

# Midpeninsula Regional Open Space District

## Administrative Procedure Manual

 <p>MIDPENINSULA REGIONAL <b>OPEN SPACE</b></p>	<h3>Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing</h3>	<b>Administrative Procedure Manual</b> <b>Chapter 4 – Fiscal and Budget</b> <b>Procedure 4.03</b>
		<b>Responsible Department:</b> Administration and Legal
Effective Date: 07/25/24		<b>Attachments:</b>
Prior Versions: 7/3/24, 5/17/17; 3/22/16; 10/12/15, 9/23/15, 10/10/14, 01/10/11, 11/15/07, 11/09/05, 09/13/04		
Supersedes: AP-04-04, AP-99-03, AP-91-01, AP-87-01		

### Purpose

The purpose of this document is to provide specific direction to staff on how to implement *Board Policy 3.03, Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing Policy* and Board intent. Consistent with Board Policy, this document lays out the administrative procedures and instructions for efficiently, legally, and transparently obtaining suitable quality services, supplies, materials, and labor at the lowest possible cost.

### Definitions and Reference Information

For the purposes of this document, the term "purchasing" refers collectively to contracting or procurement of services, supplies, materials, or labor, including Capital Improvements.

Refer to the Purchasing Authorities Policy provided under the Administrative Policies and Procedures for the purchasing authority levels as set by the General Manager for each Class Specification. These limits pertain to all purchasing authorizations, including authorizations for approving and entering into contracts, and approving purchases and invoices.

### Policy

#### I. SOLICITATION OF BIDS

The District will develop and maintain a list of interested contractors (Contractors List) wishing to receive Requests for Bids for future work. These contractors would receive future Requests for Bids via email for the types of projects and work for which they have expressed an interest.

Prior to the solicitation of bids or quotes, each Project Manager shall anticipate the total scope of work and related costs that would be required of the contractor or vendor and solicit bids or quotes for this full scope of work. Project Managers may include a

contingency amount, consistent with Board Policy 3.03, as part of the total not-to-exceed contract amount to address unanticipated issues. The contingency amount shall be reserved and not included into the initial contract, nor added into the ERP system, until such time as additional work is required to merit a change order or contract amendment that draws upon this contingency amount. In addition to contingency amounts, Project Managers may also request specific contract allowances, which are amounts above and beyond the base contract amount and contingency, to address very specific actions. These are related to issues that have some level of probability of occurring and merit a separate allowance, which would only be used should the specific action be required (e.g. Roof repair project has some probability of uncovering dry rot, necessitating a separate allowance for the replacement of roof members should this be confirmed at the time the roof is removed).

#### **A. Solicitation of Formal, Advertised Bids for Expenditures Exceeding \$52,000**

When any expenditure for projects (excluding professional services), is expected to exceed \$52,000, the District shall publish a notice inviting bids at least 5 days before a mandatory bid tour, and if no mandatory bid tour is scheduled, then at least 10 days prior to the time of receiving bids in a general circulation newspaper published within the District boundaries pursuant to Public Resources Code section 5594. Such public notices shall also be posted on the District website for minimally at least 5 days before a mandatory bid tour, and if no mandatory bid tour is scheduled, then at least 10 days before receiving bids. Suitable contractors from the Contractors List shall also receive a copy of the notice inviting bids (refer to Section I above). Whenever feasible, notices should also be distributed to local Builders' Exchanges, and/or other similarly accepted methods of advertising to the public. This type of formal bidding process typically includes the issuance of written plans and/or specifications describing the goods or services to be provided and the receipt and recording of written bids from the bidders or contractors involved.

The Project Manager shall attempt to solicit a minimum of three (3) bids. There may be special circumstances, however, when fewer than three bids are received. In such cases, the Project Manager shall justify the reason(s) three bids could not be solicited, with written documentation retained in the project file and uploaded into the District's ERP system.

The General Manager shall recommend that the contract be awarded to the lowest responsible, responsive bidder, in accordance with the Public Contract Code. Following Board approval, the General Manager or designee shall then execute the contract, unless the Board President's signature is required pursuant to the District's *Board Policy 3.03 - Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing Policy*. In the event of a tied low bid, the award would be based on a coin toss or equivalent random selection process.

Written documentation that the required bidding process has been followed shall be retained in the project file and uploaded into the ERP system, as should a copy of the Board Report and fully executed contract. The report to the Board shall summarize the basis for the General Manager's recommendation and include a table listing each contractor that submitted a bid, location of business, bid amount, and the percent difference of the bid amount from the estimated cost. If the bid amount is substantially greater than the estimated cost, an explanation of the probable factors shall also be provided.

**B. Solicitation of Three Written Bids for Expenditures Exceeding \$25,000 but Not Exceeding \$52,000**

When any expenditure is expected to exceed \$25,000, but not exceed \$52,000, the Project Manager shall attempt to solicit a minimum of three (3) written bids. Written entries documenting that three written bids were solicited shall be noted in the project file and uploaded into the ERP system. Contractors from the Contractors List that have asked to be notified for specific types of work shall also be sent an electronic copy of relevant notices inviting written bids (refer to Section I above). If no contractors are listed for the required type of work, District staff shall post the notice inviting written bids on the District's website at least 5 days before a mandatory bid tour, and if no mandatory bid tour is scheduled, then at least 10 days before the due date of submittals.

**C. Solicitation of Three Written or Verbal Quotes for Expenditures Exceeding \$5,000 but Not Exceeding \$25,000**

When any expenditure is expected to exceed \$5,000 but not exceed \$25,000, the Project Manager shall attempt to solicit a minimum of three (3) quotes to provide the goods or services. The Contractors List or other method may be used for the solicitations. Written entries documenting that three quotes were solicited shall be made in the project file and uploaded into the ERP system.

**D. Expenditures Not Exceeding \$5,000**

District staff shall obtain competitive cost information, whenever reasonably feasible and economically prudent, for any District purchase even though formal quotes are not required for goods or services costing \$5,000 or less. Such quotes shall be documented in writing and kept in the project file.

**E. Contract Change Orders**

The Project Manager or Department Manager may issue change orders to a contract, provided that the aggregate of all change orders to that contract does not exceed the approved total not-to-exceed contract amount (which typically includes the base contract amount plus contingency). A change order that will result in expenditures above the not-to-exceed total contract amount may be authorized in accordance with

the Administrative Procedures on Purchasing Authorities (refer to Chapter 4 – Fiscal and Budget Procedure 4.04). Change orders that will result in total expenditures above \$52,000 require prior Board approval.

## **II. PROFESSIONAL CONSULTANT SERVICES**

### **A. Definition and Restrictions**

Professional consultant services are of a technical and professional nature and, due to the nature of the services to be provided, do not readily fall within the "low bid" competitive bidding process. In addition, State law requires that selection of professional consultants in the categories of architectural, landscape architectural, engineering, environmental, surveying, and construction project management be made on the basis of demonstrated competence and the professional qualifications necessary for the satisfactory performance of the required services, and at a price that is fair and reasonable. Professional service agreements shall include the full scope of anticipated services for the project, program, or annual service agreement and shall not be split into smaller units or phases for the purpose of circumventing the expenditure limits of this Policy and the required purchasing procedures. Once a consultant selection is made, Project Managers may include a contingency, consistent with Board Policy 3.03, as part of the total not-to-exceed contract amount to address unanticipated issues. The contingency amount shall be reserved and not included in the initial contract, nor added into the ERP system, until such time as additional work is required to merit a contract amendment that draws upon this contingency amount.

As used in this Policy, "professional consultant service agreement" shall mean and include all professional services provided by the same consultant, which are provided as part of or related to the same project or program for which the consultant is being retained. Consultants who are retained to provide services on an ongoing basis, such as geotechnical peer reviews of District projects, shall be retained by means of an annual service agreement unless an agreement providing for renewal or extension of services has been approved pursuant to Section II.F of this Policy. Professional consultant services include, but are not limited to, the following fields:

- Engineering (civil, acoustical, mechanical, electrical, structural, traffic)
- Architecture
- Biological Assessment
- Landscape Architecture
- Construction Management
- City and Regional Planning
- Economic Analysis
- Property Appraisals/Analysis
- Property Acquisition
- Title Insurance
- Financial Services
- Data Processing Services

- Project Management
- Environmental and Resource Management Planning and Analysis
- Land Surveying
- Legal Services
- Personnel Consultants/Facilitators/Coaches
- Recruitment Services
- Safety Services
- Trainers

Please refer to Section II.G for information on the Prequalified Consultant File.

The initial selection of architects, landscape architects, engineers, environmental consultants, surveyors, and construction project managers shall be based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required pursuant to California Government Code section 4525 et seq., and at fair and reasonable prices to the District.

After a qualified and competent consultant is identified, the project manager may negotiate a fee for services determined to be fair and reasonable by the District. If the parties cannot agree on fair compensation, negotiations may be terminated at the District's sole discretion and may be commenced with another firm identified as qualified during the RFP process. Such procedure may be repeated until an agreement is reached with a qualified firm.

## **B. Selection Procedures for Professional Services in Excess of \$52,000**

When the cost for professional services is expected to be in excess of \$52,000, the District shall prepare a Request for Qualifications (RFQ) which is intended to provide the District with the professional qualifications, relevant experience, staffing and support, and hourly rates from submitting firms and individuals. This information becomes the basis for negotiating a contract or a Request for Proposal (RFP) outlining the terms, conditions, and specifications of the services required by the District. The District may also prepare, as an alternative, a Request for Proposal and Qualifications (RFPQ), combining the required elements of the RFQ and the RFP described above. A minimum of three (3) qualified firms or individuals shall be invited to submit written qualifications and/or proposals. In addition, RFQs, RFPs, and RFPQs shall be posted on the District's website and solicitation portal a minimum of 5 days prior to a mandatory pre-proposal meeting, and if no mandatory pre-proposal meeting is scheduled, then a minimum of 10 days prior to the due date of submittals.

District staff will review the proposals received, rank the consultants based upon criteria, including but not limited to the following, and invite the most qualified firms for interviews.

1. Ability of the consultants to perform the specific tasks outlined in the RFP/RFQ/RFPQ.
2. Qualifications of the specific individuals who will work on the project.
3. Quantity and quality of time key personnel will be involved in their respective portions of the project.
4. Reasonableness of the fee requested to do the work; comparability of fee to similar services offered by other qualified consultants.
5. Demonstrated record of success by the consultant on work previously performed for the District or for other public agencies or enterprises.
6. The specific method and techniques to be employed by the consultant on the project or problem.
7. Ability of the consultant to provide appropriate insurance in adequate amounts, including errors and omissions if applicable.
8. The firm's location, if it is situated within Santa Clara County, San Mateo County, or Santa Cruz County, and/or the location of its business practices (such as sales, marketing, manufacturing, servicing, provision of services, procurement of local materials and/or labor, or research and development) that enable the firm to complete the contracted work consistent with the District's Environmentally Preferable and/or Local Preference objectives (refer below to Section IV, parts B and C).

The report to the Board shall summarize the basis for staff's consultant selection recommendation and the ranking of the consultants based upon these criteria. The selection justification, based upon the above criteria, shall be documented in the project file and uploaded into the ERP system.

**C. Selection Procedures for Professional Services in Excess of \$10,000 but Not Exceeding \$52,000**

District staff shall attempt to solicit written proposals from a minimum of three (3) qualified consultants. A formal RFP/ RFQ/RFPQ is not required. The selection shall take into consideration the criteria noted in Section II.B. The ranking and reasons for selection shall be documented in the project file and uploaded into the ERP system.

If a Prequalified Consultant File exists for the particular services and expertise sought, District staff will solicit a minimum of three (3) qualified written proposals from this consultant list and follow the rotational procedures required in Section II. H.

If no Prequalified Consultant File exists or fewer than 3 qualified consultants are listed, District staff shall solicit additional qualified consultants through other means (including but not limited to phone calls, online research, and partner recommendations) to arrive at minimally 3 total solicited proposals; **AND** if the contract amount is expected to

exceed \$25,000, District staff shall also post the request for written proposals on the District's website at least 5 days prior to a mandatory pre-proposal meeting, and if no mandatory pre-proposal meeting is scheduled, then a minimum of ten days prior to the due date of submittals.

#### **D. Selection Procedures for Professional Services Not Exceeding \$10,000**

District staff shall solicit informal oral or written proposals from a minimum of three (3) qualified consultants by telephone, email, or letter. This requirement can be satisfied using the Prequalified Consultant List if minimally 3 qualified consultants are listed. A formal RFP/ RFQ/RFPQ is not required. The selection shall take into consideration the criteria noted in Section II.B. Oral proposals shall be memorialized in writing and shall include proposer's names and itemized and/or total proposed costs or rates. The ranking and reasons for selection shall be documented in the project file and uploaded into the ERP system.

#### **E. Renewal of Contracts with Professional Consultants**

The District may, after following required consultant selection procedures, enter into consultant agreements which contain provisions allowing for their extension or renewal. Recommendations to extend or renew an existing contract with a professional consultant should include an evaluation of the work performed by the consultant as well as a determination that the rationale for activating the renewal option in the existing contract remains valid and that the fees being charged are comparable to fees for similar services offered by other consultants at the time of renewal or extension. A contract renewal recommendation shall be documented in the project file and uploaded into the ERP system. If the total amount of the contract renewal does not exceed \$52,000, the General Manager or designee may execute a contract amendment to formalize the renewal. If the total amount of the original agreement and any amendments exceed \$52,000, prior Board approval must be obtained.

#### **F. Special Circumstances**

These professional consultant selection procedures are not applicable when three (3) qualified professional service firms or individuals are unavailable, or if it is appropriate and in the best interest of the District under the specific circumstances of the project at issue, to limit the number of consultants solicited. Examples of such specific circumstances may include the following: the need to take immediate action on a project, due to extenuating circumstances that could not have been reasonably foreseen, precludes the District's ability to follow these procedures; only one consultant is known to be available and capable of providing needed services within the required time; the services to be provided are so unique that only one known consultant is qualified and available to perform them; or the terms of a legal mandate or negotiated agreement require the use of a particular consultant. The basis for such action shall be documented in writing in the project file, uploaded into the ERP system, and approved

by the General Manager or designee. When Board approval is required, the documented basis for such action shall be included in the report to the Board.

#### **G. Prequalified Consultant File**

The District shall maintain a current file of consultants in their appropriate professional services categories after the selection procedures have been followed in this policy and a determination made that a consultant is qualified and competent. The Prequalified Consultant file shall be maintained for up to a period of four (4) years from determination of the qualification of such consultant, the date of which shall be recorded on the Prequalified Consultant File. For contracts under \$52,000 and greater than \$10,000, a minimum of three consultants shall be solicited on a rotational basis to solicit proposals as required under Section II so long as the consultants are able to perform the scope of work as required within a reasonable timeframe. However, a specific consultant may be selected from the list if unique qualifications and/or experience are required.

A consultant may be removed from the Prequalified Consultant File if the consultant is no longer meeting the needs of the District. The basis for removal shall be documented in writing and approved by the General Manager or designee.

### **III. EXCEPTIONS TO STANDARD PURCHASING PROCEDURES**

#### **A. Emergency Conditions**

An emergency is defined as a breakdown in machinery and/or equipment or a natural disaster resulting in the inability of the District to provide essential services, or a threat to public health, safety, or welfare, including, but not limited to, threatened damage to natural resources or an imminent threat of injury or damage to any person or property. In the case of such an emergency, as determined by the District, or federal, state, or other local jurisdictions, the General Manager or designee may authorize District staff to secure, in the open market, at the lowest obtainable price, any services, supplies, material, equipment, or labor required to respond to the emergency, regardless of the amount of the expenditure. The Purchase Order should indicate "Emergency Conditions" with written documentation of the nature of the emergency and lowest obtainable price information and maintain this information in the project file as well as upload the information into the ERP system. The General Manager shall, as soon as possible, provide a full written explanation of the circumstances to the Board.

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

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

Occasionally, necessary supplies, materials, equipment, or services are of a unique type, are of a proprietary nature, or are otherwise of such a specific design or construction or are for purposes of maintaining consistency and operational efficiency, so as to be available from only one source. The District may dispense with the requirement of competitive bids and recommend negotiating a fair price and making the purchase from a sole source if, after reasonable efforts by District staff to find alternative suppliers, there exists only a single source. Also, if reasonable efforts by District staff to identify three (3) vendors or contractors as applicable under this policy are unsuccessful, the District may authorize entering into negotiations with fewer than three (3) vendors or contractors to arrive at a fair price. The basis for the sole source recommendation shall be documented in writing through a memo and/or Board report and uploaded into the ERP system. The sole source memo/Board report shall be approved in advance by the Board for purchases exceeding \$52,000, by the General Manager or designee, for purchases between \$52,000 and \$25,000, by the Assistant General Manager or Chief Financial Officer/Admin Services Director for purchases between \$10,000 and \$25,000, or by the Department Manager for purchases under \$10,000.

## **C. Cooperative Purchasing**

The District shall have the authority to join in cooperative purchasing agreements with other public agencies, (e.g. the State of California or other counties, cities, or special districts), to purchase goods or services at a price established by that agency through a competitive bidding process consistent with California public bidding requirements. The General Manager or designee may authorize participation in cooperative purchasing agreements and may execute such agreements subject to the following:

### **1. Purchases Exceeding \$52,000 (>\$52,000)**

The formal competitive bidding procedures of Section I.A for purchases exceeding \$52,000 are not required when another public agency has secured a price through a formal, advertised competitive bidding process that allows other public agencies to take advantage of leveraged pricing. Board approval is required prior to purchase. A copy of the Cooperative Purchase Agreement shall be maintained in the project file and uploaded into the ERP system.

### **2. Purchases Not Exceeding \$52,000 (\$52,000 or less)**

Completion of the bidding procedures of Sections I.B and I.C for purchases not exceeding \$52,000 is not required when another public agency has secured a price through a competitive bidding process in which the District is an authorized participant. Approval from the General Manager or designee is required prior to purchase. A copy of the Cooperative Purchase Agreement shall be maintained in the project file and uploaded into the ERP system.

## **D. Open Purchase Orders for Routine and Repetitive Supplies and On-Call Services**

Open purchase orders may be entered into with vendors who have been selected through the competitive bidding process and are expected to supply routine services, supplies, materials, or labor to the District on a regular basis throughout the fiscal year (such as gasoline, disking, road maintenance, vehicle maintenance, printing, office supplies, office machinery maintenance, computers, ergonomic equipment, field hardware, resource management supplies, road and trail assessments, pest control, biological surveys, archeological surveys). Such open purchase orders should normally be closed at the conclusion of each fiscal year unless the purchase order is part of a multi-year contract, as described in Section II.D.2 below.

### **1. Competitive Bidding Procedures**

Vendors of repetitive supplies and services shall be selected through the competitive procedures set out in Sections I and II, based upon the anticipated or budgeted cumulative cost of the supply or service. When competitive bidding procedures cannot feasibly be used due to the nature of the product to be purchased, a comparison of vendors' prices will be made and staff will provide written documentation of the price quotations, and/or any other factors specific to the product or service such as travel charges, considered in selecting the vendor with the lowest cost. This information shall be kept in the project file and entered into the ERP system. In the event that the vendor selected for Repetitive Supplies and Services ceases to provide the competitive costs for supplies or adequate services during the fiscal year, the District may replace that vendor with the next lowest cost vendor who participated in the cost comparison. Documentation of the reasons for the change shall be noted in the project file.

### **2. On-Call Contracts**

On-call contracts shall be selected through the competitive procedures set out in Sections I and II, based upon the anticipated or budgeted cumulative cost of the supply or service over the course of the contract. On-call contracts can be entered into only when it is documented that it is appropriate and necessary to secure the best pricing or assure continuity of service and shall span no more than four (4) years. Staff shall, at least annually, conduct a review of the services and/or supplies being provided under a multi-year contract to assure that such services/supplies are meeting the needs of the District and that the vendor's prices are still competitive. The outcome of such review shall be noted in writing and included in the project file and uploaded into the ERP system. Whenever feasible, multi-year contracts for service or supplies shall provide that the option to renew or extend the contract is at the District's sole discretion.

#### **E. 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 the requirements of an insurance or self-insurance program.

### **IV. GENERAL PROVISIONS**

#### **A. Conflict of Interest**

No District employee or elected official shall be financially interested, directly or indirectly, in any purchase, contract, sale, or transaction to which the District is a party and which comes before said official or employee for recommendation or action. Any purchase, contract, sale, or transaction in which any employee or official is financially interested shall become void at the election of the District. No employee or elected official shall realize any personal gain from any purchase, contract, sale, or transaction involving the District. When any staff member is in doubt as to whether there exists a conflict of interest, that employee shall consult with the General Counsel, and another employee may be assigned to facilitate the purchase.

#### **B. Environmentally Preferable Purchasing**

In keeping with the District's mission to "protect and restore the natural environment," the District shall seek to minimize, to the extent practicable, environmental impacts arising out of its purchases of services, supplies and materials. The District shall select environmentally preferable services, supplies, and materials when suitability, quality, sustainability, and cost, taken together, provide the best outcome for the environment and best value for the public. By incorporating environmental considerations into public purchasing, The District intends to reduce impacts to human health and the environment, reduce its carbon footprint, remove unnecessary hazards from its operations, reduce costs and liabilities.

The District shall consider environmental factors, including but not limited to:

- Postconsumer recycled content
- Energy efficiency
- Durability
- Low/zero air emissions
- Low/zero hazardous substances
- Water efficiency
- Maximize preservation of biodiversity
- Maximize promotion of zero-waste
- Product maintenance impacts (e.g., release of chemicals/waste generation)
- End-of-life management that keeps materials out of landfills (e.g., reuse, recycling, return to manufacturers)
- Low life-cycle cost/Longer life cycle
- Responsible manufacturing
- Packaging and distribution efficiency
- Extended producer responsibility services for products and packing at the end of useful life
- Natural Resource and Landscaping Management (e.g., use of integrated pest and vegetation management, drought tolerant plants)
- Participate in industry-financed recycling programs such as the Rechargeable Battery Recycling Corporation (RBRC) and the Thermostat Recycling Corporation (TRC).

This provision may be waived if performance objectives cannot be met, and/or the product or service is cost-prohibitive or unavailable within a reasonable period of time or if restricted by grant funders for grant-funded projects. Environmentally preferable products and services may be identified by an eco-label such as those recognized by the United States Environmental Protection Agency, or may be deemed by staff to be preferable based on objective metrics (e.g., vehicle miles traveled and/or type of fuel used to provide a service, or the material and/or end-of-life disposal options for a product). During an evaluative procurement process, the District shall require vendors to report environmental and economic benefits of green product alternatives. The District shall give a preference to environmentally preferable goods and services equal to five percent (5%) of the total contract amount. The General Manager is authorized to apply a preference greater than 5% for procurements not exceeding \$10,000 where circumstances warrant a larger preference to serve the purposes of this policy.

Application of the environmentally preferable purchasing provision shall be documented in writing. It is incumbent on the provider of the supplies or materials to provide documentation supporting the environmental preference in order to receive the preference factor.

Application of the Local Preference provision shall be documented in writing by the District. The provider of the services, supplies or materials must provide documentation supporting the local preference and proof of domicile in Santa Clara, San Mateo, or Santa Cruz County to receive the preference factor.

For example, if a vendor provides a quote for goods at \$86,000, they would receive a benefit of 5%, bringing their adjusted bid with the environmental preference to \$81,700. A vendor with good that are not environmentally preferable would need to quote lower than \$81,700 to be selected.

### **C. Local Preference for Professional Services, Supplies, and Materials**

*This section is limited to the District's procurement of professional services and the purchase of supplies and/or materials (this section does not apply to public works/construction contracts).*

*The District shall give a preference to each local business (as defined below) by giving a preference equal to five percent (5%) of the contract amount where the basis of award is price determinative or equal to five percent (5%) of the total points where the basis of award is qualifications-based. This preference will be given whenever practical and feasible in the selection process for professional services if qualifications are equal and/or for procurement of equally acceptable supplies and materials. The General Manager is authorized to apply a preference greater than 5% for procurements not exceeding \$10,000 where circumstances warrant a larger preference to serve the purposes of this policy. The selection and evaluation process shall be based upon the criteria set forth in Sections II and III above.*

For purposes of this policy, a local business is defined as one with a valid physical address located within Santa Clara County, San Mateo County, or Santa Cruz County. The business will be required to provide evidence that it operates or performs its business within these counties on a day-to-day-basis and holds a valid business license, if required, to operate at its local address.

Local preference shall not apply under the following conditions:

- Where the District determines that such a preference is precluded by local, state, or federal law or regulation or pertinent grant funding requirements.
- When participating in a cooperative purchasing agreement
- Emergency purchases
- Sole Source purchases

Application of the Local Preference provision shall be documented in writing by the District. The provider of the services, supplies or materials must provide documentation supporting the local preference and proof of domicile in Santa Clara, San Mateo, or Santa Cruz County to receive the preference factor.

For example, if a local vendor bids \$86,000, they would receive a benefit of 5%, bringing their adjusted bid with the local preference to \$81,700. A non-local vendor would need to bid lower than \$81,700 to be selected. If the selection criteria are qualifications-based, a local vendor would receive a 5% increase in the total points for the procurement. For example, if a local vendor scores 82 out of 100 points, its adjusted score with the local preference would be 87 out of 100 points. A non-local vendor would need to score higher than 87 points to be selected.

#### **D. Reimbursable Expenses**

##### Equipment

Any equipment needed by the provider of the services, supplies, or materials shall be at the expense of the provider, unless included in the proposal or bid and embedded in the contract.

##### Travel

Travel reimbursement shall be for travel modes and declarations similar to the District's travel policy.

##### Mileage

Any mileage reimbursement shall be at the rate periodically set by the Internal Revenue Service for the date(s) of travel. General travel, including distance and purpose, should be agreed upon by the District.

##### Liability insurance

The provider of the services, supplies, or materials shall provide the District with a valid certificate of liability insurance at the provider's expense.

#### **E. Commencement of Work, Delivery of Supplies and Materials**

Work shall not commence, and supplies and materials shall not be delivered onto District property until the contract therefor has been fully executed, the District's Risk Management Analyst has approved the vendor's proof of insurance, and the District's Finance department has approved the vendor's W9 form.

#### **F. Violations of This Policy**

Employees are subject to disciplinary action up to and including termination for violation of this Policy.

<b>General Manager's Signature:</b>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">DocuSigned by:  B0890649F640410...</div>
<b>Dated:</b>	08/01/2024