

IMPERIAL IRRIGATION DISTRICT MANUAL OF OPERATIONS

Subject: Competitive Procurements and Contracts **Date:** May 14, 2013

Policy No.: 3130

Responsible Department: General Services

1. **PURPOSE**

To establish a policy for the formal competitive procurement processes used in the acquisition of goods and services for Imperial Irrigation District.

2. **SCOPE**

This policy applies to all departments and employees and is to be read and interpreted consistent with Policy No. 3101 relating to procurement of goods and services.

3. **REVISION/RESCISSION**

This policy supersedes the version of Policy No. 3130 dated September 18, 2012.

4. **DEFINITIONS**

See Appendix A; Policy No. 3101, *Procurement of Goods and Services*.

5. **POLICY AND PROCEDURE**

A. Administration of Procurements greater than \$50,000 – (Formal Competitive Procurement)

This policy applies to acquisitions greater than \$50,000 and construction greater than \$20,000. Such acquisitions will be conducted by use of formal competitive procurement: Invitation for Bid (IFB), Primary Request for Proposal (PRFP), Secondary Request for Proposal (SRFP), or a Qualification Request (QR).

A Qualification Request may be used; as a prequalification method prior to any other type of competitive procurement, as a method to evaluate and rank qualified professional service providers for subsequent contract negotiation or multiple awards.

Considerations	Invitation for Bid	Primary RFP	Secondary RFP
When this method is typically used	To obtain simple, common, or routine services or materials that may require personal or mechanical skills. Little discretion is used in performing the work.	To obtain complex services in which professional expertise is needed and may vary. Where different methods and approaches may be applied during performance.	To obtain very complex and/or unique services in which professional expertise and methods may vary greatly. Creative or innovative approaches are needed.
Cost/value of services	\$50,000 or more *	\$50,000 or more *	\$50,000 or more *
IID advertising	Yes, on-line solicitation site	Yes, on-line solicitation site	Yes, on-line solicitation site
Formal bidder Q&As with submittal deadline	Optional	Optional	Optional
Bidders' conference or site inspection	Optional. Held if needed to clarify service needs.	Optional. Held if needed to clarify service needs.	Optional. Held if needed to clarify service needs.
Oral Interviews	Optional. Held if needed.	Optional. Held if needed.	Optional. Held if needed.
How award recommendation is made	After public bid opening to the lowest responsive, responsible bidder:	After public price opening to the lowest qualified respondent:	After evaluation to the highest-scored proposer
What information is submitted	Bid form and other material deemed necessary by the awarding agency.	Narrative proposal and a separate envelope containing cost information.	Narrative proposal, including a cost component, in one envelope
Scope of Work (SOW) considerations	SOW contains all contract requirements except price.	Objectives, major tasks, and timelines are identified. Proposer offers detailed work plans, methods, etc.	Goals and objectives are stated. Proposer offers detailed work plans, approaches, methods, etc.
How local vendor preference is applied	The verified responsive, responsible local vendor whose bid exceeds the lowest responsive, responsible non-local vendor by not more than five percent (5%).	The verified responsive, responsible local vendor whose cost proposal exceeds the lowest responsive, responsible non-local vendor by not more than five percent (5%).	Certified local vendor will have its points increased by 5 of the total points awarded to the highest scored non-local vendor.
❖ Construction contracts greater than \$20,000 will be prequalified, when possible, and handled under the formal competitive solicitation process.			

B. Differences between IFBs and Primary RFPs

General differences between IFBs and Primary RFPs are listed in the table below. Different terminology is used; generally IFBs use the terms Bid and Bidder and in RFPs the terms Proposal and Proposer or Respondent are used.

Invitation for Bid	Primary Request for Proposal
Bidders may need to certify only that they meet the IFB requirements. Bidders acknowledge that they meet the IFB requirements	Narrative proposals containing varying amounts of proposer information are usually required to be submitted.
Sealed bids are submitted. A single-envelope or two-envelope process may be used.	Sealed cost proposals are submitted in separate envelopes from the narrative proposals.
A pass/fail determination is made for responsiveness to IFB requirements. This can be accomplished through a prequalification or after bids are opened and read aloud.	Proposals are reviewed for responsiveness to RFP requirements. Proposals may be rated or scored. Cost/price offerings of qualified proposers are opened and read aloud for responsible proposers.
Bidders' conferences are optional. Held if needed to clarify service needs	Proposers' conferences are optional but are often held to clarify the services being sought.
To obtain services and materials valued at \$50,000 or more, or construction greater than \$20,000.	Same as for IFB.
IFBs are used to secure services calling for routine personal or mechanical skills. Work methods are standard, or little discretion exists in terms of how the work is performed.	RFPs secure complex services calling for technical and/or professional skills and expertise. The proposer uses discretion in applying various approaches or methods.
Bidder capabilities are not rated or scored. Bidders either pass or fail IFB requirements.	Proposer qualifications, capability, and experience may be scored on evaluation criteria stated in the RFP.
The scope of work (SOW) is clearly stated. Bidders are generally told what, how, when, and where work and services are to be done.	The SOW contains as much detail/depth as possible but may include an agency's needs, goals, and objectives. Proposers are relied on to recommend methods or approaches to meet an agency's needs.
Award recommendation is made to the lowest responsible bidder.	Same as for IFB.

C. Differences between Primary RFPs and Secondary RFPs

The table below outlines the differences between primary and secondary RFPs.

Primary RFP	Secondary RFP
Services are complex, but not uncommon or unique.	Services are complex, uncommon, or unique.
Performance requires varying methods or approaches but not innovation or creativity. The methods and approaches used may not differ significantly from one proposer to another, which allows costs to be used as the deciding factor for making the award.	Performance requires unusual, innovative, or creative techniques, methods and approaches. The quality of expertise and approaches, methods, and innovation used may differ significantly from one proposer to another.
The scope of work (SOW) is fairly well defined in terms of services or functions that must be performed, as are the time frames that are required.	The SOW is less precisely defined and may contain only the agency's business needs, goals or objectives that must be met.
Cost proposals are submitted in a separate sealed envelope apart from the narrative proposal.	Price may appear as a section within the narrative proposal and must be a significant factor. Price does not mean cost effectiveness.
Narrative proposals are reviewed, evaluated, and scored for compliance with format, content, and qualification requirements.	Narrative proposals are evaluated and scored. Oral interviews are optional. Passing points may be set to determine the finalists.

Cost proposals are not scored.	The cost component is either scored against criteria stated in the RFP or subjected to a formula to convert the quoted cost into score or point values.
Qualified proposals that are responsive to the RFP requirements will have their cost/price proposals publicly opened and read.	Cost proposals are not announced or publicly read.
The verified responsive, responsible local vendor whose bid exceeds the lowest responsive, responsible non-local vendor by not more than five percent (5%).	Certified local vendor will have its points increased by 5 of the total points awarded to the highest scored non-local vendor
Award recommendation is to the responsible proposer offering the lowest cost for its services.	Award recommendation is to the responsible proposer earning the highest overall score.

D. General Provisions

These provisions are applicable to all formal competitive procurement.

- (1) Specifications and Scope of Work for IFB and PRFPs
 - (a) The responsible department shall prepare full, complete, and accurate plans, specifications, scope of work, cost estimates and timelines giving such directions to enable any competent qualified vendor to respond.
 - (b) Specifications/scope of work prepared by consultants, designers and draftsmen shall adhere to the same requirements as district personnel.
 - (c) No person preparing or assisting in the preparation of specifications/scope of work or plans shall receive any direct or indirect benefit from the utilization of such specifications/scope of work.
 - (d) No person may draft specifications for solicitations (1) in a manner that limits the solicitation, directly or indirectly, to any one specific concern, or (2) calling for a designated material, product, thing or service by specific brand or trade name unless the specification is followed by the words "or equal" so that respondents may furnish any equal material, product, thing or service.
 - (e) With the exception of engineered specifications where there is no standard manufacturing or model number, the requesting department must provide the Purchasing Agent with the manufacturer name and model number of at least two acceptable products that meet the specifications.
 - (f) A specification/scope of work may provide alternate descriptions of materials or services, or construction items where two or more design, functional or performance criteria will satisfactorily meet district requirements.

- (g) To the extent practicable, a specification/scope of work shall emphasize functional or performance criteria. To facilitate the use of such criteria, requesting departments shall use reasonable efforts to include the principal functional or performance requirements.
- (2) Prequalified Vendors
 - (a) A method for prequalifying vendors may be established; within the formal solicitation, as a separate Qualification Request, or on an annual basis for standard services.
 - (b) Bidders will be notified in writing via email if the District determines that the response does not meet the qualifications as stated in the solicitation or prequalification method.
 - (c) In a two-step bidding process or Primary RFP's only those bids determined to be responsive and responsible will be opened.
 - (3) Prospective Respondents List

The purchasing agent shall provide public notice detailing specific solicitation requests on the IID website or other forms of public notice such as newspaper advertisement, periodical advertisement and direct mailings, as determined by the Purchasing Agent unless subject solicitation involves prequalified vendors.
 - (4) Prospective Respondent's Conferences

Prospective respondent's conferences, including job walks, may be scheduled no sooner than four (4) business days after the posting of the solicitation.
 - (5) Extension of Offer Acceptance Time

The purchasing agent may extend the offer acceptance time after receipt of responses. If the offer acceptance time is extended, the purchasing agent shall send written notice of the extension to all respondents. It will not be necessary to receive a concurrence from all respondents to award a contract.
 - (6) Confidential Information

The information identified by the respondent as "confidential", stamped on the page in red by the respondent, shall not be disclosed to the extent that information is exempt from disclosure under the California Public Records Act (Gov. Code 6250 *et seq.*) and is not otherwise required to be produced pursuant to a lawfully issued subpoena or court order.

- (7) Addenda
- (a) An addendum shall be issued if necessary to:
 - (i) Make changes in the solicitation;
 - (ii) Correct defects or ambiguities in the solicitation; or
 - (iii) Furnish additional information to the respondents.
 - (b) Addenda shall be posted online for all interested parties.
 - (c) Respondents must acknowledge receipt any addenda in the designated area on the Response Forms submitted.
 - (d) Addenda shall be issued within a reasonable time (at least 72 hours prior to bid opening for material changes) before bid opening or formal solicitation due date and time.
- (8) Public Notice
- Adequate public notice of an invitation shall be given at a minimum of ten (10) business days prior to the date set forth for the opening of bids, or the due date and time of formal solicitations. A shorter time may be allowed, if necessary, approved by the Purchasing Agent.
- (9) Bonds
- Bid, performance and payment bonds or other security may be required for construction, material or service contracts if the purchasing agent determines that such requirements are mandated by law or are advantageous to the district.
- (a) The requirement for bonds or other security shall be included in the procurement invitation.
 - (b) For bonded contracts of public work construction, the district may withhold retention proceeds up to five (5) percent of the contract price until thirty-five (35) days after recording of notice of completion with the appropriate county.
 - (c) Withheld value may exceed five (5) percent on specific projects in accordance with California Public Contracts Code § 7201.
- (10) Late Submittals, Modification or Withdrawal of Responses
- (a) A response received after the due date and time is late and shall not be considered.
 - (b) A respondent may modify or withdraw their submittal at any time before the bid opening or solicitation due date and time. Telegraphic, email, mailgram or electronic withdrawal requests shall be considered; however, modifications must be done in person or in writing.

- (c) If a response is withdrawn at any time before bid opening, or the solicitation due date and time, any bid bond shall be returned to the respondent. Respondents requesting withdrawal after the bid opening or solicitation due date and time, where a bid bond was a requirement, will forfeit the bid bond to the district.
 - (d) Vendors submitting responses, modifications or withdrawals that are rejected as late shall be notified as soon as practicable.
- (11) Cancellations
- (a) A bid invitation or formal solicitation may be cancelled, or all bids or responses may be rejected in whole or in part, when it is in the best interests of the district.
 - (b) Each procurement invitation issued by the district shall state that the invitation may be canceled or bids or responses rejected.
- (12) Responsibility of Bidders and Respondents
- (a) All procurement invitations must include language identifying the responsibility of the prime respondents to ensure all addenda and/or all other information is distributed to their subcontractors.
 - (b) The failure of a respondent to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility.
- (13) Substantiation of Response Prices
- The purchasing agent may request factual information reasonably available to the respondent to substantiate that the price or cost offered, or some portion of it, is reasonable, if the price is not based on:
- (a) Adequate price competition;
 - (b) Established catalog or market prices; or
 - (c) Law or regulation.
- (14) Discussion with Respondents and Revisions to Responses
- (a) Discussions/Interviews may be conducted with respondents for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements.
 - (b) Disclosure of one respondent's price to another and any information derived from competing responses is prohibited.
 - (c) Any clarification of a response shall be in writing. The purchasing agent shall keep a record of all discussions.

- (15) **Only One Response Received**
If only one response is received, an award may be made to the single respondent if the response meets the minimum requirements set forth in the invitation and the price submitted is fair and reasonable.
- (16) **Local Vendors**
Except where Public Contracts Code Sections 20561 & 20562 apply, local vendors shall be given:
- (a) Sealed bids and Primary Request for Proposal – a preference which allows award to such local vendor whose bid exceeds the lowest responsive, responsible non-local vendor by not more than five percent (5%).
 - (b) Secondary Request for Proposal - an additional five points out of 100 evaluation points.
- (17) **Evaluation of Responses**
- (a) Responses shall be evaluated on the requirements set forth in the invitation.
 - (b) No criteria may be used in any evaluation that is not set forth in the invitation.
 - (c) Vendor evaluation criteria may include, but is not limited to, financial condition, relevant experience, demonstrated management competency, labor compliance, safety record and, if required by the procurement invitation documents, some or all of the preceding qualifications as they pertain to subcontractors proposed to be used by the vendor for designated portions of the work.
 - (d) Performance criteria may include, but is not limited to, project organization and key personnel, understanding of scope of work, schedule and deliverables, quality of work, services or products, maintenance/ warranty or support, experience and technical competency, proposed methodology, knowledge of work location, exceptions to specifications, standards and/or district contractual terms and conditions.
 - (e) Bid, performance and payment bonds shall not be used as a substitute for a determination of bidder responsibility.
- (18) **Ties**
If there are two or more tie responses, award will be made in the following order of priority:

- (a) If there is a local vendor tied with a non-local vendor, award goes to the local vendor,
- (b) If there is a California-based company tied with an out-of-state company, award goes to the California company,
- (c) In all other situations in which responses are tied, award goes to respondent with quickest delivery time or if tie respondents have same delivery time, tie will be resolved by a flip of the coin. The coin flip will be done in the presence of the tied respondents unless they decline to be present.

(19) Public Information

After contract award, or after rejection of all responses if there will be no follow-on solicitation, the responses may be open to the public for inspection by request for public records, except to the extent that the withholding of information is permitted or required by law.

(20) Documentation

All documentation concerning any and all aspects of procurement activities shall be retained in an appropriate file under the management of the Purchasing Agent.

(21) Compliance Review or Evaluation committee

- (a) A compliance review committee shall be selected to determine responsiveness and responsibility of vendor responses in accordance with the published criteria in the IFB.
- (b) A compliance review committee shall be selected to ensure every proposer deemed qualified can meet at a minimum the standards specified in the PRFP and could perform at the required level.
- (c) An evaluation committee shall be selected to score and rank vendor responses in accordance with the published criteria in the SRFP.
- (d) Committee members will be required to sign a confidentiality and conflict of interest statement for review and approval by the contract administrator before participation.
 - (i) Minimum of three.
 - (ii) Qualification of membership.
 - (iii) Validation of committee membership.

(22) Awards

- (a) Contracts secured with a payment and performance bond shall have at least a five percent (5%) retention payment schedule.
- (b) The purchasing agent may, on the refusal or failure of the successful vendor to execute a tendered contract, recommend award to the next lowest bidder or the next highest-ranked respondent.
- (c) If the lowest responsive, responsible bid varies more than 15% in respect to the next lowest bid, the IID will notify the low bidder that a meeting will be held, within two IID business days, or at the earliest mutually acceptable date, to confirm the performance requirements with the bidder. The lowest responsive, responsible bidder will be allowed to withdraw their bid at the time of the meeting but any bid bonds will be forfeited.

Notwithstanding the above, in all cases, the Purchasing Agent retains the discretion to hold a meeting with the lowest bidder or the recommended respondent to verify and substantiate the performance requirements in relation to the cost of bid or the RFP.

E. Sealed Bids

(1) Invitation for Bids, IFB

- (a) Invitations for Bid should be used when materials, supplies, equipment, services or construction/ public work projects are standard, routine, or common, with standards for the material or service and/or specifications valued at greater than \$50,000 or construction solicitations greater than \$20,000.
- (b) Sealed bids must be received by the date and time as published. Any bid received after the time specified in the invitation notice shall be returned unopened.
- (c) An IFB can be prequalified through the use of a Qualification Request preceding the IFB, a multi-step bid process, through an annual prequalification process, or the prequalification requirements specified within the IFB.

(2) Bid Opening

- (a) Each bid and bid modification shall be time-stamped upon receipt and stored unopened in a secure place until the time and date set for bid opening. Bids shall be opened publicly in

the presence of one or more witnesses at the time and place designated in the bid invitation.

- (b) The name of each bidder, amount of each bid and such other relevant information, shall be read aloud. The bids shall be open to public inspection at the time of the opening only.
 - (c) Sealed bid recapitulation will be posted online after mathematical verification. If the bid has not been prequalified, recapitulation is not an indication of final determination of responsive and responsible bids.
- (3) Bid Compliance Review
- (a) Bids shall be reviewed to determine that the bidder has met requirements of responsiveness and responsibility in accordance with the solicitation.
 - (b) A product acceptability evaluation may be conducted, when applicable, solely to determine whether a bidder's product is acceptable as set forth in the bid invitation and not whether one bidder's product is superior to another bidder's product. Any bidder's bid response that does not meet the acceptability requirements shall be rejected as nonresponsive.
 - (c) Bids shall be reviewed in the following manner:
 - (i) All opened bids shall be reviewed to determine which bids meet format and documentation requirements specified in the bid invitation. Nonconforming bids will be rejected.
 - (ii) All bids meeting format and documentation requirements of the bid packages shall be submitted to a compliance review committee to determine responsiveness of the bid.
 - (iii) All bids not meeting minimum qualifications will be rejected as nonresponsive.
 - (iv) The compliance review committee shall validate remaining bids to determine which respondents meet responsibility requirements as specified in the bid invitation. Bids from bidders not meeting responsibility qualifications will be rejected.
 - (v) IID shall post determination of responsiveness and responsibility on online.
 - (vi) Only the bid of responsive and responsible bidders shall be opened and read aloud.
- (4) Award Recommendation

- (a) A recommendation for award shall be made to the lowest responsive responsible bidder.
 - (b) Award recommendations for a response other than the lowest price must include a written justification in the documentation approved by the Board of Directors.
 - (c) If the lowest responsive, responsible bid varies more than 15% in respect to the next lowest bid, the IID will notify the low bidder that a meeting will be held, within two IID business days, or at the earliest mutually acceptable date to confirm the performance requirements with the bidder.
- (5) IFB Award
- (a) Award recommendations shall be approved in accordance with authorization limit values or policy.
 - (b) Negotiations with any bidder are not permitted.
 - (c) Notice of intent to award shall be posted on-line and made available to the public.
 - (d) Upon authorized recommendation of award, the contract administrator may finalize contractual terms and conditions with the successful bidder.
 - (e) Notice to proceed will commence with a fully executed contract.
- (6) Correction of Bids
Correction of bids will be allowed to the extent allowed by Div. 2, Chapter 5 of the California Public Contracts Code.
- (7) Mistakes in Bids
After bid opening, a bid mistake based on an error in judgment may not be corrected by a bidder. Minor mathematical errors may be corrected by the Purchasing Agent, with acknowledgment of the bidder, and shown in the recapitulation sheet posted online.
- (8) Multi-Step Sealed Bidding (pre-qualification of bidders)
Multi-step sealed bidding may be utilized when it is considered impractical to initially prepare a purchase description to support an award based on price. An invitation for bid may be issued requesting the submission of unpriced submittals to be followed by an invitation for bid limited to those bidders whose submittals have been qualified under the criteria set forth in the first invitation.

The purchasing agent may hold a conference with bidders before submission or at any time during the evaluation of the unpriced submittal.

- (a) Phase One
 - Multi-step sealed bidding shall be initiated by the issuance of a qualification request or other technical submittals. The invitation shall be issued with the following additional information:
 - (i) Notice that the procurement shall be conducted in two phases; The best description of the material or services desired;
 - (ii) A statement that unpriced offers only shall be considered in phase one;
 - (iii) The criteria for evaluating unpriced submittals;
 - (iv) A statement that discussions may be held; and
 - (v) A statement that only bids based on unpriced submittals determined to be acceptable in phase one shall be considered for phase II.
- (b) Phase Two
 - Upon completion of phase one, the purchasing agent may issue an invitation for bid and conduct phase two as a competitive sealed bidding procurement, except that the invitation for bid shall be issued only to bidders whose technical submittals were determined to be acceptable in phase one.

F. Formal Solicitations

Primary Request for Proposals and Secondary Request for Proposals, may be issued for acquisitions, design-build, design-build-operate-maintain, design-build-finance-operate-maintain, engineer-procure-construct or other project delivery methods for construction or professional services. Each Request for Proposal must be as precise as possible to ensure that all proposals are accomplishing the same goal. An objective evaluation procedure must be used to determine which proposers have complied with the proposal requirements and to whom the contract should be awarded.

Each formal solicitation response received shall be time stamped and retained in a secure place until the closing date and time for receipt of responses.

- (1) Evaluation of Formal Solicitations
 - A comprehensive evaluation plan must be developed and finalized. All rating and scoring factors which are to be considered must be included, criteria for considering costs to the District must be developed, and the evaluation plan must provide for a fair and equitable evaluation of all proposals.

There are two (2) methods for evaluating proposals and awarding contracts:

- (c) Primary Method: By this method, the contract is awarded to the responsive, responsible and qualified proposer offering the lowest cost for its services.
- (d) Secondary Method: This method requires evaluation of proposals by an evaluation committee with the award made to the responsible proposer earning the highest score.

(2) Request for Proposals : Primary Method

- (a) In addition to the requirements identified elsewhere in this policy, a Primary RFP must include a requirement that each proposer submit its proposal with the cost proposal and all cost information in a separate, sealed envelope.
- (b) Proposals received as a result of the Primary RFP method must be evaluated and the contract awarded in the following manner:
 - (i) Review all eligible proposals (i.e., those filed on time and in the manner prescribed) to determine which ones meet the format requirements and the standards specified in the PRFP. Proposals meeting the minimum standards and format requirements can then be rated or scored. Proposal standards should be set so that every proposer deemed to meet the standards specified in the PRFP could perform at the required level.
 - (ii) IID shall post online the firms which meet the PRFP qualifications and the date and time of the cost proposal opening.
 - (iii) Those firms not meeting responsibility qualifications will be rejected and shall be notified in writing.
 - (iv) The sealed envelopes containing the cost proposal for those proposals that meet the format requirements and requirements shall then be publicly opened and read. The contract will be awarded to the qualified proposer with the lowest price.
- (c) Written notice of intent to award a contract to the qualified proposer with the lowest price shall be posted online after authorized approval to award is received.

(3) Request for Proposals: Secondary Method (Point count or High Score)

Use of the secondary RFP method should be limited to those instances in which agencies are seeking a unique solution to a

problem or situation that cannot necessarily be resolved by the lowest bidder (i.e., when the methods, approaches, and procedures to be used in performing the work are of primary importance).

- (a) When scoring a proposal, the relative importance of quality, quantity, delivery time, method, experience, services, the cost/value effectiveness and cost adequacy may be judged, evaluated and awarded points as part of the technical score.
- (b) Standard points for cost will be set at 30 points out of 100 possible. Requesting departmental personnel should discuss the SRFP with IID legal counsel if considering developing a solicitation where cost points (dollars/actual price component) are less than 30% of the total points, or risk non-approval of the resulting contract.
- (c) The following formula may be used for the award of cost points:
 - (i) Lowest cost proposal is awarded the maximum cost points. Other proposals are awarded cost points based on the following calculation: $\text{Lowest Proposer's Cost} = (\text{factor}) \times \text{maximum cost points} = \text{cost points for other proposer}$.
 - (ii) Other Proposer's Cost - EXAMPLE: Lowest cost proposal = \$ 75,000, other proposal = \$100,000, 30 cost points available (Lowest cost proposal) $\$75,000 = \frac{3}{4} \times 30 = 22.5$ cost points awarded to \$100,000 other proposal.
- (d) Proposals received as a result of the Secondary RFP method will be evaluated and the contract awarded in the following manner:
 - (i) Review all eligible proposals (i.e., those that are received in the time and manner prescribed) to determine which ones meet the format requirements specified in the SRFP.
 - (ii) Those proposals that meet the format requirements shall then be submitted to the IID evaluation committee. The evaluation committee will evaluate and score proposals using the methods specified in the SRFP. The contract award recommendation will be made for the responsible proposer whose proposal is given the highest score by the evaluation committee.
 - (iii) Extenuating circumstances may justify award to other than the highest scoring respondent, provided board approval is first obtained.

- (e) If multiple awards are to be made, the evaluation committee shall evaluate the formal solicitation responses submitted, rank the most qualified respondents and recommend award of contracts to as many respondents as is determined advantageous to the district.
 - (f) Written notice of intent to award a contract to the successful respondent shall be posted online after authorized approval to award is received.
 - (g) Those firms not selected for award may inquire in writing to the Contract Administrator for feed-back on their individual scores.
- (4) Best and Final Offers Option for Proposals
- (a) Revisions may be permitted after submissions and prior to award recommendation for the purpose of obtaining best and final offers.
 - (b) The purchasing agent shall issue a written request for best and final offers.
 - (c) The request for best and final offers shall inform respondents that, if they do not submit a notice of withdrawal or a best and final offer, their immediate previous response will be construed as their best and final offer.
 - (d) A best and final offer received after the due date and time for receipt of best and final offers is late and shall not be considered.
- (5) Qualifications Request
- A Qualifications Request may be used; as a prequalification method prior to any other type of competitive procurement, as a method to evaluate and rank professional services for a subsequent contract negotiation or multiple awards.
- (a) A QR used as a prequalification determination prior to the issuance of an IFB will be reviewed in the following manner: all eligible responses (i.e., those filed on time and in the manner prescribed) will be reviewed to determine which ones meet the format requirements specified in the QR. Responses meeting these requirements will then receive a compliance review to determine if they meet the minimum standards specified in the QR. Those meeting the requirements of the compliance review will be considered prequalified to respond to a subsequent IFB. IID shall post online the firms which meet the pre-qualifications.
 - (b) A QR used as a prequalification determination prior to the issuance of a SRFP will be scored, the relative importance

of, experience of the firm and assigned staff, safety record, financial stability, services offered, and other factors may be evaluated and awarded points as part of the technical score. Cost is not evaluated if the QR is used prior to the issuance of a SRFP.

- (c) A QR used to prequalify professional firms, prior to a contract negotiation, in addition to factors listed in (b) above may request standard staff rates and expenses. Rates will not be evaluated during the QR process, but will be used to establish pricing for use in a subsequent contract.

G. Contract Administration

The contract administrator shall maintain a master listing of all district term contracts to include the initial period and number of renewals.

The purpose of contract administration is to assure that the contractor's total performance is in accordance with the specifications/scope of work, terms and conditions of the contractual agreement and may include approval of invoices, goods receipts, monitoring of project progress and favorable or critical feedback to the contractor, purchasing agent and PMO designee if applicable.

H. Legal and Contractual Remedies

(1) Protests or Appeals

Any participating respondent may file a protest of a contract award or proposed contract award. The protest or appeal must be made in writing within five (5) business days of award notification and contain at least the following information:

- (a) The name, address and telephone number of the protester.
- (b) The signature of the protester.
- (c) The solicitation number and date of closing.
- (d) A statement of the legal and/or factual grounds on which the protest or appeal is based, including copies of information relevant to the solicitation.
- (e) Resolution of Protests – The Purchasing Agent will respond within ten (10) business days after the protest has been filed.

(2) Solicitation Language

The following policy language shall be included with all formal solicitations:

“A person filing a notice of protest will be required, at the time the notice is filed, to post a bond with a good and solvent surety authorized to do business in California or submit other security, in a

form approved by the Purchasing Agent. The Purchasing Agent shall hold the bond or other security until a determination is made on the protest. A bond posted or other security submitted with the notice of protest must be in an amount equal to the lesser of:

- (a) Twenty-five (25) percent of the total value of the solicitation submitted by the person filing the notice of protest; or*
- (b) Five thousand dollars (\$5,000).*

A notice of protest filed in accordance with these provisions operates as a stay of action in relation to the awarding of any contract until a determination is made on the protest.

If the protest is upheld, the bond posted or other security submitted with the notice of protest will be returned to the person who posted the bond or submitted the security. If the protest is rejected, a claim may be made against the bond or other security by the district in an amount equal to the expense incurred by the district because of the unsuccessful protest. Any monies remaining after the claim has been satisfied will be returned to the person who posted the bond or submitted the security.”

(3) Authority to Debar

The purchasing agent, after consultation with legal counsel, shall have authority to debar a person or firm for cause from consideration for award of contracts. Debarment shall not be for more than three years.

(4) Causes for Debarment or Suspension

The causes for debarment or suspension include the following:

- (a) Conviction of a criminal offense.
- (b) Violation of contract provisions.
- (c) A recent or deliberate failure without good cause to perform ;
- (d) Any other cause the purchasing agent determines to be so serious and compelling as to affect responsibility as a district contractor, including debarment by another governmental entity for any cause listed in regulations.

6. RESPONSIBILITY

A. Audits

Procurement methodologies, practices and processes will be reviewed annually by the purchasing agent for approval by the general manager and board.

At least once every three years, the internal audit staff is required to perform audits of the activities of the district's purchasing and contracting functions.

B. Enforcement

Unauthorized Purchases, Violations, Enforcement

Except as provided in this policy, it shall be improper for any employee to order the purchase of supplies or services or to attempt to enter into contracts within the purview of this policy other than through the purchasing agent. A person who contracts for or purchases any materials, services or construction without authorization violates this policy and may be subject to disciplinary action pursuant to Policy and Procedure No. 4350.