

# C/CAG PROCUREMENT POLICY

Established on June 9, 2005

Revised on June 10, 2010

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## Professional Services Procurements

1. The method for procurement of professional services (consultants) shall generally be the Request for Proposal (RFP) procedure. The primary purpose of using a RFP is to ensure that C/CAG receives the best value in obtaining services. The determination of “best value” is not based solely on the lowest price or the highest quality. It involves a subjective weighing of efficiency, quality, and economy, and a recommendation as to how the services might best be provided, including the consideration of Design-Build approaches. The RFP is not a bid, in which the contract is awarded to the lowest bidder and the bid dictates the terms of the contract. Rather, it is a mechanism for exploring the expense and potential methodologies that could be used for dealing with the project for which the proposal is solicited. The RFP is an opportunity to ensure that all qualified contractors are given an opportunity to be considered for providing services to C/CAG. Each RFP shall be sent to all qualified firms and/or individuals that have been previously identified by C/CAG staff. Some of the ways that C/CAG staff may identify qualified firms and/or individuals could be through the issuance of a Request for Qualifications (RFQ), a letter of interest, and/or a review of informational materials provided by firms and/or individuals. Any firm and/or individual can request to be included on this list at any time by communicating such request to C/CAG staff and providing a summary of qualifications.
2. All RFPs must include a well-defined statement of work and must require that the responding party include quantifiable objectives, performance standards, and deliverables in its response to the RFP in order to be considered for funding.
3. In response to a written request from the Executive Director, the C/CAG Chairperson, with the concurrence of at least one Vice Chairperson, may administratively authorize up to an additional 5%, but not to exceed \$100,000, of the original total contract amount in the event that there are unforeseen costs associated with the project.
4. If the contract is for work that will continue for a specified period of time, the term of the contract should be the period of time for which the services are needed, but no longer than three (3) years, unless a longer term is approved by the C/CAG Board.
5. The Executive Director may approve up to one year time extension of a contract if there is no change in the contract amount.
6. Contracts \$25,000 and below:
  - a. A formal competitive RFP procedure is not required.
  - b. The selection process must be fair (see #1), and there must be documentation that the contractor selected is qualified and that the cost is competitive.
  - c. The results of another public agency’s selection process may be used to satisfy the requirements of b.

- d. A telephone survey of three (3) or more potential service providers may be used to satisfy the requirements of b.
  - e. The C/CAG Executive Director shall be authorized to execute contracts \$25,000 and below without the prior approval of the Board. The Board shall be notified of such contracts executed at the next scheduled Board meeting following such execution.
7. Contracts \$25,000.01 to \$49,999.99:
- a. A formal competitive RFP procedure is not required.
  - b. The selection process must be fair (see #1), and there must be documentation that the contractor selected is qualified and that the cost is competitive.
  - c. The results of another public agency's selection process may be used to satisfy the requirements of b.
  - d. A telephone survey of three (3) or more potential service providers may be used to satisfy the requirements of b.
  - e. The Chair of the C/CAG Board shall be authorized to execute contracts \$49,999.99 and below without the prior approval of the Board. The Board shall be notified of such contracts executed at the next scheduled Board meeting following such execution.
8. Contracts greater than or equal to \$50,000:
- a. A formal competitive RFP procedure should be utilized unless authorization from the C/CAG Board is given for another procedure or for a waiver of the RFP process.
  - b. The selection process shall not utilize cost as the sole criteria in selecting the successful contractor. The proposals shall be evaluated based on a combination of factors that result in the best value to C/CAG, including but not limited to:
    - i. Understanding of the work required by C/CAG.
    - ii. Quality and responsiveness of the proposal.
    - iii. Demonstrated competence and professional qualifications necessary for satisfactory performance of the work required by C/CAG.
    - iv. Recent experience in successfully performing similar services.
    - v. Proposed methodology for completing the work.
    - vi. References.
    - vii. Background and related experience of the specific individuals to be assigned to the project.
    - viii. Proposed cost.
    - ix. Previous experience in providing similar services for C/CAG and satisfactory delivery of those services.
  - c. The Chair of the C/CAG Board shall be authorized to execute contracts greater than or equal to \$50,000 with the prior approval of 51% of the voting members of the Board present at a Board meeting where a vote on the contract was taken in accordance with C/CAG procedures. In accordance with the C/CAG Bylaws, Article VIII., Section 3, the special voting procedures may be utilized upon the request of any voting member. Under the special voting procedures, for a motion to be successful it must receive the votes of a majority of the voting members representing a majority of the population of the County.

9. Waiver of RFP Process:
  - a. The C/CAG Board may waive the solicitation of RFPs when it determines that it is in the best interest of C/CAG to do so. Situations in which a RFP may be waived include, but are not limited to, emergency situations or those in which an independent contractor is the only available source of a particular service. Another appropriate situation for waiving the RFP process is where a particular firm, agency, and/or individual has unique qualifications and/or experience, or it is determined by the C/CAG Board that the added time required for another firm and/or individual to acquire this knowledge base would create an unacceptable delay in the delivery of the service or not result in significant cost savings. In all circumstances, any waiver requires the approval of the C/CAG Board.
  - b. Requests to waive the RFP process that are presented to the C/CAG Board for consideration must include the specific findings by staff which substantiate the request for a waiver.
10. Contractors shall not discriminate or permit discrimination against any person or group of persons on the basis of race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.
11. Contract specifications shall be written, and contractor services and products shall be delivered, in such a way so as to minimize C/CAG dependence on one particular contractor or methodology for future contracts or programs.
12. In those instances when the procurement requirements, standards or procedures of the funding source are more rigorous than these C/CAG procedures, those of the funding source shall apply to the procurement in question.
13. For state or federal funded contracts, C/CAG shall comply with state, federal and specific contract requirements as amended from time to time. Applicable standards include, but not limited to the following:
  - a. Caltrans Local Assistance Procedures Manual (LAPM) Chapter 10: Consultant Selection;
  - b. Master Funding Agreements and Program Supplemental Agreements;
  - c. 2 CFR Part 200- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
  - d. Caltrans Local Assistance Procedures Manual (LAPM) Chapter 9: Civil Rights & Disadvantaged Business Enterprise (DBE)

Policies related to procurements of capital items, consumable items and services.

1. C/CAG shall, to greatest extent possible, utilize the procurement systems of its member agencies for capital purchases. The member agencies have in place the appropriate infrastructure to manage these procurement processes and this will enable C/CAG to take advantage of their greater purchasing power; thereby ensuring a more favorable price and the meeting of all appropriate federal, state and local procurement requirements.
2. The C/CAG Executive Director shall have the authority to purchase consumable items and services through any appropriate means up to a maximum of \$5,000. Purchases of more than \$5,000 require approval of the C/CAG Board.