Special Operations Committee Meeting - July 29, 2020

1. Agenda Packet
   Documents:

   200729 AGENDA PACKET - POSTED 200723.PDF
Notice: Pursuant to Governor Newsom’s Executive Orders N-29-20 and 33-20, which in part, provide waivers to certain Brown Act provisions, meetings of the Board of Directors will be held by teleconference. There will be no physical location from which members of the public may participate. Instead, the public may listen and/or view the meeting proceedings and provide public comment and comments on agenda items by following these instructions:

To join via Zoom Webinar from a computer, tablet, or smartphone, click on the link below:
https://zoom.us/j/91458023440

To join this meeting via telephone, please dial:
1-669-900-6833 or 1-253-215-8782
Meeting ID: 914 5802 3440

If you are unable to access the meeting using this call-in information, please contact the Board Secretary at (619) 409-6703 for assistance.

To provide public comment on non-agenda items or to provide public comment on any item of the agenda:

Before the meeting:
- Go to www.sweetwater.org; click on the “HOW DO I…” at the top of the page; and then click on the “Public Comment” link in the Contact section.

OR
- Physically deposit your public comment in the Authority’s payment drop box located in the public parking lot at the Authority’s Administrative Office at 505 Garrett Avenue, Chula Vista.

OR
- Mail your comments to 505 Garrett Avenue, Chula Vista, CA 91910 [Attention: Public Comment].

All written public comment submissions must be received 1 hour in advance of the meeting and will be read aloud to the Board during the appropriate portion of the meeting with a reading limit of 3 minutes for each comment.
During the meeting:
The Chair will inquire prior to Board discussion if there are any comments from the public on each item.

- Via Zoom Webinar go to Participants List, hover over your name and click on “Raise Hand.” This will notify the moderator that you wish to speak during Oral Communication or during a specific item on the agenda.

- Via phone, you can raise your hand by pressing *9 to notify the moderator that you wish to speak during the current item.

Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the Board Secretary at (619) 409-6703 at least forty-eight (48) hours before the meeting, if possible. The above public comment procedures supersede any Authority standard public comment policies and procedures to the contrary.

1. CALL MEETING TO ORDER AND ROLL CALL

2. ITEMS TO BE ADDED, WITHDRAWN, OR REORDERED IN THE AGENDA.

3. PUBLIC COMMENT.
   Opportunity for members of the public to address the Committee. (Government Code Section 54954.3).

4. ACTION AGENDA.
   The following items on the Action Agenda call for discussion and action by the Committee. All items are placed on the Agenda so that the Committee may discuss and take action on the item if the Committee is so inclined, including items listed for information.

   Description of Criteria Recently Used for Evaluating Proposals (Item Requested by Director Martinez)

5. DIRECTORS’ COMMENTS.
   Directors’ comments are comments by Directors concerning Authority business that may be of interest to the Board. Directors’ comments are placed on the Agenda to enable individual Board members to convey information to the Board and the Public. There is no discussion or action taken on comments made by Board members.

6. NEXT MEETING DATE: Wednesday, August 5, 2020 at 6:30 p.m.

7. ADJOURNMENT.

This agenda was posted at least seventy-two (72) hours before the meeting in a location freely accessible to the Public on the exterior bulletin board at the main entrance to the Authority’s office and it is also posted on the Authority’s web site at www.sweetwater.org. No action may be taken on any item not appearing on the posted agenda, except as provided by California Government Code Section 54954.2. Any writings or documents provided to a majority of the members of the Sweetwater Authority Governing Board regarding any item on this agenda will be made available for public inspection at the Authority Administration Office, located at 505 Garrett Avenue, Chula Vista, CA 91910, during normal business hours. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the Board Secretary at (619) 409-6703 at least forty-eight (48) hours before the meeting, if possible.

To e-subscribe to receive meeting agendas and other pertinent information, please visit www.sweetwater.org.
8. The Contractor shall provide a current list of projects, dollar value, amount of change orders, and types of work that the Contractor is typically contracted to perform, as required in Exhibit C.

H. PROPOSAL SUBMITTAL AND EVALUATION; RIGHTS OF AUTHORITY

The Authority will evaluate all proposal submittals. Such evaluation will include, but not be limited to, experience, business reputation, overall qualifications, capacity, and ability to provide the services, QAP progress and Safety Record, as well as other information obtained through background information and references.

This RFP does not commit the Authority to award a contract, to pay any costs incurred in the preparation of the submittal, or to procure or contract for services or supplies. The Authority reserves the right to accept or reject any or all submittals received as a result of this request, to negotiate with any qualified source, or to cancel in part or entirely this RFP, if it is in the best interest of the Authority to do so. The Authority reserves the right to award contracts to more than one Contractor. The Authority shall not be obligated to contract any or all of the requested services to the retained Contractor(s).

The Authority may require the Contractor(s) to perform services in addition to those identified in this RFP. All services shall be performed on a time and materials basis in accordance with the terms of the contract, unless a separate fixed fee is otherwise agreed upon (see Exhibit F).

The submittal shall be signed by an individual authorized to bind the Contractor, and shall contain a statement to the effect that the submittal is in effect for ninety (90) days.

1. **Proposal Submittal**
   
   Submit a PDF copy of the proposal to the attention of Mike Wallace at mwallace@sweetwater.org. If the file containing the proposal is larger than 10 MB, send Mr. Wallace an email no later than 2:00 P.M., June 2, 2020 requesting a secure file transfer invitation using the Authority’s secure file transfer system “SendIt”.

2. **Proposal Submittal Deadline**
   
   All RFP packages must be submitted to Mike Wallace **NO LATER THAN 2:00 P.M., June 3, 2020**.

3. **Proposal Evaluation**
   
   Staff will evaluate the submittals and recommend contract award to the Authority’s Governing Board via the Operations Committee.
2. The submittal shall include a statement indicating the company is staffed in a manner such that the scope of services outlined in this Request for Proposal (RFP) can be prepared and delivered by the Contractor.

3. The submittal shall include a statement indicating the requested services will be provided as outlined by this RFP. This statement shall acknowledge all addenda to this RFP, if any. All services shall be compensated based on the Contractor's rate schedule, included as Exhibit C, which shall be included with the submittal and may be adjusted annually based on Caltrans equipment rates and prevailing wages. This rate shall reflect all costs related to required equipment, personnel, vehicle, mobilization/demobilization, and insurance requirements, exclusive of profit.

4. To clearly understand the magnitude of the Contractor's effort for a project, please refer to the enclosed Exhibit D. This Sample Job Description reflects a typical general contracting time and materials project and provides the scope of work. The Contractor shall provide a detailed proposed approach, comprehensive cost summary, including specific personnel, equipment, and any other services required for this sample project.

5. The Contractor shall submit completed certification forms included in Exhibit E for Worker's Compensation, Iran Contracting Act, DIR Registration Certification and Noncollusion Declaration.

6. Provide a brief history of the company, including any specialty expertise or experience. Identify all existing and past financial relationships between your firm and proposed sub-consultants with current members of the Authority's Governing Board and staff, and entities for which said members are employed, or have an interest, both past and present. If there are none, your proposal shall clearly state this. The Authority's Governing Board members can be viewed at http://www.sweetwater.org/board/governing_board.html.

7. The Contractor shall submit a copy of the company's QAP and a certified copy of the company's most current safety record (OSHA's Experience Modification Factor and OSHA 300 Log for Injuries).

8. The Contractor shall provide a current list of projects, dollar value, amount of change orders, and types of work that the Contractor is typically contracted to perform, as required in Exhibit B.

H. PROPOSAL SUBMITTAL AND EVALUATION: RIGHTS OF AUTHORITY

The Authority will evaluate all proposal submittals. Such evaluation will include, but not be limited to, experience, business reputation, overall qualifications, capacity, and ability
to provide the services, QAP progress and Safety Record, as well as other information obtained through background information and references.

This RFP does not commit the Authority to award a contract, to pay any costs incurred in the preparation of the submittal, or to procure or contract for services or supplies. The Authority reserves the right to accept or reject any or all submittals received as a result of this request, to negotiate with any qualified source, or to cancel in part or entirely this RFP, if it is in the best interest of the Authority to do so. The Authority reserves the right to award contracts to more than one Contractor. The Authority shall not be obligated to contract any or all of the requested services to the retained Contractor(s).

The Authority may require the Contractor(s) to perform services in addition to those identified in this RFP. All services shall be performed on a time and materials basis in accordance with the terms of the contract, unless a separate fixed fee is otherwise agreed upon (see Exhibit E).

The submittal shall be signed by an individual authorized to bind the Contractor, and shall contain a statement to the effect that the submittal is in effect for ninety (90) days.

1. Proposal Submittal

   Submit a PDF copy of the proposal to the attention of Mike Wallace at mwallace@sweetwater.org. If the file containing the proposal is larger than 10 MB, send Mr. Wallace an email no later than 5:00 P.M., May 19, 2020 requesting a secure file transfer invitation using the Authority’s secure file transfer system “SendIt”.

2. Proposal Submittal Deadline

   All RFP packages must be submitted to Mike Wallace NO LATER THAN 5:00 P.M., May 20, 2020.

3. Proposal Evaluation

   Staff will evaluate the submittals and recommend contract award to the Authority’s Governing Board via the Operations Committee.

I. REQUESTS FOR CLARIFICATION; AUTHORITY RESPONSE

1. Submitting Requests

   All requests for clarifications, changes, exceptions or deviations to this RFP must be submitted in writing via email to Mike Wallace at mwallace@sweetwater.org. All such requests should reference the subject RFP title, and must be received
This page intentionally left blank.
Policy for the Procurement of Services (including Construction), Supplies, and Equipment

Introduction
The purpose of this Policy on the Procurement of Services (including Construction), Supplies, and Equipment (Policy) is to establish policies and procedures, as required by California Government Code Section 54202, for the procurement of services (including professional services, maintenance, and construction services), supplies, and equipment by the Sweetwater Authority (Authority). The Policy shall be reviewed annually by the Governing Board (Board).

Objectives
The Policy is to be adhered to by all Authority employees when procuring services, supplies, and equipment. It is intended to assist the Authority and its employees in maintaining the highest level of integrity in procurement activities and decision making. The Policy sets out prudent internal control procedures, which are consistent with the Authority’s Budget Policy, and which permits maintaining departmental responsibility and flexibility in evaluating, selecting, and contracting for services, supplies, and equipment.

Authority and Responsibility
The Board authorizes and requires the General Manager or designee(s) to establish comprehensive procurement procedures that adhere to and implement the directives of this Policy for the procurement of services, supplies, and equipment essential for the day-to-day operation of the Authority. The Board recognizes that the Authority utilizes a decentralized procurement process and hereby delegates to the General Manager or designee(s) the responsibility to:

- determine specifications for services, supplies, and equipment;
- solicit bids, quotes, or proposals by using the applicable procurement method based on the scope and cost of the services, supplies, and equipment to be procured;
- implement risk transfer best practices;
- maintain appropriate procurement records; and
- obtain required approval for contracts.

The authorized approval limits set out in this Policy apply to the purchase of all services, supplies, and equipment whereby funding is included within the Board-approved annual budget, or funding is approved by the Board outside of the annual budget process.
Requirements for Comprehensive Procurement Procedures

The comprehensive procurement procedures established by the General Manager or designee(s) shall supplement the requirements of this Policy and include, at a minimum, the following requirements:

- **Contract Approval Authority:**
  
  o Procurement of services, supplies, and equipment in the amount of $75,000 or less may be approved by the General Manager or the General Manager’s designee(s), provided that the Board has authorized funds for the procurement within the annual budget.
  
  o Procurement of services, supplies, and equipment in an amount over $75,000 requires approval by the Governing Board, even if the Board has authorized funds for the procurement within the annual budget.
  
  o The approval authority is based on the total contract cost, including all years of a multi-year contract.
  
  o Separating, splitting, or dividing purchases or contracts for services, supplies, and equipment into smaller components for the purpose of evading the requirements of this Policy or the comprehensive procurement procedures established by the General Manager is prohibited.

- **Contract Term:**
  
  o Contracts are limited to a maximum of 5 years unless otherwise approved by the Board.

- **Bid Requirements:**
  
  o Contracts paid for with proceeds from the sale of bonds or a limited assessment shall be let to the lowest responsive and responsible bidder regardless of value and shall otherwise be procured in accordance with applicable law; and
  
  o Contracts for public works projects shall be subject to competitive bidding procedures set forth in the comprehensive procurement
procedures and shall otherwise be procured in accordance with applicable law.

- ** Preferential Purchasing for Local Businesses: **
  
  - Authority staff will maintain a vendor database that will include, but not be limited to, local, small, and disadvantaged businesses (“Local, Small, and/or Disadvantaged Business”) within the Authority’s service area. Authority staff may provide preferences to Local, Small, and/or Disadvantaged Business as part of the selection process for non-professional services, supplies, and equipment, unless prohibited by Federal or State laws. If a Local, Small, and/or Disadvantaged Business is not the lowest bidder, then Authority staff may provide a preference of up to 10 percent over the lowest procured price when awarding a purchase involving Local, Small, and/or Disadvantaged Business. In addition, Authority staff, on a biannual basis, will undertake outreach to communicate with the local vendor community to provide information on how to better access the Authority’s procurement process. In order to qualify for this local preference a Local, Small, and/or Disadvantaged Business must provide proof of having a current valid local business license and either (a) be an Authority rate payer in good standing for the past six months, or (b) receive Authority water service at its business location for the past six months, paid by a third party.

- ** Exemptions to Procurement Requirements: **
  
  - *Purchases when Price Controlled by an Official Rate-Making Body* – the Authority is authorized to procure services, supplies, and equipment without conducting a competitive process if the price for the services, supplies, and equipment is controlled by an official rate-making body such as is the case with wholesale water from SDCWA, electricity, gas, and telephone, and funding for the services, supplies, and equipment are provided for in the operating budget.

  - *Cooperative Procurement* - The Authority may participate in purchases and contracts established by other political jurisdictions, provided the cooperative agreement is established following a competitive process applicable to the contracting political jurisdiction. Evidence of the competitive process conducted by the other political
jurisdiction must be obtained and kept on file to support the procurement.

- *Sole Source* - Procurement of services, supplies, and equipment that can only be obtained from one supplier or contractor and for which obtaining quotes or bids is therefore impossible or not in the public interest, such that no competitive advantage can be gained by soliciting quotes or bids, does not require a competitive process.

- *Standardization of Specifications* – Supplies and equipment, components, items, or features with standardized specifications approved by the General Manager is exempt from the Authority’s comprehensive procurement procedures. Standardization of specification will be permitted when the desired supplies, equipment, component, item or feature matches or is compatible with other existing items; the desired equipment, component, item or feature is found to be the most reliable, cost-efficient and/or feasible for the Authority; or the desired equipment, component, item or feature is found to provide significant safety benefits for the Authority or complies with a safety standard. Services, from time to time, may also fall within this exemption.

- *Emergency Contracts* - Emergency contracts may be made without strict compliance with the Authority’s comprehensive procurement procedures when time is of the essence and when necessary to preserve or protect life, health, or property; upon natural disaster; or to forestall a shutdown of essential services. An emergency purchase of $75,001 or more shall be submitted to the Board for ratification at the next occurring Board meeting from when the emergency contract was made.

- **Change Orders**: Changes to existing contracts are allowed with the following limitations:

  - *Agreements initially $75,000 or less* - Any Change Order resulting in a new contract amount of over $75,000 requires Board approval.

  - *Agreements initially over $75,000* - Any Change Order resulting in an increase in the cost of more than 10% of the original contract price or resulting in a $75,000 increase requires Board approval.
POLICIES & PROCEDURES
FOR THE GOVERNING BOARD

FINANCIAL POLICIES
Policy 517

- A Change Order exceeding the Change Order limits set forth in this article may be authorized by the General Manager prior to Board approval if, in the General Manager’s determination, a delay in Change Order authorization could result in a negative financial impact to the Authority; or a delay in Change Order authorization could result in damage to or impairment of the operations of an Authority facility; or an Emergency exists which requires immediate work/services. Any Change Order authorization exceeding the General Manager’s authorization limit shall be submitted to the Board for ratification at the next regularly scheduled Board meeting.

- Disposition of Obsolete / Surplus Equipment or Supplies
  - Surplus items may be exchanged or traded-in on new goods, sold using competitive procedures similar to standard acquisition practices, sold at public auction, eliminated as scrap if there is no resale or trade-in value, or donated to either AmVets of Chula Vista, or the REStore of National City. Surplus items shall have the written approval of the General Manager or the General Manager’s designee prior to disposition. In addition, the third party receiving the surplus items will be required to sign a waiver of liability prior to disposition as a condition of accepting the surplus items.

Conflict of Interest
All vendors, suppliers, contractors, and consultants must disclose any actual or potential conflict of interest that exists between the vendor, supplier, contractor, or consultant and the Authority, its representatives, agents, members of the Governing Board of Directors, and employees.