

Staff Report

TO: Board of Directors

FROM: Jennifer Hanson, General manager

DATE: September 28, 2022

SUBJECT: Board Policy No. 3080, Procurement

ADMINISTRATION

RECOMMENDATION:

Provide input regarding proposed modifications to Board Policy No. 3080, Procurement.

BACKGROUND:

The Board of Directors provided direction to staff to bring forth a revised Procurement Policy No. 3080. The proposed modifications are intended to provide increased clarity regarding procurement procedures and to provide for additional Board oversight of contract authorization.

Please note that there is no redlined version of the policy provided as it is essentially a new policy that will supersede the existing policy.

CONCLUSION:

Staff now requests feedback on these proposed revisions. Once input is received and any necessary modifications are made, the policy will be presented to the Board for approval at a subsequent Board meeting.

JH

Attachments: (1)

- Revised Procurement Policy – Board Policy No. 3080

POLICY MANUAL

POLICY TITLE: Procurement

POLICY NUMBER: 3080

3080.1 Purpose

In accordance with California Water Code, the District has authority to procure the necessary goods and services to operate. The purpose of Policy 3080 is to define the types of goods and services purchased or procured by the District, to set forth guidelines for the various types of purchases, and to set forth the dollar levels governing purchase authority of management personnel. All purchases, including contracts for services (construction and non-construction), commodities, equipment and other real or personal property required by any department of the District shall be made in accordance with this policy. A purchase, via any means, may be initiated only if sufficient funds are appropriated in the Annual Budget and there is sufficient unencumbered remaining balance to pay for it.

3080.2 Administrator

Administration of this Policy shall be compliant with the purchasing authority contained herein. General Manager or identified designee shall administer the Purchasing Procedure adopted by the Board, negotiate, and approve term contracts and purchase products and services required, consistent with the principles of price, quality, and delivery. The General Manager shall ensure verifiable records of the goods in inventory are maintained, and to ensure all goods are tagged or conspicuous as District property to the extent feasible. All surplus property shall be disposed of in accordance with this policy.

The provisions of this policy, as well as any applicable state or federal laws, shall apply to (1) the purchase of equipment, supplies, products or materials, (2) the procurement of services, (3) the procurement of professional services, and (4) construction projects undertaken by the District:

- A. Fair Competition. District employees must discharge their duties impartially to assure fair and open competition for District business by responsible vendors. In addition, they shall conduct themselves in a manner that will create confidence in the integrity of the District's purchasing operations. District employees will treat all vendors equally and fairly, with equal information given to each entity that participates in the procurement process. District employees will ensure that all prequalified lists of persons, firms, or products used in acquiring goods or services are current and include enough qualified sources to encourage maximum open and free competition.
- B. Conflicts of Interest. No Board of Director, employee, officer, or agent of the District

may participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest. A conflict of interest includes any circumstances under which the Board of Director, employee, officer, or agent, or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of those parties, has a financial interest in or a tangible personal benefit from a vendor considered for a contract. Disciplinary actions, up to and including termination for cause, will apply to any violation of these conflict-of-interest standards, in accordance with District policy, and/or, as applicable, a collective bargaining agreement, employment contract, or contract for services.

- C. **Economical Approach.** All procurements must be undertaken in a manner that will avoid acquisition of unnecessary or duplicative items, which may include consideration of consolidating or breaking out procurements, lease alternatives, and other appropriate analysis to determine the most economical approach, subject to the limits of applicable law, including prohibitions against bid-splitting.
- D. **Oversight.** Each department must maintain oversight over its procurements to ensure that vendors perform in accordance with the terms, conditions, and specifications of the contracts or purchase orders.
- E. **Dispute Resolution.** Any and all protests, disputes, claims, and the like, arising from a procurement will be addressed promptly in accordance with good administrative practice and sound business judgment, and in compliance with all applicable legal or contractual requirements.
- F. **Specifications.** All procurement solicitations should incorporate a clear and accurate description of the technical requirements or functions of the goods or services to be procured. However, such descriptions should not be drafted to unduly restrict competition among qualified vendors.
- G. **Legal Compliance and Interpretation.** All District procurements subject to state and federal laws will be made in compliance with currently applicable state and federal laws and regulations. To the extent there is any conflict or inconsistency between state or federal law or regulation, the more restrictive requirements will apply.

3080.3 Definitions For the purpose of this policy, the following definitions shall apply:

- A. **“Change Order”** means any change to an approved and executed contract or task order. A change order can modify the scope of work, the time for completion, or the total contract budget authorization. When determining authority levels, the original contract and subsequent change orders are evaluated as a single purchase or procurement. Change order authorization is identified for each type of purchase and purchase amount in this policy.
- B. **“Contract”** means any agreement to do or not to do a certain thing or to provide goods. **“Contract and agreement”** are synonymous. The term **“Contract”** includes, among other

- things, a purchase order, a contract for services, a professional service agreement, and an addendum or change order. Purchases and the procurement of services shall use standard contracts approved by the General Manager and/or Legal Counsel. Special contracts shall be used when the goods or services are of a unique or specialized nature that is not compatible with a standard form of Contract.
- C. "Cost" means the amount charged under a Contract, and does not include sales tax, use tax, delivery charges, shipping and/or handling.
 - D. "Design/Build" means Contract awarded under a selection process similar to the Request for Proposal, where the contractor is responsible for both design and construction of the construction project.
 - E. "Emergency" means a sudden, unexpected occurrence that poses a clear and imminent danger requiring immediate action to prevent or mitigate the loss of impairment of life, health, property, or essential public services.
 - F. "Formal Quote Process (FQP)" means the written solicitation using the District's standard quote contract, plans, and specifications distributed to a minimum of five contractors, consultants or vendors to provide costs on a single project or purchase. Formal quotes are provided in a sealed envelope and are opened at a publicly noticed time and place by District staff.
 - G. "Informal Quote Process (IQP)" means a selection process that includes a documented attempt to procure goods or services to a minimum of three contractors, consultants or vendors to provide total costs on a single project or purchase. The quote can be obtained verbally or in writing.
 - H. "Market Value" means the value established between willing buyer and willing seller, within the marketplace of the District, as estimated by the General Manager, Department Manager, Purchasing Department or appraiser and may be an average from these sources.
 - I. "On-Call Contract" means a contract with a defined term and total contract authorization that only has a commitment to pay for services if they are used. Prior to initiation of a task or activity under an on-call contract, a Task Order shall be issued consistent with the terms of the master on-call contract. On-call Contracts shall have an initial contract term of three years or less and may have the option to extend the contract term by up to three additional years. On-Call Contracts that have a total contract authorization more than \$50,000 shall be formally bid through a request for bid process or through a request for qualification process. On-Call contracts may be utilized for Professional Services, General Services, and contractor provided emergency services, such as unforeseen emergency repairs.
 - J. "Public Entity" means the state, county, city, district, public authority, public agency, municipal corporation, or any other political subdivision or public corporation in the state of California.

- K. "Quote or bid" as outlined in the contract documents or equivalent to a letter, email, or documented verbal solicitation to a viable contractor, consultant or vendor with or without a response from the contractor or consultant.
- L. "Real Property" means fixed property, principally land and buildings.
- M. "Request for Proposal (RFP)" means a selection process, other than formal bidding, established by District staff for the selection of consultants, contractors or vendors to provide costs to perform a single project or purchase or for an on-call contract. The selection process shall include an evaluation of the proposed project team's qualifications, understanding of services required, demonstrated ability to complete required scope of work, experience completing similar work, and any other criteria that is determined to be helpful for the selection of the most qualified consultant, vendor, or contractor. Cost will be a secondary criterion to the qualification-based criteria.
- N. "Request for Qualification (RFQ)" mean a selection process that is utilized for On-Call Contracts, a unique pre-screening for a complex construction project, or Design Build projects. The primary difference between the RFP and RFQ process is that the RFP process is related to a specific process and an RFQ process is related to providing a type of service. The selection process shall include an evaluation of proposed project team's qualifications, demonstrated ability to provide similar services, and any other criteria that is determined to be helpful for the selection of the most qualified consultant, vendor, or contractor. Cost analysis is based on hourly rate comparison and is secondary to the qualification-based criteria.
- O. "Responsible Bidder" means a licensed contractor who has not been barred from government contracts for prior misconduct, has the proper licenses, and has the equipment and skills necessary to perform the work. Also, the bid must be an unconditional offer to provide the goods and services and comply with all the bid procedures in the bid documents and when applicable in the Local Agency Public Construction Act.
- P. "Sole Source" means purchasing goods or executing a contract for services with one vendor or service provider without obtaining informal or formal bids from multiple vendors or service providers.
- Q. "Surplus Property" means any personal property, owned by the District that is determined no longer useful.
- R. "Task Order" means a listing of task under scope of work under an On-Call Contract.

3080.4 Exempt Contracts

Except as set forth below, and notwithstanding any other provision of law, the following contracts shall not be subject to this chapter:

- A. Annual Membership Dues. Membership dues for professional and civic organizations to which the District is a member that may charge an annual or other membership

fee. Such contracts may be entered into and/or membership fees paid at the direction of the General Manager, without prior Board of Director approval, provided there is adequate funding allocated in the District's Annual Budget.

- B. Utility payments. Payment of utilities including, electrical, gas, sewage, solid waste, phone, cable, etc.
- C. Other Contracts. Such other contracts as the Board of Directors or the General Manager, in their discretion, finds by resolution or documented by memorandum are not susceptible to the contracting procedures set forth in this Policy, provided that nothing herein shall relieve the District from any contracting procedures required by state or federal law. The General Manager may only waive the requirements for a contract or purchase to comply with these contracting procedures for purchases or contracts that are equal to or less than \$50,000.00.

3080.5 Emergency Purchases

In case of "Emergency", the General Manager may procure any items deemed necessary to preserve life or property, without the authorization of an approved purchase requisition. Board approval may be obtained after the fact.

The General Manager shall notify the Board members via telephone or email of the emergency procurement and shall thereafter report the incident to the Board of Directors at the next regularly scheduled board meeting, including a comprehensive estimate of the total cost of emergency repairs; following the initial report, the General Manager or Department Manager shall submit appropriate documentation for final approval/ratification by the Board of Directors if needed to be in compliance with contract authorization approval levels. Notwithstanding the foregoing, nothing herein shall restrict the Board of Directors from considering such Emergency Purchase in a special or emergency meeting, if authorized by law.

3080.6 Piggyback Procurements

The District may enter purchase contracts with a supplier for the purchase of goods or services when the pricing and terms have been previously established by another local, state, or federal, public entity, or an association of public entities, provided:

- A. The resulting contract with the supplier of goods or services is the result of competitive bidding or negotiation and is made in compliance with the competitive bid or proposal requirements of the participating entity or association.
- B. The purchase is made within the longer of one year of the competitive bid or negotiation, or the original contract term or subsequent extension(s);
- C. The purchase conforms to the District's requirements for the goods or services.
- D. The purchase is of equal or better value to the District than if made directly by the District.

Contract authorization levels still apply per this policy.

3080.7 Cooperative Procurements

The District may enter an agreement with one or more local, state, or federal public entity, or association of public entities to procure goods or services cooperatively, provided:

- A. the resulting contract with the supplier of goods or services is the result of competitive bidding or negotiation and is made in compliance with the competitive bid or proposal requirements of the participating entity or association.
- B. The contract conforms to the District's specifications for the goods or service.
- C. the purchase is of equal or better value to the District than if made directly by the District.

Contract authorization levels still apply per this policy.

3080.8 Surplus Property

When disposing of moveable property, if practical, Department Managers shall forward property to the Purchasing Department who will secure items.

- A. Less than \$50,000 - Surplus property, of a single item within this estimated market value will be disposed using the most advantageous method determined by the General Manager, including transporting items to local waste and recycling center.
- B. \$50,000 and Greater - Surplus property, of a single item within this estimated market value will be submitted to the Board of Directors for approval for disposal. Disposal may be by Sealed Bid, Auction, On-Line Auction or Remarketing Service Provider and may require formal appraisal.
- C. Disposal of real property must comply with Board Policy and the Government Code § 54220.

Goods means any tangible commodities or item such as supplies, parts, materials, equipment, or building. Generally, Goods are consumable in District operations, and can become part of a component of the District equipment or facilities. On some occasions, Goods may be purchased to supply to a contractor engaged in work for the District. Land and interest in land are not "Goods" and are controlled in other District policies.

The purchase of Goods shall follow the below process and is driven by the aggregate amount of a single purchase requisition.

- A. Purchases of Goods, \$5,000 or less – Purchases under this dollar amount do not require a purchase order and the minimum approval level is Superintendents, Senior Storekeeper, Buyer, or the Controller. No formal or informal quotes are required but are encouraged. Superintendents, Senior Storekeeper, Buyer, or the Controller are authorized to approved change orders up to an amount that does not cause the total purchase authorization to exceed \$5,500.

- B. Purchases of Goods \$5000.01 up to \$25,000 – Requires a purchase order and the minimum approval level is Department Head or Purchasing Supervisor. Purchase requires the solicitation of three informal quotes or bids. Informal quotes or bids may be either verbal or written. If verbal, the quotes shall be documented. A minimum of three quotes is preferred. The purchase should be issued to the lowest responsible quotation or bid, unless there are overriding considerations that it is in the District's best interest to accept a higher price. Department Heads or the Purchasing Supervisor are authorized to approve change orders up to an amount that does not cause the total purchase authorization to exceed \$27,500.

- C. Purchases of Goods \$25,000.01 to \$50,000– Requires a purchase order, use of a contract (unless otherwise approved by the General Manager), and the minimum approval level is the General Manager. Informal bids or quotations shall be submitted in writing (including facsimile, internet-based quotes, and e-mail) to the District, which shall keep a record of all open-market orders and quotes for a period of six (6) months after the submission of quotes or the placing of orders. General Manager is authorized to approved change orders up to an amount that does not cause the total purchase authorization to exceed \$55,000.

- D. Purchases of Goods more than \$50,000 - Require use of contract, creation of a purchase order, and approval by the Board. The procedure below shall be followed:
 - 1) A written request for bid/quote shall be made to a minimum of three vendors. If less than three vendors provide the required material or supply, the request for bid/quote shall be sent to two vendors, or a sole source justification be provided to the Board with the purchase for approval.

 - 2) The received bids shall be provided to the Board of Directors with the request for approval and the selected vendor.

 - 3) Change order authorization at the staff level is limited to the purchase contingency limits approved by the Board.

3080.9 Procurement of General Services

General Services means any work performed or services rendered by an independent contractor, not otherwise qualifying as a consultant or professional service, with or without furnishing materials or supplies. This may include the services of a licensed contractor, janitor, landscaper, arborist, machinists, painter, or other work typically rendered by an independent consultant or contractor. General Services typically covers maintenance or repair work that does not require engineering plans and specifications. The emphasis is also on physical, rather than professional/intellectual capabilities. General Services do not include public works or large construction projects, utility services, insurance services, professional services, services rendered by District employees, or another governmental agency, or contractual services which are in their nature unique or not subject to competition.

The procurement of General Services shall follow the below process and is driven by the aggregate amount of a services.

- A. Procurement of General Services, \$5,000 or less – Purchases under this dollar amount require a

of a purchase order and a contract. The minimum approval level is Superintendents, Senior Storekeeper, or the Controller. No formal or informal quotes are required but are encouraged. Superintendents, Senior Storekeeper, Buyer, or the Controller are authorized to approved change orders up to an amount that does not cause the total contract authorization to exceed \$5,500.

- B. Procurement of General Services \$5000.01 up to \$25,000 – Purchases within this dollar range will require creation of a purchase order and use of contract. The minimum approval level is Department Head or Purchasing Supervisor. Purchases within this dollar range require the solicitation of three informal quotes. Department Heads or the Purchasing Supervisor are authorized to approve change orders up to an amount that does not cause the total contract authorization to exceed \$27,500.
- C. Procurement of General Services \$25,000.01 to \$50,000 – Purchases within this dollar range will require creation of a purchase order and use of contract. The minimum approval level is the General Manager. Purchases within this dollar range require the solicitation of three informal quotes. General Manager is authorized to approved change orders up to an amount that does not cause the total purchase authorization to exceed \$55,000.
- D. Procurement of General Services more than \$50,000 - Procurement within this dollar range will require creation of a purchase order, a contract, or a task order issued under a Master On-Call contract, and approval from the Board. For procurement of Professional Services within this dollar range not subject to a Master On-Call Contract, the department must seek competitive sealed bids or proposals, in the manner set forth under in this chapter. A minimum of three bids is preferred. Change order authorization at the staff level is limited to the contract contingency limits approved by the Board.

3080.10 Procurement of Professional Services

Professional services means work performed by architectural, landscape architectural, engineering, environmental, land surveying, construction project management, and specialized professional services such as financial, economic, accounting, legal, (or administrative matters) lobbying firms, and by other specially trained persons. The selection of persons or firms to provide such professional services shall be based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Price may be considered after first making a determination based upon professional qualifications.

The procurement of Professional Services may occur by individual contract per task or through the issuance of an on-call contract. The total on-call contract authorization levels shall follow the approval authorities and bidding processes below:

- E. Procurement of Professional Services, \$5,000 or less – Procurement under this dollar amount require s a purchase order, a contract, or a task order issued under a master on-call contract. The minimum approval level is the Superintendents or the Controller. No formal or informal quotes are required but are encouraged. Superintendents or the Controller are authorized to approved change orders up to an amount that does not cause the total contract authorization to exceed \$5,500.
- F. Procurement of Professional Services \$5000.01 up to \$25,000 – Procurement within this dollar

range will require creation of a purchase order and use of contract. The minimum approval level is Department Head. Purchases within this dollar range require the solicitation of three informal quotes. Department Heads are authorized to approved change orders up to an amount that does not cause the total contract authorization to exceed \$27,500.

- G. Procurement of Professional Services \$25,000.01 to \$50,000 – Procurement within this dollar range will require creation of a purchase order and use of contract. The minimum approval level is the General Manager. Purchases within this dollar range require the solicitation of three informal quotes. General Manager is authorized to approved change orders up to an amount that does not cause the total contract authorization to exceed \$55,000.
- H. Procurement of Professional Services more than \$50,000 - Procurement within this range requires creation of a purchase order, a contract, or a task order issued under an on-call contract, and approval by the Board. For procurement of Professional Services within this dollar range not subject to a On-Call Contract, the department must seek competitive proposals through the formal Request for Proposal Process. Change order authorization at the staff level is limited to the contract contingency limits approved by the Board.

3080.11 Procurement of Public Works Construction Services

Public Works Projects are construction projects related to the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind. The District is required to comply with the California Public Contract Code as it applies to Irrigation Districts. When required by law, the District shall award all contracts solicited under this subsection to the lowest responsive responsible bidder. The District shall award all other contracts to the proposer whose proposal is in the District's best interests. In circumstances in which the District formally solicits bids or proposals and receives only one responsive bid or proposal, the District may negotiate with and award the contract to the sole bidder/proposer.

- A. Procurement of Construction Services, \$50,000 or less – Procurement within this dollar range requires creation of a purchase order and use of contract. The minimum approval level is General Manager. Procurement within this dollar range will require the use of the informal bid process and requires the solicitation of three documented quotes or proposals. General Manager is authorized to approved change orders up to an amount that does not cause the total contract authorization to exceed \$55,000.
- B. Procurement of Construction Services more than \$50,000 to \$3,000,000- Procurement within this dollar range will require creation of a purchase order, a contract, and approval from the Board. Staff shall solicit bids from contractor that are on the approved prequalified contractor list. On November 1st of each odd year solicit a statement of qualifications from interested contractors which will be analyzed to develop the Approved Qualified Contractor List. The criteria utilized to evaluate the submitted statement of qualifications will include but is not limited to the following:
 - 1) Possession of required construction or other required professional licenses, classification dates, and expiration dates held by contractor.
 - 2) Registration with Department of Industrial Relations and prevailing wage program.
 - 3) Sufficient liability insurance.

- 4) Workers' Compensation Insurance.
- 5) Evaluation of contractor personnel and proposed subcontractors.
- 6) Evaluation of financial standing.
- 7) Bonding capacity.
- 8) History of paying premium of more than one percent for a performance and payment bond.
- 9) List of all sureties that have written bonds for firm during the last five years.
- 10) Contractor's occupational health and safety program.
- 11) Contractor's Experience Modification Rate (EMR) (California Workers' Compensation Insurance).
- 12) Labor compliance review program for subcontractors.
- 13) Apprenticeship program, if used.
- 14) Company ownership and history.
- 15) Any past default or termination of contract by project owner in the last five years.
- 16) Any current ineligibility to bid on or be awarded a public works contract.
- 17) Contractor's crime convictions, bankruptcy, and civil litigation.
- 18) History of payment of liquidated damages.
- 19) Any delinquent liabilities to employee, state, or awarding body of construction contract.
- 20) Project references.

Once the evaluation of submitted statement of qualifications and evaluation questionnaire is complete, staff will establish the Approved Qualified Contractor List. The Approved Qualified Contractor List will be valid for two years, starting on January 1st of each even year and expiring on December 31st of each odd year.

To procure construction services for Public Works Contracts, staff will provide a bid package (plans, specifications, and estimate) to each of the contractors on the list) with an invitation to bid on the project. When required by law, the District will award the contract to the lowest responsive bidder. When not required by law the District will award the bid to the bidder that is found to be in the best interest of the District. In circumstances in which the District formally solicits bids or proposals and receives only one responsive bid or proposal, the District may negotiate with and award the contract to the sole bidder/proposer.

C. Procurement of Construction Services Greater \$3,000,000 – A competitive sealed bid (formal bid) process shall proceed, as described below:

- 1) The District shall solicit bids through the issuance of an Invitation and Public Notice to bid. The Invitation to Bid and the Public Notice shall be issued for a minimum of 15 calendar days prior to the bid opening.
- 2) Bid shall be submitted to the District and be identified as bids on the sealed envelope. Bids shall be opened publicly in the presence of one or more witnesses and no earlier than the time designated for the bid opening.
- 3) Bids received at or prior to the time set for bid opening shall be unconditionally accepted without alteration or correction.
- 4) The project will be awarded to the lowest responsible bidder who submits a responsive bid. The requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a

particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluations that are not set forth in the invitation for bids. District may waive any informality, irregularity, immaterial defects or technicalities in any response.

- 5) Subject to any provisions of federal or state granting authorities to the contrary, correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, shall be in accordance with this section. Mistakes discovered before bid opening may be modified or withdrawn by written notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, no corrections to bid or provisions shall be permitted but, in lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if: (a) the mistake is clearly evident on the face of the bid document, or (b) the bidder submits evidence that clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids shall be supported by a written determination made by the District.
 - 6) The District may reject all bids and re-advertise for bids when the bids exceed the budgeted amount for the work or to avoid a bid protest. The District can reject the lowest bidder if the bid is not responsive, the lowest bidder refuses to sign a contract, or the bidder is not a responsible bidder.
 - 7) The Board of Directors shall authorize the construction contract, including any required contingency.
- D. Procurement of Construction Services Through Design Build Process Over \$50,000 – Design-build is a project delivery method in which the District contracts with a single entity for both design and construction. The design-build contract is based on the District’s “program,” that will be developed to provide a statement of project requirements. Program materials may include preliminary design documents, and identification of specific project needs, such as size, special uses, adjacencies, and appearance. The District will solicit proposals from qualified design-build teams (including contractor and architect/engineer) based on the program, and may select the successful design-build team based on low bid, “best value,” or other criteria. The selected design-build entity will complete the project design and prepare construction documents. Once the District has approved the design, the design-build contractor will build the project. The design-build contractor is responsible for its design documents and cannot seek additional time and/or money for defects in its own design documents. The Board shall approve design build contracts and approve an authorized contract contingency amount for change orders.

3080.12 Procurement for Federal Projects

Any procurement made pursuant to a federal award or subject to reimbursement, in whole or in part, with federal funds must comply with the District’s procurement procedures, including the Standards of Conduct and General Requirements set forth in Section 3.24.020, state law, and the applicable federal procurement requirements, including 2 CFR § 200.322 ("Procurement of recovered materials"), 2 CFR § 200.323 ("Contract cost and price"), 2 CFR § 200.324 ("Federal awarding agency or passthrough entity review"), 2 CFR § 200.325 ("Bonding requirements"), and 2 CFR § 200.326 ("Contract provisions"). In the event of any conflict between the District, state, or federal requirements, the most stringent requirement must be used. (See 2 CFR § 200.318.) District employees must comply with funding agency requests for review of technical

specifications or procurement documents as provided in 2 CFR § 200.324.

Adopted: April 24, 2013 via Resolution No. 2013-11

Revised: April 13, 2016 via Resolution No. 2016-14

Revised: June 27, 2018 via Resolution No. 2018-15

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