


<h1>POLICY MANUAL</h1>	Date Adopted: June 28, 2000
Classification: CONTRACT ADMINISTRATION	Date Last Amended: September 8, 2021; March 22, 2023
Subject: Contracting Procedures	Approved By: 


**I. Purpose:**

The Fresno Metropolitan Flood Control District Act provides for the issuance of purchase contracts for materials, supplies and public works improvements. State Assembly Bill 1592, signed by the Governor and Chaptered by the Secretary of State on June 28, 2021, amended the District Act with regard to the competitive bidding limit for purchase of materials and supplies, superseding those provisions of District Resolution No. 98-124 authorizing expenditures for materials and supplies. District Resolution 98-145 assigns other local, state, and governmental entities as purchasing agents for the District. District Resolution No. 1567 adopted the Uniform Public Construction Cost Accounting Procedures. It is the purpose of this document to state the policy of the District concerning the rules which govern the contracting procedures available to the District.

**II. Policy:**

1. Non-competitive Bid Contracts

A. The District Act establishes a competitive bidding threshold for the purchase of all public works improvements at \$10,000, and a competitive bidding threshold for the purchase of materials and supplies

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at \$16,000. Purchases below these limits do not require a competitive bidding process but will otherwise comply with District policy.

(1) It is the policy of the District to informally receive more than one bid or price proposal for purchase of public works of \$10,000 or less or for purchase of materials and supplies of \$16,000 or less.

This policy may be waived by the General Manager in cases of emergency, sole source suppliers, or for purchasing less than \$1,000.


(2) The General Manager-Secretary or their authorized alternate, the Assistant General Manager, can execute purchase contracts for public works in the amount of \$10,000 or less, or purchase contracts for materials and supplies in the amount of \$16,000 or less without prior Board of Directors action, provided budgeted funding has been allocated.

B. The District may execute contracts for public works improvements, materials and supplies without competitive bidding when such contracts are entered into with any other public agency or governmental entity.

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2. Competitive Bid Contracts (Formal Bids)


- A. The District must competitively bid purchases of public works, which exceed \$10,000, or purchases of materials or supplies which exceed \$16,000 except as otherwise provided in this policy.
- B. All public works exceeding \$10,000 or purchases of materials and supplies which exceed \$16,000 must have advance authorization from the Board of Directors to purchase or to design and advertise for bidding.
- C. Notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project.
- D. The notice shall be published at least 10 calendar days before the date of opening the bids in a newspaper of general circulation, printed, and published in the jurisdiction of the District.
- E. Upon receipt of bids, the award of the purchase contract shall be authorized by the Board of Directors to the lowest responsible bidder, unless all bids are rejected.
- F. Contract documents shall be prepared, and executed by the contractor, and by the General Manager-Secretary or their alternate, the Assistant General Manager.

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3. Purchasing Agents Authority; Other Agencies

Resolution Number 98-145, assigns other local, state, and governmental entities as purchasing agents for the District, through which the District can make purchases without District competitive bidding:

- A. In accordance with the resolution, the District is authorized to use The California Department of General Services, City of Fresno, City of Clovis, County of Fresno, Fresno Unified School District, Clovis Unified School District, Fresno Irrigation District, and all Governmental entities as District Purchasing Agents.
- B. The Purchasing Agent may purchase equipment, materials, supplies and contract for the provision of labor for or on behalf of the District.
- C. The General Manager-Secretary, or their alternate, the Assistant General Manager, is authorized and directed to sign and deliver all necessary requests and other documents in connection with the purchasing agent for and on behalf of the District.
- D. The General Manager-Secretary shall maintain a list of public entities or agencies with whom such requests and documents have been executed on behalf of the District. Such lists shall be maintained in the


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offices of the District and may be viewed on request by any person during regular business hours.

E. A certified copy of the Resolution shall be filed in the Office of Procurement, Department of General Services of the State of California and in the Office of the Purchasing Agent of each said political subdivision or local entity or agency at such time as the District seeks to purchase labor, equipment, materials, or supplies therefrom.


4. Uniform Cost Accounting Contracting

Public Contract Code Section 22000 et seq., the Uniform Public Construction Cost Accounting Act, establishes a uniform cost accounting standard which allows alternative bidding procedures for public projects. Under the Accounting Act, the District can perform public projects of Sixty Thousand Dollars (\$60,000) or less, (which limit may be modified from time to time by statute), by the employees of the District through force account, by negotiated contract, or by purchase order. Public works of Two Hundred Thousand Dollars (\$200,000) or less, (which limit may be modified from time to time by statute), may be contracted through the informal procedures set forth in the code.


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The Board of Directors adopted Resolution No. 1567 adopting the Uniform Public Construction Cost Accounting Procedures. The Board of Directors also adopted Resolution No. 2000-239, an informal bidding ordinance pursuant to Public Contract Code Section 22034, to establish an informal bidding procedure and expand the competitive and informal bidding limits permitted by the Accounting Act.

- A. During November of each year, the District shall mail written notice to all construction trade journals designated for the District under Public Contract Code Section 22036, inviting all licensed contractors to submit their firm for inclusion on the District’s list of qualified bidders for the following calendar year. The notice shall require the contractor to provide the name and address to which a Notice to Contractors or Proposal should be mailed, a phone number at which the contractor may be reached, the type of work in which the contractor is interested and currently licensed to do, together with the class of contractor’s license(s) held and contractor license number(s).

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- B. On January 1 of each year the District will create a new qualified contractors list. The District may include any contractor it determines qualified and will include at a minimum all contractors who have properly provided the District with the information required under paragraph 4.A. above, either during the calendar year in which the list is valid or during November or December of the previous year.
- C. As to contracts of \$60,000 or less, or as this limit may be modified by statute:
- (1) The District may execute the work through use of District employees by force account, by negotiated contract, or by purchase order.
  - (2) The General Manager-Secretary, or in their absence, the Assistant General Manager, are given the authority to award such contracts.
  - (3) A report shall be provided to the Board of Directors notifying them of the use of the Uniform Cost Accounting procedures and the contract award.

<h1>POLICY MANUAL</h1>	Date Adopted: June 28, 2000
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D. As to contracts greater than \$60,000, but less than \$200,000, or as this limit may be modified by statute:

- (1) The District may use informal bidding procedures, in accordance with the District Informal Bidding Ordinance No. 2000-2.
- (2) A notice inviting informal bids shall be mailed to contractors in the appropriate category on the list developed in paragraph 4.B. above, or to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission, or both.
- (3) The District shall provide the notice inviting informal bids not less than ten (10) calendar days before the bids are due.
- (4) The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and shall state the time and place for the submission of bids.
- (5) The General Manager-Secretary, or in their absence, the Assistant General Manager, are given the authority to award the contract to the lowest responsible bidder.



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(6) A report shall be provided to the Board of Directors notifying them of the use of the Uniform Cost Accounting procedures and the contract award.


(7) If all bids received are in excess of Two Hundred Thousand Dollars (\$200,000) and the Board determines the project cost estimate was reasonable, the Board of Directors may, by resolution passed on a four-fifths vote, award the contract, in an amount not to exceed Two Hundred Twelve Thousand Five Hundred Dollars (\$212,500), to the lowest responsible bidder.

E. As to contracts greater than \$200,000, or as this limit may be modified by statute:

(1) The District shall use formal bidding procedures, in accordance with paragraph (2) above, except as otherwise provided in this policy.

5. Emergency Contracts

A. In the case of an emergency, the District, pursuant to a four-fifths vote of the Board of Directors, may repair, or replace a facility, take any directly related and immediate action required by that emergency, and


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procure the necessary equipment, services, and supplies for those purposes, without giving competitive bids or noticing.

- B. Before the Board of Directors may take any action pursuant to paragraph 5.A. above, it shall make a finding based on substantial evidence of record that response to the emergency does not permit the delay in time which would result from a solicitation for competitive bids, and that the action is necessary to respond to the public health, safety and welfare related to the emergency.


6. Sole Source Procurement

- A. Sole Source Purchases of \$16,000 and More: The District may enter into a contract for a purchase without competition when the General Manager-Secretary determines in writing, after conducting a good faith review of available sources, that there is only one source for the required materials, supplies, equipment, or services; such determination requires approval of the Board of Directors. Additionally, the General Manager-Secretary may make such a determination if, after a competitive bidding process, only one qualified bidder has submitted a bid for a procurement, and the Board

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of Directors has determined that there is a failed procurement. The General Manager-Secretary or designee shall then conduct appropriate negotiations as to price, delivery, and other terms.

- B. Sole Source Purchases Under \$16,000: Purchases under \$16,000 shall be made in accordance with paragraphs II.1.A.(1) and II.1.A.(2) above, and do not require justification for sole source procurement.
  
- C. Required Records: A record of sole source procurements under paragraphs 6.A and 6.B above shall be maintained as a public record and shall list each vendor's name, local address and principal place of business, the amount and type of each contract, the item(s) procured under each contract, and the identification number of the procurement, if any.
  
- D. Public Works Sole Source Procurements: All public works procurements over \$10,000 are required to conform to the requirements of Public Contract Code Section 3400 et seq., pertaining to sole source and "or equal" procurement on public works projects, and shall conform to the statutory requirements found under that Code

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section. In addition, a record of such sole source procurements under this paragraph 6.D shall be maintained as a public record and shall list each vendor's name, local address and principal place of business, the amount and type of each contract, the item(s) procured under each contract, and the identification number of the procurement, if any.