RANCHO MURIETA COMMUNITY SERVICES DISTRICT

15160 Jackson Road, Rancho Murieta, CA 95683
Office - 916-354-3700 * Fax - 916-354-2082

FINANCE COMMITTEE

(Directors John Merchant and Bill Gere)
Regular Meeting
August 14, 2025, at 10:00 a.m.

All persons present at District meetings will place their cellular devices in silent and/or vibrate mode (no ringing of any kind). During meetings, these devices will be used only for emergency purposes and, if used, the party called/calling will exit the meeting room for conversation. Other electronic and internet enabled devices are to be used in the "silent" mode. Under no circumstances will recording devices or problems associated with them be permitted to interrupt or delay District meetings.

AGENDA

1. **Call to Order**
2. **Comments from the Public**
   If you wish to speak during Comments from the Public, on items not on the agenda, or would like to comment regarding an item appearing on the meeting agenda, please complete a public comment card and submit to the Board Secretary prior to Public Comments.
3. *Information Item* **Finance Report**
4. *Information Item* **Audits Update**
5. *Discussion item* **Updates to Chapter 4 Purchasing and Bidding with SB1383 Updates**
6. **Director and Staff Comments/Suggestions**
7. **Adjournment**

"In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 24 hours prior to a special meeting, will be made available for public inspection in the District offices during normal business hours. If, however, the document is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting."

In compliance with the Americans with Disabilities Act if you are an individual with a disability and you need a disability-related modification or accommodation to participate in this meeting or need assistance to participate in this teleconference meeting, please contact the District Office at 916-354-3700 or awilder@rmcsd.com. Requests must be made as soon as possible.

Note: This agenda is posted pursuant to the provisions of the Government Code commencing at Section 54950. Posting location is District Office. The date and time of this posting is July 8, 2025 at 4:00 p.m.

MEMORANDUM

Date: Aug 11, 2025

To: Finance Committee

From: Cecilia Min, Interim Director of Finance and Administration

Subject: Finance Report

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1. Audit 21/22

TASK	Projects	ASSIGNED TO	PROGRESS	START	END
Responding to Auditors outstanding Item Listing	**Audit 21/22**	All RMCSD staff	100%	5/7/25	6/6/25
Audit Field Work Testing	**Audit 21/22**	All RMCSD staff	100%	6/6/25	7/11/25
Financial Statement preparation	**Audit 21/22**	RH - Cecilia	90%	7/11/25	7/25/25
Review First Draft of Financial Statement	**Audit 21/22**	RH - Cecilia	75%	8/1/25	8/19/25

The audit is now in the final stage of Partner's review but continues to have many questions and changes. Here are a few questions asked recently.

1. Checks written on 6.30.22 was missing in FY 22 – the last day of the fiscal year. Missing transactions and adjustment of $365K were provided to the auditors.
2. Fixed asset items were deleted last year but reappeared in the fixed asset listing. This is another $200K adjustment.

My team and auditors are working tirelessly to finalize the audit.

Material weakness

Due to the number of adjustments, the audit report will note the material weakness in internal control deficiencies.

2. Audit 22/23 and 23/24

a. Audit progress has been slowed as the RH consultants assisted with the FY 21/22 audit for the past weeks.

b. Uploaded all data in an acceptable format to GP with the help of GP consultant. We had many obstacles during this process but successfully completed this task. One of the RH consultants was extremely proficient in GP and was able to navigate all the obstacles smoothly.

c. RH team started preparing for the interim audit request – 80%. Interim audit includes testing of internal controls eg. checks were issued with proper review and approvals by assigned authorities. payroll checks were issued and paid with approved pay rate.

d. Started the CFD Audit - Bond for FY 23.

e. Based on all the learnings from FY 22, the reconciliations will take longer. The new estimated dates for the audit completion – mid November

f. Several staff change :AP position left, one of the RH consultants also left and another RH consultant will be leaving at the end of August.

TASK	Projects	ASSIGNED TO	PROGRESS	START	END
Reconstruction of accounting - mostly cash receipts	Audit 22/23	RH - Michelle	100%		
Review of the above accounting	Audit 22/23	RH - Cecilia	100%		
Reinput the above transactions into the accounting system	Audit 22/23	RH - Michelle	97%	8/1/25	8/22/25
Interim Audit Preparation + Interim Testing Support	Audit 22/23	RH - Michelle	80%	8/7/25	8/22/25
CFD Bond Audit	Audit 22/23	RH- James	5%	8/22/25	8/27/25
Balance Sheet Reconciliation	Audit 22/23	RH - Michelle	0%	8/22/25	9/21/25
Review Balance Sheet Reconciliation	Audit 22/23	RH - Cecilia	0%	9/21/25	9/29/25
Audit Workpaper Preparation	Audit 22/23	RH - Michelle	0%	9/21/25	10/1/25
Audit Field Work Testing	Audit 22/23	RH - Michelle	0%	10/5/25	10/19/25
Financial Statement preparation & Partner Review	Audit 22/23	RH - Michelle	0%	10/19/25	11/8/25
Review First Draft of Financial Statement	Audit 22/23	RH - Michelle	0%	11/11/25	11/18/25

TASK	Projects	ASSIGNED TO	PROGRESS	START	END
Reconstruction of accounting - mostly cash receipts	Audit 23/24	RH - Shae	100%		
Review of the above accounting	Audit 23/24	RH - Cecilia	100%		
Reinput the above transactions into the accounting system	Audit 23/24	RH - Shae	97%	8/1/25	8/22/25
Interim Audit Preparation	Audit 23/24	RH - Shae	80%	8/7/25	8/22/25
CFD Bond Audit	Audit 23/24	RH - James	5%	8/22/25	8/27/25
Balance Sheet Reconciliation	Audit 23/24	RH - Shae	5%	8/22/25	9/21/25
Review Balance Sheet Reconciliation	Audit 23/24	RH - Cecilia	0%	9/21/25	9/29/25
Audit Workpaper Preparation	Audit 23/24	RH - Shae	0%	9/21/25	10/1/25
Audit Field Work Testing	Audit 23/24	RH - Shae	0%	10/5/25	10/19/25
Financial Statement preparation & Partner Review	Audit 23/24	RH - Michelle	0%	10/19/25	11/8/25
Review First Draft of Financial Statement	Audit 23/24	RH - Michelle	0%	11/11/25	11/18/25

3. **Audit 24/25**

   a. RH consultant assigned has completed 60% of the reconstruction phase. She was pulled to assist with the GP upload database for the past two years and helped with the Accounts Payable function in the past two weeks.

Reconstruction of accounting - March to June	**Audit 24/25**	RH - Danielle & Christ	60%	7/20/25	9/18/25
Interim Audit Preparation	**Audit 24/25**	RH - all	0%	9/18/25	9/25/25
CFD Bond Audit	**Audit 24/25**	RH - James	0%	9/25/25	10/2/25
Balance Sheet Reconciliation	**Audit 24/25**	RH - all	0%	9/18/25	10/3/25
Audit Workpaper Preparation	**Audit 24/25**	RH - all	0%	10/3/25	10/10/25
Review Balance Sheet Reconciliation + Audit Preparation	**Audit 24/25**	RH - Cecilia	0%	10/10/25	10/24/25
Audit Field Work	**Audit 24/25**	RH	0%	11/2/25	11/17/25
Financial Statement and Manager Review	**Audit 24/25**	RH - all	0%	11/17/25	12/1/25

Payroll

I took over this function last month and discovered the following.

1. PayChex is our current HR/Payroll system. In addition to payroll processing, we also paid for HR software and HR advice at an affordable rate. The HR software has the many features – HR to Go will use these features. We plan to use the Paychex HR service as a supplemental resource.
    a. Screening and background checks via 15 various methods
    b. Onboarding software, which we already use.
    c. Performance appraisal with calenda reminders
    d. Handbook builders
    e. Secure online HR communications/Staff can communicate confidentially via Paychex to HR to go.
    f. Training Module or Instructor-Led Training
    g. Safety Services
    h. HR Library, which allows online access of HR documents and information anytime by HR to Go or Employees
    i. Health Savings Account
2. Implemented Time Off Approval in Paychex
    a. This feature prevents employees from requesting time off without approval and provides manager a clear view of the time off balances before approval.
3. Introduced a monitoring process for PT personnel – 30 hours.
    a. Part time employees do not qualify for benefits, and we need to have a process in place to continuously monitor the hours assigned to them. HR to go will provide us with the HR rules to monitor PT employees hours and will work with supervisor on this.

4. Medical Reimbursements

    a. For certain employees who do not use our medical insurance, we provide a reimbursement of a flat rate per letter. Should this be considered base rate for calculation of payroll taxes, overtime, and pension calculations.

5. Exempt employees should not have to enter daily timesheet. It should be programmed for 40 hours unless time off is requested.

6. HR to Go Kick off meeting held this week, which we discussed expectations and Paychex software features.

Accounts Payable

RH consultant, who is remarkably familiar with GP, took over this function for the past week and here are the improvements made.

1. Introduced 3-way matching – AP should compare invoices to approved PO for the quantities, agreed upon prices and receiving report before payment.
2. Invoices were entered into Asteva and then uploaded into the GP. Asteva is a software for PO and approval routing software. There were many problems with this upload in the past. RH consultant fixed many of these errors to ensure easier upload to GP.
3. Hired another high level consultant to help with AP function and also filled in as half time for the staff accountant who has been on paternity leave.
4. Created new job description for this AP position. The existing job description for this post is not appropriate. It does not have basic AP knowledge or 1099 processing.

STAFF REPORT

TO: **FINANCE COMMITTEE**

FROM: **Patrick Enright, District Counsel**
Elizabeth Griffiths, Deputy District Counsel

MEETING DATE: **August 20, 2025**

SUBJECT: **Introduction of Ordinance No. O2025-03 Amending Chapter 4 of the District Code Relating to Purchasing and Bidding.**

RECOMMENDATION:

Introduce Ordinance No. O2025-03, amending Chapter 4 (Purchasing and Bidding) of the District Code to comply with the requirements of Senate Bill 1383, the Short-Lived Climate Pollutant Reduction Act of 2016, by amending Chapter 4 of District Code to allow for procurement of recycled-content paper.

BACKGROUND:

Senate Bill 1383 (SB 1383) was signed into law in September 2016. In an effort to reduce emissions of short-lived climate pollutants, SB 1383 sets targets for reducing organic waste disposal in landfills and to reduce disposal of edible food. Beginning January 1, 2022, SB 1383 requires jurisdictions to procure recycled-content paper products that are recyclable. The District is already required to procure recycled paper products, and printing and writing, paper consistent with the requirements of Sections 22150-22154 of the Public Contract Code. SB 1383 builds upon the existing recycled-content requirements, adding that paper purchases must also be recyclable and jurisdictions must maintain records certifying the minimum recycled content and recyclability of paper purchases.

The proposed ordinance adds a Recovered Organic Waste Product Procurement Standard section to Chapter 4 to ensure compliance with SB 1383 and provide guidance to staff on the related procurement and recordkeeping requirements.

Furthermore, the Rancho Murieta Community Services District Board of Directors (the "Board") currently delegates specific spending authorities to the General Manager through the District Code in Chapter 4 Purchasing and Bidding. This authority allows the General Manager to (1) approve a purchase of commodities, general services contract, professional services contract or construction contract up to $50,000 if the costs are included within the current year's Board-approved budget, (2) purchase or contract for all commodities, construction work, or general and professional services up to $25,000 on the open market, and (3) make purchases in any amount during emergencies.

While the General Manager holds delegated purchasing authority within these limits, the Board has discretion to designate another purchasing agent or to increase or decrease the General Manager's purchasing authority. The Board can adjust the spending authority of the purchasing agent to generally any desired amount. However, it is important to note that under Public Contract Code Section 20682, purchases of materials or contracts for construction or improvements exceeding $25,000 cannot be made through the open market, regardless of who is designated as the purchasing agent.

Given that this ordinance proposes amendments to the District Code Chapter governing purchasing authorities and thresholds, the introduction of this ordinance presents an opportunity for the Board to consider whether modifications to the purchasing thresholds and the delegation of authority are warranted.

FISCAL IMPACT:

No fiscal impact is associated with introducing the proposed Ordinance. Should the Board adopt the proposed Ordinance on second reading, minor codification expenses will be incurred within the currently budgeted expenses.

ALTERNATIVES:

1. Provide alternative direction to staff.

ATTACHMENTS:

1. Draft Ordinance No. O2025-03, Amending Chapter 4 of the District Code Relating to Purchasing and Bidding

ORDINANCE NO. O2025-03

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT AMENDING CHAPTER 4 OF THE DISTRICT CODE RELATING TO PURCHASING AND BIDDING

The Board of Directors of the Rancho Murieta Community Services District ordains as follows:

SECTION 1. Purpose and Authority. The purpose of this ordinance is to revise the District's purchasing and bidding procedures to comply with the requirements of SB 1383, the Short-Lived Climate Pollutant Reduction Act of 2016, regarding procurement of recycled-content paper products and recycled-content printing and writing paper. This ordinance is adopted pursuant to California Constitution articles XIII C, section 2, and XIII D, section 6, Government Code sections 54202, 61060 and 61063, and other applicable law.

SECTION 2. District Code Amendments. Chapter 4 (Purchasing and Bidding) of the Rancho Murieta Community Services District Code is repealed and restated in its entirety to read as follows:

CHAPTER 4: PURCHASING AND BIDDING

Section 1.00 General Provisions

1.01 Purpose: The purpose of this Chapter is to establish efficient procedures for the purchase of supplies, materials, equipment, and services, and for letting construction contracts consistent with state law.

1.02 Administration of Chapter: The General Manager shall administer the regulations contained in this Chapter and shall take steps as are reasonable and proper to ensure compliance with this Chapter.

1.03 Additional Procedures: The General Manager may establish and maintain administrative regulations and standards that implement the provisions of this Chapter, including, but not limited to:

a. Procedures for inspecting deliveries of supplies, materials and equipment and for evaluating the provision of general or professional services;

b. Procedures for submitting requisitions for supplies, materials, equipment, and services by District employees; and

c. Procedures for the control and safeguarding of District supplies, materials, and equipment and the maintenance of an inventory system for such supplies, materials, and equipment.

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The General Manager shall submit the proposed administrative regulations to the Board for approval, and, if approved, shall thereafter carry out and enforce such regulations and standards.

1.04 Bulk Orders: When practicable, the General Manager shall seek to reduce the number of purchasing transactions for commonly used or purchased materials, supplies, and equipment by combining them into bulk orders.

1.05 Purchases by the Department of General Services. As appropriate, the Office of Procurement, California Department of General Services, may purchase miscellaneous equipment and supplies for the District as authorized by state law. The General Manager may sign and deliver all necessary requests and other documents in connection with such purchases.

Section 2.00 Definitions

As used in this Chapter, the following words and phrases shall have the following meaning:

2.01 Annual Recovered Organic Waste Product Procurement Target: The amount of Organic Waste in the form of a Recovered Organic Waste Product that the District is required to procure annually under 14 CCR Section 18993.1.

2.02 Bidder's List: List of prospective suppliers, vendors and qualified contractors capable of providing the commodity or service being bid upon, maintained by the General Manager.

2.03 Board: Board of Directors of the Rancho Murieta Community Services District.

2.04 Commodity: Supplies, materials, equipment, and other tangible personal property appropriate for the reasonable operation of the District.

2.05 Competitive Bidding: The formal or informal submission, or receipt, of verbal or written estimates or cost proposals in terms of dollars, man days of work required, percentage of construction cost, or any other measure of compensation whereby the District may compare prices and other relevant criteria. The competitive bidding process typically involves the submission of offers by bidders pursuant to a public notice inviting bidders to provide the District with a specified commodity or service, or to purchase District personal property which has been found by the Board not to be required for public use, and which offers are submitted under seal or by voice at a public auction.

2.06 Compost: The product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).

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2.07 Construction Contract: Public works contract for the construction or completion of any building, structure or improvement, or a contract for the furnishing of materials and supplies for such work that is subject to the regulations contained in Public Contract Code sections 20680 to 20683.

2.08 Direct Service Provider: A person, company, agency, district, or other entity that provides a service or services to the District pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).

2.09 District: The Rancho Murieta Community Services District.

2.10 Force Account: Any work performed by District employees, or day's labor under District supervision or superintendence.

2.11 General Services: Services that do not require any unique skill, special background, or training and involve routine, recurring, and usual work for the continued operation and maintenance of the District. General services include the provision of telephone, gas, water, electric, light and power services and rentals of equipment and machinery.

2.12 Open Market: Purchase of a Commodity or services that does not require the solicitation of competitive sealed bids for awarding to the lowest responsible bidder.

2.13 Organic Waste: Solid wastes containing material originated from living organisms and their metabolic waste products including, but not limited to, food, yard trimmings, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR Section 18982(a)(46).

2.14 Paper Products: Include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or as otherwise defined in 14 CCR Section 18982(a)(51).

2.15 Printing and Writing Papers: Include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).

2.16 Procurement of Recovered Organic Waste Products: The purchase or acquisition (e.g., free delivery or free distribution from a hauler or other entity via a written agreement or contract), and end use by the District or others. The District's Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the District or by Direct Service Providers through written contracts or agreements for the Procurement of Recovered Organic Waste Products at the District's behest.

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2.17 Professional Services: Services performed by an attorney, physician, architect, engineer, land surveyor, construction manager, appraiser, expert, accounting firm, computer or information technology consultant, or other consultant or organization possessing a high degree of technical and professional skills and that require specific skills, experience and training, and professional judgment.

2.18 Recordkeeping Designee: The public employee appointed by the General Manager or their designee to track procurement and maintain records of procurement efforts both by the District and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13.

2.19 Recovered Organic Waste Products: Products made from California, landfill-diverted recovered Organic Waste processed at a permitted or otherwise authorized operation or facility, or as otherwise defined in 14 CCR Section 18982(a)(60). Products that can be used to meet the Annual Recovered Organic Waste Product Procurement Target shall include Compost, SB 1383 Eligible Mulch, Renewable Gas from an in-vessel digestion facility, and Electricity Procured from Biomass Conversion as described herein and provided that such products meet requirements of 14 CCR, Division 7, Chapter 12, Article 12.

2.20 Recyclability: The Paper Products and Printing and Writing Paper offered or sold to the District that are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12 (2013).

2.21 Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper: Such products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, and as amended.

2.22 Renewable Gas: Gas derived from Organic Waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recover organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

2.23 SB 1383: Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced from time to time.

2.24 SB 1383 Eligible Mulch: Mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. This SB 1383

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Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):

a. Produced at one of the following facilities:

1. A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10);

2. A transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,

3. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.

b. Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852(a)(24.5)(A)1 through 3.

2.25 SB 1383 Regulations or SB 1383 Regulatory: The Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.

2.26 State: The State of California.

Section 3.00 General Manager Authority

3.01 Powers and Duties of General Manager: The General Manager shall, under the direction of the Board and in compliance with the provisions of this Chapter and applicable state law:

a. Purchase or contract for all Commodities, construction work, or General and Professional Services required by the District in amounts or estimated amounts of up to $25,000 or less and sign such contracts.

b. Submit to the Board, for review and approval, all Construction Contracts and contracts for the purchase of Commodities or retention of General or Professional Services in amounts or estimated amounts exceeding $25,000. After approval by the Board, the General Manager may sign such contracts on the District's behalf.

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c. Dispose of property pursuant to Section 8.

d. In consultation with District counsel, develop standard forms and specifications for invitations to bid and related bid documents, purchase orders, Construction Contracts, and contracts for General or Professional Services, and prescribe the use of other forms and procedures as may be required to carry out the provisions of this Chapter.

e. Supervise the inspection of all Commodities and services purchased under this Chapter to assure conformance with District specifications.

f. Maintain up-to-date Bidder's List, vendor's catalogs, files, and such other records as needed to perform these duties.

g. Ensure that purchasing specifications are written to encourage full competition.

h. Perform such other tasks as may be necessary or appropriate to administer the provisions of this Chapter.

3.02 Delegation of Responsibility: The General Manager may delegate the duties and responsibilities assigned by this Chapter to his or her designee, as the General Manager deems proper.

3.03 Expenditures from Reserve Funds: The General Manager spending authority under sections 5.00 (Commodities, General Services and Construction Contracts of $25,000 or Less) and 7.02 (Professional Service Contracts of $25,000 or Less) applies to any expenditure that will be funded from an existing District reserve fund. Any expenditure from a reserve fund in excess of $25,000 requires Board approval (except as provided by section 3.04 for expenditures on budget-approved capital projects or section 4.00 for emergency purchases and contracting).

3.04 Expenditures on Budget-Approved Capital Projects: The General Manager may approve a purchase of Commodities, General Services contract, Professional Services contract, or Construction Contract in an amount or estimated amount of $50,000 or less if (a) the purchase or contract directly supports or furthers a particular capital improvement or replacement project, and (b) the costs of the particular project are included within the current year's Board-approved budget. For any such purchase of Commodities, General Services contract, Professional Services contract, or Construction Contract of $25,000 or less, the General Manager may make the purchase or approve the contract on the Open Market by seeking the most favorable terms and price either through negotiation, comparative pricing, or informal Competitive Bidding, whichever method the General Manager deems most appropriate in the circumstances. For any such purchase of Commodities,

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General Services contract, or Construction Contract between $25,000 and $50,000, the General Manager shall follow the competitive bidding and award procedures set forth in section 6.00 (Commodities, General Services and Construction Contracts in Excess of $25,000) and section 6.02(e) is modified to authorize the General Manager to award and approve the purchase or contract. For any such Professional Services contract between $25,000 and $50,000, the General Manager shall follow the RFP/Q, selection, and award procedures set forth in section 7.03 (Professional Service Contracts Exceeding $25,000) and section 7.03(c) is modified to authorize the General Manager to award and approve the contract.

Section 4.00 Emergency Purchases and Contracting

4.01 Determination of Emergency: The authority to declare the existence of an emergency, including but not limited to emergencies described in Government Code sections 8558 and 54956.5 and Public Contract Code section 1102, generally resides with the Board. When urgent circumstances preclude taking the time for such determination by the Board, the General Manager may declare the existence of an emergency subject to ratification of the Board at its next Board meeting.

4.02 Authority of General Manager: In cases of emergency as determined by the Board or General Manager as set forth in Section 4.01 above, when repair or replacements are necessary to permit the continued operation of the District, or to avoid danger to life or property, the General Manager may replace or repair any District building, structure, equipment or facility, purchase or contract for the necessary Commodities and General or Professional Services, and take any other related and immediate action necessary or appropriate to respond to the emergency without complying with the Competitive Bidding requirements in Section 6 of this Chapter.

4.03 Delegation of Authority by General Manager: If the General Manager is unavailable to take the actions described in Section 4.02 above, the department manager or supervisor or acting supervisor in need of emergency Commodities or General or Professional Services may make the necessary purchases, securing competitive quotations whenever possible. The supervisor may issue a verbal order to a vendor as necessary to resolve the immediate hazard. The supervisor must notify the General Manager of his or her actions as soon as reasonably possible.

4.04 Board Notification and Approval: The General Manager shall promptly report to the Board the emergency actions taken and the circumstances surrounding such emergency.

If the General Manager approves a Construction Contract without giving public notice for bids where it would normally be required, he or she shall inform the Board no later than seven days after the action, or at the Board's next regularly scheduled meeting, if that meeting will occur no later than 14 days after the action, and every regularly scheduled Board meeting thereafter until such emergency action is terminated. Following notice to

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the Board by the General Manager, the Board must decide whether to approve, by a four-fifths vote, the continuation of such emergency work. If the Board does not allow the emergency action to continue, the General Manager shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice inviting bids for the emergency work.

4.05 Delegation of Emergency Construction Contract Authority: Pursuant to Public Resources Code section 22050(b)(1), the Board delegates to the General Manager the authority to order emergency Construction Contract action under Public Contract Code section 22050(a).

Section 5.00 Commodities, General Services and Construction Contracts of $25,000 or Less

5.01 Commodities and General Services: For a purchase of Commodities or contract for General Services in an amount or estimated amount of $25,000 or less, the General Manager may make the purchase or approve the contract on the Open Market by seeking the most favorable terms and price either through negotiation, comparative pricing or informal Competitive Bidding, whichever method the General Manager deems most appropriate in the circumstances.

5.02 Construction Contracts: The General Manager may approve a Construction Contract without Competitive Bidding when the cost of such work does not exceed $25,000. The General Manager shall seek the most favorable terms and price through negotiation, comparative pricing or informal Competitive Bidding as the General Manager deems most appropriate in the circumstances.

Alternatively, the District may perform the construction, reconstruction, erection, alteration, renovation, improvement, or repair of any building, structure, or facility owned, leased, or operated by the District by Force Account.

5.03 Availability of Funds: The General Manager may authorize a purchase or contract under Section 5.01 or 5.02 above only if there are unexpended funds available in the District budget for the purchase or to pay the costs of such contract. If there are no unexpended funds within the approved District budget, then the purchase or contract must be authorized by the Board.

5.04 Change Orders and Contract Amendments: The General Manager may negotiate, approve and sign change orders and contract amendments, provided that the sum of all change orders or amendments, does not exceed the approved contingency amount for the specific project. Any change orders or contract amendments that exceed the approved contingency amount shall require Board approval.

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Section 6.00 Commodities, General Services and Construction Contracts in Excess of $25,000

6.01 Competitive Bidding Required: A purchase of Commodities, a contract for General Services, or a Construction Contract in an amount or estimated amount exceeding $25,000 shall be made pursuant to the Competitive Bidding requirements set forth in this Section 6, unless one of the following exceptions applies:

a. Commodities or General Services can be obtained from only one vendor, manufacturer, distributor, or service provider as described in Section 6.06 below;

b. Purchases made through the California Department of General Services;

c. Emergency purchases or work as described in Section 4 of this Chapter;

d. For Commodities or General Services, the General Manager determines that Competitive Bidding would not be advantageous or in the best interests of the District and recommends a single vendor/provider purchase or contract to the Board for approval; or

e. For Commodities or General Services, the Board determines or directs otherwise.

6.02 Bidding Procedures: The bidding procedures are as follows:

a. Notice Inviting Bids: The General Manager, or his or her designee, shall prepare a notice inviting bids for the purchase or contract that includes a general description of the supplies, materials, equipment to be purchased (including, if appropriate, bid specifications) or the General Service or construction work to be performed, the deadline for receipt of sealed bids, and the time and place for the bid opening.

b. Publication of Notice: For Commodities and General Services, the notice inviting bids shall be posted in three public places in the District, distributed to prospective suppliers, vendors, and contractors on the Bidder's List, and otherwise distributed as the General Manager deems appropriate. For Construction Contracts, the notice inviting bids shall be published as required by Public Contract Code section 20682 or 20682.5.

c. Bid Security: When the General Manager deems appropriate, a bidder's security may be required for the purchase of Commodities and General Services in a form and amount as determined by the General Manager. If a bidder's security is required, the bidder security requirement shall be set forth in the notice inviting

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bids. Bids that are delivered without the required bid security shall not be considered by the District.

All bids for Construction Contracts must be sealed and be accompanied by a bidder's security as required by Public Contract Code section 20683.

d. Bid Opening: At the time and place for the bid opening, the bids shall be opened in public. The General Manager shall tabulate all bids received and keep them open for public inspection for a period of not less than 30 calendar days after the bid opening. At the next Board meeting following the opening of bids, the General Manager shall present the bids to the Board.

e. Lowest Responsible Bidder: The District will only consider bidders who submit a complete and fully responsive bid. The General Manager shall make a recommendation to the Board on an award to the lowest responsible responsive bidder. In its discretion, the Board may award the contract to the lowest responsible responsive bidder, reject all bids and re-advertise for bids, or reject all bids and not proceed with the purchase or contract. Additionally, for Commodities and General Services, the Board may reject all bids and direct that an Open Market purchase be made, provided the price paid on the Open Market shall not exceed the bid of the lowest responsible responsive bidder. The Board may waive any irregularity or informality in any bid.

In determining the lowest responsible responsive bidder, price alone shall not be the determinative factor, but shall be considered along with other factors including, but not limited to, the ability of the bidder to deliver or perform the work, availability of the Commodities or services required, prior work experience, location of the vendor or service provider, and any other factors relating to the particular needs of the District for the Commodities to be purchased or the General Services or construction work required.

Upon an award to the lowest responsible responsive bidder, the security of an unsuccessful bidder, if any, shall be returned within a reasonable amount of time, but in no event shall the District hold the security beyond 60 days from the time the award is made.

6.03 Forfeiture of Bid Security: Upon award to the lowest responsible responsive bidder, if the successful bidder fails to proceed with the sale to the District or enter into a contract with the District within 10 days from the date of the award, the bidder shall forfeit the bid security.

6.04 Bid Protests: Any bid protest from an unsuccessful bidder must be submitted in writing to the District by the seventh day following the date of award. A "bid protest" means any protest, objection, complaint, or challenge to, concerning or against (i) a rejection of a

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bidder for any reason; (ii) a contract award to the apparent low bidder; (iii) another bidder's bid; or (iv) the legality or enforceability of the bid documents or contract documents or process. The bidder filing the protest must have actually submitted a bid for the purchase or contract. The protest shall be in the form of a letter or memorandum to the General Manager and shall include the following: (i) a complete statement of the basis or bases for the protest, including supporting documents; (ii) a reference to the specific portion(s) of the contract or bid documents that form(s) the basis of the protest; and (iii) the name, address, and telephone number of the person representing the protesting bidder.

The bidder filing the protest shall concurrently transmit a copy of the protest document and any attached documentation to all other bidders with a direct financial interest who may be adversely affected by the outcome of the protest, including all other bidders who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest.

The Board shall issue a prompt decision on the protest. If the Board determines that a protest is frivolous, the bidder submitting the protest may be determined to be irresponsible and be deemed ineligible for future contract awards as described in Section 6.05 below.

The procedure and time limits set forth in this Section are mandatory and are the bidder's sole and exclusive remedy in the event of a bid protest. Failure to timely comply with these procedures will constitute a waiver of any right to further pursue the bid protest, including filing a petition for writ of mandate, Government Claims Act claim, or other lawsuit or legal proceeding.

6.05 Rejection of Irresponsible Bidder: The General Manager may declare a bidder to be irresponsible for the following reasons:

a. Failure to furnish satisfactory proof of responsibility when requested by the District;

b. Unsatisfactory delay in the performance of a contract or purchase order;

c. Unsatisfactory performance of a contract or purchase order;

d. Submittal of a frivolous bid protest as described in Section 6.04 above; or

e. Violations or attempted violations of this Chapter.

Once a bidder has been determined to be irresponsible, the General Manager may remove the bidder from the Bidder's List and deem the bidder to be ineligible for future contract awards for a reasonable period of time as

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determined by the General Manager. The barred bidder shall be furnished with a written notice explaining the reasons for the irresponsibility determination, and may appeal such decision to the Board within 10 days of receiving the notice.

6.06 Single Vendor or Provider Purchases: When the District requires Commodities or General Services that can be obtained or purchased from only one vendor, manufacturer, distributor authorized to sell within the District, or service provider, the General Manager may conduct negotiations with such vendor, manufacturer, distributor, or service provider to secure the most favorable terms and price without complying with the requirements of Sections 6.01 and 6.02 above. All single vendor/provider purchases shall be supported by written documentation indicating the facts and nature supporting the determination that the single vendor/provider purchase is appropriate in the circumstances. All single vendor/provider purchases in an amount or estimated amount exceeding $25,000 require Board approval.

6.07 Special Commodities: When the District requires special supplies, materials, or equipment that must be compatible with existing District equipment, or that must perform complex or unique functions, or that are otherwise patented or proprietary, the General Manager, in consultation with the department manager or supervisor, may limit bidding to a specific product type or brand name product.

Bidders who submit alternative products or brand names are responsible for demonstrating, to the District's satisfaction, that the proposed alternative product is equal in quality and performance to those specified in the bid documents.

6.08 Splitting of Transactions Unlawful: The District shall not split requirements for Commodities, General Services, and Construction Contracts into amounts or estimated amounts of less than $25,000 to avoid the provisions of this Section 6.

Section 7.00 Contracts for Professional Services

7.01 Factors to Consider: A Professional Services contract shall be awarded only to firms and persons who have demonstrated an adequate level of experience, competence, training, credentials, character, integrity, reputation, financial responsibility, resources, equipment, staffing, and other professional qualifications necessary to competently perform the services required by the District in the time period and price stated. The cost of service shall not be the determinative factor, as it may be in the District's best interest to award the Professional Services contract to a higher-priced consultant based on the scope of services, availability, unique skills, staffing levels, timing, prior experience, familiarity with District operations, and other information as determined by the District. The information required for determining the qualifications for providing the District with such services shall be developed by the department manager or supervisor requiring the professional services, in consultation with the General Manager.

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When selecting an architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firm, the selection will be based on the demonstrated competence and professional qualifications necessary for the satisfactory performance of the required services in accordance with Government Code section 4526.

7.02 Contracts for $25,000 or Less: For Professional Service contracts in an amount or estimated amount of $25,000 or less, the General Manager may negotiate, approve and sign the Professional Services contract through negotiation, comparative pricing or informal Competitive Bidding, whichever method the General Manager deems most appropriate in the circumstances.

The General Manager may approve the contract only if there are unexpended funds available in the District budget to pay the costs of the Professional Services contract. If there are no unexpended funds within the approved District budget, then the contract must be authorized by the Board.

7.03 Contracts Exceeding $25,000: A contract for Professional Services in an amount or estimated amount exceeding $25,000 shall be made pursuant to the solicitation procedures as follows:

a. Request for Proposal/Qualifications: The General Manager, or his or her designee, shall prepare a request for proposal/qualifications ("RFP/Q") that describes the Professional Services needed, the required minimum qualifications, any required pre-proposal conferences, the requirement that the proposal be sealed, the deadline for submitting the proposal/qualifications, and the place and time for making the submission.

b. Selection of Consultant: The General Manager, in consultation with the department manager or supervisor requiring the Professional Services, shall review all proposals received in compliance with the RFP/Q requirements and may conduct follow-up interviews with the most qualified consultants. The proposals need not be opened in public. At the next Board meeting following the opening of proposals, the General Manager shall present the proposals to the Board.

c. Award of Contract: The General Manager shall make a recommendation to the Board on an award to the most qualified proposal based on the factors described in Section 7.01 above. In lieu of the RFP/Q process, if the General Manager determines that the process would not be advantageous or in the best interests of the District, the General Manager may recommend a sole source Professional Services contract to the Board. In its discretion, the Board may award the contract to the person or firm recommended by the General Manager or, if applicable, another proposer, reject all proposals and re-solicit proposals, reject

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all proposals and not proceed with the contract, or reject all proposals and direct that the General Manager solicit and negotiate a contract with a specific person or firm.

7.04 Contract Amendments: The General Manager may negotiate and execute Professional Services contract amendments, provided that the sum of all amendments does not exceed the approved contingency amount. Any contract amendment that exceeds the approved contingency amount shall require Board approval.

Section 8.00 Disposal of District Property

8.01 Disposal of Surplus Real Property: The General Manager shall dispose of real property that the Board has determined to be no longer necessary for the District's use in compliance with the requirements set forth in Government Code sections 54220 through 54233 and as otherwise directed by the Board.

8.02 Disposal of Surplus Personal Property: This section applies to surplus personal property, which is personal property owned by the District that the Board has declared surplus as inadequate or no longer necessary for the needs of the District. The General Manager may sell surplus personal property, or trade-in surplus personal property, as the Manager deems in the best interests of the District. The General Manager may discard or dispose of unsalable surplus personal property in any appropriate manner. The General Manager may also discard or destroy surplus personal property in any appropriate manner that may have some resale value but where, because of safety or liability concerns, destruction or disposal is preferable to sale.

Section 9.00 Recovered Organic Waste Product Procurement Policy

9.01 Requirements for District Departments

a. Price preference: If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of the District shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever the total cost is the same or a lesser total cost than non-recycled items, consistent with the requirements of the Public Contracts Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.

b. All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

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c. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchases on a schedule to be determined by Recordkeeping Designee (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the District. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 9.02(a)(3)-(4) for recycled-content purchases, vendor name, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

9.02 Requirements for Vendors

a. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to District shall:

1. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item.

2. Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the District. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

4. Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the District is eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

5. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchased from the vendor on a schedule to be determined by Recordkeeping Designee (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the District. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 9.02(a)(3)-(4) for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled

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content (including products that contain none), and if non-Recycled-Content Paper Products and/or non- Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

b. All vendors providing printing services to the District via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, or as amended by Public Contract Code Section 12209.

9.03 Recordkeeping Requirements

a. The Administration Department will be the responsible department and will select an employee to act as the Recordkeeping Designee that will be responsible for obtaining records pertaining to Procurement of Recovered Organic Waste Products and Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.

b. The Recordkeeping Designee will do the following to track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper:

1. Collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of District's documentation of its compliance with 14 CCR Section 18993.3.

2. Collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments and divisions procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the District to develop evidence of District meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the District's documentation of its compliance with 14 CCR Section 18993.1.

3. Collect, collate, and maintain documentation submitted by the District, Direct Service Providers, and/or vendors, including the information reported to the Recordkeeping Designee in accordance with Sections 9.01(c) and 9.02(a)(5).

4. Compile an annual report on the District's direct procurement, and vendor/other procurement on behalf of the District, of Recovered Organic Waste Products,

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Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the recordkeeping requirements contained in 14 CCR Section 18993.2 for the Annual Recovered Organic Waste Product Procurement Target and 14 CCR Section 18993.4 for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement. This report shall be made available to the District's responsible entity for compiling the annual report to be submitted to CalRecycle (which will include a description of compliance on many other SB 1383 regulatory requirements) pursuant to 14 CCR Division 7, Chapter 12, Article 13. The procurement report shall also be shared with the Board annually as evidence of implementing this Policy.

SECTION 3. Effective Date. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this ordinance shall be and remain in full force and effect.

SECTION 5. Publication. The District Secretary shall cause this ordinance to be at least once in a newspaper of general circulation published and circulated in the District within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code.

INTRODUCED by the Board of Directors at a regular meeting held on the 20th day of August 2025.

PASSED AND ADOPTED by the Board of Directors of the Rancho Murieta Community Services District, Sacramento County, California, at a meeting held on the 17th day of September 2025, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
John Merchant, President of the Board
Rancho Murieta Community Services District

[seal]

ATTEST:

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_____

Amelia Wilder, District Secretary

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RANCHO MURIETA
COMMUNITY SERVICES DISTRICT

DISTRICT CODE
CHAPTER 4

PURCHASING AND BIDDING

Amended October 16, 2019 by
Ordinance O2019-04

Section 1.00 General Provisions

1.01 Purpose: The purpose of this Chapter is to establish efficient procedures for the purchase of supplies, materials, equipment, and services, and for letting construction contracts consistent with state law.

1.02 Administration of Chapter: The General Manager shall administer the regulations contained in this Chapter and shall take steps as are reasonable and proper to ensure compliance with this Chapter.

1.03 Additional Procedures: The General Manager may establish and maintain administrative regulations and standards that implement the provisions of this Chapter, including, but not limited to:

a. Procedures for inspecting deliveries of supplies, materials and equipment and for evaluating the provision of general or professional services;

b. Procedures for submitting requisitions for supplies, materials, equipment, and services by District employees; and

c. Procedures for the control and safeguarding of District supplies, materials, and equipment and the maintenance of an inventory system for such supplies, materials, and equipment.

The General Manager shall submit the proposed administrative regulations to the Board for approval, and, if approved, shall thereafter carry out and enforce such regulations and standards.

1.04 Bulk Orders: When practicable, the General Manager shall seek to reduce the number of purchasing transactions for commonly used or purchased materials, supplies, and equipment by combining them into bulk orders.

1.05 Purchases by the Department of General Services. As appropriate, the Office of Procurement, California Department of General Services, may purchase miscellaneous equipment and supplies for the District as authorized by state law. The General Manager may sign and deliver all necessary requests and other documents in connection with such purchases.

Section 2.00 Definitions

As used in this Chapter, the following words and phrases shall have the following meaning:

2.01 Annual Recovered Organic Waste Product Procurement Target: The amount of Organic Waste in the form of a Recovered Organic Waste Product that the District is required to procure annually under 14 CCR Section 18993.1.

~~2.01~~2.02 Bidder's List: List of prospective suppliers, vendors and qualified contractors capable of providing the commodity or service being bid upon, maintained by the General Manager.

~~2.02~~2.03 Board: Board of Directors of the Rancho Murieta Community Services District.

~~2.03~~2.04 Commodity: Supplies, materials, equipment, and other tangible personal property appropriate for the reasonable operation of the District.

2.05 Competitive Bidding: The formal or informal submission, or receipt, of verbal or written estimates or cost proposals in terms of dollars, man days of work required, percentage of construction cost, or any other measure of compensation whereby the District may compare prices and other relevant criteria. The competitive bidding process typically involves the submission of offers by bidders pursuant to a public notice inviting bidders to provide the District with a specified commodity or service, or to purchase District personal property which has been found by the Board not to be required for public use, and which offers are submitted under seal or by voice at a public auction.

~~2.04~~2.06 Compost: The product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).

2.07 Construction Contract: Public works contract for the construction or completion of any building, structure or improvement, or a contract for the furnishing of materials and supplies for such work that is subject to the regulations contained in Public Contract Code sections 20680 to 20683.

~~2.05~~2.08 Direct Service Provider: A person, company, agency, district, or other entity that provides a service or services to the District pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).

~~2.06~~2.09 District: The Rancho Murieta Community Services District.

~~2.07~~2.10 Force Account: Any work performed by District employees, or day's labor under District supervision or superintendence.

~~2.08~~2.11 General Services: Services that do not require any unique skill, special background, or training and involve routine, recurring, and usual work for the continued operation and maintenance of the District. General services include the provision of telephone, gas, water, electric, light and power services and rentals of equipment and machinery.

2.12 Open Market: Purchase of a Commodity or services that does not require the solicitation of competitive sealed bids for awarding to the lowest responsible bidder.

2.13 Organic Waste: Solid wastes containing material originated from living organisms and their metabolic waste products including, but not limited to, food, yard trimmings, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR Section 18982(a)(46).

2.14 Paper Products: Include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or as otherwise defined in 14 CCR Section 18982(a)(51).

2.15 Printing and Writing Papers: Include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).

~~2.09~~2.16 Procurement of Recovered Organic Waste Products: The purchase or acquisition (e.g., free delivery or free distribution from a hauler or other entity via a written agreement or contract), and end use by the District or others. The District's Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the District or by Direct Service Providers through written contracts or agreements for the Procurement of Recovered Organic Waste Products at the District's behest.

2.17 Professional Services: Services performed by an attorney, physician, architect, engineer, land surveyor, construction manager, appraiser, expert, accounting firm, computer or information technology consultant, or other consultant or organization possessing a high degree of technical and professional skills and that require specific skills, experience and training, and professional judgment.

2.18 Recordkeeping Designee: The public employee appointed by the General Manager or their designee to track procurement and maintain records of procurement efforts both by the District and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13.

2.19 Recovered Organic Waste Products: Products made from California, landfill-diverted recovered Organic Waste processed at a permitted or otherwise authorized operation or facility, or as otherwise defined in 14 CCR Section 18982(a)(60). Products that can be used to meet the Annual Recovered Organic Waste Product Procurement Target shall include Compost, SB 1383 Eligible Mulch, Renewable Gas from an in-vessel digestion facility, and Electricity Procured from Biomass Conversion as described herein and provided that such products meet requirements of 14 CCR, Division 7, Chapter 12, Article 12.

2.20 Recyclability: The Paper Products and Printing and Writing Paper offered or sold to the District that are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12 (2013).

2.21 Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper: Such products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, and as amended.

2.22 Renewable Gas: Gas derived from Organic Waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recover organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

2.23 SB 1383: Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced from time to time.

2.24 SB 1383 Eligible Mulch: Mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. This SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):

a. Produced at one of the following facilities:

1. A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10);

2. A transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,

3. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.

b. Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852(a)(24.5)(A)1 through 3.

2.25 SB 1383 Regulations or SB 1383 Regulatory: The Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.

~~2.10~~2.26 State: The State of California.

Section 3.00 General Manager Authority

3.01 Powers and Duties of General Manager: The General Manager shall, under the direction of the Board and in compliance with the provisions of this Chapter and applicable state law:

a. Purchase or contract for all Commodities, construction work, or General and Professional Services required by the District in amounts or estimated amounts of up to $25,000 or less and sign such contracts.

b. Submit to the Board, for review and approval, all Construction Contracts and contracts for the purchase of Commodities or retention of General or Professional Services in amounts or estimated amounts exceeding $25,000. After approval by the Board, the General Manager may sign such contracts on the District's behalf.

c. Dispose of property pursuant to Section 8.

d. In consultation with District counsel, develop standard forms and specifications for invitations to bid and related bid documents, purchase orders, Construction Contracts, and contracts for General or Professional Services, and prescribe the use of other forms and procedures as may be required to carry out the provisions of this Chapter.

e. Supervise the inspection of all Commodities and services purchased under this Chapter to assure conformance with District specifications.

f. Maintain up-to-date Bidder's List, vendor's catalogs, files, and such other records as needed to perform these duties.

g. Ensure that purchasing specifications are written to encourage full competition.

Commented [1]: This amount could be reduced or increased to generally any amount. The only limit is that purchase of materials for or contracts for construction or improvements that cost more than $25,000 cannot be obtained through the open market. (See Public Contract Code section 20682-20682.5)

h. Perform such other tasks as may be necessary or appropriate to administer the provisions of this Chapter.

3.02 Delegation of Responsibility: The General Manager may delegate the duties and responsibilities assigned by this Chapter to his or her designee, as the General Manager deems proper.

3.03 Expenditures from Reserve Funds: The General Manager spending authority under sections 5.00 (Commodities, General Services and Construction Contracts of $25,000 or Less) and 7.02 (Professional Service Contracts of $25,000 or Less) applies to any expenditure that will be funded from an existing District reserve fund. Any expenditure from a reserve fund in excess of $25,000 requires Board approval (except as provided by section 3.04 for expenditures on budget-approved capital projects or section 4.00 for emergency purchases and contracting).

Commented [2]: Same as above. The general manager's spending authroity for commodities, general services, and professional services could be increase or decreased to any amount. However, the general manager cannot enter into Construction Contracts that cost more than $25,000 on the open market. (See Public Contract Code section 20682-20682.5)

3.04 Expenditures on Budget-Approved Capital Projects: The General Manager may approve a purchase of Commodities, General Services contract, Professional Services contract, or Construction Contract in an amount or estimated amount of $50,000 or less if (a) the purchase or contract directly supports or furthers a particular capital improvement or replacement project, and (b) the costs of the particular project are included within the current year's Board-approved budget. For any such purchase of Commodities, General Services contract, Professional Services contract, or Construction Contract of $25,000 or less, the General Manager may make the purchase or approve the contract on the Open Market by seeking the most favorable terms and price either through negotiation, comparative pricing, or informal Competitive Bidding, whichever method the General Manager deems most appropriate in the circumstances. For any such purchase of Commodities, General Services contract, or Construction Contract between $25,000 and $50,000, the General Manager shall follow the competitive bidding and award procedures set forth in section 6.00 (Commodities, General Services and Construction Contracts in Excess of $25,000) and section 6.02(e) is modified to authorize the General Manager to award and approve the purchase or contract. For any such Professional Services contract between $25,000 and $50,000, the General Manager shall follow the RFP/Q, selection, and award procedures set forth in section 7.03 (Professional Service Contracts Exceeding $25,000) and section 7.03(c) is modified to authorize the General Manager to award and approve the contract.

Commented [3]: Same as above.

Commented [4]: Same as above.

Section 4.00 Emergency Purchases and Contracting

4.01 Determination of Emergency: The authority to declare the existence of an emergency, including but not limited to emergencies described in Government Code sections 8558 and 54956.5 and Public Contract Code section 1102, generally resides with the Board. When urgent circumstances preclude taking the time for such determination by the Board, the General Manager may declare the existence of an emergency subject to ratification of the Board at its next Board meeting.

4.02 Authority of General Manager: In cases of emergency as determined by the Board or General Manager as set forth in Section 4.01 above, when repair or replacements are necessary to permit the continued operation of the District, or to avoid danger to life or property, the General Manager may replace or repair any District building, structure, equipment or facility, purchase or contract for the necessary Commodities and General or Professional Services, and take any other related and immediate action

Commented [5]: The district can establish a set amount the General Manager can purchase or contract for in an emergency.

necessary or appropriate to respond to the emergency without complying with the Competitive Bidding requirements in Section 6 of this Chapter.

4.03 Delegation of Authority by General Manager: If the General Manager is unavailable to take the actions described in Section 4.02 above, the department manager or supervisor or acting supervisor in need of emergency Commodities or General or Professional Services may make the necessary purchases, securing competitive quotations whenever possible. The supervisor may issue a verbal order to a vendor as necessary to resolve the immediate hazard. The supervisor must notify the General Manager of his or her actions as soon as reasonably possible.

4.04 Board Notification and Approval: The General Manager shall promptly report to the Board the emergency actions taken and the circumstances surrounding such emergency.

If the General Manager approves a Construction Contract without giving public notice for bids where it would normally be required, he or she shall inform the Board ~~of Directors~~ no later than seven days after the action, or at the Board's next regularly scheduled meeting, if that meeting will occur no later than 14 days after the action, and every regularly scheduled Board meeting thereafter until such emergency action is terminated. Following notice to the Board by the General Manager, the Board must decide whether to approve, by a four-fifths vote, the continuation of such emergency work. If the Board does not allow the emergency action to continue, the General Manager shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice inviting bids for the emergency work.

4.05 Delegation of Emergency Construction Contract Authority: Pursuant to Public Resources Code section 22050(b)(1), the Board delegates to the General Manager the authority to order emergency Construction Contract action under Public Contract Code section 22050(a).

Section 5.00 Commodities, General Services and Construction Contracts of $25,000 or Less

5.01 Commodities and General Services: For a purchase of Commodities or contract for General Services in an amount or estimated amount of $25,000 or less, the General Manager may make the purchase or approve the contract on the Open Market by seeking the most favorable terms and price either through negotiation, comparative pricing or informal Competitive Bidding, whichever method the General Manager deems most appropriate in the circumstances.

5.02 Construction Contracts: The General Manager may approve a Construction Contract without Competitive Bidding when the cost of such work does not exceed $25,000. The General Manager shall seek the most favorable terms and price through negotiation, comparative pricing or informal Competitive Bidding as the General Manager deems most appropriate in the circumstances.

Alternatively, the District may perform the construction, reconstruction, erection, alteration, renovation, improvement, or repair of any building, structure, or facility owned, leased, or operated by the District by Force Account.

5.03 Availability of Funds: The General Manager may authorize a purchase or contract under Section 5.01 or 5.02 above only if there are unexpended funds available in the District budget for the purchase or to pay the costs of such contract. If there are no unexpended funds within the approved District budget, then the purchase or contract must be authorized by the Board.

Commented [6]: Under Public Contract Code section 20682-20683 a district may enter into Construction Contracts on the open market when the cost does not exceed $25,000.

Commented [7]: The district could reduce or increase the maximum cost the General Manager can purchase or contract for commodities or general services on the open market to any amount.

Commented [8]: Under Public Contract Code section 20682-20683 a district may enter into Construction Contract on the open markt when the cost does not exceed $25,000. The district could reduce the amount the General Manager can approve without Board approval to anything less than $25,000.

5.04 Change Orders and Contract Amendments: The General Manager may negotiate, approve and sign change orders and contract amendments, provided that the sum of all change orders or amendments, does not exceed the approved contingency amount for the specific project. Any change orders or contract amendments that exceed the approved contingency amount shall require Board approval.

Section 6.00 Commodities, General Services and Construction Contracts in Excess of $25,000

Commented [9]: Construction Contracts that exceed $25,000 must go through the formal bidding process. However, contracts for commodities and general services do not have to exceed $25,000 to go through the formal bidding process. The district could increase or decrease the cost for commodities and services to go through the formal bidding process.

6.01 Competitive Bidding Required: A purchase of Commodities, a contract for General Services, or a Construction Contract in an amount or estimated amount exceeding $25,000 shall be made pursuant to the Competitive Bidding requirements set forth in this Section 6, unless one of the following exceptions applies:

a. Commodities or General Services can be obtained from only one vendor, manufacturer, distributor, or service provider as described in Section 6.06 below;

b. Purchases made through the California Department of General Services;

c. Emergency purchases or work as described in Section 4 of this Chapter;

d. For Commodities or General Services, the General Manager determines that Competitive Bidding would not be advantageous or in the best interests of the District and recommends a single vendor/provider purchase or contract to the Board for approval; or

e. For Commodities or General Services, the Board determines or directs otherwise.

6.02 Bidding Procedures: The bidding procedures are as follows:

a. Notice Inviting Bids: The General Manager, or his or her designee, shall prepare a notice inviting bids for the purchase or contract that includes a general description of the supplies, materials, equipment to be purchased (including, if appropriate, bid specifications) or the General Service or construction work to be performed, the deadline for receipt of sealed bids, and the time and place for the bid opening.

b. Publication of Notice: For Commodities and General Services, the notice inviting bids shall be posted in three public places in the District, distributed to prospective suppliers, vendors, and contractors on the Bidder's List, and otherwise distributed as the General Manager deems appropriate. For Construction Contracts, the notice inviting bids shall be published as required by Public Contract Code section 20682 or 20682.5.

c. Bid Security: When the General Manager deems appropriate, a bidder's security may be required for the purchase of Commodities and General Services in a form and amount as determined by the General Manager. If a bidder's security is required, the bidder security requirement shall be set forth in the notice inviting bids. Bids that are delivered without the required bid security shall not be considered by the District.

All bids for Construction Contracts must be sealed and be accompanied by a bidder's security as required by Public Contract Code section 20683.

d. Bid Opening: At the time and place for the bid opening, the bids shall be opened in public. The General Manager shall tabulate all bids received and keep them open for public inspection for a period of not less than 30 calendar days after the bid opening. At the next Board meeting following the opening of bids, the General Manager shall present the bids to the Board.

e. Lowest Responsible Bidder: The District will only consider bidders who submit a complete and fully responsive bid. The General Manager shall make a recommendation to the Board on an award to the lowest responsible responsive bidder. In its discretion, the Board may award the contract to the lowest responsible responsive bidder, reject all bids and re-advertise for bids, or reject all bids and not proceed with the purchase or contract. Additionally, for Commodities and General Services, the Board may reject all bids and direct that an Open Market purchase be made, provided the price paid on the Open Market shall not exceed the bid of the lowest responsible responsive bidder. The Board may waive any irregularity or informality in any bid.

   In determining the lowest responsible responsive bidder, price alone shall not be the determinative factor, but shall be considered along with other factors including, but not limited to, the ability of the bidder to deliver or perform the work, availability of the Commodities or services required, prior work experience, location of the vendor or service provider, and any other factors relating to the particular needs of the District for the Commodities to be purchased or the General Services or construction work required.

   Upon an award to the lowest responsible responsive bidder, the security of an unsuccessful bidder, if any, shall be returned within a reasonable amount of time, but in no event shall the District hold the security beyond 60 days from the time the award is made.

6.03 Forfeiture of Bid Security: Upon award to the lowest responsible responsive bidder, if the successful bidder fails to proceed with the sale to the District or enter into a contract with the District within 10 days from the date of the award, the bidder shall forfeit the bid security.

6.04 Bid Protests: Any bid protest from an unsuccessful bidder must be submitted in writing to the District by the seventh day following the date of award. A "bid protest" means any protest, objection, complaint, or challenge to, concerning or against (i) a rejection of a bidder for any reason; (ii) a contract award to the apparent low bidder; (iii) another bidder's bid; or (iv) the legality or enforceability of the bid documents or contract documents or process. The bidder filing the protest must have actually submitted a bid for the purchase or contract. The protest shall be in the form of a letter or memorandum to the General Manager and shall include the following: (i) a complete statement of the basis or bases for the protest, including supporting documents; (ii) a reference to the specific portion(s) of the contract or bid documents that form(s) the basis of the protest; and (iii) the name, address, and telephone number of the person representing the protesting bidder.

The bidder filing the protest shall concurrently transmit a copy of the protest document and any attached documentation to all other bidders with a direct financial interest who may be adversely affected by the outcome of the protest, including all other bidders who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest.

The Board shall issue a prompt decision on the protest. If the Board determines that a protest is frivolous, the bidder submitting the protest may be determined to be irresponsible and be deemed ineligible for future contract awards as described in Section 6.05 below.

The procedure and time limits set forth in this Section are mandatory and are the bidder's sole and exclusive remedy in the event of a bid protest. Failure to timely comply with these procedures will constitute a waiver of any right to further pursue the bid protest, including filing a petition for writ of mandate, Government Claims Act claim, or other lawsuit or legal proceeding.

6.05 Rejection of Irresponsible Bidder: The General Manager may declare a bidder to be irresponsible for the following reasons:

a. Failure to furnish satisfactory proof of responsibility when requested by the District;

b. Unsatisfactory delay in the performance of a contract or purchase order;

c. Unsatisfactory performance of a contract or purchase order;

d. Submittal of a frivolous bid protest as described in Section 6.04 above; or

e. Violations or attempted violations of this Chapter.

Once a bidder has been determined to be irresponsible, the General Manager may remove the bidder from the Bidder's List and deem the bidder to be ineligible for future contract awards for a reasonable period of time as determined by the General Manager. The barred bidder shall be furnished with a written notice explaining the reasons for the irresponsibility determination, and may appeal such decision to the Board within 10 days of receiving the notice.

6.06 Single Vendor or Provider Purchases: When the District requires Commodities or General Services that can be obtained or purchased from only one vendor, manufacturer, distributor authorized to sell within the District, or service provider, the General Manager may conduct negotiations with such vendor, manufacturer, distributor, or service provider to secure the most favorable terms and price without complying with the requirements of Sections 6.01 and 6.02 above. All single vendor/provider purchases shall be supported by written documentation indicating the facts and nature supporting the determination that the single vendor/provider purchase is appropriate in the circumstances. All single vendor/provider purchases in an amount or estimated amount exceeding $25,000 require Board approval.

6.07 Special Commodities: When the District requires special supplies, materials, or equipment that must be compatible with existing District equipment, or that must perform complex or unique functions, or that are otherwise patented or proprietary, the General Manager, in consultation with the department manager or supervisor, may limit bidding to a specific product type or brand name product.

Bidders who submit alternative products or brand names are responsible for demonstrating, to the District's satisfaction, that the proposed alternative product is equal in quality and performance to those specified in the bid documents.

6.08 Splitting of Transactions Unlawful: The District shall not split requirements for Commodities, General Services, and Construction Contracts into amounts or estimated amounts of less than $25,000 to avoid the provisions of this Section 6.

Section 7.00 Contracts for Professional Services

7.01 Factors to Consider: A Professional Services contract shall be awarded only to firms and persons who have demonstrated an adequate level of experience, competence, training, credentials, character, integrity, reputation, financial responsibility, resources, equipment, staffing, and other professional qualifications necessary to competently perform the services required by the District in the time period and price stated. The cost of service shall not be the determinative factor, as it may be in the District's best interest to award the Professional Services contract to a higher-priced consultant based on the scope of services, availability, unique skills, staffing levels, timing, prior experience, familiarity with District operations, and other information as determined by the District. The information required for determining the qualifications for providing the District with such services shall be developed by the department manager or supervisor requiring the professional services, in consultation with the General Manager.

When selecting an architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firm, the selection will be based on the demonstrated competence and professional qualifications necessary for the satisfactory performance of the required services in accordance with Government Code section 4526.

7.02 Contracts for $25,000 or Less: For Professional Service contracts in an amount or estimated amount of $25,000 or less, the General Manager may negotiate, approve and sign the Professional Services contract through negotiation, comparative pricing or informal Competitive Bidding, whichever method the General Manager deems most appropriate in the circumstances.

Commented [10]: The amount the General Manager can contract for here can be increased or decreased to any amount.

The General Manager may approve the contract only if there are unexpended funds available in the District budget to pay the costs of the Professional Services contract. If there are no unexpended funds within the approved District budget, then the contract must be authorized by the Board.

7.03 Contracts Exceeding $25,000: A contract for Professional Services in an amount or estimated amount exceeding $25,000 shall be made pursuant to the solicitation procedures as follows:

a. Request for Proposal/Qualifications: The General Manager, or his or her designee, shall prepare a request for proposal/qualifications ("RFP/Q") that describes the Professional Services needed, the required minimum qualifications, any required pre-proposal conferences, the requirement that the proposal be sealed, the deadline for submitting the proposal/qualifications, and the place and time for making the submission.

b. Selection of Consultant: The General Manager, in consultation with the department manager or supervisor requiring the Professional Services, shall review all proposals received in compliance with the RFP/Q requirements and may conduct follow-up interviews with the most qualified consultants. The proposals need not be opened in public. At the next Board meeting following the opening of proposals, the General Manager shall present the proposals to the Board.

c. Award of Contract: The General Manager shall make a recommendation to the Board on an award to the most qualified proposal based on the factors described in Section 7.01 above. In lieu of the RFP/Q process, if the General Manager determines that the process would not be advantageous or in the best interests of the District, the General Manager may recommend a

sole source Professional Services contract to the Board. In its discretion, the Board may award the contract to the person or firm recommended by the General Manager or, if applicable, another proposer, reject all proposals and re-solicit proposals, reject all proposals and not proceed with the contract, or reject all proposals and direct that the General Manager solicit and negotiate a contract with a specific person or firm.

7.04 Contract Amendments: The General Manager may negotiate and execute Professional Services contract amendments, provided that the sum of all amendments does not exceed the approved contingency amount. Any contract amendment that exceeds the approved contingency amount shall require Board approval.

Section 8.00 Disposal of District Property

8.01 Disposal of Surplus Real Property: The General Manager shall dispose of real property that the Board has determined to be no longer necessary for the District's use in compliance with the requirements set forth in Government Code sections 54220 through 54233 and as otherwise directed by the Board.

8.02 Disposal of Surplus Personal Property: This section applies to surplus personal property, which is personal property owned by the District that the Board has declared surplus as inadequate or no longer necessary for the needs of the District. The General Manager may sell surplus personal property, or trade-in surplus personal property, as the Manager deems in the best interests of the District. The General Manager may discard or dispose of unsalable surplus personal property in any appropriate manner. The General Manager may also discard or destroy surplus personal property in any appropriate manner that may have some resale value but where, because of safety or liability concerns, destruction or disposal is preferable to sale.

Section 9.00 Recovered Organic Waste Product Procurement Policy

9.01 Requirements for District Departments

a. Price preference: If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of the District shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever the total cost is the same or a lesser total cost than non-recycled items, consistent with the requirements of the Public Contracts Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.

Commented [11]: Another option is to have the price preference be "whenever the total cost is the same or a lesser total cost than non-recycled items or whenever the total cost is no more than 25% of the total cost for the non-recycled items."

b. All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

c. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchases on a schedule to be determined by Recordkeeping Designee (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the District. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 9.02(a)(3)-(4) for recycled-content purchases, vendor name, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing

Commented [12]: The District could also specify a specific timeframe that would require these records to be provided within, for example, 30 days.

and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

9.02 Requirements for Vendors

a. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to District shall:

1. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item.

2. Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the District. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

4. Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the District is eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

5. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchased from the vendor on a schedule to be determined by Recordkeeping Designee (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the District. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 9.02(a)(3)-(4) for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non- Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

Commented [13]: The District could require that records be provided to the recordkeeping designee within a set number of days such as 30 days.

b. All vendors providing printing services to the District via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, or as amended by Public Contract Code Section 12209.

9.03 Recordkeeping Requirements

a. The Administration Department will be the responsible department and will select an employee to act as the Recordkeeping Designee that will be responsible for obtaining records pertaining to Procurement of Recovered Organic Waste Products and Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.

Commented [14]: The department responsible for recordkeeping can be any department the District designates. Some CSDs have the Financial Department be responsible for recordkeeping. Another option is to say "the General Manager will select an employee to act as the Recordkeeping designee."

b. The Recordkeeping Designee will do the following to track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper:

1. Collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of District's documentation of its compliance with 14 CCR Section 18993.3.

2. Collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments and divisions procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the District to develop evidence of District meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the District's documentation of its compliance with 14 CCR Section 18993.1.

3. Collect, collate, and maintain documentation submitted by the District, Direct Service Providers, and/or vendors, including the information reported to the Recordkeeping Designee in accordance with Sections 9.01(c) and 9.02(a)(5).

4. Compile an annual report on the District's direct procurement, and vendor/other procurement on behalf of the District, of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the recordkeeping requirements contained in 14 CCR Section 18993.2 for the Annual Recovered Organic Waste Product Procurement Target and 14 CCR Section 18993.4 for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement. This report shall be made available to the District's responsible entity for compiling the annual report to be submitted to CalRecycle (which will include a description of compliance on many other SB 1383 regulatory requirements) pursuant to 14 CCR Division 7, Chapter 12, Article 13. The procurement report shall also be shared with the Board annually as evidence of implementing this Policy.

Commented [15]: The District may consider adding when or how often this report will be shared with the Board. For example, "the procurement report shall also be shared with the Board annually no later than February of the following year of the reporting period as evidence of implementing this Policy."

RANCHO MURIETA
COMMUNITY SERVICES DISTRICT

DISTRICT CODE
CHAPTER 4

PURCHASING AND BIDDING

Amended October 16, 2019 by
Ordinance O2019-04

Section 1.00 General Provisions

1.01 Purpose: The purpose of this Chapter is to establish efficient procedures for the purchase of supplies, materials, equipment, and services, and for letting construction contracts consistent with state law.

1.02 Administration of Chapter: The General Manager shall administer the regulations contained in this Chapter and shall take steps as are reasonable and proper to ensure compliance with this Chapter.

1.03 Additional Procedures: The General Manager may establish and maintain administrative regulations and standards that implement the provisions of this Chapter, including, but not limited to:

a. Procedures for inspecting deliveries of supplies, materials and equipment and for evaluating the provision of general or professional services;

b. Procedures for submitting requisitions for supplies, materials, equipment, and services by District employees; and

c. Procedures for the control and safeguarding of District supplies, materials, and equipment and the maintenance of an inventory system for such supplies, materials, and equipment.

The General Manager shall submit the proposed administrative regulations to the Board for approval, and, if approved, shall thereafter carry out and enforce such regulations and standards.

1.04 Bulk Orders: When practicable, the General Manager shall seek to reduce the number of purchasing transactions for commonly used or purchased materials, supplies, and equipment by combining them into bulk orders.

1.05 Purchases by the Department of General Services. As appropriate, the Office of Procurement, California Department of General Services, may purchase miscellaneous equipment and supplies for the District as authorized by state law. The General Manager may sign and deliver all necessary requests and other documents in connection with such purchases.

Section 2.00 Definitions

As used in this Chapter, the following words and phrases shall have the following meaning:

2.01 Annual Recovered Organic Waste Product Procurement Target: The amount of Organic Waste in the form of a Recovered Organic Waste Product that the District is required to procure annually under 14 CCR Section 18993.1.

2.02 Bidder's List: List of prospective suppliers, vendors and qualified contractors capable of providing the commodity or service being bid upon, maintained by the General Manager.

2.03 Board: Board of Directors of the Rancho Murieta Community Services District.

2.04 Commodity: Supplies, materials, equipment, and other tangible personal property appropriate for the reasonable operation of the District.

2.05 Competitive Bidding: The formal or informal submission, or receipt, of verbal or written estimates or cost proposals in terms of dollars, man days of work required, percentage of construction cost, or any other measure of compensation whereby the District may compare prices and other relevant criteria. The competitive bidding process typically involves the submission of offers by bidders pursuant to a public notice inviting bidders to provide the District with a specified commodity or service, or to purchase District personal property which has been found by the Board not to be required for public use, and which offers are submitted under seal or by voice at a public auction.

2.06 Compost: The product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).

2.07 Construction Contract: Public works contract for the construction or completion of any building, structure or improvement, or a contract for the furnishing of materials and supplies for such work that is subject to the regulations contained in Public Contract Code sections 20680 to 20683.

2.08 Direct Service Provider: A person, company, agency, district, or other entity that provides a service or services to the District pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).

2.09 District: The Rancho Murieta Community Services District.

2.10 Force Account: Any work performed by District employees, or day's labor under District supervision or superintendence.

2.11 General Services: Services that do not require any unique skill, special background, or training and involve routine, recurring, and usual work for the continued operation and maintenance of the District. General services include the provision of telephone, gas, water, electric, light and power services and rentals of equipment and machinery.

2.12 Open Market: Purchase of a Commodity or services that does not require the solicitation of competitive sealed bids for awarding to the lowest responsible bidder.

2.13 Organic Waste: Solid wastes containing material originated from living organisms and their metabolic waste products including, but not limited to, food, yard trimmings, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR Section 18982(a)(46).

2.14 Paper Products: Include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or as otherwise defined in 14 CCR Section 18982(a)(51).

2.15 Printing and Writing Papers: Include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).

2.16 Procurement of Recovered Organic Waste Products: The purchase or acquisition (e.g., free delivery or free distribution from a hauler or other entity via a written agreement or contract), and end use by the District or others. The District's Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the District or by Direct Service Providers through written contracts or agreements for the Procurement of Recovered Organic Waste Products at the District's behest.

2.17 Professional Services: Services performed by an attorney, physician, architect, engineer, land surveyor, construction manager, appraiser, expert, accounting firm, computer or information technology consultant, or other consultant or organization possessing a high degree of technical and professional skills and that require specific skills, experience and training, and professional judgment.

2.18 Recordkeeping Designee: The public employee appointed by the General Manager or their designee to track procurement and maintain records of procurement efforts both by the District and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13.

2.19 Recovered Organic Waste Products: Products made from California, landfill-diverted recovered Organic Waste processed at a permitted or otherwise authorized operation or facility, or as otherwise defined in 14 CCR Section 18982(a)(60). Products that can be used to meet the Annual Recovered Organic Waste Product Procurement Target shall include Compost, SB 1383 Eligible Mulch, Renewable Gas from an in-vessel digestion facility, and Electricity Procured from Biomass Conversion as described herein and provided that such products meet requirements of 14 CCR, Division 7, Chapter 12, Article 12.

2.20 Recyclability: The Paper Products and Printing and Writing Paper offered or sold to the District that are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12 (2013).

2.21 Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper: Such products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, and as amended.

2.22 Renewable Gas: Gas derived from Organic Waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recover organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

2.23 SB 1383: Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced from time to time.

2.24 SB 1383 Eligible Mulch: Mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. This SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):

a. Produced at one of the following facilities:

1. A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10);

2. A transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,

3. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.

b. Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852(a)(24.5)(A)1 through 3.

2.25 SB 1383 Regulations or SB 1383 Regulatory: The Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.

2.26 State: The State of California.

Section 3.00 General Manager Authority

3.01 Powers and Duties of General Manager: The General Manager shall, under the direction of the Board and in compliance with the provisions of this Chapter and applicable state law:

a. Purchase or contract for all Commodities, construction work, or General and Professional Services required by the District in amounts or estimated amounts of up to $25,000 or less and sign such contracts.

b. Submit to the Board, for review and approval, all Construction Contracts and contracts for the purchase of Commodities or retention of General or Professional Services in amounts or estimated amounts exceeding $25,000. After approval by the Board, the General Manager may sign such contracts on the District's behalf.

c. Dispose of property pursuant to Section 8.

d. In consultation with District counsel, develop standard forms and specifications for invitations to bid and related bid documents, purchase orders, Construction Contracts, and contracts for General or Professional Services, and prescribe the use of other forms and procedures as may be required to carry out the provisions of this Chapter.

e. Supervise the inspection of all Commodities and services purchased under this Chapter to assure conformance with District specifications.

f. Maintain up-to-date Bidder's List, vendor's catalogs, files, and such other records as needed to perform these duties.

g. Ensure that purchasing specifications are written to encourage full competition.

h. Perform such other tasks as may be necessary or appropriate to administer the provisions of this Chapter.

3.02 Delegation of Responsibility: The General Manager may delegate the duties and responsibilities assigned by this Chapter to his or her designee, as the General Manager deems proper.

3.03 Expenditures from Reserve Funds: The General Manager spending authority under sections 5.00 (Commodities, General Services and Construction Contracts of $25,000 or Less) and 7.02 (Professional Service Contracts of $25,000 or Less) applies to any expenditure that will be funded from an existing District reserve fund. Any expenditure from a reserve fund in excess of $25,000 requires Board approval (except as provided by section 3.04 for expenditures on budget-approved capital projects or section 4.00 for emergency purchases and contracting).

3.04 Expenditures on Budget-Approved Capital Projects: The General Manager may approve a purchase of Commodities, General Services contract, Professional Services contract, or Construction Contract in an amount or estimated amount of $50,000 or less if (a) the purchase or contract directly supports or furthers a particular capital improvement or replacement project, and (b) the costs of the particular project are included within the current year's Board-approved budget. For any such purchase of Commodities, General Services contract, Professional Services contract, or Construction Contract of $25,000 or less, the General Manager may make the purchase or approve the contract on the Open Market by seeking the most favorable terms and price either through negotiation, comparative pricing, or informal Competitive Bidding, whichever method the General Manager deems most appropriate in the circumstances. For any such purchase of Commodities, General Services contract, or Construction Contract between $25,000 and $50,000, the General Manager shall follow the competitive bidding and award procedures set forth in section 6.00 (Commodities, General Services and Construction Contracts in Excess of $25,000) and section 6.02(e) is modified to authorize the General Manager to award and approve the purchase or contract. For any such Professional Services contract between $25,000 and $50,000, the General Manager shall follow the RFP/Q, selection, and award procedures set forth in section 7.03 (Professional Service Contracts Exceeding $25,000) and section 7.03(c) is modified to authorize the General Manager to award and approve the contract.

Section 4.00 Emergency Purchases and Contracting

4.01 Determination of Emergency: The authority to declare the existence of an emergency, including but not limited to emergencies described in Government Code sections 8558 and 54956.5 and Public Contract Code section 1102, generally resides with the Board. When urgent circumstances preclude taking the time for such determination by the Board, the General Manager may declare the existence of an emergency subject to ratification of the Board at its next Board meeting.

4.02 Authority of General Manager: In cases of emergency as determined by the Board or General Manager as set forth in Section 4.01 above, when repair or replacements are necessary to permit the continued operation of the District, or to avoid danger to life or property, the General Manager may replace or repair any District building, structure, equipment or facility, purchase or contract for the necessary Commodities and General or Professional Services, and take any other related and immediate action

necessary or appropriate to respond to the emergency without complying with the Competitive Bidding requirements in Section 6 of this Chapter.

4.03 Delegation of Authority by General Manager: If the General Manager is unavailable to take the actions described in Section 4.02 above, the department manager or supervisor or acting supervisor in need of emergency Commodities or General or Professional Services may make the necessary purchases, securing competitive quotations whenever possible. The supervisor may issue a verbal order to a vendor as necessary to resolve the immediate hazard. The supervisor must notify the General Manager of his or her actions as soon as reasonably possible.

4.04 Board Notification and Approval: The General Manager shall promptly report to the Board the emergency actions taken and the circumstances surrounding such emergency.

If the General Manager approves a Construction Contract without giving public notice for bids where it would normally be required, he or she shall inform the Board no later than seven days after the action, or at the Board's next regularly scheduled meeting, if that meeting will occur no later than 14 days after the action, and every regularly scheduled Board meeting thereafter until such emergency action is terminated. Following notice to the Board by the General Manager, the Board must decide whether to approve, by a four-fifths vote, the continuation of such emergency work. If the Board does not allow the emergency action to continue, the General Manager shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice inviting bids for the emergency work.

4.05 Delegation of Emergency Construction Contract Authority: Pursuant to Public Resources Code section 22050(b)(1), the Board delegates to the General Manager the authority to order emergency Construction Contract action under Public Contract Code section 22050(a).

Section 5.00 Commodities, General Services and Construction Contracts of $25,000 or Less

5.01 Commodities and General Services: For a purchase of Commodities or contract for General Services in an amount or estimated amount of $25,000 or less, the General Manager may make the purchase or approve the contract on the Open Market by seeking the most favorable terms and price either through negotiation, comparative pricing or informal Competitive Bidding, whichever method the General Manager deems most appropriate in the circumstances.

5.02 Construction Contracts: The General Manager may approve a Construction Contract without Competitive Bidding when the cost of such work does not exceed $25,000. The General Manager shall seek the most favorable terms and price through negotiation, comparative pricing or informal Competitive Bidding as the General Manager deems most appropriate in the circumstances.

Alternatively, the District may perform the construction, reconstruction, erection, alteration, renovation, improvement, or repair of any building, structure, or facility owned, leased, or operated by the District by Force Account.

5.03 Availability of Funds: The General Manager may authorize a purchase or contract under Section 5.01 or 5.02 above only if there are unexpended funds available in the District budget for the purchase or to pay the costs of such contract. If there are no unexpended funds within the approved District budget, then the purchase or contract must be authorized by the Board.

5.04 Change Orders and Contract Amendments: The General Manager may negotiate, approve and sign change orders and contract amendments, provided that the sum of all change orders or amendments, does not exceed the approved contingency amount for the specific project. Any change orders or contract amendments that exceed the approved contingency amount shall require Board approval.

Section 6.00 Commodities, General Services and Construction Contracts in Excess of $25,000

6.01 Competitive Bidding Required: A purchase of Commodities, a contract for General Services, or a Construction Contract in an amount or estimated amount exceeding $25,000 shall be made pursuant to the Competitive Bidding requirements set forth in this Section 6, unless one of the following exceptions applies:

a. Commodities or General Services can be obtained from only one vendor, manufacturer, distributor, or service provider as described in Section 6.06 below;

b. Purchases made through the California Department of General Services;

c. Emergency purchases or work as described in Section 4 of this Chapter;

d. For Commodities or General Services, the General Manager determines that Competitive Bidding would not be advantageous or in the best interests of the District and recommends a single vendor/provider purchase or contract to the Board for approval; or

e. For Commodities or General Services, the Board determines or directs otherwise.

6.02 Bidding Procedures: The bidding procedures are as follows:

a. Notice Inviting Bids: The General Manager, or his or her designee, shall prepare a notice inviting bids for the purchase or contract that includes a general description of the supplies, materials, equipment to be purchased (including, if appropriate, bid specifications) or the General Service or construction work to be performed, the deadline for receipt of sealed bids, and the time and place for the bid opening.

b. Publication of Notice: For Commodities and General Services, the notice inviting bids shall be posted in three public places in the District, distributed to prospective suppliers, vendors, and contractors on the Bidder's List, and otherwise distributed as the General Manager deems appropriate. For Construction Contracts, the notice inviting bids shall be published as required by Public Contract Code section 20682 or 20682.5.

c. Bid Security: When the General Manager deems appropriate, a bidder's security may be required for the purchase of Commodities and General Services in a form and amount as determined by the General Manager. If a bidder's security is required, the bidder security requirement shall be set forth in the notice inviting bids. Bids that are delivered without the required bid security shall not be considered by the District.

All bids for Construction Contracts must be sealed and be accompanied by a bidder's security as required by Public Contract Code section 20683.

d. Bid Opening: At the time and place for the bid opening, the bids shall be opened in public. The General Manager shall tabulate all bids received and keep them open for public inspection for a period of not less than 30 calendar days after the bid opening. At the next Board meeting following the opening of bids, the General Manager shall present the bids to the Board.

e. Lowest Responsible Bidder: The District will only consider bidders who submit a complete and fully responsive bid. The General Manager shall make a recommendation to the Board on an award to the lowest responsible responsive bidder. In its discretion, the Board may award the contract to the lowest responsible responsive bidder, reject all bids and re-advertise for bids, or reject all bids and not proceed with the purchase or contract. Additionally, for Commodities and General Services, the Board may reject all bids and direct that an Open Market purchase be made, provided the price paid on the Open Market shall not exceed the bid of the lowest responsible responsive bidder. The Board may waive any irregularity or informality in any bid.

In determining the lowest responsible responsive bidder, price alone shall not be the determinative factor, but shall be considered along with other factors including, but not limited to, the ability of the bidder to deliver or perform the work, availability of the Commodities or services required, prior work experience, location of the vendor or service provider, and any other factors relating to the particular needs of the District for the Commodities to be purchased or the General Services or construction work required.

Upon an award to the lowest responsible responsive bidder, the security of an unsuccessful bidder, if any, shall be returned within a reasonable amount of time, but in no event shall the District hold the security beyond 60 days from the time the award is made.

6.03 Forfeiture of Bid Security: Upon award to the lowest responsible responsive bidder, if the successful bidder fails to proceed with the sale to the District or enter into a contract with the District within 10 days from the date of the award, the bidder shall forfeit the bid security.

6.04 Bid Protests: Any bid protest from an unsuccessful bidder must be submitted in writing to the District by the seventh day following the date of award. A “bid protest” means any protest, objection, complaint, or challenge to, concerning or against (i) a rejection of a bidder for any reason; (ii) a contract award to the apparent low bidder; (iii) another bidder’s bid; or (iv) the legality or enforceability of the bid documents or contract documents or process. The bidder filing the protest must have actually submitted a bid for the purchase or contract. The protest shall be in the form of a letter or memorandum to the General Manager and shall include the following: (i) a complete statement of the basis or bases for the protest, including supporting documents; (ii) a reference to the specific portion(s) of the contract or bid documents that form(s) the basis of the protest; and (iii) the name, address, and telephone number of the person representing the protesting bidder.

The bidder filing the protest shall concurrently transmit a copy of the protest document and any attached documentation to all other bidders with a direct financial interest who may be adversely affected by the outcome of the protest, including all other bidders who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest.

The Board shall issue a prompt decision on the protest. If the Board determines that a protest is frivolous, the bidder submitting the protest may be determined to be irresponsible and be deemed ineligible for future contract awards as described in Section 6.05 below.

The procedure and time limits set forth in this Section are mandatory and are the bidder's sole and exclusive remedy in the event of a bid protest. Failure to timely comply with these procedures will constitute a waiver of any right to further pursue the bid protest, including filing a petition for writ of mandate, Government Claims Act claim, or other lawsuit or legal proceeding.

6.05 Rejection of Irresponsible Bidder: The General Manager may declare a bidder to be irresponsible for the following reasons:

a. Failure to furnish satisfactory proof of responsibility when requested by the District;

b. Unsatisfactory delay in the performance of a contract or purchase order;

c. Unsatisfactory performance of a contract or purchase order;

d. Submittal of a frivolous bid protest as described in Section 6.04 above; or

e. Violations or attempted violations of this Chapter.

Once a bidder has been determined to be irresponsible, the General Manager may remove the bidder from the Bidder's List and deem the bidder to be ineligible for future contract awards for a reasonable period of time as determined by the General Manager. The barred bidder shall be furnished with a written notice explaining the reasons for the irresponsibility determination, and may appeal such decision to the Board within 10 days of receiving the notice.

6.06 Single Vendor or Provider Purchases: When the District requires Commodities or General Services that can be obtained or purchased from only one vendor, manufacturer, distributor authorized to sell within the District, or service provider, the General Manager may conduct negotiations with such vendor, manufacturer, distributor, or service provider to secure the most favorable terms and price without complying with the requirements of Sections 6.01 and 6.02 above. All single vendor/provider purchases shall be supported by written documentation indicating the facts and nature supporting the determination that the single vendor/provider purchase is appropriate in the circumstances. All single vendor/provider purchases in an amount or estimated amount exceeding $25,000 require Board approval.

6.07 Special Commodities: When the District requires special supplies, materials, or equipment that must be compatible with existing District equipment, or that must perform complex or unique functions, or that are otherwise patented or proprietary, the General Manager, in consultation with the department manager or supervisor, may limit bidding to a specific product type or brand name product.

Bidders who submit alternative products or brand names are responsible for demonstrating, to the District's satisfaction, that the proposed alternative product is equal in quality and performance to those specified in the bid documents.

6.08 Splitting of Transactions Unlawful: The District shall not split requirements for Commodities, General Services, and Construction Contracts into amounts or estimated amounts of less than $25,000 to avoid the provisions of this Section 6.

Section 7.00 Contracts for Professional Services

7.01 Factors to Consider: A Professional Services contract shall be awarded only to firms and persons who have demonstrated an adequate level of experience, competence, training, credentials, character, integrity, reputation, financial responsibility, resources, equipment, staffing, and other professional qualifications necessary to competently perform the services required by the District in the time period and price stated. The cost of service shall not be the determinative factor, as it may be in the District's best interest to award the Professional Services contract to a higher-priced consultant based on the scope of services, availability, unique skills, staffing levels, timing, prior experience, familiarity with District operations, and other information as determined by the District. The information required for determining the qualifications for providing the District with such services shall be developed by the department manager or supervisor requiring the professional services, in consultation with the General Manager.

When selecting an architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firm, the selection will be based on the demonstrated competence and professional qualifications necessary for the satisfactory performance of the required services in accordance with Government Code section 4526.

7.02 Contracts for $25,000 or Less: For Professional Service contracts in an amount or estimated amount of $25,000 or less, the General Manager may negotiate, approve and sign the Professional Services contract through negotiation, comparative pricing or informal Competitive Bidding, whichever method the General Manager deems most appropriate in the circumstances.

The General Manager may approve the contract only if there are unexpended funds available in the District budget to pay the costs of the Professional Services contract. If there are no unexpended funds within the approved District budget, then the contract must be authorized by the Board.

7.03 Contracts Exceeding $25,000: A contract for Professional Services in an amount or estimated amount exceeding $25,000 shall be made pursuant to the solicitation procedures as follows:

a. Request for Proposal/Qualifications: The General Manager, or his or her designee, shall prepare a request for proposal/qualifications ("RFP/Q") that describes the Professional Services needed, the required minimum qualifications, any required pre-proposal conferences, the requirement that the proposal be sealed, the deadline for submitting the proposal/qualifications, and the place and time for making the submission.

b. Selection of Consultant: The General Manager, in consultation with the department manager or supervisor requiring the Professional Services, shall review all proposals received in compliance with the RFP/Q requirements and may conduct follow-up interviews with the most qualified consultants. The proposals need not be opened in public. At the next Board meeting following the opening of proposals, the General Manager shall present the proposals to the Board.

c. Award of Contract: The General Manager shall make a recommendation to the Board on an award to the most qualified proposal based on the factors described in Section 7.01 above. In lieu of the RFP/Q process, if the General Manager determines that the process would not be advantageous or in the best interests of the District, the General Manager may recommend a

sole source Professional Services contract to the Board. In its discretion, the Board may award the contract to the person or firm recommended by the General Manager or, if applicable, another proposer, reject all proposals and re-solicit proposals, reject all proposals and not proceed with the contract, or reject all proposals and direct that the General Manager solicit and negotiate a contract with a specific person or firm.

7.04 Contract Amendments: The General Manager may negotiate and execute Professional Services contract amendments, provided that the sum of all amendments does not exceed the approved contingency amount. Any contract amendment that exceeds the approved contingency amount shall require Board approval.

Section 8.00 Disposal of District Property

8.01 Disposal of Surplus Real Property: The General Manager shall dispose of real property that the Board has determined to be no longer necessary for the District's use in compliance with the requirements set forth in Government Code sections 54220 through 54233 and as otherwise directed by the Board.

8.02 Disposal of Surplus Personal Property: This section applies to surplus personal property, which is personal property owned by the District that the Board has declared surplus as inadequate or no longer necessary for the needs of the District. The General Manager may sell surplus personal property, or trade-in surplus personal property, as the Manager deems in the best interests of the District. The General Manager may discard or dispose of unsalable surplus personal property in any appropriate manner. The General Manager may also discard or destroy surplus personal property in any appropriate manner that may have some resale value but where, because of safety or liability concerns, destruction or disposal is preferable to sale.

Section 9.00 Recovered Organic Waste Product Procurement Policy

9.01 Requirements for District Departments

a. Price preference: If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of the District shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever the total cost is the same or a lesser total cost than non-recycled items, consistent with the requirements of the Public Contracts Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.

b. All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

c. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchases on a schedule to be determined by Recordkeeping Designee (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the District. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 9.02(a)(3)-(4) for recycled-content purchases, vendor name, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing

and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

9.02 Requirements for Vendors

a. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to District shall:

1. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item.

2. Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the District. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

4. Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the District is eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

5. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchased from the vendor on a schedule to be determined by Recordkeeping Designee (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the District. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 9.02(a)(3)-(4) for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non- Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

b. All vendors providing printing services to the District via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, or as amended by Public Contract Code Section 12209.

9.03 Recordkeeping Requirements

a. The Administration Department will be the responsible department and will select an employee to act as the Recordkeeping Designee that will be responsible for obtaining records pertaining to Procurement of Recovered Organic Waste Products and Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.

b. The Recordkeeping Designee will do the following to track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper:

1. Collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of District's documentation of its compliance with 14 CCR Section 18993.3.

2. Collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments and divisions procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the District to develop evidence of District meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the District's documentation of its compliance with 14 CCR Section 18993.1.

3. Collect, collate, and maintain documentation submitted by the District, Direct Service Providers, and/or vendors, including the information reported to the Recordkeeping Designee in accordance with Sections 9.01(c) and 9.02(a)(5).

4. Compile an annual report on the District's direct procurement, and vendor/other procurement on behalf of the District, of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the recordkeeping requirements contained in 14 CCR Section 18993.2 for the Annual Recovered Organic Waste Product Procurement Target and 14 CCR Section 18993.4 for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement. This report shall be made available to the District's responsible entity for compiling the annual report to be submitted to CalRecycle (which will include a description of compliance on many other SB 1383 regulatory requirements) pursuant to 14 CCR Division 7, Chapter 12, Article 13. The procurement report shall also be shared with the Board annually as evidence of implementing this Policy.