

**VALLEJO SANITATION AND FLOOD CONTROL DISTRICT
BIDDING AND PURCHASING ORDINANCE
ORDINANCE 2015-72**

AN ORDINANCE TO PROVIDE PROCEDURES FOR BIDDING AND PURCHASING (A) INFORMAL BIDS PROCEDURES FOR PUBLIC PROJECTS, MAINTENANCE WORK, AND PURCHASES OF EQUIPMENT, MATERIALS, SUPPLIES AND SERVICES, (B) SOLICITATION AND AWARD OF CONTRACTS FOR PUBLIC PROJECTS, MAINTENANCE WORK, AND THE PURCHASE OF EQUIPMENT, MATERIALS SUPPLIES AND SERVICES NOT SUBJECT TO THE INFORMAL BID PROCEDURES AND (C) AUTHORIZING THE DISTRICT TO PURCHASE EQUIPMENT, MATERIALS AND SUPPLIES THROUGH PUBLIC AGENCY BID PROGRAMS AND BY "PIGGYBACK" PURCHASING.

SECTION A

The following procedures shall be followed in the solicitation and award of informal bids for public projects, maintenance work, and the purchase of equipment, materials, supplies and services. This section "A" implements the informal bid procedure for the award of contracts for public projects set forth in the Uniform Public Construction Cost Accounting Act (Chapter 2 of Part 3 of Division 2 of the Public Contract Code), and specifically, Article 3 thereof (commencing with Section 22030), and also applies to maintenance work as well as the District's purchase of equipment, materials, supplies and services. As used in this Ordinance, the terms "public project" and "maintenance work" shall have the definitions set forth in Section 22002 of the Public Contract Code.

1. The District Manager is authorized to award contracts for public projects, maintenance work, and the purchase of equipment, materials, supplies and services by this informal bid procedure when the cost of the public project, maintenance work, or the purchase of equipment, materials, supplies or services, as determined by the estimate of the engineer in the case of public projects and maintenance work, or by the appropriate department head in the case of purchases of equipment, materials, supplies or services, falls within the range set forth in subdivision (b) of Section 22032 of the Public Contract Code, as that section may be amended from time to time.
2. Each Department of the District shall develop a list of qualified contractors, vendors, suppliers and/or service providers, identified according to categories of work, who can perform work, and/or provide equipment, materials, supplies or services to the District necessary for it to carry

out its function. The minimum criteria for development and maintenance of the contractor list shall conform to that determined by the California Uniform Construction Cost Accounting Commission. The list shall be reviewed and updated annually and shall be forwarded to the Finance Director. The Finance Director shall make a composite list of all contractors, vendors, suppliers and service providers to be used in the informal bidding procedure.

3. Whenever work, supplies, or equipment or materials qualify to be purchased through the informal bid procedure, and the District Manager in his or her discretion determines to use the informal bid procedure, a notice inviting informal bids shall be prepared. The notice shall describe in general the nature of the work to be performed, the materials and/or services to be supplied, or the equipment to be purchased, and how to obtain more detailed information about the project or requirements.
4. The notice inviting informal bids shall be mailed to all the appropriate contractors, suppliers, vendors or service providers on the established composite informal bid list maintained by the Finance Director, and in the case of public projects, shall be forwarded for publication in all the appropriate trade journals as specified by the California Uniform Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. The notice shall be mailed at a minimum ten (10) calendar days before the date specified in the notice as the last date bids will be accepted by the District.
5. If the work, equipment, materials, supplies or services are proprietary, a purchase contract will be negotiated. No notice requesting informal bids is required.
6. On the date specified, and at the time indicated in the notice, all informal bids shall be opened. After appropriate review by the District, the informal bid will be awarded by the District Manager to the lowest responsive, responsible bidder.
7. If all bids received are in excess of the amount specified in subdivision (b) of Section 22032 of the Public Contract Code, as that section may be amended from time to time, the Board of Trustees may, by passage of a Resolution by four-fifths (4/5) vote, award the contract at no

more than the amount set forth in subdivision (f) of Section 22034 of the Public Contract Code, as that section may be amended from time to time, to the lowest responsive, responsible bidder, if the Board determines the cost estimate of the District was reasonable.

SECTION B

The following procedures shall be followed in the solicitation and award of contracts for public projects, maintenance work, and the purchase of equipment, materials, supplies and services, that have a total value no greater than the amount set forth in subdivision (a) of Section 22032 of the Public Contract Code, as that section may be amended from time to time, and are therefore below the threshold of, and not subject to, the informal bidding procedures set for in Section A of this Ordinance.

1. Where the work consists of a public project or maintenance work, the District may perform all of the work with its own employees by force account, by negotiated contract, or by purchase order. No bids will be required.
2. Where the contract is for the purchase of equipment, materials, supplies or services, the District may purchase the same by negotiated contract or by purchase order.
3. If the work is to be done or equipment, materials, supplies or services are to be purchased by negotiated contract or by purchase order, and the District estimates that the cost of the work, equipment, materials, supplies or services will be more than five thousand dollars (\$5,000.00), the District shall obtain or attempt to obtain three (3) quotes of the cost of the work, equipment, materials, supplies or services from contractors or suppliers. For all work, equipment, materials, supplies or services with an estimated value of more than ten thousand dollars (\$10,000), the quotes shall be in writing.
4. The District shall, where possible, include in its solicitations suppliers and vendors located within the City of Vallejo.
5. If the work, equipment, materials or supplies are proprietary in nature, no quotes need to be obtained and a purchase price will be negotiated.

6. All purchases with a value greater than five thousand dollars (\$5,000.00) must be approved by a Department Head. All purchases greater than ten thousand dollars (\$10,000.00) must be approved by the District Manager. The Board of Trustees authorizes the District Manager to execute all purchase orders or agreements for the construction of public projects, the performance of maintenance work, and the purchase of equipment, materials, supplies or services with a value up to the amount specified in subdivision (a) of Section 22032 of the Public Contract Code, as that section may be amended from time to time.
7. In all solicitations for contract services or purchases under both Sections A and B above, the District will advise those solicited of the District's policy encouraging the participation of MBE/WBE Businesses.

SECTION C

Notwithstanding Sections A and B of this Ordinance, the District may purchase equipment, materials and supplies using either of the following methods:

1. Through a national, California state or regional bid program, pursuant to which public entities may purchase equipment, materials or supplies from providers at a price that has been negotiated for the benefit of public agencies participating in the program. The District may make purchases through such bid programs without the necessity of soliciting and obtaining bids on its own behalf and separately from the national, California state or regional bid program.
2. Where another California public entity has, through a competitive process of bid solicitation and evaluation, purchased an item of materials, equipment or supplies from a particular vendor at a favorable price, and that vendor agrees to sell the same or substantially the same item to the District at the same or substantially the same price, the District may purchase the item of materials, equipment or supplies from that vendor, without the necessity of soliciting and obtaining bids on its own behalf.

Effective Date: This Ordinance shall be published once in a newspaper of general circulation, printed and published in the District office within 15 days from and after its adoption. It shall take effect and be in force on December 10, 2015. The passage of this Ordinance shall be entered in the minutes of the District.

ADOPTED by the Board of Trustees of the Vallejo Sanitation and Flood Control District on the 10th day of November, 2015 by the following vote:

AYES: Vice President Malgapo; Trustees Dew-Costa, Hannigan, McConnell, Miessner, and Sampayan

NOES: None

ABSENT: President Davis, Trustee Verder-Aliga

ABSTAIN: None

WITNESS my hand and seal of said District this 10th day of November, 2015.



HOLLY M. CHARLETY
District Clerk