

SHASTA VALLEY RESOURCE CONSERVATION DISTRICT

Procurement Procedures

For Construction and Other Services

Approved February 19, 2014

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.

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. The following procurement procedures will be used by the SVRCD for the acquisition of construction or other services.

I. SVRCD Contracts Valued At or Under \$14,999.99.

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

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

- a. The Executive Director shall make the project description, plans specifications and related drawings available to the contractor for examination prior to a site visit. An engineer's cost estimate may be separately prepared.
- b. A site tour shall be scheduled if needed. At the end of the tour, or if no site tour is possible, at the end of the project 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 for his or her bid to 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 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.

II. SVRCD Contracts Valued Between \$15,000.00 and \$99,999.99

The acquisition of construction services valued between \$15,000.00 and \$99,999.99 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 Executive Director 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 staff shall send a request for bid (RFB) notification to each applicable contractor on the Contractors List at least five (5) days prior to the site tour. 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 will be scheduled, if needed. All interested contractors 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 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 \$100,000.00. If no qualified bids under \$100,000.00 are received, a new request for bids shall be issued using the competitive procedure for projects over \$100,000.00, unless an emergency situation exists or the project description is revised (See Emergency Conditions, Section XI).

III. SVRCD Contracts Valued At or Over \$100,000.00

The acquisition of construction services valued at or over \$100,000.00 shall require a competitive procedure. 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. Additional advertising can be done at the discretion of the SVRCD staff. Bid and performance bonding is required. The SVRCD may reject any and all proposals received.

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 Executive Director shall also send the RFB to the Shasta Builders Exchange at least fifteen (15) days prior to the site tour.
- c. A site tour will be scheduled in coordination with the land owner. All interested contractors must attend the site visit or 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 cost 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 SVRCD Board of Directors will approve the bid which is of the greatest advantage to the SVRCD. If a contractor's bid is awarded, it will be attached to the SVRCD contract and will become a part thereof. A performance bond will be required. The SVRCD Board of Directors has the right to reject any and all bids.

IV. Contracts Requiring Special Skills

In the event that there is a project that requires special skills, the Executive Director 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.

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.

V. 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.

VI. Landowner Sub-Grant Agreements

A landowner sub-grant is an award of resource assistance to a landowner to promote a program or goal of the SVRCD. Entering into landowner sub-grant agreements allows the SVRCD to reimburse a landowner for specific project-related expenses taken on by the landowner that achieves an identified SVRCD goal. These agreements are at the discretion of the SVRCD Board of Directors and must meet the requirements listed below.

Under a sub-grant agreement, Landowners may perform specific work themselves. A landowner agreement is a binding agreement between the SVRCD and the landowner and is appropriate under the following circumstances:

- Work is to be performed on property that is under private ownership.
- The proposed project is not complex, involves low-risk activities, and is valued at or under \$50,000.00.
- The landowner is financially capable of doing the work.
- The landowner has demonstrated applicable expertise thru previous work.
- There is educational, outreach or significant value in landowner involvement.
- Minimal permitting is required.
- When applicable to the type of work to be performed, the landowner is a licensed contractor or ensures subcontractors are licensed and insured.
- The terms of the grant allows for this type of sub-grant.
- There is minimal public controversy over the project.

a. Landowner to Perform Work Himself/Herself

- i. If a landowner wishes to perform work on his or her own property pursuant to a Landowner Sub-Grant Agreement, the Landowner shall submit a binding cost estimate for the proposed work including materials, supplies and labor.
- ii. The SVRCD shall review the cost estimate and may remove the project from the Landowner if the cost estimate is unacceptable to the SVRCD. If the SVRCD removes the project, then the SVRCD may solicit a contractor to perform the work.

b. Landowner to Secure Subcontractor

- i. If a landowner wishes to secure the services of a contractor pursuant to a Landowner Sub-Grant Agreement, then landowner shall require the contractor to submit a cost estimate for the work, including materials, supplies and labor. Landowner shall submit this cost estimate to the SVRCD. The SVRCD shall review the cost estimate and may remove the project from the landowner and contractor if the cost estimate is unacceptable to the SVRCD. If the SVRCD removes the project, the SVRCD shall solicit a contractor to perform the work.

VII. 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 construction contracts entered into by this SVRCD, and contractors and proposed contractors are expected to familiarize themselves with these provisions.

VIII. Grant Bid Requirements

The procedures outlined are subject to any bid process requirements of the grant funding source.

IX. Landowner Consent

Projects will only be performed with the written consent of the owners of the project site.

X. Contract Enforcement

Contractors will be expected to satisfactorily complete contracted work or services. All contracted work 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 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 will inspect construction projects to ensure satisfactory progress and to ensure materials utilized on-site are adequate and meet project specifications.

XI. 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.