

RESOLUTION NO. 2013-01

**BOARD OF DIRECTORS OF MISSION SPRINGS WATER DISTRICT
ESTABLISHING BIDDING AND CONTRACT PROCEDURES**

THE BOARD OF DIRECTORS of the Mission Springs Water District ("District") hereby finds and declares as follows:

WHEREAS, the District is a County Water District organized and operated pursuant to Water Code Section 30,000 et seq., and is not specifically required to award contracts according to the Public Contract Code; and

WHEREAS, the District adopted Resolution 91-8 on or about February 19, 1991, establishing bidding and contract procedures, generally following the provisions of the Public Contract Code, in order to promote uniformity in the processing of bids and contracts for services and projects within the District; and

WHEREAS, the bidding and contracting procedures set forth in Resolution 91-8 have not been formally updated in over 20 years, but are in need of revision and restatement.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the District hereby rescinds Resolution 91-8 and adopts as part of the Rules and Regulations of the District the attached procedures to procuring services on behalf of the District, and these procedures shall be generally referred to as "Contract Procedures" in lieu of those adopted pursuant to Resolution 91-8.

BE IT FURTHER RESOLVED that these procedures may be modified as necessary from time to time by similar action of the Board of Directors.

ADOPTED this 22nd day of January 2013, by the following vote:

Ayes: Bowman, Brown, Furbee, Martin, Wright
Noes:
Absent:



Russ Martin
President of Mission Springs Water District
and its Board of Directors

ATTEST:



Secretary of Mission Springs Water District
and its Board of Directors

CERTIFICATION OF ADOPTION

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

I, Arden Wallum, Secretary of the Board of Directors of Mission Springs Water District, certify that the foregoing is a full, true and correct copy of Resolution No. **2013-01**, which was adopted by the Board of Directors of said District at its regular meeting held, January 22, 2012.

It has not been amended or repealed.

Dated January 23, 2012



Secretary of Mission Springs Water District
and its Board of Directors

CONTRACT PROCEDURES

Section 1. Purpose. California Code does not currently require competitive bidding by county water districts. Accordingly, Mission Springs Water District ("District") may seek a sole source bid for any project. The District is not, however, precluded from seeking multiple bids. All contracts for which the District decides to execute through a competitive bidding process shall be made in accordance with these policies and procedures set forth herein ("Contract Procedures"). The Contract Procedures are adopted by the Board of Directors of the District to promote uniformity in the processing of bids and contracts and direction for staff and the Board in procuring services on behalf of the District. In all cases, the District may consider cost, efficiency, timing and quality of work in awarding any contract.

Section 2. Definitions:

- a. Minor Project. A project or service required by the District which is estimated by the General Manager to cost \$75,000 or less, and which may be awarded and negotiated by the General Manager, in contract or purchase order form.
- b. Intermediate Project. A project or service required by the District which is estimated by the General Manager to cost more than \$75,000 but less than \$150,000 to complete.
- c. Major Project. A project or service for a capital expenditure by the District which is estimated by the General Manager to cost \$150,000 or more to complete.
- d. Maintenance Work. Includes but is not limited to any of the following:
 1. Routine, recurring, ongoing, systematic and/or usual work for the operation, preservation or protection of any District-owned or operated facility, equipment or property, for its intended purposes, including without limitation, systematic or system-wide replacements intended to keep District systems and equipment in optimal condition and efficiency. Such work includes, but is not limited to testing, service and replacement of back-flow valves and lateral lines.
 2. Repainting, cleaning and other property maintenance work.
 3. Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
- e. Emergency. An "Emergency" includes but is not limited to (1) a breakdown of essential District services and (2) field conditions that indicate an immediate threat to the public or employee safety or material impact to property or District facilities.

Section 3. No Bid Required. No publication or notice shall be required, and the following may be performed by the employees of the District, by force account, by negotiated contract, or by purchase order: (a) Minor Project; (b) Intermediate Project; (c)

Maintenance work; (d) Emergency work; (e) where there is only one source of supply; and (f) professional service contracts.

Section 4. Informal Bid Procedures. For any Minor Project, Intermediate Project or Maintenance, or where directed by the Board of Directors, the General Manager may elect to follow informal bidding procedures as provided below:

- a. The District shall maintain a list of qualified contractors, identified according to categories of work, and construction trade journals and associations. Minimum criteria for development of the contractors for each category shall be developed by the General Manager, and may include, but is not limited to the District's prior experience with contractors based on such factors as quality of work, customer service, efficiency, timeliness, safety record, size and capacity, reputation and references, and professionalism.
- b. All contractors on the list for the category of work being bid and/or all relevant, listed construction trade journals or associations shall be given notice inviting informal bids unless the product or service is proprietary or specialized.
- c. All notice to contractors and construction trade journals pursuant to subdivision (b) shall be completed not less than seven (7) calendar days before bids are due.
- d. The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place for submission of bids.
- e. The Board delegates to the General Manager the authority to negotiate intermediate contracts for projects of the District with the lowest responsible bidder.

Section 5. Trade Journals. The General Manager shall determine the appropriate construction trade journals or associations which shall receive notices of all informal and formal bids for projects conducted by the District. The list may be limited to geographical area for certain categories of projects, in the discretion of the General Manager.

Section 6. Major Projects. Formal bidding procedures shall be conducted on all Major Projects, unless otherwise directed by the Board of Directors, and for other projects upon direction of the Board of Directors as follows:

- a. Notice of formal bids shall state the time and place for receiving and opening of sealed bids and distinctly describe the project and providing such other information as necessary to fully comply with legal requirements.
- b. The notice shall be published in a newspaper of general circulation which is circulated within the District, at least fourteen (14) calendar days before the date of opening the bids and posting at the District Administration Building. The notice inviting formal bids shall also be mailed at least thirty (30) calendar days before the date of opening bids to all construction trade journals, trade associations specified pursuant to Section 5 and all contractors or other persons requesting notification of formal bids.

- c. All bids received shall be opened in public at the time and place designated in the notice. The bids shall be evaluated for compliance with the notice and requirements of the District. The District shall determine from the bids received on a project the contractor which is considered to be the lowest responsible bidder. Thereafter, the District shall indicate that a contract will be executed according to specific terms to be negotiated by the General Manager. If the General Manager determines that terms cannot be negotiated, the General Manager may request authority from the Board of Directors to terminate negotiations and open negotiations with the next lowest bidder.
- d. Notwithstanding the foregoing, competitive bidding shall not be required for:
 1. Contracts for articles which are patented, copyrighted or otherwise unique and not on sale by dealers generally but only at a fixed and uniform price by the owner or his agents or assigns.
 2. Contracts wherein competitive bidding would not produce an advantage or where it is impracticable to obtain what is required subject to the competitive bidding provisions because of the unique, exploratory, experimental or time-sensitive nature of the work.
 3. Contracts where, within six (6) months previous to the date of execution, advertising for identical work of the same general character has filled the secure responsive proposals and, in the opinion of the General Manager, further advertising will not alter this result.
 4. Contracts with any governmental agency.
 5. Contracts directed by the Board to be selectively bid as provided in Section 4 or negotiated.

Section 7. Rejection of Bids. Rejection of informal bids may be done at the discretion of the General Manager. Rejection of formal bids may be done at the discretion of the Board of Directors.

- a. Any individual rejection of formal bid shall be made stating the reasons for rejection. If the Board determines that the bidder is not a responsible contractor for a formal bid, a hearing shall be held to allow the bidder to respond to the allegations.
- b. All bids may be rejected for any reason or without reason.

Section 8. Emergency Conditions. In the event of Emergency, contracts may be awarded by the District (or the General Manager in the event the Board may not be immediately convened) without application of these procedures, without adopting plans, specifications, work sheets, working details or other contract documents, and without regard to the cost of the project or service. The General Manager shall advise the President of the Board or other director as soon as practicable of any Emergency, and shall provide a full report of the action taken due to the Emergency to the Board of Directors at the next Board Meeting. Contracts are subject to confirmation by 4/5 vote at the next Board of Directors meeting.