications that provide adequate direction to enable any competent contractor or other builder to carry them out. For non-Public Works solicitations, the District will prepare a description of the desired products or services. The solicitation will also include the District's general provisions, sample contract, technical specifications or special provisions, any security requirements, insurance provisions, and any other materials determined to be appropriate or legally required.
2. Notice. For Public Works projects, the notice requesting sealed bids will set a date for the opening of sealed bids. The first publication or posting of the notice will be at least ten (10) days before the date of opening the sealed bids. Notice will be published at least twice, not less than five (5) days apart, in a newspaper of general circulation in the District, or if there is none, it will be posted in at least three public places in the District. The notice must distinctly state the work to be done. Additional requirements apply to Public Works projects, please consult with the District's Attorney and review Section 11 of this Policy, as needed.

For all procurements utilizing the Formal Bidding Procedures that are not Public Works, the notice requesting sealed bids will be provided in a manner determined by the District and may include a combination of web postings, email notification,

advertisement in a newspaper of general circulation in the District, phone calls or other methods of dissemination.

3. Bonds. As a condition of submitting a bid or entering into a contract, the District will ordinarily require that the bidder provide bidder's security (bid bond or other form of security approved by the District) to protect the District from losses in the event the winning bidder fails to execute a contract. Bidders will be entitled to the return of their bid security after a contract has been executed. The successful bidder will forfeit its bid security upon refusal or failure to execute the contract within ten (10) days after the notice of award has been mailed, or a time agreed upon in writing by both the successful bidder and the District, unless the District is responsible for the delay. The Program Manager may, on refusal or failure of the successful bidder to execute the contract, proceed to recommend that the Board award the contract to the next Lowest Responsive and Responsible Bidder. The amount of the lowest bidder's forfeited security will be applied by the District to the difference between the low bid and the second lowest bid. The requirement for bidder's security is different from any contractual requirement for a payment bond and/or a performance bond.
4. Time Stamping Bids. Bids received will be time-stamped by the District's designee and deposited unopened in the bid file. Any bid received subsequent to the time of closing as stated on the request for bids will be time-stamped and returned to the bidder, unopened.
5. Bid Opening. Sealed bids will be publicly opened at the time and place stated in the notice. The Program Manager will prepare a summary of all sealed bids received and will make the summary available for public inspection. The District will not accept any bid unless it is in writing. No bidder will be permitted to change its bid after the bids are opened.
6. Evaluation of Bids and Recommendation of Award. If any contract is awarded, it will be awarded to the Lowest Responsive and Responsible Bidder. The lowest monetary bid will be examined to determine if it is responsive to the contractual and technical requirements of the solicitation. District staff will review the bid documents to ensure that the bidder has made no unauthorized deletions, amendments, or changes to the solicitation documents, verify that required bid forms and certificates have been completed, and confirm that all signatures are in place and appear in order. If, for any of these reasons, the lowest bidder appears nonresponsive, District staff will notify the District's Attorney of the deficiency. A determination will be made as to whether the deficiency is a minor irregularity that the District may waive, or whether the deficiency is more substantive in nature. If the deficiency is substantive in nature and may not be waived, staff will determine which bidder is the next lowest monetary bidder and will follow the procedure above to determine the responsiveness of that bidder.

The lowest responsive bid will then be evaluated to determine whether the bidder is responsible. Such a determination is made on the basis of bidder's past experience and history of service to the District, if any; the bidder's responses to those bid documents requiring a listing of experience, qualifications, and references, if required; and the expertise, dependability, and financial stability of the bidder as

revealed to the District from any other legal source. In evaluating this information and in checking references listed therein, District staff will determine whether the bidder meets the minimum standards set forth in the solicitation documents, and will not assess the bids as to relative superiority.

7. Public Works Prequalification. For Public Works the District may, in lieu of following the lowest responsible bidder process described above, issue a prequalification application prior to issuing the bid package. The prequalification application must be noticed similar to the noticing requirements identified in Section 5.C.2. of this Purchasing Policy. The Prequalification Application will comply with the requirements of California Public Contract Code Section 20101 and minimally will include scoring instructions and an explanation of the appeals process by which a prospective bidder may dispute its qualification rating. The purpose of the prequalification application is to determine whether a potential bidder is qualified prior to issuing the bid package. Neither the fact of pre-qualification, nor any pre-qualification rating, will preclude the District from making a post-bid responsibility determination. Sealed prequalification applications must be submitted by the time and at the place stated in the public notice. Only applicants that submit a completed prequalification package within the time and location requirements, and receive a high enough score, will be eligible to bid on the Public Works solicitation. The District reserves the right to reject all prequalification responses and to re-submit a prequalification application. If any contract is awarded, it will be awarded to the lowest, responsive and responsible, prequalified bidder.
8. Tie Bids. Pursuant to the Public Contract Code, if two or more bids are the same and the lowest, the District may accept the one it chooses.
9. Rejection of Bids. In its discretion, the District Board may reject the bids presented and re-advertise. Alternatively, the Board may waive any further competitive process as described in subsection 7.G of this Policy.

D. Formal Request for Proposal (RFP) Procedure. Formal competitive proposals, which consider and evaluate factors in addition to price, will be used to procure Complex Professional Services and may be used to procure Non-Complex Services if circumstances so dictate. Specialized State or federal laws will apply to the procurement of Architecture and Engineering Services regardless of the estimated expenditure.

The Request for Proposals will include a general description of the services to be procured, the information that proposers must include with proposals, the criteria by which the District will evaluate proposals, including the relative importance of each criteria, the District's sample contract, including insurance requirements, and the time and place for submission of proposals.

The Request for Proposals will be distributed to at least three (3) consultants or service firms at least ten (10) days prior to the deadline for submission of proposals. Proposals must be signed, acknowledge acceptance of the terms and conditions of the agreement, or any exceptions taken, and insurance requirements, agree that the proposal will be valid for the time period set by the District, and any other requirements detailed in the solicitation.

The evaluation process will begin with verification that the proposals received are responsive to the solicitation requirements. All responsive proposals will be reviewed and evaluated to determine which proposer best meets the District's needs based on the evaluation criteria

identified in the solicitation. The dollar amount of the proposal for services will be considered but the award need not be made to the lowest dollar proposal.

6.0 TYPES OF PROCUREMENT

A. Purchases of Supplies and Equipment. This section governs purchases of goods, materials, supplies, vehicles, machinery, furnishings, and other tangible property.

1. For purchases of supplies and equipment with an estimated expenditure of less than **Twenty-Five Thousand Dollars (\$25,000)** the Program Manager will use the Open Market Purchase Procedures.
2. For purchases of supplies and equipment with an estimated expenditure of **Twenty-Five Thousand Dollars (\$25,000) or more, but less than One Hundred Thousand Dollars (\$100,000)**, the Program Manager will use the Informal Purchase Procedures.
3. For purchases of supplies and equipment with an estimated expenditure of **One Hundred Thousand Dollars (\$100,000) or more**, the Program Manager will ordinarily use the Formal Bidding Procedures, unless circumstances call for a Formal Request for Proposals process.

B. Public Works.

1. When the estimated expenditure required for a Public Works project is **Ten Thousand Dollars (\$10,000) or less**, the Program Manager may follow the Informal Purchase Procedures.
2. When the estimated expenditure required for a Public Works project **exceeds Ten Thousand Dollars (\$10,000)**, the Program Manager must follow the Formal Bidding Procedures.
3. **Other Statutorily Authorized Methods.** Alternative methods of procurement, such as a design build approach, may be utilized if authorized by state law and in full compliance with all applicable requirements.

C. Services.

1. Architectural and Engineering Services. Pursuant to Government Code section 4526, selection of providers of Architectural and Engineering services must be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.
2. Complex Professional Services.
 - a) When the estimated expenditure required for Complex Professional Services (not including Architectural and Engineering Services) is **less than Twenty-Five Thousand Dollars (\$25,000)**, the Program Manager may follow the Open Market Procedures.
 - b) When the estimated expenditure required for Complex Professional Services is **Twenty-Five Thousand Dollars (\$25,000) or more, but less than One Hundred Thousand Dollars (\$100,000)**, the Program Manager will use the Informal Purchase Procedures.
 - c) When the estimated expenditure required for Complex Professional Services is **One**

Hundred Thousand Dollars (\$100,000) or more, the Program Manager will use the Formal Request for Proposal Procedures.

3. Non-Complex Services.
 - a) When the estimated expenditure required for Non-Complex Services is **less than Twenty-Five Thousand Dollars (\$25,000)**, the Program Manager may follow the Open Market Procedures.
 - b) When the estimated expenditure required for Non-Complex Services is **Twenty-Five Thousand Dollars (\$25,000) or more, but less than One Hundred Thousand Dollars (\$100,000)**, the Program Manager will use the Informal Purchase Procedures.
 - c) When the estimated expenditure required for Non-Complex Professional Services is **One Hundred Thousand Dollars (\$100,000) or more**, the Program Manager will use the Formal Bidding Procedures.
4. Maintenance Services. Maintenance services will generally be a type of Non-Complex Services and will be procured as described in Section 6.C.3. When the type of equipment or facilities being maintained are sufficiently complex that the related maintenance services warrant the consideration of factors other than price, the District may use the procedures set forth in Section 6.C.2.
5. The Board of Directors may waive any of the provisions of this Section 6.C in any situation where the Board of Directors determines that the best interest of the District could be served without the necessity of requests for proposals or competitive bidding.

7.0 EXCEPTIONS TO THE COMPETITIVE PURCHASE PROCESS

Competitive proposals for the procurement of Public Works, supplies, equipment or Services may be, but need not be, required in the following circumstances (all other purchasing requirements still apply unless otherwise noted):

- A.** In the case of an emergency, the District is not required to follow competitive bidding requirements if the emergency will not permit a delay, and the procurement of public works, equipment, services, and supplies is necessary to respond to the emergency. "Emergency" means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. Pursuant to Public Contract Code 22050, the Board, by a four-fifths vote, may take any immediate procurement action required by an emergency, and may procure necessary equipment, services, and supplies without giving notice for bids to let contracts. In adopting this Policy, the Board authorizes the Fire Chief to take all necessary and proper measures in emergency conditions to repair or replace Authority facilities as necessary. When emergency conditions do not permit a delay resulting from a formal competitive solicitation process, the Fire Chief is authorized to make purchases without giving notice for bids or proposals. The Fire Chief will promptly report on the reasons and necessity for proceeding without a competitive solicitation to the Board at the next available meeting after the emergency action is taken. Board ratification is required for any contract in excess of \$100,000 and must be obtained as soon as it is practicable to do so.
- B.** In the case of a federal deployment in which Urban Search and Rescue Task Force 3 has been deployed, the Fire Chief may take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes,

without giving notice for bids to let contracts. Before the Fire Chief takes any such action, he or she will make a finding, based on substantial evidence set forth in the record of its respective proceedings, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

- C. Regardless of the estimated cost of the procurement, the District is not required to follow the processes detailed in this Policy when procuring materials, equipment, supplies, or Services for which there exists only a sole source of supply. The determination of sole source will be made by the Board of Directors or the Fire Chief or designee, consistent with the Delegation of Procurement Authority described in Section 8. In evaluating whether this sole source exception applies, the District may request a letter from the vendor stating that it is the only source of the materials, equipment, supplies, or Services requested by the District. Such letter will be retained as part of the District's records documenting the justification for the sole source procurement.
- D. When a purchase is made through a master purchasing agreement such as CA Communities and U.S. Communities, multiple award schedule or cooperative agreement with any state or local agency wherein the original agreement was properly awarded through the appropriate public bid process. This exception requires the Program Manager to obtain and attach to the purchase order: 1) The master purchasing agreement and any amendments (the agreement must be current as of the date the order is placed), 2) The price schedule which clearly identifies the price that will be charged or the discount that will be applied to the list price, and 3) When the agreement identifies that the price will be discounted based on the list price the Contractor will provide the list prices either on the quote or as a separate attachment.
- E. When a purchase is made for the California Task Force 3, Urban Search and Rescue and the cache list identifies specific supplies, materials, or equipment that are required to be purchased using Federal funds and identifies the vendor that is to be used to complete the procurement. This exception requires the Cache list to be attached to the purchase order.
- F. When contracting with an automobile/truck repair shop for the repair of vehicles and apparatus and at least one of the following conditions have been met: 1) A quote for repairs has been obtained and the only way to obtain additional quotes is to tow the vehicle or apparatus to another shop and in the judgement of the Fleet Supervisor the cost to tow the vehicle or apparatus outweighs the potential cost savings from obtaining additional quotes, or 2) When the vehicle or apparatus has to be disassembled prior to a quote being provided and in the judgement of the Fleet Supervisor the cost to reassemble the vehicle or apparatus outweighs the potential cost savings from obtaining additional quotes, or 3) The repair qualifies as an "emergency apparatus repair." An emergency apparatus repair is defined as follows: Any apparatus that must be repaired in order to maintain the minimum number of front line apparatus in operation. If reserve apparatus are available then the repair will not be considered an emergency.
- G. The Board of Directors, or the Fire Chief for procurements within his procurement authority, may waive the requirements for formal competitive bidding or other procedures set forth in the Policy: (1) when permissible under applicable law, (2) when a determination is made that the best interests of the District are served thereby, and provided there is adequate documentation of the need for procurement, and (3) when a determination is made that following competitive procedures would be unavailing and not in furtherance of the purposes of the competitive bidding statutes and the Policy. These circumstances will be evaluated on a case-by-case basis, keeping in mind the fundamental principles of ethical procurement set forth in the Policy. The findings justifying the waiver must be documented in the record.

8.0 DELEGATION OF PROCUREMENT AUTHORITY

The Board authorizes the Fire Chief to act in accordance with the delegations of authority listed below. In all cases procurement authority is predicated on there being adequate funding included in the annual budget approved by the Board of Directors for the purchase of supplies, equipment, and services. All such purchases must meet the requirements of this Policy

- A.** The Fire Chief may award and execute agreements and leases for equipment, supplies, materials, Services or Public Works when the total contract amount is \$100,000 or less (including any options and contingency).
- B.** The Board must approve the award of all agreements and leases for equipment, supplies, materials, Services or Public Works when the total contract amount exceeds \$100,000 (including any pre-priced options and contingency).
- C.** The Fire Chief is authorized to approve change orders or amendments to contracts awarded by the Board up to the established contract contingency.
- D.** For contracts without an established contract contingency, the Fire Chief may authorize change orders or amendments so long as the cumulative increase does not exceed 10% of the original contract price. All other change orders or amendments must be approved by the Board.
- E.** The Fire Chief may sub-delegate the Board-granted authority to a designee(s), referred to here as the "approving employee." Such delegation must be in writing, include defined monetary limits, and be consistent with this Policy. Wherever in this Policy the Fire Chief is delegated authority, such authority will be understood to include the approving employee.

Any such delegation will be undertaken in accordance with the following:

- A.** The approving employee will be accountable for ensuring that all requirements of law, District policies, and District procedures have been met. The approving employee may only bind the District to the extent of the authority delegated to him or her.
- B.** The approving employee will exercise the highest standards of professional integrity and ethical conduct, and will monitor all transactions to assure that no conflicts of interest exist. The approving employee will be a designated employee for the purposes of the District's Conflict of Interest Code and will file an annual Statement of Economic Interests in accordance with applicable law.
- C.** The approving employee will assure at the earliest practicable date that sufficient funds are available for the obligation.
- D.** The approving employee will be familiar with this Policy and will adhere to fundamental principles of public procurement set forth in this Policy.

9.0 SUFFICIENT FUNDS REQUIRED

Nothing in this Policy will be interpreted to allow any purchase or contract for which insufficient District funds have been appropriated.

10.0 USE OF DISTRICT FORM CONTRACT OR PURCHASE ORDER

The District will utilize a form of contract or purchase order approved by the District's Attorney to memorialize agreements for provision of any supplies, materials, equipment, Public Works, or Services procured using informal purchase procedures, formal bidding procedures, or formal request for proposals. For the purchase of supplies and equipment valued at \$25,000 or more, but less than \$100,000, the District will generally use a purchase order. For the purchase of supplies and equipment valued at \$100,000 or more, Services valued at \$25,000 or more, and all Public Works, the District should use a form contract. In some cases, based on the nature of the supplies, equipment, or Services, it may be appropriate to utilize a purchase order or form contract, even if not required by this Policy. The Program Manager will consult with the District's Attorney with any questions regarding the appropriate written documentation for a purchase. To obtain a contract or purchase order the Program Manager will submit the successful bid or proposal, the scope of work and the approved staff report and resolution (if applicable) to the Administration Office. Prior to generating the contract or purchase order the Administrative Services Manager will verify that there are sufficient budget dollars available. Once generated, the contract will be signed by the Fire Chief or the Board President, as appropriate based on the value and subject of the contract (a purchase order ordinarily does not require signature to form a binding agreement). Upon receipt of the contract or purchase order the Program Manager may notify the Contractor to begin work.

11.0 PREVAILING WAGE AND CERTIFIED PAYROLL REQUIREMENTS FOR PUBLIC WORKS AND MAINTENANCE CONTRACTS

Solicitations for Public Works projects, including Maintenance Services, in an amount of \$1,000 or more must include in the bid solicitation notice and in the bid documents, the Contractor's requirements to comply with the California Labor Code, which requires Contractors and their Subcontractors to pay their employees prevailing wage rates and to maintain Certified Payroll Records for all work subject to prevailing wage.

For new construction, alteration, installation, demolition or repair projects of \$25,000 or more or for maintenance contracts of \$15,000 or more annually, the Program Manager will register the project by completing a PWC-100 form with the Department of Industrial Relations (DIR) within thirty days of executing the contract or prior to the start of work, whichever occurs first, and will notify Contractor with the Project Number. Prior to bidding on a Public Works project that meet or exceed the thresholds identified in this paragraph, the Contractor and their Subcontractors must be registered as a Public Works contractor with the DIR in order to place a bid. If during the course of the contract the value of a contract increases to an amount that meets or exceeds the thresholds listed above, the Contractor and their Subcontractors will be required to register as a Public Works Contractor immediately.

12.0 RECORD KEEPING AND REPORTING

For each procurement, the Program Manager will maintain the contract file in a manner that fully documents contract costs, modifications to the contract, compliance with this Purchasing Policy, and final disposition of the contract.

The contract file may include, but is not limited to, the following:

- A.** For open market purchases, quotes obtained, if any, and documentation that the purchase price was fair and reasonable;
- B.** For informal purchases, the request for quotes, the vendors solicited, when and how the vendors were solicited, and the three quotes received or documentation that three quotes were solicited but

- one or more vendors declined to provide a quote or did not respond within a reasonable time period;
- C. For formal bidding, the invitation for bids, all bids received, the bid opening summary, the record of the evaluation of bids, and the notice of intent to award;
 - D. For formal requests for proposals, the request for proposals, which consultants/firms were solicited, proposals received, record of the evaluation of proposals, and the notice of intent to award;
 - E. For any exceptions to the competitive process, documentation justifying the basis for the determination;
 - F. Copy of the contract or purchase order and notice of award;
 - G. Notice to proceed, if any;
 - H. Budget and cost data;
 - I. Copies of any contract modifications;
 - J. Insurance documentation;
 - K. Bond or security documentation;
 - L. Copies of written correspondence between the District and the contractor, consultant, or vendor;
 - M. Notes on verbal communications related to the contract;
 - N. Approval or disapproval of contract submittals;
 - O. Request for changes from the contract requirements;
 - P. Records of progress or deliveries;
 - Q. Inspection records;
 - R. Invoices; and
 - S. Documentation related to contract close-out.

On a quarterly basis, the Fire Chief, or designee, will prepare a report to the Board of Directors of all purchases made, and contracts entered into, within the authority delegated to the Fire Chief pursuant to Section 8, including a description of the goods or services purchased and the value of the purchase.

13.0 PROTEST PROCEDURE

Any unsuccessful bidder or proposer may challenge the solicitation procedure or recommendation of award by filing a written protest with the Program Manager. The protest must set forth the reasons for the challenge and the evidence on which the protest is based. The protest must be filed no later than 5:00pm on the third business day following the date of postmark, e-mail time stamp, or other form of notification of the intent to award a contract and may be rejected if untimely.

The Program Manager will review the protest and provide a written reply in an expeditious manner. If the unsuccessful bidder disagrees with the Program Manager's determination, he or she may submit a written request for review by the Fire Chief detailing the basis for the position. Issues that were not raised in the initial written protest will not be considered. The written request for review must be filed within 48 hours following receipt of the Program Manager's determination and may be rejected if it is untimely. The decision of the Fire Chief with respect to the protest is final. Failure to file a timely submit a written protest may be deemed a waiver of any challenge to the solicitation procedure or the award of a contract. Notice of this procedure will be included in any formal or informal District solicitation.

14.0 SPLITTING OF PROCUREMENTS OR CONTRACTS

The District may not arbitrarily split contracts or procurements for the purpose of avoiding the competitive bidding provisions or the provisions of this Policy. Multiple orders for the same type of supplies or equipment from the same vendor within a 60 day time frame of one another for a combined total of \$25,000 or more will be subject to competitive bidding. Services (painting, electrical, plumbing, etc.) provided at a specific address for construction, repair, demolition or maintenance from the same contractor within a 60 day time frame of one another for a combined total of \$10,000 or more will be subject to competitive bidding.

15.0 INSPECTION AND TESTING

The Program Managers are responsible for inspecting all supplies, materials and equipment delivered pursuant to any District purchase or any Service provided under District contract to determine their conformance with the specifications for the involved supplies, materials, equipment or Service. The Program Manager is also authorized to require chemical and physical tests of samples submitted with bids and samples of deliveries, as necessary to determine their quality and conformance with specifications and applicable law.

16.0 SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, phrase or word in this Policy is for any reason held to be unconstitutional or otherwise invalid, such holding will not affect the validity of the remaining provisions of this Policy. The Board hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase or word of this Policy regardless of the unconstitutionality or invalidity of any other section, subsection, subdivision, paragraph, sentence, clause, phrase or word herein.

17.0 IMPLEMENTATION

This Procurement Policy sets forth the standards and methods to be followed by the District in obtaining goods and Services. Upon adoption by the Board of Directors, this Policy will supersede all prior applicable Policies, in particular the Purchasing Policy last approved by the Board on June 19, 2018.

The Fire Chief or designee will have the authority to develop, maintain, and update as necessary procedures that consistent with the Board's policies. The Fire Chief or designee will ensure that there will be periodic training to ensure that all District staff with responsibility for procurement activities are trained in, and adhere to, this Procurement Policy.

Changes or deviations from this Policy must be approved by the Board, unless the change results from federal or state law or regulation, in which case the Fire Chief is authorized to amend this Policy and provide a report to the Board advising it of the change.

ATTACHMENT A TABLE

	FORMAL BIDDING PROCEDURE	RFP	INFORMAL PURCHASE PROCEDURES	OPEN MARKET
Supplies or Equipment	✓ \$100,000 or more unless circumstances compel consideration of non-price factors	✓ \$100,000 or more if circumstances compel consideration of non-price factors	✓ \$25,000-\$99,999	✓ Less than \$25,000
Public works	✓ Greater than \$10,000	-	✓ \$10,000 or less	-
Architectural and Engineering Services	-	✓ \$100,000 or more Qualifications-based evaluation	✓ Less than \$100,000 Qualifications-based evaluation	-
Complex Professional Services	-	✓ \$100,000 or more	✓ \$25,000-\$99,999	✓ Less than \$25,000
Non-Complex Services	✓ \$100,000 or more	-	✓ \$25,000-\$99,999	✓ Less than \$25,000
Maintenance Services	✓ \$100,000 or more for Non-Complex maintenance services	✓ \$100,000 or more When the type of equipment or facilities being maintained are sufficiently complex that the related maintenance services warrant the consideration of factors other than price.	✓ \$25,000-\$99,999	✓ Less than \$25,000