

#### **3.4.1.5. Purchases of \$15,000.00 - \$25,000.00**

District staff will obtain three (3) competitive quotes (if available) and approval by the General Manager (and by the Board of Directors for any unbudgeted purchases) prior to the order being placed.

#### **3.4.1.6. Purchases exceeding \$25,000.01**

District staff will obtain a minimum of three (3) competitive quotes (if available) or follow formal public bidding/competitive procedures when required as outlined in the Public Contract Codes; and all purchases shall be approved by the Board of Directors. Participating in or matching other government or purchasing coalition contracts which have recently been competitively awarded qualifies as having met the formal public competitive requirement.

### **3.4.2 Formal Bidding Procedures**

For budgeted capital improvement outlay purchases or unbudgeted purchases, the General Manager will request authorization to advertise for bids from the Board of Directors.

The responsible party will submit to the General Manager completed specifications for the item(s) to be bid. Upon request, the General Manager will assist in developing specifications.

The General Manager will review all Requests for Proposals or other solicitation documents before publication and conduct all bidding procedures except for those that are conducted by outside consulting firms.

Bids will be opened by the General Manager at a regularly scheduled or special Board of Directors meeting. The bids will be evaluated with the assistance of the Board of Directors considered for award. The Board of Directors will set a change order threshold that can be approved by the General Manager at the time of award. Any change order over the set threshold must be approved by the Board of Directors.

#### **3.4.2.1 Exemptions from Bidding**

1. Purchase of services (excluding new construction, alteration, maintenance, or repair services). Also, if service is a substantial or critical portion of an article purchase, other methods of solicitation may be considered including but not limited to bid award based upon best value or solicitations which consider other cost, quality or service factors.

2. Purchase of commodities or services of (utilities) light, water, power, heat, transportation, telephone service or other means of communication. Or means for the disposition of garbage, sewage or refuse matter.
3. When contracting with suppliers awarded State of California price schedules, commodity contracts, master agreements, cooperative agreements, and other types of agreements that leverage the state's buying power (for goods, information technology, and services).

#### **3.4.2.2 Exceptions to Bidding**

In any of the following instances, the requirements of bidding may be dispensed with if decided by the Board of Directors:

1. When the item (merchandise or service) can be obtained from only one source.
2. When the item is required or is economically preferable to match or be compatible with other furnishings, materials or equipment presently on hand and the purchase is made from the manufacturer or supplier who supplied other such furnishings, materials or equipment.
3. When the item has been standardized by the District and can be purchased from only one source or is purchased from the original manufacturer or supplier.
4. When the Board of Directors determines that due to special circumstances, it is in the District's best interest to purchase an item or enter into a contract without compliance with the bidding procedures (i.e. competitive proposals would not be useful, would not produce an advantage or would be undesirable, impractical, or impossible).
5. When all bids are considered unsatisfactory or excessive and are rejected by the Board of Directors by a two-thirds vote (PCC 20206.1), the District may do any necessary work and make necessary expenditures in lieu of contracting for the proposed work.
6. When the Board of Directors declares an emergency by a four-fifths vote (PCC 22050), after finding that conditions will not permit a delay resulting from a competitive solicitation for bids. All actions thereafter taken will be reported to the Board until the emergency action is terminated (at the earliest possible date that conditions warrant).

Nothing in the policy shall prevent the General Manager of the District from ordering any action necessary and appropriate to respond to sudden, unexpected occurrences that pose a clear and imminent danger requiring immediate action to prevent, or mitigate the loss or impairment of life, health, property and essential public services.

If any portion of this policy is in conflict with rules, regulations or legislation having authority over the Esparto Community Services District, said rules, regulations or legislation shall prevail.