



RESOLUTION NO. 3330

**A RESOLUTION BY THE BOARD OF PORT COMMISSIONERS
OF THE VENTURA PORT DISTRICT ADOPTING A REVISED
PROCUREMENT AND PURCHASING POLICY**

WHEREAS, California Public Contract Code Section 20750 et seq. requires certain District contracts in excess of certain prescribed amounts to be let by the Board of Port Commissioners (the "Board") upon competitive bidding; and

WHEREAS, the District's exiting Procurement and Purchasing Policy was adopted by the Board on April 25, 2012, Resolution No. 3183, establishing, among other things, the District's competitive bidding procedures as required under the Public Contract Code; and

WHEREAS, Public Contract Code Section 22000 et seq. establishes the Uniform Public Construction Cost Accounting Act (the "UPCCA", which establishes a uniform cost accounting standard for construction work performed or contracted by local public agencies, and authorizes local public agencies to perform public projects or maintenance work by force account, negotiated contract, or purchase order, and to use informal and formal bidding procedures when contracting for public projects or maintenance work, in accordance with the statutory limits set forth in the UPCCA; and

WHEREAS, on February 27, 2013, the Board adopted Resolution No. 3213 electing to become subject to the UPCCA, and further elected to utilize the bidding procedures in the UPCCA when contracting for public projects, and

WHEREAS, on May 8, 2013, the Board adopted Resolution No. 3219 electing to also utilize the UPCCA's bidding procedures when contracting for maintenance work; and

WHEREAS, as a result of the Board's election to become subject to the UPCCA, the Procurement and Purchasing Policy must be amended to reflect the fact that the District's public projects and maintenance work are now subject to the UPCCA requirements, and that the competitive bidding requirements of Public Contract Code Section 20751 only applies to purchases by the District of supplies exceeding \$25,000.00 that are used in connection with or consumed on any work or project not subject to the UPCCA; and

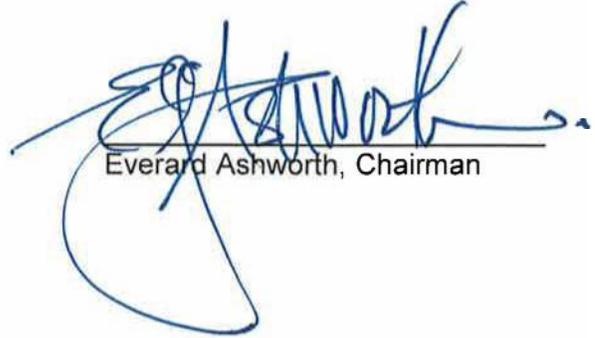
WHEREAS, the Board finds it desirable and in the best interest of the District to rescind the existing Procurement and Purchasing Policy, Resolution No. 3257 and adopt a revised Procurement and Purchasing Policy in the manner set forth herein; and

WHEREAS, if at any time after this Resolution is passed, the District wishes to amend or restate the Procurement and Purchasing Policy, it elects to do so by Motion, rather than by Resolution, if it so desires.



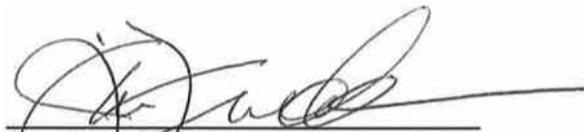
NOW, THEREFORE, BE IT RESOLVED, that the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. 3257 and adopts in its place the revised Procurement and Purchasing Policy attached hereto as Exhibit "A."

PASSED, APPROVED and ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District held on March 22, 2017.



Everard Ashworth, Chairman

ATTEST:



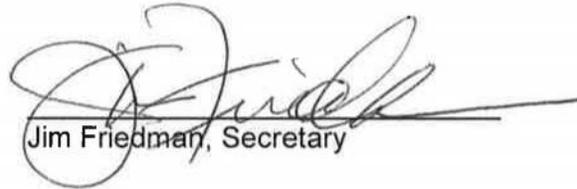
Jim Friedman, Secretary

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss.
CITY OF SAN BUENAVENTURA)

I, Jim Friedman, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution No. 3330 was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 22nd day of March 2017, by the following vote:

AYES: Commissioners Ashworth, Brennan, Friedman, Smith, Valance
NOES:
ABSTAINED:
ABSENT:

IN WITNESS WHEREOFF, I have hereunto set my hand and affixed the official seal of said District this 22nd day of March 2017.


Jim Friedman, Secretary

(seal)



Ventura Port District

Procurement and Purchasing Policy

Effective October 22, 2014

Revised

March 22, 2017

May 1, 2019

TABLE OF CONTENTS

I.	STATEMENT OF GENERAL POLICY	1
II.	ETHICS IN PROCUREMENT AND PURCHASING	1
III.	THE PROCUREMENT AND PURCHASING PROCESS	2
III-A.	CONTRACT ADMINISTRATION	2
III-B.	PURCHASING OF SUPPLIES USED IN CONNECTION WITH OR CONSUMED ON ANY WORK OR PROJECT NOT SUBJECT TO THE UPCCA	3
1.	Purchases less than or equal to \$1,000.00	3
2.	Purchases totaling \$1,000.01-\$2,500.00	3
3.	Purchases totaling \$2,500.01-\$10,000.00	3
4.	Purchases totaling \$10,000.01-\$25,000.00	4
5.	Purchases over \$25,000.00	4
III-C.	COMPETITIVE BIDDING PROCEDURES	4
III-D.	CONTRACTS FOR THE DOING OF ANY PUBLIC PROJECT OR MAINTENANCE WORK THAT IS SUBJECT TO THE UPCCA	5
1.	Contracts less than or equal to \$1,000.00	5
2.	Contracts totaling \$1,000.01-\$2,500.00	6
3.	Contracts totaling \$2,500.01-\$5,000.00	6
4.	Contracts totaling \$5,000.01-\$10,000.00	6
5.	Contracts totaling \$10,000.01-\$60,000.00	7
6.	Contracts totaling \$60,000.01-\$200,000.00	7
7.	Contracts over \$200,000.00	8
III-E.	CHANGE ORDERS	8
III-F.	PROFESSIONAL SERVICE AGREEMENTS	9
III-G.	PROHIBITION AGAINST SERIAL OR CUMULATIVE EXPENDITURES	10
III-H.	FUTURE MODIFICATIONS OF BID LIMIT THRESHOLDS	10
IV.	EXCEPTIONS TO COMPETITIVE BIDDING	10
IV-A.	SOLE SOURCE PROCUREMENT	10
IV-B.	PIGGYBACKING	12
IV-C.	EMERGENCIES	13
IV-D.	LOCAL VENDOR PREFERENCE	14
1.	Local Business Preference Program	14
2.	Procedures for the Local Business Preference Program	15
V.	VENDOR AND CONTRACTOR REGISTRATION DIRECTORY	16
VI.	BUDGETING FOR CAPITAL IMPROVEMENT PROJECTS	16
VII.	PROCUREMENT FORMS	17

I. STATEMENT OF GENERAL POLICY

The goal of this Procurement and Purchasing Policy is to enable the Ventura Port District (the “District”) to obtain contracts for the purchasing of materials or supplies not used in connection with or consumed on any work or project that falls within the definition of “public projects” or “maintenance work” subject to the California Uniform Public Construction Cost Accounting Act (“UPCCA”) as defined in Public Contract Code Section 22002, and to procure services for the District at the best value and in a timely manner, while maintaining fairness to vendors, suppliers, service providers, and contractors, and abiding by applicable laws. The District’s Board of Port Commissioners (the “Board”) has adopted this Procurement and Purchasing Policy to establish the authority, limits, and procedures relating to the District’s procurement and purchasing activities in connection with such contracts. All such procurement and purchasing activities for the District shall be administered in accordance with the provisions of this policy, and with the express intent to promote open and fair conduct in all aspects of the procurement and purchasing process. This policy also establishes staff purchasing authority levels for contracts for the doing of any work or project which does fall within the definition of “public projects” or “maintenance work” subject to the UPCCA as defined in Public Contract Code Section 22002.

The District intends to maintain a cost effective purchasing system conforming to good management practices. The Procurement and Purchasing Policy is intended to accomplish the following objectives:

- A. Provide all vendors, suppliers, service providers, and contractors with full, fair, prompt and courteous consideration;
- B. Keep competition open and fair; and
- C. Observe strict truthfulness and highest ethics in all transactions.

In order to be successful, the system must be supported by the cooperation of all District personnel. Prior planning and the timely submission of requisitions are essential to expedite the District’s procurement and purchasing process and to ensure that this process is conducted in an orderly and lawful manner.

II. ETHICS IN PROCUREMENT AND PURCHASING

In dealing with the District’s procurement and purchasing needs, District personnel shall be mindful of the following:

- A. That public office is a public trust and to give primary consideration to the District’s interests as well as the interests of the public.
- B. Procurement and purchasing decisions shall be made without prejudice and to try to maximize the value of each dollar expended.

- C. District personnel must avoid unfair business practices or decisions and to give all qualified vendors, suppliers, service providers, and contractors an equal opportunity to participate in the procurement and purchasing process.
- D. We shall promote positive relationships with the District's vendors, suppliers, service providers, and contractors through courteous and impartial treatment in all phases of the purchasing cycle.
- E. We shall conduct ourselves with fairness and dignity, and demand honesty and truth in the purchasing process.
- F. We must avoid the appearance of unethical or compromising practice in relationships, actions, and communications in the procurement and purchasing process.
- H. We must refrain from soliciting or accepting money, loans, credits, prejudicial discounts, gifts, favors, or services from past, present or future suppliers, vendors, service providers, or contractors that might influence, or appear to influence, purchasing decisions.
- I. All District personnel shall discharge their duties impartially so as to ensure competitive access to governmental procurement by responsible contractors.
- J. All District personnel shall conduct themselves in such a manner as to foster public confidence in the integrity of District procurement and purchasing.

III. THE PROCUREMENT AND PURCHASING PROCESS

A. Contract Administration

The District routinely utilizes the services of vendors, suppliers, service providers, and contractors for a variety of operational needs. These include, but are not limited to, the acquisition of equipment, supplies, materials, goods, maintenance services, and construction or renovation of District facilities. All contracts should include, but shall not be limited to, the following provisions:

- (1) The term or length of contract;
- (2) Description of work to be performed or services/products to be provided;
- (3) Schedule for performance;
- (4) Indemnity, insurance and bonding requirements;
- (5) Warranties and/or guarantees if applicable;
- (6) Payment schedule; and
- (7) Conditions for termination of contract.

Except as otherwise provided in this Procurement and Purchasing Policy, this Policy shall not apply to the performance of, contracting for, or the doing of any “public project” or “maintenance work” as such terms are defined in Public Contract Code Section 22002. Any such “public project” or “maintenance work” shall be subject to (i) Resolution No. 3213 adopted by the Board on February 27, 2013; (ii) the procedures, terms, and conditions set forth in the UPCCA pursuant to California Public Contract Code Section 22000 et seq.; (iii) the California Uniform Construction Cost Account Commission’s (the “Commission”) policies and procedures manual and cost accounting review procedures; (iv) Ordinance No. 48 adopted by the Board on March 27, 2013; (v) Resolution No. 3219 adopted by the Board on May 8, 2013; and (vi) any other resolutions, policies, and procedures that may be adopted or promulgated by the Board from time to time, and until such time as the Board has adopted a resolution electing to discontinue the District’s participation under the UPCCA.

B. Purchasing of Supplies Used in Connection with or Consumed on any Work or Project not Subject to the UPCCA

(1) *Purchases less than or equal to \$1,000.00*

The General Manager and any Level 1, Level 2, Level 3, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price less than or equal to \$1,000.00, without competitive bidding. Level 1 employees shall not be authorized to execute any such contract or to make any such purchase until such employee has obtained the prior approval of his/her immediate supervisor.

(2) *Purchases totaling \$1,000.01 - \$2,500.00*

The General Manager and any Level 2, Level 3, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price greater than \$1,000.00 but less than or equal to \$2,500.00, without competitive bidding, so long as such contract or purchase has been included in the District’s then-current fiscal budget and at least one (1) quote is obtained from a vendor, supplier, service provider, or contractor concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District’s then-current fiscal budget or at least one (1) quote has not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board. Level 2 employees shall not be authorized to execute any such contract or to make any such purchase until such employee’s immediate supervisor has reviewed and approved the written quote and proposed contract/order.

(3) Purchases totaling \$2,500.01 - \$10,000.00

The General Manager and any Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price greater than \$2,500.00 but less than or equal to \$10,000.00, without competitive bidding, so long as such contract or purchase has been included in the District's then-current fiscal budget and at least one (1) quote is obtained from competing vendors, suppliers, service providers, or contractors concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District's then-current fiscal budget or at least one (1) quote has not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board. Level 3 employees shall not be authorized to execute any such contract or to make any such purchase until the General Manager has reviewed and approved the written quotes and proposed contracts/orders.

(4) Purchases totaling \$10,000.01 - \$25,000.00

The General Manager and any Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price greater than \$10,000.00 but less than or equal to \$25,000.00, without competitive bidding, so long as such contract or purchase has been included in the District's then-current fiscal budget and at least two (2) quotes are obtained from competing vendors, suppliers, service providers, or contractors concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District's then-current fiscal budget or at least two (2) quotes have not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board.

(5) Purchases Over \$25,000.00

Any order or contract for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price greater than \$25,000.00 is subject to the competitive bidding procedures set forth in Section III(C), below, unless an applicable exception under Section IV, below, applies.

C. Competitive Bidding Procedures

As provided, among other things, in Public Contract Code Section 20751, contracts for the purchasing of supplies (used in connection with or consumed on any District work or project not subject to the UPCCA) must be let by competitive bidding where the amount of the contract exceeds \$25,000.00.

When the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA is contemplated, the General Manager will make a recommendation to the Board with a cost estimate and other supporting documentation appropriate for the size and scope of the proposed purchase.

Upon approval by the Board, the General Manager shall cause to be prepared the appropriate plans, specifications and other descriptive information for the publication of a notice inviting sealed bids for performance for the proposed purchase. The notice shall be published in a newspaper of general circulation in accordance with the Public Contract Code.

The contract documents shall be prepared utilizing the District's standard forms, with such modifications as may be appropriate for the particular supplies or materials to be acquired and purchased. In the event of an emergency, applicable Public Contract Code provisions will be followed.

All bids shall be presented under sealed cover on forms furnished by the District. Sealed bids shall be opened at the time and place stated in the advertisement for bid with no less than two representatives of the District in attendance. When all bids have been evaluated, the General Manager shall make a recommendation to the Board regarding award of the contract to the lowest responsible bidder.

If the lowest bidder is disqualified for any reason, or if the bids exceed the cost estimates previously approved, the General Manager shall evaluate the options available and make a recommendation to the Board, which may include, but not be limited to, a recommendation of no award. The Board will make the final decision regarding the award of contract under this Section C. At the direction of the Board and after legal counsel review, the General Manager shall execute any such contract.

D. Contracts for the Doing of Any Public Project or Maintenance Work that is Subject to the UPCCA (The following policies in this Section D are at the discretion of the Board of Commissioners. They are equal to or above and beyond that which is required by the UPCCA)

(1) *Contracts less than or equal to \$1,000.00*

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$1,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 1 employee, Level 2 employee, Level 3 employee, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. Level 1 employees shall not be authorized to execute any such contract or purchase order until such employee has

obtained the prior approval of his/her immediate supervisor. No notice inviting informal bid for any such public project or maintenance work need be provided.

(2) Contracts totaling \$1,000.01 - \$2,500.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$1,000.00 but less than or equal to \$2,500.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 2, Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order), shall require prior approval from the Board at a regular or special meeting of the Board. Level 2 employees shall not be authorized to execute any such contract or purchase order until such employee's immediate supervisor has reviewed and approved the proposed contract or purchase order. No notice inviting informal bid for any such public project or maintenance work need be provided.

(3) Contracts totaling \$2,500.01 - \$5,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$2,500.00 but less than or equal to \$5,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. Level 3 employees shall not be authorized to execute any such contract or purchase order until the General Manager has reviewed and approved the proposed contract or purchase order. No notice inviting informal bid for any such public project or maintenance work need be provided.

(4) Contracts totaling \$5,000.01 - \$10,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$5,000.00 but less than or equal to \$10,000.00 can be performed (i) by the District’s employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District’s then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District’s then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(5) Contracts totaling \$10,000.01 - \$60,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$10,000.00 but less than or equal to \$60,000.00 can be performed (i) by the District’s employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District’s then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District’s then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(6) Contracts totaling \$60,000.01 - \$200,000.00

Any contract for the doing of any public project or maintenance work of the District that is subject to the UPCCA with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$60,000.00 but less than or equal to \$200,000.00, must go through the UPCCA’s informal bid process as set forth in the District’s Ordinance No. 48 adopted March 27, 2013, as may be amended from time to time, and as summarized in the UPCCA Summary Sheet attached hereto as **Exhibit “E”** and incorporated herein by reference.

The General Manager shall be authorized to send out a notice inviting informal bid on the proposed public project or maintenance work without prior Board approval so long as such project or work has been included in the District's then-current fiscal budget. The informal bid results will be brought before the Board to consider whether to reject any and all bids or to award a bid to the lowest responsible bidder in the manner required by the UPCCA as summarized on the attached UPCCA Summary Sheet. If no bids are received, the proposed public project or maintenance work may be performed by the District's employees by force account. If all bids received are greater than \$200,000.00, the Board can adopt by resolution by a four-fifths vote and award the contract at \$212,500.00 or less to the lowest responsible bidder if the Board determines the cost estimate of the District was reasonable. If the proposed public project or maintenance work has not been previously included in the District's then-current fiscal budget, the General Manager may not send out a notice inviting informal bid on the proposed public project or maintenance work without first obtaining the Board's prior approval at a regular or special meeting of the Board.

(7) *Contracts over \$200,000.00*

Unless otherwise provided in Section III(D)(6), above, any contract for the doing of any public project or maintenance work of the District that is subject to the UPCCA with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$200,000.00 is subject to the UPCCA's formal bidding procedures (including the notice inviting formal bids, adoption of plans, and the awarding of bid) as summarized on the attached UPCCA Summary Sheet. The General Manager shall be authorized to send out a notice inviting formal bid on the proposed public project or maintenance work without prior Board approval so long as such project or work has been included in the District's then-current fiscal budget. The formal bid results will be brought before the Board to consider whether to reject any and all bids or to award a bid to the lowest responsible bidder in the manner required by the UPCCA as summarized on the attached UPCCA Summary Sheet. If no bids are received, the proposed public project or maintenance work may be performed by the District's employees by force account or by the informal bidding procedures detailed for public projects greater than \$60,000.00 but less than or equal to \$200,000.00. If the proposed public project or maintenance work has not been previously included in the District's then-current fiscal budget, the General Manager may not send out a notice inviting formal bid on the proposed public project or maintenance work without first obtaining the Board's prior approval at a regular or special meeting of the Board.

E. Change Orders

The General Manager shall have the authority to approve and execute on behalf of the District any change order to a contract (i) awarded by District personnel (including the General Manager) or the Board pursuant to Section III of this Procurement and Purchasing Policy; or (ii) awarded by the Board (or by any person who the Board has delegated authority to) for a public project or maintenance work under the UPCCA, as follows:

- (1) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) less than or equal to \$10,000.00 that does not cause the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager may authorize such change order without having to obtain prior approval of the Board.
- (2) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) less than or equal to \$10,000.00 that causes the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager shall be prohibited from authorizing such change order until such time as the General Manger has obtained the prior approval of the Board at a regular or special meeting of the Board.
- (3) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) greater than \$10,000.00 (but within ten percent (10%) of the original contract amount) that does not cause the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager may authorize such change order without having to obtain prior approval of the Board.
- (4) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) greater than \$10,000.00 (but within ten percent (10%) of the original contract amount) that causes the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager shall be prohibited from authorizing such change order until such time as the General Manager has obtained the prior approval of the Board at a regular or special meeting of the Board.
- (5) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a "public project" or "maintenance work" under the UPCCA) greater than \$10,000.00 that are more than ten percent (10%) of the original contract amount, the General Manager shall be prohibited from authorizing such change order until such time as the General Manager has obtained the prior approval of the Board.

F. Professional Service Agreements

Architectural, engineering, project management, inspection and other such professional services may be required and shall be awarded using the District's standard Professional Services Agreement. The Board shall approve all Professional Services Agreements over the amount of \$25,000.00. The General Manager is authorized to enter into a Professional Services Agreement in an amount of \$25,000.00 or less without prior Board approval provided the services have been included in the District's then-current fiscal budget. Any Professional Services Agreement not included in the District's then-current fiscal year budget requires the prior approval of the Board. The Accounting Manager is authorized to approve routine invoices for contracts and services that have already been authorized by the Board or the General Manager.

G. Prohibition against Serial or Cumulative Expenditures

The authority for making expenditures or executing contracts as provided in this policy is intended to enable the General Manager and District staff to understand the scope of this authority in procurement activities made on behalf of the District. The structuring of transactions in a serial or cumulative manner so as to avoid the requirement of approval by the Board is strictly prohibited and will not be tolerated. In addition, for public projects or maintenance work of the District that is subject to the UPCCA, the UPCCA prohibits a local agency to split or separate into smaller work orders or projects any such public project or maintenance work for purposes of avoiding the UPCCA's formal bidding requirements. Thus, the costs associated with the purchase of materials or supplies, when purchased or used as part of a public project or maintenance work subject to the UPCCA, become part of the project cost and must be considered when applying the bid limits set forth in Section III(D) above. For example, on a public project that will pay a contractor \$100,000.00 for construction services and a separate vendor \$100,000.00 for the purchase of materials or supplies to be used on the project, such project will have a total contract price of \$200,000.00 and the contracting services and the separate purchase of materials and supplies will each be subject to the UPCCA's formal bidding procedures. Likewise, as an example, if maintenance work subject to the UPCCA will have a total cost of \$100,000.00 (e.g., \$50,000.00 to be paid for maintenance services to one contractor and \$50,000.00 to be paid to a separate vendor for materials and supplies), the maintenance services contract and the purchasing contract will each be subject to the UPCCA's informal bidding procedures.

H. Future Modifications of Bid Limit Thresholds

In the event the bid limit thresholds proscribed in Public Contract Code Section 22032 are later modified, District staff is hereby authorized and directed to revise this Procurement and Purchasing Policy to conform with the maximum bid threshold limits permitted by law. Upon such an event, District staff shall notify the Board of the bid threshold limit modifications and the corresponding amounts.

IV. EXCEPTIONS TO COMPETITIVE BIDDING

The following exceptions shall apply to the competitive bidding procedures set forth in Section III(C) above:

A. Sole Source Procurement

There may be limited situations where the District requires particular contracts for the purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA, for which there is no substantial equivalent and which are, in fact, available from only one vendor, supplier, service provider, or contractor, and therefore, in such situations, the use of competitive bidding may be impractical.

The Board has determined that it is in the District's best interests to authorize the General Manager to engage in sole source procurement under limited circumstances. The General Manager, on behalf of the District, may execute a contract for the purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA, on a sole source basis, and without competitive bidding, on the following conditions:

- (1) The General Manager determines, after conducting a good faith review of available sources, that there is only one source for such supplies required by the District.
 - (a) Examples of sole source procurements include, but shall not be limited to, the following:
 - (i) ***Licensed or Patented Applications:*** The vendor, supplier, service provider, or contractor is the sole provider of a licensed, patented, or proprietary application, product, material, supplies, or item required by the District that has unique design or performance features providing superior utility not obtainable from similar vendors, suppliers, service providers, or contractors.
 - (ii) ***Authorized Service Provider, Repair and Warranty Services:*** The District requires service or repair support for such supplies and the vendor, supplier, service provider, or contractor is either a factory authorized warranty service provider or such vendor, supplier, service provider, or contractor is required for warranty services pursuant to the terms and conditions of an existing District contract.
 - (iii) ***Unique Design:*** The District has a specialized need and the vendor, supplier, service provider, or contractor is the sole provider of such supplies that can meet the District's specialized needs or to perform the intended functions.

This includes products with special features essential for the completion of a task or project, or with physical or artistic design characteristics that satisfy aesthetic requirements.

- (iv) ***Trial and Evaluation Projects:*** A limited duration, limited scope, pilot, trial or evaluation of a product, range of products or services. A trial or evaluation project would typically be part of establishing a standard for a District department, or to pilot a particular product or services for a District need.
- (2) Such sole-source contract has been included in the District's then-current fiscal budget.
- (3) The General Manager provides a written report to the Board containing the following information:
 - (a) A brief description of the circumstances surrounding the sole source procurement;
 - (b) A statement and/or justification of the General Manager's good faith determination that a sole source opportunity has been presented to the District; and
 - (c) A brief description of the supplies to be purchased or contracted for, the cost of such purchase or contract, and the name of the sole-source vendor, supplier, service provider, or contractor.
- (4) The Board has approved the sole-source contract at the next scheduled workshop or regular or special meeting of the Board.

If such sole source contract has not been previously included in the District's then-current fiscal budget or such contract exceeds the amount budgeted for that particular contract in the District's then-current fiscal budget, such contract shall require prior Board approval.

B. Piggybacking

Piggyback contracting occurs when a public agency enters into a contract, without competitive bidding, with a particular supplier, vendor, service provider, or contractor who has already been awarded a contract for the purchase of the same or similar materials or supplies by another public agency or governmental entity pursuant to such agency's or entity's competitive bidding process. Piggybacking on other public agency or governmental entity contracts can reduce administrative and project costs and achieve greater efficiency and economies of scale.

The Board has determined that it is in the District's best interests to authorize the General Manager to participate in piggybacking opportunities whenever possible. The District may piggyback on other public agency or governmental entity contracts for the purchase of the same or similar materials or supplies and the General Manager is authorized to execute on behalf of the District a contract for the purchasing of such materials or supplies used in connection with or consumed on any project or work not subject to the UPCCA without separate competitive bidding by the District, on the following conditions:

- (1) The General Manager has determined that it is in the District's best interest to engage in a piggybacking opportunity for the purchase or contract of such materials or supplies with a particular vendor, supplier, service provider, or contractor if such opportunity will result in significantly reduced costs to the District (administrative costs, project costs, or otherwise), or will achieve greater efficiency or economies of scale for District projects.
- (2) Such vendor, supplier, service provider, or contractor has been previously awarded a contract with another local, state, or federal agency or governmental entity pursuant to such agency's or entity's competitive bidding process to provide materials or supplies that are same or similar or related to the District's proposed contract or purchase.
- (3) Such piggybacking contract has been included in the District's then-current fiscal budget.
- (4) The General Manager provides a written report to the Board containing the following information:
 - (a) A brief description of the circumstances surrounding the piggybacking opportunity;
 - (b) A brief description of the benefits and cost savings the District will receive as a result of the piggybacking opportunity; and
 - (c) A brief description of the materials or supplies to be purchased or contracted for, the cost of such purchase or contract, and the name of the vendor, supplier, service provider, or contractor.
- (5) The Board has approved the piggybacking contract at the next scheduled workshop or regular or special meeting of the Board.

Notwithstanding anything contained in Section III or this Section IV(B) to the contrary, the District's dredging projects located within the Ventura Harbor will be subject to Public Contract Code Section 20751.2, which authorizes the District to award a contract for the performance of dredging work within the District's boundaries without competitive bidding, provided each of the following apply: (a) the dredging contractor was selected through a federal

competitive bidding process for a federal dredging project then underway in the County of Ventura; and (b) the Board makes written findings, based on substantial evidence in the record, that the contract awarded pursuant to such section 20751.2 is likely to cost less than a contract awarded pursuant to Public Contract Code Section 20751.

C. Emergencies

Pursuant to Public Contract Code Section 20751.1, in case of an emergency, the Board may, by resolution passed by a four-fifths vote of all of its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon proceed to expend any sum or enter into a contract involving the expenditure of any sum needed in the emergency without observance of the provisions requiring contracts, bids, or notice for any purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA. If notice for bid to let contracts will not be given, the Board shall also comply with Public Contract Code Section 22050. In the case of any emergency involving a public project or maintenance work under the UCCPA, the terms and conditions set forth in Public Contract Code Section 22035 shall control.

An “emergency” means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

D. Local Vendor Preference

In determining the lowest responsible bid pursuant to the District’s competitive bidding procedures set forth in Section III(C), above, or in determining the lowest responsible bid pursuant to the formal bidding procedures set forth in the UPCCA, the Board finds it desirable and in the best interests of the District to establish a local business preference program in order to reduce the competitive barriers faced by local businesses (the “Local Business Preference Program”).

This Local Business Preference Program shall be taken into account in determining the lowest responsible bid in awarding a contract subject to the District’s competitive bidding procedures set forth above, or in determining the lowest responsible bid pursuant to the formal bidding procedures set forth in the UPCCA.

(1) Local Business Preference Program.

In determining the lowest responsible bid, the General Manager shall include the following:

- (a) For (i) any District contract for the purchasing of materials or supplies used in connection with or consumed on any work or project not subject to the UPCCA reasonably estimated by the General Manager to have a contract amount greater than \$25,000.00; or (ii) any public project or maintenance work subject

to the UPCCA's formal bidding procedures, the District shall assign a five percent (5%) bid price reduction "preference" during the bid evaluation process (the "Local Business Preference") to any bid from any person or entity that is determined by the General Manger to be a Local Business (as defined in subsection (b) of this Section IV(D)(1)).

- (b) "Local Business" shall mean a person or entity that has for at least twelve (12) months immediately preceding submittal of its bid maintained its principal business office within the geographic boundaries of Ventura County, California.
- (c) Except as otherwise provided in this Section IV(D), the provisions set forth in this Section IV(D) shall not supersede the other provisions set forth in this Procurement and Purchasing Policy or the uniform public construction cost accounting procedures set forth in the UPCCA, whichever shall apply. If any inconsistency or conflict exists or arises between the terms of this Section IV(D) and the other provisions set forth in this Procurement and Purchasing Policy or the UPCCA, whichever shall apply, such other provisions shall control.
- (d) This Local Business Preference Program shall not be applied under the following circumstances:
 - (i) National contracts;
 - (ii) Revolving fund (petty cash) purchases;
 - (iii) Credit card purchases;
 - (iv) Contracts not subject to the District's competitive bidding procedures;
 - (v) Any contracts funded by the federal government where there are conflicting requirements for minority or women-owned business participation.
 - (vi) Where such preference is otherwise prohibited by law;
 - (vii) Emergency procurements;
 - (viii) Piggybacking or sole source procurements; or
 - (ix) Contracts or projects relating to dredging or dock rehabilitation and/or replacement.

(2) Procedures for the Local Business Preference Program

- (a) Once all bids are opened, the bids of those bidders who are Local Businesses shall be reduced by five percent (5%) for purposes of determining the lowest responsible bidder. If the bid of a Local Business, after applying the Local Business Preference, is then the lowest responsible bidder (the “Lowest Local Business Bidder”), that Lowest Local Business Bidder shall have the opportunity to reduce its bid to match the bid of the actual lowest responsible bidder, in writing, within one (1) business day, whereupon the General Manager shall make a recommendation to the Board to award said Lowest Local Business Bidder with the contract if the General Manager determines, in his or her sole discretion, that such bid is responsive to all of the terms and conditions stated in the District’s previously published notice inviting bids.
- (b) If the Lowest Local Business Bidder does not elect to reduce its bid to match the bid of the actual lowest responsible bidder, then the next lowest Local Business bidder (the “Second Lowest Local Business Bidder”) shall be given the opportunity to match the bid of the actual lowest responsible bidder in the time and manner set forth in subsection (a) of this Section IV(D)(2), above; provided, however, the bid of such Second Lowest Local Business Bidder must also be within five percent (5%) of the actual lowest responsible bid.
- (c) An award may be made to the lowest aggregate responsible bidder for all items on the invitation to bid, on a group or an individual basis, whichever is found to be in the best interest of the District.
- (d) All bids are subject to rejection by the Board in its absolute and sole discretion, and in those instances where evaluation dictates the rejection of the lowest bid as not meeting the requirements established in the invitation to bid, the vendor shall be notified of the reason for rejection.

V. VENDOR AND CONTRACTOR REGISTRATION DIRECTORY

The District invites vendors to express their interest in doing business with the District. Vendors and contractors to which this Procurement and Purchasing Policy apply may download registration forms from the District’s website located at <https://venturaharbor.com/public-bidding/>. To properly register with the District, all such vendors and contractors interested in doing business with the District shall be required to complete a registration form and submit it to the District by email or mail.

VI. BUDGETING FOR CAPITAL IMPROVEMENT PROJECTS

In developing the District's fiscal budget, District staff shall use the following guidelines in identifying, managing, administering, and budgeting for capital projects for the following fiscal year:

- A. Start early in the fiscal year to clearly define a project; involve a range of staff levels; take into consideration aesthetics, marketing, and maintenance issues in developing projects.
- B. Provide any reports, plans, drawings, specifications, design ideas, cost benefit studies and analysis, and other related materials that may be necessary or useful in assisting the Board in determining whether a particular capital improvement project should be approved in connection with the Board's approval of the District's proposed budget for a particular fiscal year;
- C. Work diligently with any ad hoc committees of the Board for purposes of making recommendations of potential capital improvement projects;
- D. After a particular project has been identified and budgeted, District staff should diligently engage in interviewing and selecting qualified design or engineering firms or consultants to assist the District in designing and preparing the plans and specifications of such project;
- E. District staff shall work with the design or engineering firm or consultant in establishing project targets and milestones in order to ensure that the project is proceeding according to schedule and to plan.

VII. PROCUREMENT FORMS

District staff shall use the following forms, where appropriate, in connection with the District's procurement and purchasing activities:

1. District Employee Procurement Status Chart (Exhibit "A")
2. Project/Goal Implementation Planning Form (Exhibit "B")
3. VPD – Request for Approval of New Project (Exhibit "C")
4. VPD – Request for Approval of a Contract Change (Exhibit "D")
5. UPCCA Summary Sheet (Exhibit "E")

Adopted and Effective Date: October 22, 2014

EXHIBIT "A"

Ventura Port District Employee Procurement Status Chart

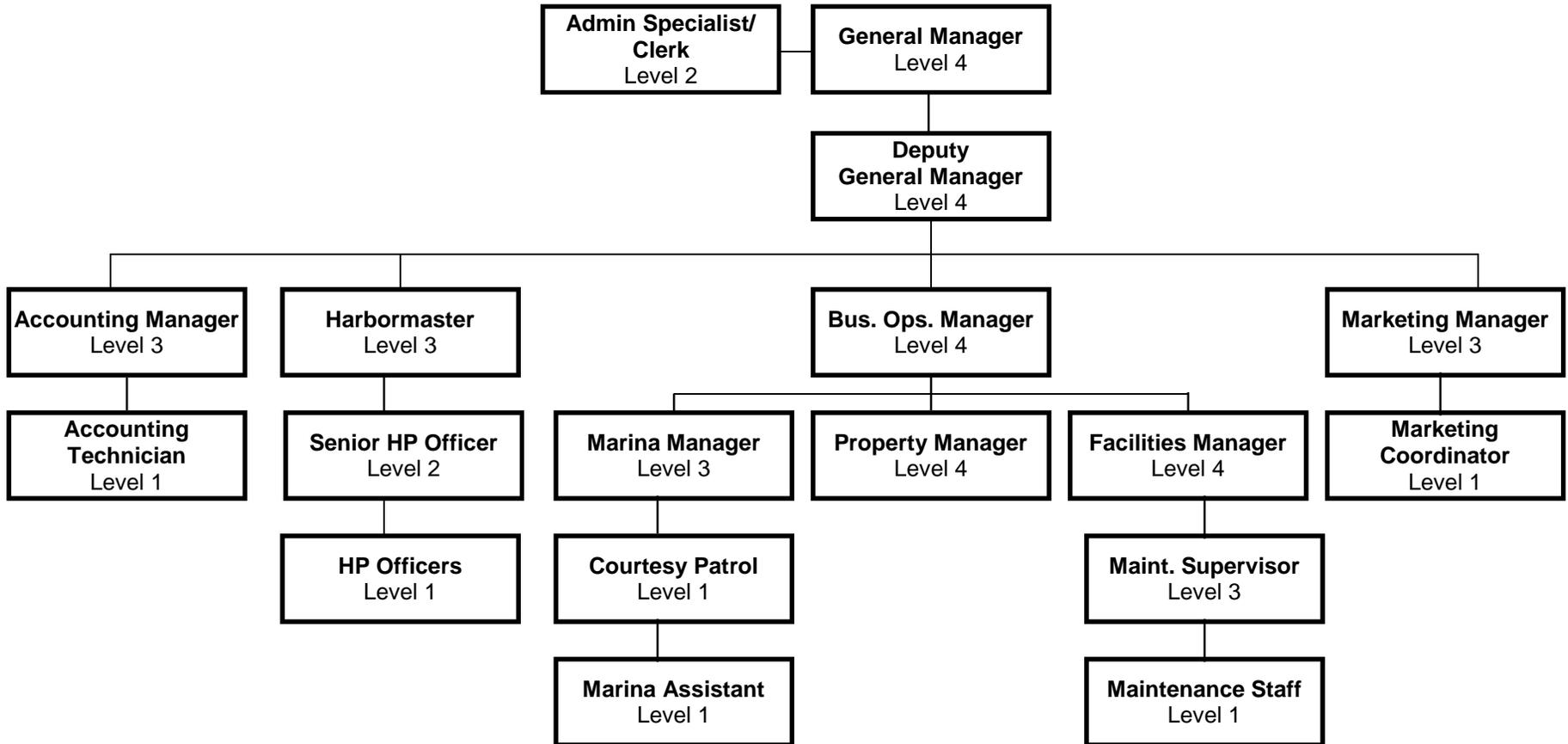


EXHIBIT "B"

SAMPLE -- CHECK OFF CONTROL FORM PROJECT / GOAL IMPLEMENTATION PLANNING FORM

Project/Goal Name: _____

Due Date: _____

General Ledger Acct: _____

	<i>NECESSARY TASKS, STEPS AND ACTIONS (First to Final)</i>	<i>Estimated Days</i>	<i>*Assigned to:</i>	<i>Target Date</i>	<i>Complete Date</i>
1					
2					
3					
4					
5					
6					
7					
8					
<i>* Each staff member develops his/her own project implementation plan to break the item down.</i>					

EXHIBIT “C”

VENTURA PORT DISTRICT – REQUEST FOR APPROVAL OF NEW PROJECT

Date: _____ Submitted by: _____ Title: _____

Date: _____ Reviewed by: _____ Title: _____

Description of work/services/products: _____

Estimated Start Date: _____ **Estimated End Date:** _____

Note: “FY Budget” refers to Current Year Board approved final budget for July 1 – June 30.

Type of Procurement:

- Contracts for New Construction Work or Maintenance of Buildings and Improvements**
 - Contracts less than or equal to \$1,000.00
 - Level 1 employees shall not be authorized to execute any such contract until he/she has obtained the prior approval of his/her immediate supervisor.
 - Contracts totaling \$1,000.01- \$2,500.00
 - If contract is included in the District’s FY Budget, work can be performed (i) by the District’s employees by force account, (ii) by negotiated contract, or (iii) by purchase order.
 - If contract has not been previously included in the District’s FY Budget, such contract shall require prior approval from the Board at a regular or special meeting of the Board.
 - Level 2 employees shall not be authorized to execute any such contract until his/her immediate supervisor has reviewed and approved the proposed contract or purchase order.
 - Contracts totaling \$2,500.01 - \$5,000.00
 - If contract is included in the District’s FY Budget, work can be performed (i) by the District’s employees by force account, (ii) by negotiated contract, or (iii) by purchase order.
 - If contract has not been previously included in the District’s FY Budget, such contract shall require prior approval from the Board at a regular or special meeting of the Board.

- Purchases totaling \$2,500.01 - \$10,000.00
 - No competitive bidding required if contract or purchase is included in the District's FY Budget and at least one (1) written quote is obtained.
 - If contract or purchase has not been previously included in the District's FY Budget, or at least one (1) quote has not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board..
 - Level 3 employees shall not be authorized to execute any such contract or to make any such purchase until the General Manager has reviewed and approved the written quote and proposed contracts/orders.
- Purchases totaling \$10,000.01 - \$25,000.00
 - No competitive bidding required if contract or purchase is included in the District's FY Budget and at least two (2) written quotes are obtained.
 - If contract or purchase has not been previously included in the District's FY Budget, or at least two (2) quotes have not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board.
 - Level 4 employees and the General Manager shall be authorized to execute any such written quotes and proposed contracts
- Purchases over \$25,000.00
 - Subject to competitive bidding procedures unless applicable exception applies.
- Professional Services**
 - Professional Service Agreement in excess of \$25,000.00
 - Requires Board approval
 - Professional Service Agreement less than or equal to \$25,000.00
 - General Manager is authorized to enter into agreement without Board approval provided the services have been included in the District's FY Budget.
 - If not included in District's FY Budget, Board approval required.
- Exceptions to Competitive Bidding Procedures**
 - Sole Source Procurement
 - Piggybacking Opportunity
 - Emergency Situation
 - Local Vendor Preference
- Bid tabulation sheet and all bids received are attached
- Attached for review – Invitation to bid and/or quotes
- Attached for approval – Contract from _____

History of the Project:

- Goals and Objectives Number/Description _____
- Sharing project costs with: _____
- Other: _____

Accounting/Finance:

- FY Budget project budget amount is: \$ _____
- General Ledger Account No. _____
- Funded by grant; Grant ID No. _____

Supporting Documentation Attached (check all that apply):

- Conditions for termination of contract
- Drawings, "As-Built"
- Drawings, "Proposed"
- Engineer's estimate for total project cost
- Equipment/furniture purchase or rental
- Insurance and bonding requirements
- Inspection/testing service cost estimate
- Jurisdictions/VPD Departments/Tenants/Visitors involved/ affected (describe)
- Labor Cost Estimate: In-house or Contractor
- Materials cost estimate: In-house OR Contractor
- Plans, specifications, drawings, or photographs
- Schedule for performance of contract
- Schedule for payment of contract (terms, required deposits, etc.)

Approved Denied By: _____ Date: _____

Comments:

EXHIBIT "D"

VENTURA PORT DISTRICT – REQUEST FOR APPROVAL OF CONTRACT CHANGE

Date: _____ Submitted by: _____ Title: _____

Date: _____ Reviewed by: _____ Title: _____

Name of Project: _____

Name of Contractor/Vendor: _____

Note: "FY Budget" refers to Current Year Board approved final budget for July 1 – June 30.

Increase in Contract Amount:

- Change order less than or equal to \$10,000.00 that does not cause the total contract amount to exceed the amount budgeted for that particular contract in the District's FY Budget.
 - General Manager may authorize change order without prior approval of the Board or the Procurement and Purchasing Committee.
- Change order less than or equal to \$10,000.00 that causes the total contract amount to exceed the amount budgeted for that particular contract in the District's FY Budget
 - General Manager is prohibited from authorizing the change order until such time as the General Manager has obtained the prior approval of the Board at a regular or special meeting of the Board.
- Change order greater than \$10,000.00 (but within ten percent (10%) of the original contract amount) that does not cause the total contract amount to exceed the amount budgeted for that particular contract in the District's FY Budget.
 - General Manager may authorize change order without prior approval of the Board.
- Change order greater than \$10,000.00 (but within ten percent (10%) of the original contract amount) that causes the total contract amount to exceed the amount budgeted for that particular contract in the District's FY Budget.

- General Manager is prohibited from authorizing the change order until such time as the General Manager has obtained the prior approval of the Board at a regular or special meeting of the Board.
- Change order greater than \$10,000.00 that is more than ten percent (10%) of the original contract amount.
 - General Manager is prohibited from authorizing such change order until such time as the General Manager has obtained prior Board approval.

Project Manager's Recommendation: (Check this box if the recommendation is attached)

General Manager's Response:

Approved Denied By: _____ Date: _____

Comments:

EXHIBIT “E”

VENTURA PORT DISTRICT

UPCCA SUMMARY SHEET

Contracts for the Doing of “Public Projects”

- “Public Project” means any of the following:
 - Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased or operated facility.
 - Painting or repainting of any publicly owned, leased, or operated facility. A “facility” means any plant, building, structure, ground facility, utility system, real property, streets and highways, or other public work of improvement.

- Public Projects less than or equal to \$60,000.00
 - Can be performed by the District’s employees by force account, negotiated contract, or purchase order.
 - No notice inviting informal bid required.

- Public Projects greater than \$60,000.01 but less than or equal to \$200,000.00
 - Must send out notice inviting informal bids
 - Contents of notice:
 - Describe project in general terms and how to obtain more detailed information about the project.
 - State the time and place for the submission of bids.
 - Project title and contract number (if any).
 - Cost Range.
 - Location of project site.
 - District’s contact information.
 - Bid bond/performance bond/payment bond requirements.
 - Mailing of Notice:
 - Mail notice to all contractors for the category of work to be bid as shown on the qualified bidder’s list developed by the District.
 - Additional contractors and/or construction trade journals may be notified at the District’s discretion.
 - If no list of qualified contractors is maintained by the District for the particular category of work to be performed, the notice inviting informal bids shall be sent only to the construction trade journals specified by the California Uniform Construction Cost Accounting Commission’s (the “Commission”) current

Cost Accounting Policies and Procedures Manual (updated December 2012).

- If the product or service is proprietary in nature such that it can only be obtained from certain contractor(s), the notice inviting informal bids may be sent exclusively to such contractor(s).
- All mailing of notices to contractors and construction trade journals inviting informal bids must be completed not less than 10 calendar days before bids are due.
- Bids received in excess of \$200,000.00
 - If all bids received are greater than \$200,000.00, the Board can adopt by resolution by a four-fifths vote and award the contract at \$212,500.00 or less to the lowest responsible bidder if the Board determines the cost estimate of the District was reasonable.
 - Otherwise formal bidding procedures must be used for public projects of more than \$200,000.00.
- Awarding of Bid
 - The District can reject any **and all** bids presented if the District, prior to rejecting all bids and declaring that the project can be more economically performed by the District's employees, provides a written notice to an apparent low bidder that does the following:
 - Informs the lowest responsible bidder of the District's intent to reject the bid; and
 - Is mailed at least two business days prior to the hearing at which the District intends to reject the bid.
 - If the District rejects all bids received after the first invitation for informal bids, the District, after reevaluating its cost estimates of the project, has one of the two following options available to it:
 - The District can abandon the project or re-advertise for bids in the manner described by the UPCCA.
 - The District can have the project done by force account without further compliance with the UPCCA by passage of a resolution by a four-fifths vote of the Board declaring that the District's employees can perform the project more economically.
 - If a contract is awarded, it must be awarded to the lowest responsible bidder. If there are two bids that are the lowest responsible bids, then the District may accept the one it chooses.
 - If no bids are received, the project may be performed by employees of the District by force account.
- Public Projects greater than \$200,000.00
 - Must send out notice inviting formal bids
 - Contents of notice:
 - Describe project in distinct terms and how to obtain more detailed information about the project.

- State the time and place for the receiving and opening of sealed bids.
 - Project title and contract number (if any).
 - Cost Range.
 - Location of project site.
 - District's contact information.
 - Bid bond/performance bond/payment bond requirements.
- Publication of notice:
 - The notice inviting formal bids must be published in a newspaper of general circulation, printed and published in Ventura County, at least 14 calendar days before the date of the opening of the bids.
- Mailing/Emailing/Faxing of Notice:
 - The notice inviting formal bids must also be sent electronically, if available, by email or fax, and mailed to the construction trade journals specified in the Commission's current Cost Accounting Policies and Procedures Manual (updated December 2012).
 - Note: The District is not required to mail a notice to any specified trade journal if that trade journal is charging for its services or is out of business. Instead, the District should find some other method of notifying potential contractors of published jobs providing information on how to be added to the District's informal bidding lists (e.g., through the District's website).
- Adoptions of Plans
 - The board must adopt plans, specifications, and working details for all public projects exceeding \$200,000.00.
- Awarding of Bid
 - The District can reject any **and all** bids presented if the District, prior to rejecting all bids and declaring that the project can be more economically performed by the District's employees, provides a written notice to an apparent low bidder that does the following:
 - Informs the lowest responsible bidder of the District's intent to reject the bid; and
 - Is mailed at least two business days prior to the hearing at which the District intends to reject the bid.
 - If the District rejects all bids received after the first invitation for formal bids, the District, after reevaluating its cost estimates of the project, has one of the two following options available to it:
 - The District can abandon the project or re-advertise for bids in the manner described by the UPCCA.
 - The District can have the project done by force account without further compliance with the UPCCA by passage of a resolution by a four-fifths vote of the Board declaring that the District's employees can perform the project more economically.

- If a contract is awarded, it must be awarded to the lowest responsible bidder. If there are two bids that are the lowest responsible bids, then the District may accept the one it chooses.
- If no bids are received, the project may be performed by employees of the District by force account or by the informal bidding procedures detailed for public projects greater than \$60,000.00 but less than or equal to \$200,000.00.

Contracts for the Doing of “Maintenance Work”

- “Maintenance Work” means any of the following:
 - Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
 - Minor repainting.
 - Resurfacing of streets and highways at less than one inch.
 - Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
 - Work to be performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.
- Maintenance work less than or equal to \$60,000
 - Can be performed by the District’s employees by force account, negotiated contract, or purchase order.
 - No notice inviting informal bid required.
- Maintenance Work greater than \$60,000 but less than or equal to \$200,000
 - Same requirements as for public projects greater than \$60,000 but less than or equal to \$200,000 – see above.
- Maintenance Work greater than \$200,000
 - Same requirements as for public projects greater than \$200,000 – see above.