



**POLICY # 2165 Procurement of Contractors and Consultants**

<b>EFFECTIVE DATE</b>	3/29/2023	<b>VERSION # 1</b>
<b>DATE OF LAST REVISION</b>	3/22/2023	<b>NEXT REVIEW DATE</b> 4/1/2025

**APPLIES TO**

Division	Districtwide
Sub-Division	Finance

<b>VERSION</b>	<b>REVISION DATE</b>	<b>DESCRIPTION OF CHANGE/SUPERSEDE</b>	<b>AUTHOR</b>
1	3/23/2023	Initial	Annabel Grimm

**RATIONALE**

As a local agency, the Chico Area Recreation and Park District (CARD) shall define and adopt policies and procedures, including bidding regulations, governing the procurement of outside contractors and consultants.

**PROCEDURE**

**1) Employment of Outside Contractors and Consultants**

The District employs outside contractors or consultants for construction, engineering, planning, and environmental review projects, auditing, and other purposes approved by the Board of Directors. The District’s procedure is as follows:

Construction

- a. Construction projects will be advertised for bid in at least one local newspaper of general circulation and the local contractors bidding news if available. The bid opening is open to the public and will be specified in the bid documents.
- b. If public bidding requirements apply under State law or the terms of any grant contract, those requirements shall be complied with to the exclusion of the previous paragraph.

Consultants

- a. Consultants will be approved by the General Manager on projects appropriated in the Board approved budget, unless a formal bid process is required.
  - a. For contract fees that exceed \$50,000, the General Manager will bring the contract option to the Board of Directors for review.
- b. The General Manager and/or Board of Directors will make their decision based on the consultant’s experience and qualifications.

- c. The consultant will be required to provide an explanation of the scope of work, hours to complete, and applicable cost estimate for their services that will be used in their evaluation in the selection process. Consultants for engineering, architectural, and other professional services shall be evaluated based on qualification and not on the cost of services per state law.
- d. Every person involved in the solicitation, selection, and approval of consultants shall comply with applicable conflicts of interest laws, including Government Code section 1090, the Political Reform Act of 1974, and the District's conflict of interest code.

**2) Monetary Bidding Thresholds** (Public Contract Code 22032)

- a. Public projects of sixty thousand dollars (\$60,000) or less may be performed by the employees, negotiated contract, or purchase order.
- b. Public projects of two hundred thousand dollars (\$200,000) or less may be let to contract by informal procedures as set forth in this policy.
- c. Public projects of more than two hundred thousand dollars (\$200,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

**3) Informal Bid Procedure**

- a. District staff must attempt to obtain a minimum of three competitive quotes for these projects, except in the cases described in the Formal Bid Procedure.
- b. The General Manager may approve the lowest qualifying bid if the project was appropriated in the Board approved budget. If the project was not appropriated in the Board approved budget, the Board of Directors must approve the winning bid.
- c. Approval must be obtained prior to the order being placed.

**4) Formal Bid Procedure**

- a. All projects for alterations, maintenance, repairs, or new construction that require a formal bid process must include a public notice or purchase through a government approved purchasing agency. If a formal bid process is needed, the Board shall approve the lowest responsible bid.
  - i. "Responsible bidder," means a bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract. (Public Contract Code 1100-1104)
- b. Exception to the formal bid process shall only be made in cases of (1) emergency where the immediate purchase of goods without bid is necessary for the protection of the public health, welfare, safety, or District assets or (2) when the General Manager deems that an article of a specified brand or trade name is the only article that will properly meet the needs of the District.

## 2165

- c. For the convenience of the District, the General Manager may elect to use state and federal cooperative purchasing agreements, or government approved Multiple Award Schedules as authorized by Public Law and Public Contracting Code. Procurement sources include but are not limited to U.S. General Services Administration, California Multiple Award Schedules, Sourcewell, and alike.

### 5) Project Contingency Fund and Expenditure

- a. A contingency fund will be established for all capital projects in excess of \$25,000. The amount of the Fund shall be no less than 10% of the awarded bid whenever possible.
- b. The General Manager shall have the authority to authorize expenditure of the Fund to help deal with unforeseen issues that may arise from time to time. The amount that can be authorized by the General Manager shall not exceed the budgeted amount for the project.

### 6) Conflict of Interest

- a. District officials and employees shall discharge their duties impartially to assure fair competitive access to procurement opportunities by responsible and responsive contractors, sellers, and vendors. Moreover, they shall conduct themselves in such a manner as to foster public confidence in the integrity of the District procurement activities.
- b. No District official or employee shall participate directly or indirectly in a District procurement when the official or employee knows that the official or employee or any member of the official's or employee's immediate family has a financial interest pertaining to the procurement.
- c. Upon discovery of an actual or potential conflict of interest, an employee shall promptly withdraw from further participation in the procurement.
- d. No person shall offer, give, or agree to give any District official or employee any gratuity or offer of employment in connection with a procurement by the District.

### 7) Unauthorized Procurements

- a. Any procurement of supplies, materials, equipment, or services made in violation of this purchasing policy shall be void and not considered an obligation of the District.

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**Authority:** Public Contract Code (PCC) 10298; PCC 22032, PCC Section 1100-1104

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*Angie Carpenter, Angie Carpenter*  
Author (print and sign)

*7/6/2023*  
Date



Annabel Grimm  
General Manager

*10 Jul 23*  
Date

Approved by the Board of Directors on: **March 29, 2023**