

District Board Members

Blane Maynor - President
Division 1
Nicole Johnson
Division 2
Randy Mendosa
Division 3
Eric Loudenslager - Vice President
Division 4
Jason Akana
Division 5



District Staff

Justin McDonald
Fire Chief
Becky Schuette
Clerk of the Board

Special Board Meeting October 13, 2023 10:30 AM

Location: *McKinleyville Station Conference Room - 2149 Central Ave., McKinleyville*

AGENDA

CALL TO ORDER

ATTENDANCE & DETERMINATION OF QUORUM

PUBLIC COMMENT/ASSOCIATION REPORTS

Any person may address the District Board on any subject pertaining to District business, which is not listed on the agenda. This comment is provided by the Ralph M. Brown Open Meeting Act (Government Code § 54950 et seq.) and may be limited to three (3) minutes for any person addressing the Board. Any request that requires Board action may be set by the Board for a future agenda or referred to staff.

DISTRICT BUSINESS

1. Adopt the Revised Draft Purchasing Policy as Required by the FEMA Audit
 - a. Attachment 1 - Revised Draft Purchasing Policy in Track Changes
 - b. Attachment 2 - Revised Draft Purchasing Policy Clean

ADJOURNMENT

Next Regular Board Meeting is scheduled for November 14, 2023, Arcata Downtown Station Classroom, 631 9th Street in Arcata at 5:30 pm.

The Arcata Fire Protection District ("District"), in compliance with the Americans with Disabilities Act ("ADA"), individuals who require special accommodations to access, attend and/or participate in District board meetings due to a disability, shall make their request by calling (707)825-2000, no later than 48 hours in advance of the scheduled meeting time. In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority of, or all, the Board in advance of a meeting may be viewed at 2149 Central Avenue, McKinleyville, California or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the Board Secretary, at (707) 825-2000.

The meeting agenda is posted at least 72 hours in advance of regular scheduled meetings, at the following locations:

- *District's Headquarters' Building, 2149 Central Avenue, McKinleyville, CA 95519*
- *Arcata Downtown Station, 631 9th Street, Arcata, CA 95521*
- *Mad River Station, 3235 Janes Road, Arcata, CA 95521*
- *The Arcata Fire Protection District website: www.arcatafire.org*

Purchasing Policy

224.1 PURPOSE AND SCOPE

All employees/volunteers are required to follow this policy for all purchases of the Arcata Fire Protection District. All costs should be considered including sales tax, freight and installation in defining "purchase" price for comparison with the dollar thresholds indicated in this policy.

It is the intent of this policy to ensure that District purchases are cost effective, encourage competition, and follow all applicable laws. Nothing in this policy shall preclude the District from using its own labor resources to complete any project for ordinary upkeep, maintenance, or repairs.

224.2 POLICY DEFINITIONS

"District's Counsel" shall mean the District's general counsel.

"Board of Directors" or "Board" shall mean the governing board of the Arcata Fire Protection District.

"Contractor" shall mean any person or entity who furnishes materials, equipment or supplies to, or performs any service for the District.

"District" shall mean the Arcata Fire Protection District.

"Professional Services" shall mean those services that require special training, experience, or expertise – as defined as "special services" in Public Contract Code § 20812(a) – including accounting, administration, ambulance, architecture, custodial, economics, engineering, financing, insurance, labor relations, law, maintenance, mechanics, medicine, planning, science, technology, and other services which are incidental to the operation of the District.

"Public works" shall mean a work or improvement for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind.

"Purchasing Agent" shall mean the employee of the District tasked with or requesting authority to make a purchase or procure a service.

"Purchase Order" shall mean the form constituting written authorization to a vendor to furnish the District with materials, equipment, supplies or services of the kinds and in the amounts specified.

"Services" shall mean non-professional services to be provided by contract. For architectural, landscape architectural, engineering, environmental, land surveying, construction management and other professional services that are similar and require professional or expert judgment, selection will be based upon demonstrated competence and on qualifications for the types of services to be performed, provided at fair and reasonable prices.

Approved: <u>2/21/2017-10/10/2023</u>	Revised: <u>District Counsel 2023</u>
Board President: <u>Linda Sundhara</u>	Fire Chief: <u>[Signature]</u>

224.3 STANDARDS OF CONDUCT

224.3.1 Duty to Disclose

District employees shall not be involved in any purchasing decisions, tasks or procedures (including participation in initiation, award or administration of a contract) in which they or persons related to them have a real or apparent conflict of interest, as more particularly defined in section B below. In cases when there may be such conflict of interest, employees have the responsibility to report in writing such conflict to the Fire Chief or Assistant Chief. Failure to make such disclosure is grounds for discipline.

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224.3.2 Conflict of Interest

The Board has adopted a Conflict of Interest Code, under which certain designated employees are required to disclose economic interests and are prohibited from participating in decisions which may have an effect on their financial interests. The terms and requirements of the Conflict of Interest Code are incorporated into this Purchasing Policy.

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For purposes of these Purchasing Policy Standards of Conduct, it is further required that no employee, officer or agent of the District shall participate in procedures, tasks or decisions relative to initiation, award or administration of a contract if a conflict of interest, real or apparent, exists. Such a conflict of interest arises when: 1) the employee, officer or agent; 2) any member of his or her immediate family; 3) his or her business associate; or 4) any organization which employs, or which is about to employ, any of the above, has a financial or other interest in a firm that participates in a District bidding process or that is selected for an award. The standards governing the determination as to whether such an interest exists are set forth in sections 1090, 1091 and 1091.5 of the California Government Code.

224.3.3 Gratuities and Contingency Fees

No director, officer, employee or agent of the District shall knowingly solicit, accept or agree to accept gratuities or favors in connection with actual or potential procurement and contracting activities.

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224.3.4 Confidential Information

No District employee shall use confidential information for his or her actual, anticipated or apparent personal gain, or for the actual, anticipated or apparent personal gain of any person related to such employee as such relationship is defined in section B above. "Confidential Information" is defined to include any proprietary, privileged or nonpublic information, coming to the employee's attention as a result of employment by the District, the knowledge of which makes financial gain possible.

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224.3.5 Discipline for Violation

The violation of any of these standards will subject the employee to disciplinary proceedings or action deemed appropriate by the District, up to and including dismissal.

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224.4 PURCHASING OF SUPPLIES, EQUIPMENT, AND SERVICES

Orders for public works projects over \$1000 shall require the payment of prevailing wages as mandated by California Law. Public works projects include construction, alteration, demolition or repair work, and maintenance work.

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The District Board must authorize orders for unbudgeted capital outlay items prior to the order being placed.

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224.24.1 LOCAL PURCHASES \$0.00 - \$500.00 (NO PURCHASE ORDER REQUIRED)

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An invoice or receipt that has been approved by the appropriate supervisor and indicates budgetary account number/s, shall be given to the District Secretary.

Local purchases are defined as those purchases made within the District service boundaries or Humboldt County region. Any purchases outside these defined areas are not considered local purchases.

224.24.2 NON-LOCAL PURCHASES \$0.00 - \$1000.00

A purchase order is required for all non-local purchases. A purchase order, which has the applicable budgeted funds available to it, shall be created and approved by a Chief Officer prior to the order being placed.

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224.24.3 PURCHASES \$1000.01 - \$5000.00

A purchase order is required for all non-local purchases and for all local purchases over \$1000. To purchase items costing more than \$1000.01 and up to \$5000.00, quotes will be solicited from vendors and received by telephone, fax, email, or mail, preferably from three or more sources, prior to selecting a preferred supplier and processing a purchase order. A purchase order, which has the applicable budgeted funds available to it, shall be created and approved by the Fire Chief prior to the order being placed. Purchase orders must be accompanied by written estimates from the three or more sources. If solicited by phone, the verbal estimate will be written down by the person making the phone call indicating the vendor, item, and price.

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224.24.4 PURCHASES \$5000.01 - \$10,000.00

A purchase order is required, and quotes will be solicited from vendors and received by telephone, fax, email, or mail, preferably from three or more sources, prior to selecting a preferred supplier and processing a purchase order. An order shall be approved the Fire Chief prior to the order being placed. If the item being purchased is unbudgeted, the Board of Directors must also approve the purchase.

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224.24.5 PURCHASES EXCEEDING \$10,000

~~A purchase order is required for all non-local purchases and for all local purchases over \$1000. To purchase items costing more than \$1000.01 and up to \$5000.00, quotes will be solicited from vendors and received by telephone, fax, email, or mail, preferably from three or more~~

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224.2.3 PURCHASES \$1000.01 - \$5000.00

District staff will obtain a minimum of three (3) competitive quotes (if available) or follow formal public bidding/competitive procedures when required and as outlined in the Public Contract Codes, including the requirements set forth in Section 20813 governing public works projects; and all purchases shall be approved by the Board of Directors. Participating in, matching other government, or purchasing coalition contracts, which have recently been competitively awarded, qualifies as having met the formal public competitive requirement if approved by the Fire Chief and District Counsel.

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Formal Bidding Procedures: For budgeted capital outlay purchases or unbudgeted purchases, the Fire Chief or designee will request authorization to advertise for bids from the Board of Directors.

The person responsible for the purchase will complete specifications for the item/s to be bid.

The Fire Chief will review all Request for Proposal (RFP) or other solicitation documents before publication and conduct all bidding procedures except for those that are conducted by the outside consulting firms.

Those bids opened by the Fire Chief will be evaluated with the assistance of the person responsible for the purchase, prior to submitting the bid results to the Board of Directors for consideration of award.

Note: Any changes which increase the cost of a formally bid public works project must also be approved by the Board of Directors.

Exemptions

The following purchases are exempted from the competitive bidding requirements:

- Purchase of services (excluding new construction, alteration, maintenance, or repair services). Also, if service is a substantial or critical portion of an article purchase, other methods of solicitation may be considered including but not limited to bid award based upon best value or solicitations which consider other cost, quality or service factors.
- Purchase of commodities or services of (utilities) light, water, power, heat, transportation, telephone service or other means of communication, or means for the disposition of garbage, sewage, or refuse matter.
- When contracting with suppliers awarded State of California price schedules, commodity contracts, master agreements, cooperative agreements, and other types of agreements that leverage the state's buying power (for goods, information technology, and services).

224.4 EXCEPTIONS TO BIDDING

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

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

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All actions thereafter taken will be reported to the Board until the emergency action is terminated (at the earliest possible date that conditions warrant).

224.4.67 ADDITIONAL CONSIDERATIONS

All purchases of computer hardware and software will be coordinated with the Information Systems Department per the Personal Computer Policy.

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

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

224.4.78 EXCEPTIONS TO PURCHASE ORDERS

224.5 EXCEPTIONS TO PURCHASE ORDERS

To maintain efficiency, a requisition or purchase order is not required for the following:

- Radio/Newspaper/Media Publication or Advertising commitments under \$1000
- General Fees from the District's Attorney
- Customer Refunds (Requires a completed Refund Request form)
- Debt Service Payments
- Freight Charges
- Bulk Fuels
- Insurance Premiums and Insurance and Other Claim Payments
- Laboratory Testing
- Continuing Rent or Lease/Purchase Payments
- Tax, Mitigation, Permit, Operating or other Government Fees
- Payroll Tax, Deduction or Benefit Payments
- Board Authorized Real Property Purchases
- Purchasing Card Purchases
- On-Site Repair or Service Jobs under \$1000
- Administered Safety Supplies (i.e. safety shoes, first aid supplies)
- Service Contracts less than \$1000 annually, and service contract renewals
- Subscriptions (Employee name or title should appear on all mailing labels)
- Travel Expenses (Requires a Request for Travel Expense Claim form)

224.5 PROFESSIONAL SERVICES AGREEMENTS

Professional services shall normally first be identified in the annual budget prior to the District engaging a service provider. Contracting oversight is the responsibility of the Fire Chief or Assistant Chief, who shall determine the availability of budgeted funds for any professional service. If the professional service or project served by the professional service is not funded through the annual budget, or if there are

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insufficient funds in the annual budget for the work required, the Board of Directors must approve funding in conjunction with award of the contract.

Professional service contracts should utilize the standard contracting forms maintained by the District and approved by the District's Attorney and the Fire Chief, unless the form has been reviewed by the District's Attorney and approved by Board of Directors. When an Request for Proposals ("RFP") is issued by the District, it shall include, at minimum, a general description of the scope of work, the date that responses shall be considered, a copy of the contract form to be executed by the vendor/contractor awarded the contract, the time in which the project must be completed, requirements concerning coordination with other entities, other information which may be useful in preparation of a proposal, and evaluation criteria specifically tailored to the project. Such evaluation criteria shall include but not be limited to the consultant's proven experience and competence, understanding of the scope of work, financial ability and resources to perform the work, willingness to cooperate with District staff and proposed method for assuring timely and acceptable performance and management of the work. The RFP shall identify all significant evaluation criteria, including price or cost when required, and their relative importance. In addition, résumés of the consultant's staff may be required. The draft RFP shall be submitted to the District's Attorney for review prior to its issuance.

If funds are not budgeted for the professional service, the Board of Directors must approve funding prior to entering an agreement for the service. Agreements for professional services for which there is funding in the annual budget shall be procured according to the following methods:

If the cost of the service is less than \$25,000, the Fire Chief may engage a vendor directly or issue a RFP.

If the cost is \$25,000 or more, the Board of Directors shall approve the RFP.

Note: For purposes of the foregoing thresholds, if a professional service is to be provided for multiple years, the dollar value of the work for purposes of determining the proper procurement method should be the full cost/compensation to be paid for the professional service over a three-year period. To maintain efficiency, a requisition or purchase order is not required for the following:

224.6 GENERAL EXCEPTION TO POLICY

Nothing in this policy shall prevent the Fire Chief from ordering any action necessary and appropriate to respond to sudden, unexpected occurrences that pose a clear and imminent danger requiring immediate action to prevent, or mitigate the loss or impairment of life, health, property, and essential public services. Any such purchase shall be reported to the Board at the next regular meeting.

224.7 MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS

In accordance with 2 C.F.R. § 200.321, The District shall take affirmative steps assure that minority businesses, women's business enterprises, and labor surplus area firms are used when practicable. The affirmative steps the District shall take include: (1) placing qualified small and minority businesses and women's business enterprises on maintained solicitation lists; (2) assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; (3)

dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises; (4) establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; (5) using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and (6) requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in items (1) through (5) of this section.
If any portion of this policy is in conflict with rules, regulations or legislation having authority over the Arcata Fire District, said rules, regulations or legislation shall prevail.

224.87 CONFLICT WITH LAWS

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

~~Radio/Newspaper/Media Publication or Advertising commitments under \$1000-~~

~~General Fees from the District's Attorney~~

~~Customer Refunds (Requires a completed Refund Request form)~~

~~Debt Service Payments~~

~~Freight Charges~~

~~Bulk Fuels~~

~~Insurance Premiums and Insurance and Other Claim Payments~~

~~Laboratory Testing~~

~~Continuing Rent or Lease/Purchase Payments~~

~~Tax, Mitigation, Permit, Operating or other Government Fees~~

~~Payroll Tax, Deduction or Benefit Payments~~

~~Board Authorized Real Property Purchases~~

~~Purchasing Card Purchases~~

~~On-Site Repair or Service Jobs under \$1000~~

~~Administered Safety Supplies (i.e. safety shoes, first aid supplies)~~

~~Service Contracts less than \$1000 annually, and service contract renewals~~

~~Subscriptions (Employee name or title should appear on all mailing labels)~~

~~Travel Expenses (Requires a Request for Travel Expense Claim form)~~

~~ADDITIONAL CONSIDERATIONS~~

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All purchases of computer hardware and software will be coordinated with the Information Systems Department per the Personal Computer Policy.

Purchasing Policy

224.1 PURPOSE AND SCOPE

All employees/volunteers are required to follow this policy for all purchases of the Arcata Fire Protection District. All costs should be considered including sales tax, freight, and installation in defining "purchase" price for comparison with the dollar thresholds indicated in this policy.

It is the intent of this policy to ensure that District purchases are cost effective, encourage competition, and follow all applicable laws. Nothing in this policy shall preclude the District from using its own labor resources to complete any project for ordinary upkeep, maintenance, or repairs.

224.2 DEFINITIONS

“District’s Counsel” shall mean the District’s general counsel.

“Board of Directors” or “Board” shall mean the governing board of the Arcata Fire Protection District.

“Contractor” shall mean any person or entity who furnishes materials, equipment or supplies to, or performs any service for the District.

“District” shall mean the Arcata Fire Protection District.

“Professional Services” shall mean those services that require special training, experience, or expertise – as defined as “special services” in Public Contract Code § 20812(a) – including accounting, administration, ambulance, architecture, custodial, economics, engineering, financing, insurance, labor relations, law, maintenance, mechanics, medicine, planning, science, technology, and other services which are incidental to the operation of the District.

“Public works” shall mean a work or improvement for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind.

“Purchasing Agent” shall mean the employee of the District tasked with or requesting authority to make a purchase or procure a service.

“Purchase Order” shall mean the form constituting written authorization to a vendor to furnish the District with materials, equipment, supplies or services of the kinds and in the amounts specified.

“Services” shall mean non-professional services to be provided by contract.

224.3 STANDARDS OF CONDUCT

224.3.1 Duty to Disclose

District employees shall not be involved in any purchasing decisions, tasks, or procedures (including participation in initiation, award, or administration of a contract) in which they or persons related to them have a real or apparent conflict of interest, as more particularly defined in section B below. In

Approved: 10/10/2023	Revised: District Counsel 2023
Board President:	Fire Chief:

cases when there may be such conflict of interest, employees have the responsibility to report in writing such conflict to the Fire Chief or Assistant Chief. Failure to make such disclosure is grounds for discipline.

224.3.2 Conflict of Interest

The Board has adopted a Conflict-of-Interest Code, under which certain designated employees are required to disclose economic interests and are prohibited from participating in decisions which may have an effect on their financial interests. The terms and requirements of the Conflict-of-Interest Code are incorporated into this Purchasing Policy.

For purposes of these Purchasing Policy Standards of Conduct, it is further required that no employee, officer, or agent of the District shall participate in procedures, tasks, or decisions relative to initiation, award, or administration of a contract if a conflict of interest, real or apparent, exists. Such a conflict of interest arises when: 1) the employee, officer or agent; 2) any member of his or her immediate family; 3) his or her business associate; or 4) any organization which employs, or which is about to employ, any of the above, has a financial or other interest in a firm that participates in a District bidding process or that is selected for an award. The standards governing the determination as to whether such an interest exists are set forth in sections 1090, 1091 and 1091.5 of the California Government Code.

224.3.3 Gratuities and Contingency Fees

No director, officer, employee, or agent of the District shall knowingly solicit, accept, or agree to accept gratuities or favors in connection with actual or potential procurement and contracting activities.

224.3.4 Confidential Information

No District employee shall use confidential information for his or her actual, anticipated, or apparent personal gain, or for the actual, anticipated, or apparent personal gain of any person related to such employee as such relationship is defined in section B above. "Confidential Information" is defined to include any proprietary, privileged, or nonpublic information, coming to the employee's attention as a result of employment by the District, the knowledge of which makes financial gain possible.

224.3.5 Discipline for Violation

The violation of any of these standards will subject the employee to disciplinary proceedings or action deemed appropriate by the District, up to and including dismissal.

224.4 PURCHASING OF SUPPLIES, EQUIPMENT, AND SERVICES

224.4.1 LOCAL PURCHASES \$0.00 - \$500.00 (NO PURCHASE ORDER REQUIRED)

An invoice or receipt that has been approved by the appropriate supervisor and indicates budgetary account number/s, shall be given to the District Secretary. Local purchases are defined as those purchases made within the District service boundaries or Humboldt County region. Any purchases outside these defined areas are not considered local purchases.

224.4.2 NON-LOCAL PURCHASES \$0.00 - \$1000.00

A purchase order is required for all non-local purchases. A purchase order, which has the applicable budgeted funds available to it, shall be created and approved by a Chief Officer prior to the order being placed.

224.4.3 PURCHASES \$1000.01 - \$5000.00

A purchase order is required for all non-local purchases and for all local purchases over \$1000. To purchase items costing more than \$1000.01 and up to \$5000.00, quotes will be solicited from vendors and received by telephone, fax, email, or mail, preferably from three or more sources, prior to selecting a preferred supplier and processing a purchase order. A purchase order, which has the applicable budgeted funds available to it, shall be created and approved by the Fire Chief prior to the order being placed. Purchase orders must be accompanied by written estimates from the three or more sources. If solicited by phone, the verbal estimate will be written down by the person making the phone call indicating the vendor, item, and price.

224.4.4 PURCHASES \$5000.01 - \$10,000.00

A purchase order is required, and quotes will be solicited from vendors and received by telephone, fax, email, or mail, preferably from three or more sources, prior to selecting a preferred supplier and processing a purchase order. An order shall be approved the Fire Chief prior to the order being placed. If the item being purchased is unbudgeted, the Board of Directors must also approve the purchase.

224.4.5 PURCHASES EXCEEDING \$10,000

District staff will obtain a minimum of three (3) competitive quotes (if available) or follow formal public bidding/competitive procedures when required and as outlined in the Public Contract Code, including the requirements set forth in Section 20813 governing public works projects; and all purchases shall be approved by the Board of Directors. Participating in, matching other government, or purchasing coalition contracts, which have recently been competitively awarded, qualifies as having met the formal public competitive requirement if approved by the Fire Chief and District Counsel.

Formal Bidding Procedures: For budgeted capital outlay purchases or unbudgeted purchases, the Fire Chief or designee will request authorization to advertise for bids from the Board of Directors.

The person responsible for the purchase will complete specifications for the item/s to be bid.

The Fire Chief will review all Request for Proposal (RFP) or other solicitation documents before publication and conduct all bidding procedures except for those that are conducted by the outside consulting firms.

Those bids opened by the Fire Chief will be evaluated with the assistance of the person responsible for the purchase, prior to submitting the bid results to the Board of Directors for consideration of award.

Note: Any changes which increase the cost of a formally bid public works project must also be approved by the Board of Directors.

Exemptions

The following purchases are exempted from the competitive bidding requirements:

- Purchase of services (excluding new construction, alteration, maintenance, or repair services). Also, if service is a substantial or critical portion of an article purchase, other methods of solicitation may be considered including but not limited to bid award based upon best value or solicitations which consider other cost, quality, or service factors.
- Purchase of commodities or services of (utilities) light, water, power, heat, transportation, telephone service or other means of communication, or means for the disposition of garbage, sewage, or refuse matter.
- When contracting with suppliers awarded State of California price schedules, commodity contracts, master agreements, cooperative agreements, and other types of agreements that leverage the state's buying power (for goods, information technology, and services).

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

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

224.4.6 ADDITIONAL CONSIDERATIONS

All purchases of computer hardware and software will be coordinated with the Information Systems Department per the Personal Computer Policy.

224.4.7 EXCEPTIONS TO PURCHASE ORDERS

To maintain efficiency, a requisition or purchase order is not required for the following:

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- Insurance Premiums and Insurance and Other Claim Payments
- Laboratory Testing
- Continuing Rent or Lease/Purchase Payments
- Tax, Mitigation, Permit, Operating or other Government Fees
- Payroll Tax, Deduction or Benefit Payments
- Board Authorized Real Property Purchases
- Purchasing Card Purchases
- On-Site Repair or Service Jobs under \$1000
- Administered Safety Supplies (i.e., safety shoes, first aid supplies)
- Service Contracts less than \$1000 annually, and service contract renewals
- Subscriptions (Employee name or title should appear on all mailing labels)
- Travel Expenses (Requires a Request for Travel Expense Claim form)

224.5 PROFESSIONAL SERVICES AGREEMENTS

Professional services shall normally first be identified in the annual budget prior to the District engaging a service provider. Contracting oversight is the responsibility of the Fire Chief or Assistant Chief, who shall determine the availability of budgeted funds for any professional service. If the professional service or project served by the professional service is not funded through the annual budget, or if there are insufficient funds in the annual budget for the work required, the Board of Directors must approve funding in conjunction with award of the contract.

Professional service contracts should utilize the standard contracting forms maintained by the District and approved by the District's Attorney and the Fire Chief unless the form has been reviewed by the District's Attorney and approved by Board of Directors. When an Request for Proposals ("RFP") is issued by the District, it shall include, at minimum, a general description of the scope of work, the date that responses shall be considered, a copy of the contract form to be executed by the vendor/contractor awarded the contract, the time in which the project must be completed, requirements concerning coordination with other entities, other information which may be useful in preparation of a proposal, and evaluation criteria specifically tailored to the project. Such evaluation criteria shall include but not be limited to the consultant's proven experience and competence, understanding of the scope of work, financial ability, and resources to perform the work, willingness to cooperate with District staff and proposed method for assuring timely and acceptable performance and management of the work. The RFP shall identify all significant evaluation criteria, including price or cost when required, and their relative importance. In addition, resumés of the consultant's staff may be required. The draft RFP shall be submitted to the District's Attorney for review prior to its issuance.

If funds are not budgeted for the professional service, the Board of Directors must approve funding prior to entering into an agreement for the service. Agreements for professional services for which there is funding in the annual budget shall be procured according to the following methods:

If the cost of the service is less than \$25,000, the Fire Chief may engage a vendor directly or issue an RFP.

If the cost is \$25,000 or more, the Board of Directors shall approve the RFP.

Note: For purposes of the foregoing thresholds, if a professional service is to be provided for multiple years, the dollar value of the work for purposes of determining the proper procurement method should be the full cost/compensation to be paid for the professional service over a three-year period.

224.6 GENERAL EXCEPTION TO POLICY

Nothing in this policy shall prevent the Fire Chief from ordering any action necessary and appropriate to respond to sudden, unexpected occurrences that pose a clear and imminent danger requiring immediate action to prevent, or mitigate the loss or impairment of life, health, property, and essential public services. Any such purchase shall be reported to the Board at the next regular meeting.

224.7 MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS

In accordance with 2 C.F.R. § 200.321, The District shall take affirmative steps assure that minority businesses, women's business enterprises, and labor surplus area firms are used when practicable. The affirmative steps the District shall take include: (1) placing qualified small and minority businesses and women's business enterprises on maintained solicitation lists; (2) assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; (3) dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises; (4) establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; (5) using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and (6) requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in items (1) through (5) of this section.

224.8 CONFLICT WITH LAWS

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