



**SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY DISTRICT
PROCUREMENT AND CONTRACTING POLICY
REGARDING SOLICITING, SELECTING, AND EXECUTING AGREEMENTS
WITH PROVIDERS OF GOODS AND SERVICES**

I. PURPOSE

This Policy establishes internal procedures for the San Mateo County Flood and Sea Level Rise Resiliency District (also known as “OneShoreline”) regarding the process for, and authorization of, the procurement of goods and services. The goals of this Policy are to obtain the best value from, and efficiently administer, OneShoreline contracts, and to maintain the public trust by conducting OneShoreline business with integrity, fairness, and transparency.

II. SOLICITATION

A. General Provisions for All Amounts

1. Competitive procurement, particularly for larger contracts, is OneShoreline's preferred method of procurement. Cases where competition is infeasible or inefficient due to extenuating circumstances may justify waiving competitive requirements, as described in Section IV of this Policy.
2. OneShoreline or its designee is required to follow contract solicitation procedures to ensure compliance with applicable laws and regulations. Contracts for public works construction projects, as defined by California Public Contract Code Section 22002, shall conform to all applicable contracting and solicitation requirements for such contracts under State law. The procurement process for all projects receiving Federal awards shall conform to applicable Federal law and the standards set forth in the Code of Federal Regulations (2 C.F.R. 200, Part D), as such laws and standards may be updated and/or revised.
3. Solicitations must include the information necessary to enable interested parties to propose a scope, schedule, and price.

B. For Contracts Expected to be Less Than \$100,000

1. No formal solicitation is required; instead, an informal and non-competitive solicitation may be conducted, unless a waiver of such solicitation is allowed as described in Section IV of this Policy.

C. For Contracts Expected to be Between \$100,000 and \$200,000

1. No formal solicitation is required; instead, an informal solicitation may be conducted, unless a waiver of such solicitation is allowed as described in Section IV of this Policy.
2. If an informal solicitation is conducted, OneShoreline staff shall attempt to secure at least three responses; if three proposals are not received, the solicitation record must detail OneShoreline staff efforts to secure at least three proposals.

D. For Contracts Expected to be Greater Than \$200,000

1. A formal solicitation, such as a publicly advertised Request for Proposals (RFP), must be issued unless a waiver of such solicitation is allowed as described in Section IV of this Policy.

2. In addition to including the information necessary to enable interested parties to propose a general scope, schedule, and price, solicitations over \$200,000 must include:
 - OneShoreline's objective(s) in issuing the solicitation.
 - A detailed description of expected tasks and deliverables.
 - A description of the process and timeline for reviewing responses and awarding a contract.
 - The criteria that will be considered in awarding a contract and how offers will be evaluated.
 - A statement regarding the OneShoreline's right to reject all submissions and not enter into a contract.
3. The factors to be considered in determining best value in order to make an award include:
 - Price;
 - Experience of either the firm or the staff to be assigned to the project, and a description of their experience with similar projects; and
 - The proposed methodology for meeting OneShoreline's needs, including a work plan and timeline for completing tasks and providing deliverables.
4. When possible, OneShoreline will ensure that small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms (as designated by the U.S. Department of Labor) are considered in compliance with Code of Federal Regulations (2 C.F.R. 200.321), as such regulations may be updated and/or revised.

III. CONTRACTING

A. General Provisions for All Amounts

1. Contracts are to be awarded to proposers that are responsible and submit proposals that are responsive as defined by the following:
 - A proposer is "responsible" if they are trustworthy and possess the skills, resources, fitness, capacity, and experience to satisfactorily perform the requested work, and have not been barred from government contracts for prior misconduct.
 - A proposal is "responsive" if it meets the requirements of the solicitation documents and complies with instructions and procedures set forth in the documents. Minor irregularities may be waived if these would not affect the outcome of the solicitation.
2. Contracts may be awarded based on price and other factors, which, taken together, are deemed to provide the best overall value to OneShoreline.
3. OneShoreline may not award a contract to a party directly involved in developing the solicitation for that contract.
4. OneShoreline shall maintain written or electronic records for each procurement. All OneShoreline contracts may be signed electronically in accordance with State law.
5. OneShoreline or designee is responsible for administration of the resulting contract or contract amendment, which includes obtaining signed W-9 forms from new contractors; monitoring contractor performance, invoices, and payment; and ensuring full compliance with the terms and conditions of the contract.
6. Procurements and/or contracts may not be split into several smaller solicitations or split into separate contracts over fiscal years to circumvent applicable procurement and/or approval requirements.

B. For Contracts Expected to be Less Than \$100,000

1. OneShoreline may utilize the standard OneShoreline contract template, which includes the names of parties to the contract, the term of the contract, the maximum contract amount, and a scope of work that includes all tasks to be performed by each party.
2. Approval of the contract can be made by the CEO without the need to obtain approval by the OneShoreline Board.
3. If an amendment causes a contract's total amount to exceed \$100,000, all requirements for contracts exceeding \$100,000 as provided in Sections III.C. and III.D of this Policy, including the requirement for approval by the OneShoreline Board, must be met.
4. For goods or services valued at less than \$20,000, a statement of work that includes the names of parties, a schedule, and price can be approved by the CEO without executing a formal contract, unless a contract is required by law or as a condition of revenue or grant funding.

C. For Contracts Expected to be between \$100,000 and \$200,000

1. In addition to the requirements for contracts listed in Section III.B.1. of this Policy, the contract must include a project budget and a contract number that will be recorded in OneShoreline's accounting system.
2. OneShoreline legal counsel must approve contracts that deviate from OneShoreline's contract template.
3. Approval of the contract must be made by the OneShoreline Board.

D. For Contracts Expected to be Greater Than \$200,000

1. In addition to the requirements for contracts listed in Section III.C.1. of this Policy, the contract must include an itemized project budget, more detailed scope of work that includes all tasks to be performed by each party, and a detailed schedule for project completion, including due dates of deliverables.
2. OneShoreline legal counsel must approve contracts that deviate from OneShoreline's contract template.
3. Approval of the contract must be made by the OneShoreline Board.

IV. WAIVERS FOR SOLICITATION AND CONTRACTING

A. Emergencies

1. An emergency is defined as a sudden, unexpected occurrence posing a clear and imminent danger that will not permit delays that would result from competitive procurement.
2. In the case of an emergency, the CEO may authorize expenditures for work, services, and/or supplies where the cost is expected to exceed \$100,000 without the need to comply with applicable competitive solicitation requirements and without prior OneShoreline Board approval. The CEO shall make best efforts to notify the Board Chair and Vice-Chair in advance of any expenditures for emergency work, services, and/or supplies expected to exceed \$100,000 and shall also provide the District Board a report of such expenditures at the next regularly scheduled OneShoreline Board meeting.
3. If OneShoreline expects to seek Federal or State reimbursement for emergency expenditures, Federal or State procurement and contracting rules may supersede OneShoreline rules.

4. Once an emergency has passed, procurements undertaken to address the consequences of the emergency must comply with standard OneShoreline procurement and contracting procedures.

B. Non-Emergencies

1. In the case of a non-emergency, competitive solicitation may be waived by the OneShoreline Board due to unique factors, such as: the good or service is only available from a single source, is a continuation of an ongoing service or project, is site-specific with only one reasonable alternative, has unique performance factors, is for legal services, will become part of existing products or equipment, or is offered at a substantial discount below current market conditions and prices.
2. Waiver of competitive requirements must be justified in a written document that is kept as part of the procurement record. Either a specific exemption must be identified, or a justification of the waiver must be provided, which includes:
 - The unique and required factors that are unavailable from any other source;
 - Substitutes or other products or sources that were considered and rejected and why; and
 - A statement that the price has been verified as fair and reasonable.