

**PALMDALE WATER DISTRICT
RESOLUTION NO. 24-14**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
PALMDALE WATER DISTRICT AUTHORIZING STAFF TO USE CONSTRUCTION
MANAGER AT RISK (CMAR) AS AN ALTERNATIVE PROJECT DELIVERY
METHOD FOR SOLICITING PROPOSALS FOR CERTAIN CONSTRUCTION
PROJECTS AND AMENDING APPENDIX M – BID PROCUREMENT AND
PURCHASING POLICY OF THE PALMDALE WATER DISTRICT’S RULES AND
REGULATIONS TO INCLUDE THE SAME**

WHEREAS, the Palmdale Water District (the "District") is authorized to retain designers and contractors for various public works projects, and follows the Public Contracting Code for its bid procurement process for such projects; and

WHEREAS, recent laws such as the passage of SB 991 authorize public agencies such as the District to use progressive design-build delivery for its water and wastewater projects; and

WHEREAS, similar to the progressive design-build delivery method, construction Manager At Risk (“CMAR”) has become a more widely used alternative project delivery method as public agencies look to complete projects on schedule and budget and reduce the risk to the agency; and

WHEREAS, many public agencies successfully utilize the procurement method and find the early involvement of the CMAR entity during the design phase especially beneficial for projects that require multiple phases of construction; and

WHEREAS, the Board of Directors of the District desire to specifically authorize the use of the CMAR delivery method when District staff determines that it is in the best interest of the District to select a CMAR entity early in the process to provide constructability input during design and ultimately procure and manage the construction trade contractors.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Palmdale Water District as follows:

Section 1. The Board of Directors of the District does hereby authorize the District to designate the construction management at risk (“CMAR”) project delivery method as an alternative method for capital improvement project delivery and directs staff to modify Appendix M – Bid Procurement and Purchasing Policy of the Palmdale Water District’s Rules and Regulations (attached hereto as Exhibit A).

Section 2. If any provision in this Resolution, or the application thereof to any person or circumstances, is for any reason held invalid, the validity of the remainder of this Resolution, or the application of such provisions to other persons or circumstances shall not be affected thereby. The Board of Directors hereby declares that it would have passed this Resolution, and each provision thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.


Section 3. This Resolution shall become effective upon the date of adoption as set forth herein.

PASSED AND ADOPTED this 25th day of November, 2024 by the Board of Directors, the governing body of the Palmdale Water District.

PALMDALE WATER DISTRICT


KATHY MAC LAREN-GOMEZ, President

ATTEST:


VINCENT DINO, Secretary

APPROVED AS TO FORM:

By: 
PAM K. LEE, General Counsel

EXHIBIT "A"

APPENDIX M

BID PROCUREMENT AND PURCHASING POLICY

BID PROCUREMENT AND PURCHASING POLICY

I. Statement of Policy

This statement of policy establishes the guideline for purchasing approval and letting contracts for the performance of work for the District or the acquisition of materials or equipment. It is the policy of the District to ensure the maximum use of fair and open competition to obtain goods and services for operation at the lowest possible overall cost. However, notwithstanding this statement, all contracts for work and for acquisition of materials and equipment, may be made or entered into upon such terms and conditions and in such manner as the Board may determine is in the best interest of the District.

II. Principles

A. The following apply to all purchases made by the District, unless otherwise exempted as set forth herein:

1. No purchase will be approved or undertaken unless it has been budgeted for, either through the adopted annual budget or Board approval of additional appropriations. It is the responsibility of the Department Manager to maintain control of their departmental budgets.
2. Emergency: The determination of the existence of an emergency condition shall be at the direction of the General Manager or his designated representative. In the event of an emergency, the General Manager or his designated representative may negotiate and award contracts for construction of work to prevent damage or repair damaged works without advertising for bids and expend any sum reasonably required in the emergency as outlined in Section 4.03.3(b) of the District's Rules and Regulations. The General Manager shall report to the Board of Directors at its next meeting, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.
3. All purchases shall be of the quality deemed necessary to meet District standards.

4. Competitive offer requirements are set out in subsequent sections of this policy and are established based on type of purchase and/or established dollar limits.

5. A purchase, including capital projects, shall not be split to avoid required procedures or established dollar limits.

6. No purchase shall be made without authorized requisition, Purchase Order (PO), contract or agreement unless exempted in these guidelines. The following purchases are exempt from these procedures:

i. Utilities

ii. Insurance premiums

iii. Membership renewals and subscriptions

iv. Postage and mailing services

v. Certain employee expense reimbursements

vi. Tuition reimbursements

vii. Conferences, seminars, and training expenses

viii. Travel expenses

ix. In emergency situations where time is of the essence

7. Authorized requisition process and approval rules are detailed in the District's Requisition/PO procedures. Any changes or modifications to the procedures must be approved by the General Manager.

8. No District employee or Board member shall have a direct or indirect financial interest in any contract or purchase of goods or services entered into by the District, or shall derive any personal benefit that violates California law as a result of the District's purchase of goods and services.

9. Any District employee or Board member failing to follow the procurement policy and procedures may incur personal liability or financial obligation to the vendor.

B. Exceptions to Competitive Offer Requirements

As applicable in Section III through V, the informal offers and the formal bidding process may be bypassed with General Manager approval in the following instances:

1. In emergency situations where time is of the essence, pursuant to the principles in Section II(A)(2).
2. Where a single source of sole source purchase is justified.
3. When there exist other governmental contracts that were competitively bid within the last year that the District is eligible to use and would result in a lower price to the District.
4. When an item has been previously bid and the price has not changed by more than three percent (3%).
5. When it is not possible, practical, or cost effective to continue soliciting offers to meet minimum of three (3) bids provided that staff will use its best efforts to obtain competitive offers.

III. General Supplies, Materials and Equipment

General supplies, materials and equipment shall consist of any and all tangible items necessary for day-to-day operations, excluding goods purchased as part of a Construction Contract or Professional Agreement (Section IV). These purchases are included in the annual budget. All purchases must be approved through the District's Requisition/PO process unless otherwise specified.

- A. General Purchase \leq \$10,000 – Purchases of \$10,000 or less do not require competitive offers. Use of a Request for Quote (RFQ) or Request for Proposal (RFP) is encouraged when appropriate but not required.
- B. General Purchase $>$ \$10,000 to \$50,000 – Purchases between \$10,000 and \$50,000 must be approved by the Finance Manager or Assistant General Manager. The Department Manager should make a reasonable attempt to obtain at least two written quotes. The use of RFQ or RFP is strongly encouraged but not required.

- C. General Purchase between \$50,001 and \$100,000 – Purchases between \$50,001 and \$100,000 must be approved by the General Manager. Where practical, formal bidding should be used to assure that the District is getting the best value. The Department Manager shall evaluate the quotes/proposals (formal or informal) received and determine the best value.
- D. General Purchase over \$100,001 – Purchases above \$100,001 shall be formally bid when practical. The formal process generally takes more time and expense than informal quotes. In some instances, it may not be the most cost-effective approach. Exceptions to the formal bid process are considered on a case by case basis.

IV. Construction Contract and Professional Agreement

A. Work Cost More Than \$50,000

1. Except as otherwise provided in this statement of policy, all contracts for any improvement, job, construction project or unit of work (herein referred to as work), and all acquisitions of material or equipment, estimated to cost or to have a value when completed in excess of Fifty Thousand Dollars (\$50,000) shall be competitively bid and awarded to the lowest responsible bidder in the manner hereinafter provided.
2. The Contract documents shall be prepared utilizing the District's standard forms with such modification as may be appropriate for the particular work or unit of work, or the acquisition of materials or equipment. The documents to be prepared shall ordinarily include the Notice Inviting Bids, Instructions to Bidders, the Proposal for submission by the bidder, the Information Required of Bidder, setting forth the equipment and material source and other required information, Contractor's Licensing Statement, List of Subcontractors, Bid Security Form, Agreement, Faithful Performance Bond, Payment Bond, Non-Collusion Affidavit, Notice to Proceed, General Provisions, Special Provisions, and Plans and Specifications.
3. Unless otherwise required by the provisions of the Public Contract Code, the District may advertise either electronically via a web base bidding service or in printed publications,

for inviting proposals for furnishing labor for or materials or supplies for use or incorporation in, the proposed work or unit of work, or for providing materials or equipment. To the extent applicable to a specific work or acquisition, the notice calling for bids shall contain the information specified in Section 20564 of the Public Contract Code. In the event that the construction of works is to be paid for with the proceeds of the sale of bonds or a limited assessment, the District shall give said notice by publication once a week for three (3) successive weeks in a newspaper of general circulation published in the District as specified in Section 20563 of the Public Contracts Code.

4. All bids shall be presented on forms furnished by the District either electronically or sealed bid, and it shall be accompanied by one of the following forms of bidder's security: (1) cash, (2) a cashier's check made payable to the District, (3) a certified check made payable to the District, or (4) a bidder's bond executed by an admitted surety insurer made payable to the District.
5. At the time, place appointed, and set forth in the Notice Inviting Bids, the bids shall be available either on the bidding service website or opened in public.
6. The District shall assign a five (5) percent contract bid reduction to a bidder which is a "Local Contractor or Vendor" as defined in (13)(i).
7. The Board may reject any and all proposals or bids should it deem it to be for the public good, or may award the contract for the work or unit of work, or materials or equipment, to the lowest responsible bidder at the prices named or specified in the bid or proposal subject however to Paragraph 8.
8. Once all bids have been opened or received electronically through a web-based bidding service, the bids of those bidders which are "Local Contractors or Vendor" shall be reduced by five percent (5%) for purposes of determining the lowest responsible bidder. If the bid of a Local Contractor or Vendor, after applying the contract bid reduction provided for in Paragraph 6, is then the lowest responsible bid, that Local Contractor or Vendor shall be

awarded the contract at the amount of its bid without regard to any contract bid reduction, subject to the remaining provisions of this policy.

9. The District or its agents may refuse to award a contract under Paragraph 8 to a Local Contractor or Vendor if it makes a determination that the products purchased or work provided by a bidder cannot be provided within a timely manner for the performance of the contract or a determination the Local Contractor or Vendor cannot meet specified quality performance standards or experience requirements.
10. If any federal or state statute or regulation precludes the granting of federal or state assistance or reduces the amount of that assistance for a particular public works project because of a preference awarded according to the terms of this policy, this policy shall not apply insofar as its application would preclude or reduce federal or state assistance for that work.
11. In the case of work to be performed for the District, the District shall require the successful bidder or bidders to file with the Board good and sufficient bonds, to be approved by the Board, conditioned upon the faithful performance of the contract and upon payment of all claims for labor and materials in connection therewith.
12. In the case of work to be performed from the District, the District shall require the successful bidder or bidders to carry public liability and property damage insurance, workers' compensation insurance, and other insurance, in the amounts and under the terms stipulated in the Contract documents.
13. The following terms shall have the following meanings:
 - i) "Local Contractor or Vendor" means a contractor or vendor whose principal place of business as reflected in official records is located in the area shown on the Local Contractor and Vendor Boundary Map attached hereto. Those claiming to be Local Contractors and Vendors shall submit proof of their principal place of business with their bid.

ii) "Lowest Responsible Bidder" shall mean a person who submits the lowest monetary bid, taking into account the contract bid reduction provided for in paragraph g, and which responds to the terms upon which bids were requested, and who has the capacity, integrity, and ability to perform the particular requirements of the contract. Factors which may be considered in determining the "lowest responsible bidder" include, but are not limited to, all of the following:

- a) The contractor's prior record of performance on other public works projects, if any, including timely completion of performance, quality of work, and completion of projects within project budget or bid amount submitted.
- b) The contractor's involvement in any ongoing litigation or contract disputes with the awarding authority which could impair satisfactory performance on the contract to be awarded.
- c) The contractor's history of noncompliance with occupational safety and health requirements, labor statutes and regulations, and other local, state, and federal laws.

B. Work or Acquisitions Costing More Than \$10,000, But Not More than \$50,000

All contracts for any work or unit of work, and all acquisitions of materials or equipment, having been submitted either by informal or formal bids in accordance with this statement of policy and having a value in excess of Ten Thousand Dollars (\$10,000), but not more than Fifty Thousand Dollars (\$50,000), shall be reviewed and recommended by a Committee of the Board, and the Board shall concur by majority vote. In the event no formal competitive bids are solicited, the Board may also give local contractors and vendors a preference.

C. Work or Acquisitions Costing Less Than \$10,000

All contracts for any work or unit of work, and all acquisitions of materials or equipment, estimated to cost or to have a value when completed that is less than Ten Thousand Dollars (\$10,000), may be authorized by the District's General Manager without compliance with any formal competitive

bidding procedure or prior Board approval, and in any such case he may authorize the work or unit of work or acquire the materials or equipment, by informal bidding or quotations or by purchase on the open market without advertising. The District's General Manager may give local contractors and vendors a preference.

D. Change Order Policy

All change orders occurring during the performance of a contract shall be reported to the Board. Change order amounts which are less than ten percent (10%) of the original contract amount up to a maximum amount of Fifty Thousand Dollars (\$50,000) may be authorized by the District's General Manager; however, change order amounts greater than Fifty Thousand Dollars (\$50,000) or greater than ten percent (10%) of the original contract amount shall be approved by the appropriate committee or full Board of Directors.

V. Electronic Bidding

- A. Notwithstanding any contrary provision in Appendix M, the use of electronic media is authorized for any formal and informal bidding process pursuant to Appendix M, including without limitation submission, identification, opening and reporting of bids electronically ("electronic bidding"; "E-Bid"), provided that it be in accordance with state law. Electronic bidding shall include measures as the District deems appropriate for security of the bidding, approval and award processes and accurate retrieval or conversion of electronic information into a medium which permits inspection and copying. All electronic bids shall be submitted in a manner set forth in the Notice Inviting Bids and/or the bid instructions.
- B. The District may, in its sole discretion, require electronic bidding for any informal and formal bids authorized under Appendix M. If the District elects to use electronic bidding, then all bids must be submitted electronically consistent with the Notice Inviting Bids and/or bid instructions. If electronic bidding is not selected, then no bids may be submitted electronically and will be submitted sealed bid at a date, time and place.

VI. Exceptions to Statement of Policy

The policy specified in this statement shall not apply in the following cases or circumstances:

- (1) A contract for the acquisition or disposal of any real property.
- (2) A contract for the leasing of any personal property or the acquisition of personal property other than materials and equipment for use in construction activities.
- (3) A contract for the purchase of water or water rights.
- (4) A contract for the repair of District equipment.
- (5) A contract for legal, engineering and other professional services.
- (6) The repair, alteration, addition, or the making of improvements, by force account.
- (7) Work related to and in furtherance of the purposes of the District, or materials or equipment acquired for such purposes, where such work is to be performed or such materials or equipment are to be acquired, for the account of other persons or entities. , An example of such work is construction of a water pipeline for a developer and done at the developer's expense.
- (8) A contract for the performance of work or acquisition of materials in instances where work and materials are regularly and periodically required and work and materials for the repair or replacement of prior works or materials relating to the following:

a) Asphalt and concrete patching;	i) Online analyzers
b) Janitorial supplies;	j) Treatment chemicals
c) Office supplies;	k) Laboratory supplies and testing equipment
d) Aggregate (sand, base and similar materials);	l) Landscape services
e) Cold mix asphalt;	m) Janitorial services
f) Data mailers;	n) Printing services
g) Water meters;	o) Answering services
h) Pumps and Motors	p) Pest control services

(9) A contract for the performance of work deemed by the Board to best be utilized under the construction management at risk (CMAR) alternative project delivery method. CMAR delivery method may be used when staff recommends to the Board that it is in the best interest of the District to select a CMAR entity early in the process to provide constructability input during design and ultimately procure and manage the construction trade contractors.

BID PROCUREMENT POLICY APPROVED AND ADOPTED AT A REGULAR BOARD MEETING OF THE PALMDALE WATER DISTRICT BOARD OF DIRECTORS HELD APRIL 19, 1990

Revised 1-14-92
Revised 9-15-92
Revised 4-25-94
Revised 11-10-97
Revised 2-24-20
Revised 10-12-20
Revised 11-25-24