

REPORT TO THE BOARD OF DIRECTORS
BOARD MEETING OF April 11, 2023
AGENDA ITEM 8A



AGENDA SECTION: **ACTION ITEM**

SUBJECT: **APPOINTMENT OF PUBLIC MEMBERS TO THE FINANCE COMMITTEE**

PREPARED BY: Elizabeth Olson, Executive Assistant

APPROVED BY: Nicholas Schneider, General Manager

BACKGROUND

The Finance Committee was established by the Board of Directors as an advisory body to the Board on matters related to the District's finances, budgeting, auditing, financial policies, and reports.

The committee is comprised of no fewer than three (3) and no more than seven (7) public members who reside within the District boundaries. The Board Treasurer and another Director serve as Board liaisons. Director Thornbrough and Director MacDonald currently serve as the Board's liaisons.

DISCUSSION

The District announced the openings for public members to the Finance Committee. Applications were received from Michael W. Thomas, William Gorenc Jr., and Charlotte Miller (resumes attached). Additional openings remain on the committee and the open application process should continue.

FISCAL IMPACT

None.

CEQA ASSESSMENT

This is not a CEQA project.

POSSIBLE ACTIONS

- Interview Candidates for Vacant Finance Committee positions.
- Adopt Resolutions 2023-XX appointing members to the Finance Committee
- Continue the application process to fill the remaining public member seats.

ATTACHMENTS

1. Letters of Interest (Redacted)
 - William Gorenc Esquire
 - Charlotte Miller R.N.

2. Resumes (Redacted)

- Michael Thomas Esquire
- William Gorenc Jr. Esquire

3. Draft Resolutions 2023-XX

- Appointment of Michael Thomas to the Finance Committee
- Appointment of William Gorenc to the Finance Committee
- Appointment of Charlotte Miller to the Finance Committee

William Gorenc, Jr.

Attorney License: Ohio [Ret.]

Via Email: gm@gd-pud.org

Georgetown Divide Public Utility District
Attn: Nicholas Schneider
P.O. Box 4240
Georgetown, CA. 95634-4240

Re: Finance Committee Vacancy

Dear Mr. Schneider:

Attached please find my resume in support of my application for one of the open vacancies on the Georgetown Divide PUD Finance Committee. I have been a permanent Georgetown resident since 2018.

Thank you for the opportunity to apply for this position. If selected, I intend to serve our community to the best of my ability. If you have any questions regarding my qualifications or interests, please do not hesitate to contact me.

Sincerely,

William Gorenc, Jr.

March 2, 2023

Mr. Nicholas Schneider, G.M.
Georgetown Divide P.U.D
P.O. Box 4240
Georgetown, CA 95634

Dear Mr. Schneider:

At the behest of my neighbor Mitch MacDonald, I'm presenting my request to serve on the Financial Advisory Committee.

I have resided here on the Divide as a homeowner for 30 years. For close to 40 years I have worked in the medical profession as an R.N. My husband and I also had a small horse breeding business. The past 10 years I have served as a S.T.A.R. volunteer for the El Dorado County Sheriff's department. Hence, I do have a feel for what people on the Divide think and feel about various factions.

My skill set encompasses organizational, observational, and deductive attributes. I will also add something called "common sense". From our horse business I learned about spreadsheets and other entities involved in running a business.

If approved, I certainly would endeavor to do a good job for the Financial Advisory Committee and the Georgetown Divide Public Utility District Board.

Thank you for your kind attention in this matter.

Sincerely,

Charlotte Miller

MICHAEL W. THOMAS

CAREER PROFILE

REAL ESTATE, BUSINESS AND COMPLEX COMMERCIAL LITIGATION, BANKRUPTCY

I have over 6 years of experience in international business and management and 31 years experience in business law, entity formation, non-profit corporate law, real estate transactions/litigation, complex commercial litigation, mutual water company law and governance, and bankruptcy (debtor and creditor), including bankruptcy litigation. I was previously a partner in Inman-Thomas, LLP and Bays, Deaver, Hiatt, Lung & Rose. At the same time I have regularly taught college level law courses and led training seminars on a variety of legal topics.

KEY AREAS OF PRACTICE

Business Law	Entity formation, consulting, compliance with applicable laws, corporate law, Management, finance, non-profits, mutual water companies, and employment law.
Real Estate	Transactions and litigation representing developers, owners and homeowners associations. Easements, purchase and sales, development, subdivisions, construction.
Bankruptcy	Representing creditors and debtors in Chapter 7, Chapter 11 and Chapter 13 cases, bankruptcy litigation, debt mitigation and work outs.
Commercial	Surety bond disputes, complex commercial litigation, UCC, shareholder disputes, entity formation.

PROFESSIONAL EXPERIENCE

THOMAS & ASSOCIATES, attorneys at law
Roseville, CA 2009-present

Representing developers, owners, homeowner associations, corporations and limited liability companies in a variety of transactional and litigation matters. Representing creditors and debtors in all phases of bankruptcy, debt mitigation and work outs.

INMAN-THOMAS, LLP
Roseville, CA 2004-2009

Representing developers in all phases of subdivision and development, including homeowner Association formation and representation. Representing creditors and debtors in all phases of bankruptcy and debt mitigation and work outs. Complex commercial litigation.

TRAINOR ROBERTSON

Sacramento, CA

2002-2004

Representing developers, owners associations and publicly traded companies in a variety of real estate transactional and litigation matters including development, governance, easements, suretyship, and ADA defense. Creditor side bankruptcy.

WEINTRAUB, GENSHLEA, CHEDIAK & SPROUL
Sacramento, CA

2000-2002

Representing commercial and real estate clients in a variety of transactional, corporate governance and litigation matters, insurance defense litigation, creditor side bankruptcy.

BAYS, DEEVER, HIATT, LUNG & ROSE
Honolulu, HI

1991-2000

Represented utilities and Fortune 500 client base in commercial, corporate and real estate matters, both domestic and international. Debtor and creditor bankruptcy representation.

EDUCATION

JD- SANTA CLARA UNIVERSITY SCHOOL OF LAW, 1991

- Law Review
- Moot Court

Post-Graduate Studies- Beijing University, China, 1982-1983

- Chinese Economics
- Chinese Politics

MA- UNIVERSITY OF CALIFORNIA, 1982

- International Relations
- China Studies
- Graduate Honor Society
- Graduate Teaching Assistant

BA- CALIFORNIA STATE UNIVERSITY, 1980

- Political Science

TEACHING EXPERIENCE

Brandman University 2008-2010

- Constitutional Government
- Western Legal Theory

Lorman Seminars 2003 to present

- Law of Easements, construction law

William Gorenc, Jr.

Attorney License: Ohio [Retired]

Professional Profile: Labor Relations & Litigation

Senior Level Attorney and Labor Relations Professional with significant leadership experience in corporate legal & HR departments; Integral part of executive teams responsible for key corporate and operational initiatives, including:

- In-House Litigation
- Toxic Tort/Products Liability
- Ethics Investigations
- Complex Litigation Management
- Environmental Health & Safety
- Financial Budgeting & Reporting
- Labor & EEO
- Change Management
- Related Training

Employment History:

2013 -2018

Aerojet Rocketdyne [wholly-owned subsidiary of GenCorp Inc.]

Director, Labor Relations [Retired]

- Chief Labor Relations Administrator, responsible for all labor functions at 9 rocket/defense manufacturing facilities, including labor negotiations, grievance/arbitration, union avoidance, strategic planning, policy development, budgeting & training

2012 – 2013

Fort Berthold College

Director, Human Resources; Adjunct Faculty [Economics]

- Chief HR Administrator at Tribal College in Bakken oil field, ND, responsible for all HR functions; Adjunct Faculty member teaching college level economics courses

2002 – 2012

GenCorp Inc. [Client]

National & Independent HR Counsel

- National Counsel for Vinyl Chloride Conspiracy Litigation, providing successful defense for 50+ toxic tort, wrongful death lawsuits arising from occupational exposure to vinyl chloride, a known human carcinogen; Lead Expert Group Defense Counsel on toxicology and epidemiology

1987 – 2002

GenCorp Inc., f.k.a “General Tire & Rubber Co.”

Director, Labor Relations & EEO (1999 - 2002)

Assistant General Counsel (1997 - 2002)

Sr. Employment & Litigation Counsel (1987 - 1997)

- Led corporate labor/employee relations, Environmental compliance, and litigation defense for \$1.4B aerospace, automotive, chemicals, building products and media business; Held concurrent executive HR and legal positions, with dual reporting to SVPs of Law and HR
- Reduced retiree medical benefits by \$600M in FAS 106 liability; successfully defended related class actions; Steelworkers agreement served as industry pattern
- Designed and implemented three major restructurings, including 3 voluntary early retirement programs affecting over 5000 employees
- Handled due diligence & negotiated HR provisions in numerous acquisitions and divestitures, including \$400M automotive acquisition, with facilities in the US, Spain, Germany, France, Czech Republic & China

Functional Areas of Expertise:

Products Liability & Commercial Litigation:

- Litigation Defense: Successfully litigated roofing, fire, automotive roll-over, antitrust, M&A post-closing, transportation tariff, construction and fraud claims
- Warranty Issues: Provided legal counsel on numerous warranty issues
- Budgets & Management: Direct responsibility for litigation budget preparation and assuring outside counsel meet parameters

Labor/Employee Relations:

- Collective Bargaining: Negotiated 50+ labor agreements, including plant closures, acquisitions and divestitures
- Arbitration: Tried 100+ labor arbitrations, with 85% success rate
- Performance Management: Counseled management and/or personally handled many employee terminations, including several sensitive senior executive terminations
- EEO Claims: Defended numerous EEO charges and lawsuits, including Simpson v. DiversiTech, 945 F.2d 156 (6th Cir.), cert. dismissed, 112 S.Ct. 1072 (1991)
- EEO Policy Development: Developed policies and delivered compliance training modules re ADA, ADEA, sexual and racial harassment

OSHA/Environmental:

- Toxic Tort Claims: Successfully litigated 75+ toxic tort claims involving vinyl chloride, benzene and asbestos; Lead defense counsel responsible for experts on toxicology and epidemiology
- OSHA Claims: Handled major OSHA claims, including Health Hazard Evaluations for nitrosamines at 3 automotive plants
- Superfund: Provided legal oversight for 15 Superfund sites

Compensation & Employee Benefits:

- Compensation Plans: Conducted cost analysis and negotiated day and piece rates, group incentive plans, performance matrices, and other benefit/compensation plans
- ERISA Compliance: Provided legal interpretations and claims defense re pension and medical benefit plans

Education:

Cleveland-Marshall College of Law (J.D.), Cleveland State University

- Managing Editor, Cleveland State Law Review
- Advisor & Instructor, Street Law Program, Cleveland Public Schools

Florida State University (B.S.)

- *magna cum laude*; Phi Beta Kappa

Professional Affiliations & Publications:

State Bar of Ohio (Bar No. 0010344); U.S. Supreme Ct.; U.S. Claims Ct.; U.S.C.A. (1st, 6th & Fed. Cir.); U.S. Dist. Ct. (N.D. Ohio, Conn., N.D. Ind. & W.D. Mich.); Am. & Ohio Bar Assoc.

“Reducing Employee Benefits Lawfully”, *Personnel Law Update 1993*

“Surveillance, Monitoring, Search and ... Risk”, *Personnel Law Update 1991*

“Subverting the First Amendment, the SEC’s War on Newsletters”, *Reason*, pp. 23-38 (Jan. 1983), *reprinted in, Free Minds & Free Markets*, p.p. 168-78, [R. Poole & V. Postrel, eds. 1993]

“United States v. Sutton, the Sixth Circuit Curbs Abuse of RICO”, *28 Clev. St. Law Rev. 629* (1979).

**RESOLUTION NO. 2023-XX
OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
FOR THE APPOINTMENT OF PUBLIC MEMBERS
TO THE FINANCE COMMITTEE**

WHEREAS, the Finance Committee was established to advise the Board on matters related to finance; and

WHEREAS, the District announced the openings for public members to the Finance Committee and applications were received; and

WHEREAS, the Finance Committee is comprised of two Directors serving as Board liaison, and seven (7) public members; and

WHEREAS, Director Mike Thornbrough and Director Robert Stovall have been appointed as Board liaison; and

WHEREAS, the committee will work on matters related to the District's financial matters and allow District customers an opportunity to provide feedback to this committee.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS THAT THE INDIVIDUAL NAMED BELOW IS APPOINTED TO THE FINANCE COMMITTEE FOR A TERM OF TWO (2) YEARS:

Michael W. Thomas

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utilities District at a meeting of said Board held on the 11th day of April 2023, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Mitch MacDonald, President
Board of Directors
Georgetown Divide Public Utility District

ATTEST:

Nicholas Schneider, Clerk and ex officio
Secretary, Board of Directors
Georgetown Divide Public Utility District

CERTIFICATION

I hereby certify that the foregoing is a full, true, and correct copy of Resolution 2023-XX duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on the 11th day of April 2023.

Nicholas Schneider, Clerk and ex officio
Secretary, Board of Directors
Georgetown Divide Public Utility District

**RESOLUTION NO. 2023-XX
OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
FOR THE APPOINTMENT OF PUBLIC MEMBERS
TO THE FINANCE COMMITTEE**

WHEREAS, the Finance Committee was established to advise the Board on matters related to finance; and

WHEREAS, the District announced the openings for public members to the Finance Committee and applications were received; and

WHEREAS, the Finance Committee is comprised of two Directors serving as Board liaison, and seven (7) public members; and

WHEREAS, Director Mike Thornbrough and Director Robert Stovall have been appointed as Board liaison; and

WHEREAS, the committee will work on matters related to the District's financial matters and allow District customers an opportunity to provide feedback to this committee.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS THAT THE INDIVIDUAL NAMED BELOW IS APPOINTED TO THE FINANCE COMMITTEE FOR A TERM OF TWO (2) YEARS:

William Gorenc, Jr.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utilities District at a meeting of said Board held on the 11th day of April 2023, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Mitch MacDonald, President
Board of Directors
Georgetown Divide Public Utility District

ATTEST:

Nicholas Schneider, Clerk and ex officio
Secretary, Board of Directors
Georgetown Divide Public Utility District

CERTIFICATION

I hereby certify that the foregoing is a full, true, and correct copy of Resolution 2023-XX duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on the 11th day of April 2023.

Nicholas Schneider, Clerk and ex officio
Secretary, Board of Directors
Georgetown Divide Public Utility District

**RESOLUTION NO. 2023-XX
OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
FOR THE APPOINTMENT OF PUBLIC MEMBERS
TO THE FINANCE COMMITTEE**

WHEREAS, the Finance Committee was established to advise the Board on matters related to finance; and

WHEREAS, the District announced the openings for public members to the Finance Committee and applications were received; and

WHEREAS, the Finance Committee is comprised of two Directors serving as Board liaison, and seven (7) public members; and

WHEREAS, Director Mike Thornbrough and Director Robert Stovall have been appointed as Board liaison; and

WHEREAS, the committee will work on matters related to the District's financial matters and allow District customers an opportunity to provide feedback to this committee.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS THAT THE INDIVIDUAL NAMED BELOW IS APPOINTED TO THE FINANCE COMMITTEE FOR A TERM OF TWO (2) YEARS:

Charlotte Miller

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utilities District at a meeting of said Board held on the 11th day of April 2023, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Mitch MacDonald, President
Board of Directors
Georgetown Divide Public Utility District

ATTEST:

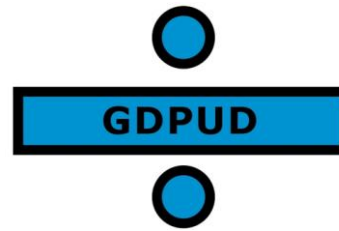
Nicholas Schneider, Clerk and ex officio
Secretary, Board of Directors
Georgetown Divide Public Utility District

CERTIFICATION

I hereby certify that the foregoing is a full, true, and correct copy of Resolution 2023-XX duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on the 11th day of April 2023.

Nicholas Schneider, Clerk and ex officio
Secretary, Board of Directors
Georgetown Divide Public Utility District

**REPORT TO THE BOARD OF DIRECTORS
BOARD MEETING OF APRIL 11, 2023
AGENDA ITEM NO. 8.B.**



AGENDA SECTION: ACTION ITEMS

SUBJECT: CONSIDER REPLACING THE PROCUREMENT POLICY ADOPTED ON OCTOBER 9, 2018, WITH POLICY 2135 TO INCLUDE PROVISIONS OF THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT AND OTHER UPDATES

PREPARED BY: Gloria Omania, Retired Annuitant – Special Projects

APPROVED BY: Nicholas Schneider, General Manager

BACKGROUND

The Ad-Hoc Policy Committee was established to standardize the process of developing, reviewing, and adopting policies and procedures. During the committee meeting of February 23, 2023, Staff recommended changes to the Procurement Policy adopted by the Board of Directors on October 9, 2018 (*Attachment 1*).

It was the District's intention in 2018 to opt into the Uniform Public Construction Account Act (Act), but the process was not completed. Therefore, it is also recommended that the policy reflect the provisions of the Act. Due to the extent of the necessary changes to the policy adopted in 2018, the committee and Staff recommends that this policy be replaced with Policy 2135 (*Attachment 2*) formatted in the new policy format approved by the Policy Committee.

DISCUSSION

The Act is legislation that was enacted in 1983 to help promote "uniformity of the cost accounting standards and bidding procedures on construction work performed or contracted by public entities in the state" (Section 22001). The Act is a voluntary program available to all public entities in the State, but it applies only to those public agencies that have "opted in" to the provisions set forth by the Act using the processes outlined in the Act. The entirety of the Act is found in Sections 22000-22045.

The benefits of opting into the program include:

- Increased force account limit for public agencies;
- Simplified bidding for projects that are under \$200,000 or less;
- Reduced number of formal bids based on project size; and
- Expedited contracting for projects under \$200,000

The Act allows for public project work in the amount of \$60,000 or less to be performed by a public agency's force account using the public agency's own resources, or by negotiated contract, or by purchase order (Section 22032(a)). Public projects in the amount of \$200,000 or less may use the informal or formal bidding procedures set forth in Section 22032(b) or (c) of the Act. Public projects at a cost of more than \$200,000 must use formal bidding procedures to let the contract pursuant PCC Section 22032(c).

The changes in the replacement Policy 2135 are shown below and includes updates, additions and changes required by the Act and other changes recommended by the Policy Committee and Staff.

ARTICLE I. GENERAL

Section 1.02 Definitions

The definitions were alphabetized for quick reference.

The following definition was added:

Uniform Construction Cost Accounting Act (Act) – the Act is legislation that was enacted in 1983 to help promote “uniformity of the cost accounting standards and bidding procedure on construction work performed or contracted by public entities in the “state” (Section 22001). The Act is a voluntary program available to all public entities in the State, but it applies only to those public agencies that have “opted in” to the provisions set forth by the Act using the processes outlined in the Act. The entirety of the Act is found in Sections 22000-22045.

Section 1.03 Purchasing Agents

(a) *Added the Office Finance Manager as a Purchasing Agent for procurements up to \$5,000.*

(b) *There are no changes to the General Manager’s procurement limits.*

(c) *Updated and titled the table as **Table 1.03(c), Procurement Limits and Contract Signing Authority**, below:*

Table 1.03(c) - Procurement Limits and Contract Signing Authority		
Title	Procurement Limit	Contract Authority
General Manager	Up to \$45,000	Up to \$45,000 without Board authorization. Over \$45,000 requires Board authorization.
Operations Manager	Up to \$5,000	None
Office Finance Manager	Up to \$5,000	None
<i>NOTE: This table serves to summarize the provisions of Section 1.03. If this table conflicts with the language of Section 103, the latter shall control.</i>		

ARTICLE II. PURCHASING AND CONTRACTING FOR SUPPLIES AND EQUIPMENT

Section 2.02 Purchase Requisition Procedures

(a) to (e) – *Made changes to each item to correspond with the amounts in the table.*

(f) *Added row in table on purchases over \$45,000.*

(g) *Added the following text:*

Purchases up to Sixty Thousand Dollars (\$60,000) may be made under negotiated contract or by purchase order. The procurement limit of this section shall be governed by the most recent edition of Public Code Section 22032.

(h) *Updated and titled the table as **Table 2.02(h), Contracting and Purchasing Procedures for Supplies and Equipment**, below:*

Table 2.02(h) – CONTRACTING AND PURCHASING PROCEDURES FOR SUPPLIES AND EQUIPMENT		
Procurement Limits	Purchase Order	Bidding Procedures
>\$500	No purchase order required.	No quotes required.
\$501 - \$5,000	Purchase order required.	No quotes required, unless (g) applies.
\$5,001 - \$10,000	Purchase order required. Second signature by General Manager.	Attempt three (3) quotes, unless (g) applies.
\$10,001 - \$25,000	Purchase order required. Second signature by General Manager	Three (3) quotes required, unless (g) applies.
\$25,001 - \$45,000	Purchase order required. Second signature by General Manager	Formal bidding procedure required, unless (h) applies.
<\$45,000	Purchase order required Board Authorization Required	Formal bidding procedure required, unless (g) applies.
<i>NOTE: This table serves to summarize the provisions of Section 2.02. If this table conflicts with the language of Section 2.02, the latter shall control.</i>		

Section 2.05 – Local Business Preference

(a) *Added Women and Minority Owned Business Preference.*

ARTICLE III. CONTRACTING FOR NEW CONSTRUCTION, ALTERATION, MAINTENANCE OR REPAIR SERVICES

Section 3.02 Contracting Procedures

(a) to (e) – *Made changes to each item to correspond with the amounts in the table.*

(f) *added row in table on purchases over \$45,000.*

(g) *Added the following text:*

If the purchase of supplies and equipment is for a public project and performed by the employees of the District, purchases up to Sixty Thousand Dollars (\$60,000) may be performed by force account, by negotiated contract or by purchase order. The procurement limit of this section shall be governed by the most recent edition of Public Code Section 22032.

(h) *Updated and titled the table as **Table 2.03(h), Contracting and Purchasing Procedures for Supplies and Equipment**, below:*

Table 2.02(h) – CONTRACTING AND PURCHASING PROCEDURES FOR SUPPLIES AND EQUIPMENT		
Procurement Limits	Purchase Order	Bidding Procedures
>\$500	No purchase order required.	No quotes required.
\$501 - \$5,000	Purchase order required.	No quotes required, unless (g) applies.
\$5,001 - \$10,000	Purchase order required. Second signature by General Manager.	Attempt three (3) quotes, unless (g) applies.
\$10,001 - \$25,000	Purchase order required. Second signature by General Manager	Three (3) quotes required, unless (g) applies.
\$25,001 - \$45,000	Purchase order required. Second signature by General Manager	Formal bidding procedure required, unless (g) applies.
<\$45,000	Purchase order required Board Authorization Required	Formal bidding procedure required, unless (g) applies.
<i>NOTE: This table serves to summarize the provisions of Section 2.02. If this table conflicts with the language of Section 2.02, the latter shall control.</i>		

ARTICLE IV. PURCHASING AND CONTRACTING FOR PUBLIC PROJECTS

The following sentence was added to the first paragraph:

It is unlawful to split or separate into smaller work orders or projects for the purpose of evading the purchasing and contracting limits set forth in this section.

Section 4.01 Purchasing and Contracting Procedures for Public Projects

- (a) *Value amount was changed from \$45,000.00 to \$60,000, and the following text was added to the end: ...or the amount listed in the most recent PCC Section 22032.*
- (b) *Value amount was changed from \$175,000.00 to \$200,000.00, and the following text was added to the end: ...or the amount listed in the most recent PCC Section 22032.*
- (c) *Value amount was changed from \$175,000.00 to \$200,000.00, and the following text was added to the end: ...or the amount listed in the most recent PCC Section 22032.*

The following items were added to this section:

- (f) *A Requisition Report shall be added to the monthly financial reports to inform the Board of procured items of over \$500 that do not require Board authorization; for example, this would include computers, tools, hardware (non-consumable goods).*
- (g) *Request for Proposals (RFP's) shall be posted on the District website, and the Board shall be notified when RFP's are released.*
- (h) *All contracts cannot exceed more than ten percent (10%) of their original allocated amount. If a contract amount exceeds the \$45,000 of the General Manager's signing authority, it requires Board authorization.*

Section 4.04 Open Market Bidding Procedures

The value amount in the first paragraph was changed from \$45,000.00 to \$60,000.00.

Section 4.06 Informal Bidding Procedures

The value amount in the first paragraph was changed from \$175,000.00 to \$200,000.00.

- (e) *The value amount was changed from \$175,000.00 to \$200,000.00*

Section 4.07 Formal Bidding Procedures

The value amount in the first paragraph was changed from \$175,000.00 to \$200,000.00.

- (a) *The following text was added: Any person may examine the plans, specifications or working details or all of these, adopted by the District for any project.*
- (b) *The following text was added:*
The notice shall be published at least Fourteen (14) calendar days prior to the opening of bids in a newspaper of general circulation, printed and published in the jurisdiction of the District; or if there is no newspaper which is circulated within the jurisdiction for the District, publication shall be by posting the notice in at least three places within the jurisdiction of the District as have been designated by ordinance or regulation of the District as places for the postings.

Section 4.08 Local Business Preference

- (e) *Added Women and Minority Owned Business Preference.*

The committee also recommends that the Procurement Policy be reformatted to the standard policy format approved by the Policy Committee.

FISCAL IMPACT

There are no fiscal impacts.

CEQA ASSESSMENT

Not a CEQA Project .

RECOMMENDED ACTION

Staff recommends the Board of Directors of the Georgetown Divide Public Utility District adopt Resolution 2023-XX adopting Policy 2135, Procurement Policy and Procedures, to replace the Procurement Policy adopted on October 9, 2018.

ALTERNATIVES

(a) Request substantive changes to the Resolutions for staff to implement; (b) Reject the Resolutions.

ATTACHMENTS

1. Procurement Policy adopted October 9, 2018.
2. Resolution 2023-XX adopting Policy 2135, Procurement Policy and Procedures (including EXHIBIT A – 2135 Procurement Policy)

GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Procurement Policy and Procedures

ARTICLE I. GENERAL

Section 1.01 Purpose

The purpose of this policy is to establish the procedures governing purchase requisitions for materials, supplies and equipment in accordance with the State of California Government Code and contracting for public projects and consulting services in accordance with the State of California Public Contract Code and Uniform Public Construction Cost Accounting Act.

Section 1.02 Definitions

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

- (a) "District" refers to the Georgetown Divide Public Utility District.
- (b) "Board" refers to the Board of Directors of Georgetown Divide Public Utility District.
- (c) "General Manager" is the General Manager as appointed by the Board of Directors of Georgetown Divide Public Utility District.
- (d) "Government Code" refers to the Government Code of the State of California.
- (e) "Public Contract Code" refers to the Public Contract Code of the State of California.
- (f) "Supplies" includes materials, small tools and equipment, and other goods or commodities utilized in the daily operational efforts of the District.
- (g) "Equipment" includes large heavy equipment, vehicles, furniture and fixtures.
- (h) "Public project" is as defined in Chapter 2, Section 22002 of the Public Contract Code:
 - (i) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased or operated facility.
 - (ii) Painting or repainting of any publicly owned, leased, or operated facility.
 - (iii) In the case of a publicly owned utility system, "public project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.
 - (iv) "Public project" does not include maintenance work. For purposes of this policy, "maintenance work" includes all of the following:
 - 1) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
 - 2) Minor repainting.
 - 3) Resurfacing of streets and highways at less than one inch.
 - 4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

Procurement Policy and Procedures

- 5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.
- (i) For purposes of this chapter, “facility” means any plant, building, structure, ground facility, utility system, subject to the limitation found in Public Contract Code section 22002(c)(3), real property, streets and highways, or other public work improvement.
- (j) “Bidders list” refers to a list of prospective vendors.
- (k) “Contractors list” refers to a list of contractors qualified to perform the duties required to construct public projects, of which should be developed and maintained by the General Manager using the criteria detailed by the California Uniform Construction Cost Accounting Commission.
- (l) “Local business preference list” refers to a list of vendors located within the District and are qualified to provide supplies, equipment, and services for maintenance and public projects.
- (m) “Consultant” refers to a specially trained and experienced individual or firm for which they are qualified to provide expert services or advice related to financial, economic, accounting, architectural, engineering, legal, insurance, data processing, personnel or other administrative matters.
- (n) “Professional services” shall mean and include professional services of any type or variety, including, but not limited to, services rendered by accountants, appraisers, architects, attorneys, auditors, designers, engineers, inspectors, physicians, surveyors, and other professional and technical callings requiring special licenses or certifications.
- (o) “Purchase” refers to the acquisition of property including rental, lease or trade.
- (p) “Responsible bidder” refers to a bidder who has demonstrated the specified qualifications and capabilities to satisfy the proposed work requirements.
- (q) “Responsive bidder” refers to a bidder that responds appropriately according to the demands of the bidding instructions.
- (r) “Purchasing agent” refers to the appointed positions of the District charged with responsibilities governing procurement of supplies, equipment, and contracts for maintenance and public project services.
- (s) “Emergency” refers to a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

Section 1.03 Purchasing Agents

Procurement limits and contract signing authority are listed below.

Procurement Policy and Procedures

Title	Procurement Limit	Contract Authority
General Manager	Up to \$45,000	\$45,001 and over with Board authorization Up to \$45,000 without Board Authorization
Operations Manager	Up to \$5,000	None
This table serves to summarize the provisions of Section 1.03. If this table conflicts with the language of Section 1.03, the latter shall control.		

- (a) The Operations Manager or General Manager shall act as the Purchasing Agent for procurements up to Five Thousand Dollars (\$5,000). The Operations Manager does not have signature authority on contracts procured pursuant to this policy.
- (b) The General Manager shall act as the Purchasing Agent for procurements with a value of more than Five Thousand Dollars (\$5,000.00) and up to Forty-Five Thousand Dollars (\$45,000.00).

Section 1.04 Purchasing Agent Duties

The purchasing agent shall have the authority to:

- (a) Purchase or contract for supplies, equipment, maintenance services, or public projects in accordance with the purchasing procedures detailed in this directive;
- (i) *Exception.* The Operations Manager does not have signature authority on contracts procured pursuant to this policy;
- (b) Procure quality supplies, equipment, and services for maintenance and public projects at the least expense to the District;
- (c) Obtain as full and open competition as possible on all purchases and contracts;
- (d) Keep informed of the current developments in the field of purchasing and contract administration as well as prices, market conditions and new products;
- (e) Maintain reasonably necessary forms for the administration and operation of adhering to the procedures detailed in this directive;
- (f) Supervise the regular inspection of all supplies and equipment for adequacies in their intended use;
- (g) Obtain chemical and physical tests of samples submitted with bids which are necessary to determine their quality and conformance with specifications, where the cost may be covered by the District, or the District may order the cost be covered by the bidder;
- (h) Recommend the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment that cannot be used by the District;
- (i) Maintain bidders list, contractors list, local business preference list, current vendor list and other related records required to perform the duties of the purchasing function.

Section 1.05 Purchase Orders

{CW051214.5}

Procurement Policy and Procedures

Standardized purchase orders and contracts for supplies, equipment, maintenance services and public projects are to be submitted to the purchasing agent prior to procurement.

Section 1.06 Encumbrance of Funds

The purchasing agent is only authorized to procure supplies, equipment, and contracts for maintenance or public project services for which there is an unencumbered appropriation available to be charged.

Section 1.07 Staging of Purchases

Staging purchases and contracts into smaller units for the purposes of evading competitive bidding procedures in this directive is explicitly prohibited.

Section 1.08 Exemptions

The purchasing procedures detailed in this policy do not include the following:

- (a) Travel expenses
- (b) Subscriptions
- (c) Advertisement of government mandated notices
- (d) Reimbursement expenses
- (e) Payroll and personnel related expenses
- (f) Insurance claims
- (g) Conference fees
- (h) Banking services
- (i) Postage, courier and delivery service charges
- (j) Dues to approved organizations
- (k) Payments to other government agencies
- (l) Land
- (m) Debt Service
- (n) Claims settlements
- (o) Grants

ARTICLE II. PURCHASING AND CONTRACTING FOR SUPPLIES AND EQUIPMENT

Section 2.01 Purchasing Procedures for Supplies and Equipment

Purchasing procedures for supplies and equipment authorize the purchasing agent to acquire such items within their authorized purchasing threshold, as defined in Section 1.03.

Section 2.02 Purchase Requisition Procedures

Purchase requisitions for the purchase of supplies and equipment are subject to the dollar limits provided in the table below.

{CW051214.5}

Procurement Policy and Procedures

Procurement Limits	Purchase Order	Bidding Procedures
< \$500	No purchase order required	No quotes
\$500 - \$1,000	Purchase order required Second signature by General Manager	No quotes
\$1,001 - \$2,999	Purchase order required Second signature by General Manager	Attempt 3 quotes
\$3,000 - \$10,000	Purchase order required	3 quotes required
> \$10,000	Purchase order required	Formal bidding procedure
This table serves to summarize the provisions of Section 2.02. If this table conflicts with the language of Section 2.02, the latter shall control.		

- (a) Purchase orders are required for all purchases over Five Hundred Dollars (\$500.00).
- (b) Purchase greater than Five Hundred Dollars (\$500.00) and up to the limit of the Operations Manager's threshold, as defined in Section 1.03, require a second approval signature by the General Manager.
- (c) Purchases greater than One Thousand Dollars (\$1,000.00) must include attempts to receive at least three (3) quotes.
- (d) Purchases greater than Three Thousand Dollars (\$3,000.00) and up to Ten Thousand Dollars (\$10,000.00) require three (3) quotes.
- (e) Purchases greater than Ten Thousand Dollars (\$10,000.00) require a formal bidding procedure before the purchase order requisition is issued.

Section 2.03 Types of Purchase Orders

There are two (2) types of purchase orders the purchasing agent may issue, blanket purchase orders and individual purchase order requisitions. Procedures for each are provided below.

- (a) *Blanket purchase orders.* Blanket purchase orders are issued by the purchasing agent for the purchase of supplies and equipment from the vendor for which there will be multiple or for ongoing monthly purchases. A blanket purchase order is issued to cover all amounts anticipated to be paid to the supplier for the fiscal year or contract term and typically expires at the end of the fiscal year or contract term. Blanket purchase orders are subject to the thresholds of the purchasing agents, as defined in Section 1.03. Once the dollar limit of the blanket purchase order has been met all subsequent purchases must revert to the use of individual purchase order requisitions.

Procurement Policy and Procedures

- (b) *Purchase order requisitions.* Individual purchase order requisitions are to be submitted to the purchasing agent, as described in Section 1.05, for the purchase of supplies, equipment, and materials from vendors without blanket purchase orders, or from vendors with blanket purchase orders for which the dollar limit has been met.

Section 2.04 Formal Bidding Procedures

The following provisions shall apply in contracting for supplies and equipment:

- (a) *Notices inviting bids.* Notices inviting bids shall be prepared describing the bid items in general terms; referencing how to obtain more detailed information about the bid items; stating that the conditions and schedule may be found in the office of the District clerk; mentioning that the supplies and equipment are to be delivered at such times, in such quantities, and in such a manner as the Board may designate; and stating the time, date, and place for the submission of sealed bids.
- (b) *Material changes to the bid.* If a material change to the bid specification is issued by the District later than seventy-two (72) hours prior to the opening of bids, the date and time shall be extended by no less than seventy-two (72) hours. The term "material change" means a change with a substantial cost impact on the total bid as determined by the District.
- (c) *Base Contract.* Bid specifications which include one or more alternative bid schedules, shall identify and define the base bid for the purpose of awarding to the lowest responsive and responsible bidder.
- (d) *Bid opening procedure.* Sealed bids shall be submitted to the Purchasing Agent and shall be identified as bids on the envelope. Such bids shall be opened in public at the time and place stated in the notice inviting bids, in the presence of all bidders who attend. A tabulation of all bids received shall be open for public inspection during regular business hours until award of the contract.
- (e) *Records of bid documents.* Bid documents received by the District shall be maintained by the District department issuing the bid in accordance with the District's records retention schedule.
- (f) *Award of contracts.* Contracts shall be awarded by the District to the responsible bidder that submits the lowest bid.
- (g) *No bids received.* In the event no bids are received, the District shall have the option of any of the following:
 - (i) Abandon the purchase; or
 - (ii) Rebid the purchase.
- (h) *Rejection of bids.* The District may elect to reject all bids. In the event all bids are rejected, the District shall have the option of any of the following:
 - (i) Abandon the purchase or service; or
 - (ii) Rebid the purchase.

Procurement Policy and Procedures

- (i) *Tie bids.* If two (2) or more bids are received from responsive and responsible bidders for the same total amount or unit price, and are the lowest, the District may accept the bid it chooses.
- (j) *Written contracts.* Written contracts in the form approved by the District Legal Counsel shall be used in the award of bids.
- (k) *Sending, mailing, and publishing of notices.* Notices inviting formal bids shall be published, sent, and mailed as follows:
 - (i) Sent electronically, by facsimile or electronic mail, or mailed to all prospective vendors and firms at least fifteen (15) calendar days before the date of the bid opening;
 - (ii) Published at least once in a newspaper of general circulation, printed and published in the District, at least fourteen (14) calendar days before the date of the bid opening; and
 - (iii) Other mailings, advertisements, and notifications deemed appropriate by the General Manager.
- (l) *Emergencies.* In case of an emergency, the Board shall respond to the emergency pursuant to Section 4.02 of this policy
- (m) *Exceptions.* A separate formal bidding process is not required when purchases are made through a cooperative purchasing agreement or "piggy backing" with another public agency whose procurement process is substantially consistent with the provisions of this article.

Section 2.05 Local Business Preference

The District recognizes that local businesses make significant contributions to the economic health of the District. The District supports local business opportunities, which encourage businesses to move into and stay within the District, promote economic development, and maintain a strong local economic base, which in turn foster economic growth in the District. Therefore, the Board has determined it is in the District's best interest to establish and provide a preference to local businesses.

- (a) *Competitive bid process.* The General Manager is authorized to extend a preference to a responsible and responsive local business in a competitive bid for the procurement of supplies, equipment, and materials not to exceed five percent (5%) of the local business's total bid price, or Two Thousand Five Hundred Dollars (\$2,500.00), whichever is lower, for the purpose of determining the lowest bid.
- (b) *Local preference.* When a non-local business has submitted the lowest responsive and responsible bid, and when one or more local businesses have also bid, the local business's total bid amount will be reduced by five percent (5%) for bid comparison purposes. If the net amount is lower than the lowest bid, the bid will be awarded to the local business for the full amount of its bid.

Procurement Policy and Procedures

- (c) *Local business.* For purposes of this chapter, "local business" means a vendor or contractor that has an office with at least one employee physically located within the District.

Exemptions. The local business preference does not apply to contracts funded by grants which prohibit the use of preferences.

ARTICLE III. CONTRACTING FOR NEW CONSTRUCTION, ALTERATION, MAINTENANCE, OR REPAIR SERVICES

Section 3.01 Contracting Procedures for New Construction, Alteration, Maintenance, or Repair Services

Purchasing procedures for new construction that is not a public project, alteration, maintenance, or repair services, authorize the Purchasing Agent to acquire such items within his or her authorized purchasing threshold, as defined in Section 1.03.

Section 3.02 Contracting Procedures

Contracting procedures for new construction that is not a public project, alteration, maintenance, or repair services, are subject to the dollar limits provided in the table below.

Procurement Limits	Purchase Order	Bidding Procedures
< \$500	No purchase order required	No quotes
\$500 - \$1,000	Purchase order required Second signature by General Manager	No quotes
\$1,001 - \$2,999	Purchase order required Second signature by General Manager	Attempt 3 quotes
\$3,000 - \$15,000	Purchase order required	3 quotes required
> \$15,000	Purchase order required	Formal bidding procedure
This table serves to summarize the provisions of Section 3.02. If this table conflicts with the language of Section 3.02, the latter shall control.		

- (a) Purchase orders are required for all purchases over Five Hundred Dollars (\$500.00).
- (b) Purchases greater than Five Hundred Dollars (\$500.00) and up to the limit of the Operations Manager's threshold, as defined in Section 1.03, require a second approval signature by the General Manager.
- (c) Purchases greater than One Thousand Dollars (\$1,000.00) must include attempts to receive at least three (3) quotes.
- (d) Purchases greater than Three Thousand Dollars (\$3,000.00) and up to Fifteen Thousand Dollars (\$15,000.00) require three (3) quotes.
- (e) Purchases greater than Fifteen Thousand Dollars (\$15,000.00) require a formal bidding procedure before the District enters into a contract for new construction that is not a public project, or alteration, maintenance or repair services, is issued.

{CW051214.5}

Procurement Policy and Procedures

Section 3.03 Purchase Orders

Purchase orders shall be submitted to the purchasing agent, as described in Section 1.05, for requests for new construction not deemed a public project, alteration, maintenance, or repair services.

Section 3.04 Work by District

Nothing in this article prohibits the Board from doing, or causing to be done directly by the District, and without any contract, any or all work necessary or proper in or about the making of all current and ordinary repairs, upkeep, or maintenance.

Section 3.05 Bonds

Bidders for construction contracts shall give bonds for the faithful performance of the construction contract.

Section 3.06 Formal Bidding Procedures

The provisions in Section 2.04 shall apply to formal bidding procedures for contracting for new construction, alteration, maintenance, or repair services, except for subdivisions (g) and (h), which shall read:

- (g) *No bids received.* In the event no bids are received, the District shall have the option of any of the following:
 - (i) Abandon the service; or
 - (ii) Rebid the service.
- (h) *Rejection of bids.* The District may elect to reject all bids. In the event all bids are rejected, the District shall have the option of any of the following:
 - (i) Abandon the service;
 - (ii) Rebid the service; or
 - (iii) Perform the service by employees of the District after the Board passes, by a two-thirds (2/3rd) vote, a resolution declaring that all bids submitted are unsatisfactory or excessive.

ARTICLE IV. PURCHASING AND CONTRACTING FOR PUBLIC PROJECTS

Purchases and contracts for public projects are subject to the Public Contract Code and Uniform Public Construction Cost Accounting Act and shall adhere to the following competitive bidding procedures in the following sections of this article. The estimated value of purchases and contracts shall not include sales tax or freight.

Section 4.01 Purchasing and Contracting Procedures for Public Projects

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- (a) *Open market bidding procedures.* Purchases and contracts of an estimated value in the amount of Forty-Five Thousand Dollars (\$45,000.00) or less may be made by force account, negotiated contract or by purchase order pursuant to the provisions of Section 4.04 of this article, except as otherwise provided in this section.
- (b) *Informal bidding procedures.* Purchases and contracts of an estimated value in the amount of One Hundred Seventy-Five Thousand Dollars (\$175,000.00) or less may be made by informal bidding procedures pursuant to the provisions of Sections 4.05 and 4.06 of this article, except as otherwise provided in this section.
- (c) *Formal bidding procedures.* Purchases and contracts of an estimated value in an amount greater than One Hundred Seventy-Five Thousand and no/100ths Dollars (\$175,000.00) shall be made by formal bidding procedures pursuant to the provisions of Sections 4.05 and 4.07 of this article, except as otherwise provided in this section.
- (d) *Exceptions.* The bidding procedures and force account restrictions set forth in this article shall be dispensed with when bidding would be impossible, impractical, or incongruent; in an emergency; when the price is controlled by law; when the commodity, or maintenance service, or project can only be provided or performed by one vendor. For the purposes of this section:
 - (i) "Impossible" shall mean actual impossibility or extreme and unreasonable difficulty or expense.
 - (ii) "Impractical" shall mean incapable of being performed by the bid procedure.
 - (iii) "Incongruous" shall mean not suitable to the bid procedure.
- (e) *Cooperative agreements.* No provision of this article shall be interpreted or construed to prohibit or prevent the District from purchasing or contracting for supplies, equipment, maintenance services, or public projects by contracts, arrangements, and agreements for cooperative purchasing programs not otherwise prohibited by law with any federal government agency, the state, the county, any other public agencies, or with any cooperative purchasing alliance acting on behalf of governmental entities. Any such contract, agreement, or arrangement otherwise subject to open market or informal bidding procedures shall be first approved by the Purchasing Agent and if subject to formal bidding procedures shall be first approved by the Board, or by the General Manager if the funding for the purchase has already been approved by the Board through the budget process. At the discretion of the appropriate approving authority, the bidding procedures of any agency may be used in such joint contracting arrangements.

Section 4.02 Emergencies

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- (a) *Generally.* In cases of emergency, the Board shall follow the procedures in Public Contract Code section 22050.
- (b) *Authority to Act.* In cases of emergency, the Board, by a four-fifths (4/5ths) vote, may direct the General Manager to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts.
- (c) *Work by Day Labor or Contract.* The work may be done by day labor under the direction of the Board, by contract, or by a combination of the two.
- (d) *Review of Board Actions.* Where the Board orders any action as permitted by Public Contract Code section 22050, the Board shall review the emergency action every fourteen (14) days thereafter until the action is terminated, to determine, by a four-fifths (4/5) vote, that there is a need to continue the action.
- (e) *Review of General Manager Actions.* Where the General Manager orders any action as permitted by Public Contract Code section 22050, the Board shall initially review the emergency action not later than seven (7) days after the action. The Board shall review the emergency action every fourteen (14) days thereafter until the action is terminated, to determine, by a four-fifths (4/5) vote, that there is a need to continue the action, unless the General Manager has terminated that action prior to the Board reviewing the emergency action and making a determination pursuant to this subdivision.
- (f) *Termination of Emergency Action.* When the Board reviews the emergency action, it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

Section 4.03 Authorized Signature

- (a) *Board President.* The President shall be authorized to sign on behalf of the District all approved contracts provided for in this article. In the absence of the President, the Vice President shall be so authorized.
- (b) *General Manager.* The General Manager shall be authorized to sign on behalf of the District all contracts provided for in Section 4.06 of this article and such other approved contracts as the Board may specifically direct from time to time.

Section 4.04 Open Market Bidding Procedures

Except as otherwise provided in subsections (d) and (e) of Section 4.01 of this article, the solicitation of bids and award of contracts for public projects with an estimated value in the amount of Forty-Five Thousand Dollars (\$45,000.00) or less may be made by the Purchasing Agent by force account, negotiated contract or by purchase order. Whenever possible, bids shall be obtained in the open market in accordance with the following procedures:

- (a) *Minimum number of bids.* Open market purchases, whenever possible, shall be based on at least three (3) bids and shall be awarded to the lowest responsive and responsible bidder.
- (b) *Notices inviting bids.* The Purchasing Agent shall solicit bids from prospective vendors by written requests, by telephone, by facsimile or electronic mail, or by other advertising.

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- (c) *Written records of bids.* Written records of bids received shall be maintained by the Purchasing Agent in accordance with the District's records retention schedule. Such records, while so kept, shall be open to public inspection and shall include the business name, address, and telephone number of the vendor; vendor representative; description of the bid items, including unit quantities if applicable, unit prices or lump sum amount quoted by the vendor; and the date the bid was received.

Section 4.05 General Provisions for Informal and Formal Bidding Procedures

The following provisions shall apply in contracting for public projects under both informal and formal bidding procedures:

- (a) *Material changes to the bid.* If a material change to the bid specification is issued by the District later than seventy-two (72) hours prior to the opening of bids, the date and time shall be extended by no less than seventy-two (72) hours. The term "material change" means a change with a substantial cost impact on the total bid as determined by the District.
- (b) *Base Contract.* Bid specifications which include one or more alternative bid schedules, shall identify and define the base bid for the purpose of awarding to the lowest responsive and responsible bidder.
- (c) *Bid opening procedure.* Sealed bids shall be submitted to the Purchasing Agent and shall be identified as bids on the envelope. Such bids shall be opened in public at the time and place stated in the notice inviting bids in the presence of all bidders who attend. A tabulation of all bids received shall be open for public inspection during regular business hours until award of the contract.
- (d) *Records of bid documents.* Bid documents received by the District shall be maintained by the District department issuing the bid in accordance with the District's records retention schedule.
- (e) *Award of contracts.* Contracts shall be awarded by the District to the responsive and responsible bidder that submits the lowest bid.
- (f) *No bids received.* In the event no bids are received, the District shall have the option of any of the following:
 - (i) Abandoning the purchase or project;
 - (ii) Rebidding the purchase or project; or
 - (iii) Perform the work by employees of the District.
- (g) *Rejection of bids.* The District may elect to reject all bids. In the event the District anticipates rejecting all bids, the District shall provide a written notice to an apparent low bidder, pursuant to Public Contract Code section 22038. Furthermore, the District shall have the option of any of the following:
 - (i) Abandon the project;
 - (ii) Rebid the purchase or project using the appropriate bidding procedures; or

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- (iii) Perform the project by force account without further complying with Public Contract Code section 22020 et seq., after the Board passes a resolution by a four-fifths (4/5th) vote of its governing body declaring that the project can be performed more economically by District employees.
- (h) *Tie bids.* If two (2) or more bids are received from responsive and responsible bidders for the same total amount or unit price, and are the lowest, the District may accept the bid it chooses.
- (i) *Written contracts.* Written contracts in the form approved by the District Legal Counsel shall be used in the award of bids.
- (j) *Bidders' security.* Security will be required in an amount equal to ten percent (10%) of the bid quotation as described in the Public Contract Code. Upon an award to the lowest bidder, the security of an unsuccessful bidder shall be returned in a reasonable period of time, but in no event shall that security be held by the district beyond sixty (60) days from the time the award is made.
- (k) *Bonds.* Bidders for construction contracts shall give bonds for the faithful performance of the construction contract.

Section 4.06 Informal Bidding Procedures

Except as otherwise provided in subsections (a), (d), and (e) of Section 4.01 and in Section 4.02 of this article, the solicitation of bids may be authorized by the Purchasing Agent and the award of contracts for public projects with an estimated value in the amount of One Hundred Seventy-Five Thousand Dollars (\$175,000.00) or less may be made by the General Manager in accordance with the requirements of the Public Contract Code section 22032, et seq., and the following informal bidding procedures:

- (a) *Budgetary authorization.* The bid items shall have been authorized as a part of an approved budget of the District, and the purchase or contract shall not exceed the amount so authorized.
- (b) *Contractor's List.* A list of contractors shall be developed and maintained in accordance with the provisions of section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.
- (c) *Notices inviting bids.* Notices inviting bids shall be prepared describing the bid items in general terms; referencing how to obtain more detailed information about the bid items; and stating the time, date, and place for the submission of sealed bids.
- (d) *Mailing of notices.* Notices inviting informal bids shall be mailed at least ten (10) calendar days before the due date of the submission of bids as follows:
 - (i) Mailed to all firms on the bidders list or contractors list for the category of work being bid;
 - (ii) For bid items defined as public projects, mailed to all construction trade journals designated by the California Uniform Construction Cost Accounting Commission; and
 - (iii) Other mailings, advertisements, and notifications as deemed appropriate by the purchasing agent.

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- (e) *Bids received in excess of One Hundred Seventy-Five Thousand Dollars (\$175,000.00).* If all bids received are in excess of One Hundred Seventy-Five Thousand Dollars (\$175,000.00), the Board may award the contract to the lowest responsive and responsible bidder by adoption of a resolution by a four-fifths (4/5ths) vote if the purchasing agent determines the cost estimate was reasonable and the low bid does not exceed One Hundred Eighty-Seven Thousand Five Hundred Dollars (\$187,500.00).

Section 4.07 Formal Bidding Procedures

Except as provided in subsections (d) and (e) of Section 4.01 of this article, the solicitation of bids and award of contracts for public projects with an estimated value in excess of One Hundred Seventy-Five Thousand Dollars (\$175,000.00) shall be made in accordance with the requirements of the Public Contract Code section 22031 et seq., and the following formal bidding procedures:

- (a) *Plans and specifications.* The Board shall adopt any plans, specifications, and working details as appropriate for the bid items prior to a solicitation for formal bids.
- (b) *Notices.* Notices inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project.
- (c) *Sending, mailing, and publishing of notices.* Notices inviting formal bids shall be published, sent, and mailed as follows:
 - (i) For bid items defined as public projects, sent electronically, by either facsimile or electronic mail and mailed to all construction trade journals designated by the California Uniform Construction Cost Accounting Commission at least fifteen (15) calendar days before the date of the bid opening;
 - (ii) Sent electronically, by facsimile or electronic mail, or mailed to all firms on the bidders list at least fifteen (15) calendar days before the date of the bid opening;
 - (iii) Published at least once in a newspaper of general circulation, printed and published in the District, at least fourteen (14) calendar days before the date of the bid opening, or in a manner as authorized by Public Contract Code section 22037 if there is no newspaper of general circulation; and
 - (iv) Other mailings, advertisements, and notifications deemed appropriate by the department head of the requesting agency.

Section 4.08 Local Business Preference

The District recognizes that local businesses make significant contributions to the economic health of the District. The District supports local business opportunities, which encourage businesses to move into and stay within the District, promote economic development and maintain a strong local economic base, which in turn foster economic growth in the District. Therefore, the Board has determined it is in the District's best interest to establish and provide a preference to local businesses.

Procurement Policy and Procedures

- (a) *Competitive bid process.* The General Manager is authorized to extend a preference to a responsible and responsive local business in a competitive bid for a public project not to exceed five percent (5%) of the local business's total bid price, or Two Thousand Five Hundred Dollars (\$2,500.00), whichever is lower, for the purpose of determining the lowest bid.
- (b) *Local preference.* When a non-local business has submitted the lowest responsive and responsible bid, and when one or more local businesses have also bid, the local business's total bid amount will be reduced by five percent (5%) for bid comparison purposes. If the net amount is lower than the lowest bid, the bid will be awarded to the local business for the full amount of its bid.
- (c) *Local business.* For purposes of this chapter, "local business" means a vendor or contractor that has an office with at least one (1) employee physically located within the District.
- (d) *Exemptions.* The local business preference does not apply to the following:
 - (i) Contracts funded by grants which prohibit the use of preferences, and
 - (ii) Contracts for services.

ARTICLE V. CONTRACTS FOR PROFESSIONAL AND CONSULTING SERVICES

Section 5.01 Contracting Procedures

Contracts for consultant/professional services shall be made pursuant to the provisions of this article.

Section 5.02 Architectural, Landscape Architectural, Professional Engineering, Environmental, Land Surveying, and Construction Management Services

- (a) Procurements for architectural, landscape architectural, professional engineering, environmental, land surveying, and construction management services contracts shall comply with this section and Section 5.03.
- (b) *Selection.* Contracts for architectural, landscape architectural, engineering, environmental, land surveying, and construction management services are subject to the provisions of this article and shall be awarded in accordance with the California Government Code section 4525 et seq. Selection process will be designed to select the most qualified firm to provide the desired services at a reasonable price. Selection will not be solely based on price; however, price may be a factor in selecting a firm. If price will be a factor, it will be discussed in the RFP, along with the method used to consider price.
- (c) *Maximum Participation of Small Business Firms.*
 - (i) Definition of Small Business. "Small business," as used in this section, shall have the same definition in Government Code section 14837(d)(1).
 - (ii) Quotes. The District shall attempt to obtain at least two (2) quotes or proposals from a small business, where this article requires quotes or RFPs under Section 5.03.

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- (d) *Prohibition of Unlawful Activity.* The District specifically prohibits practices which might result in unlawful activity, including but not limited to rebates, kickbacks, or other unlawful consideration. The District also prohibits its employees from participating in the selection process when those employees have a financial interest with an individual or business entity seeking a contract under this Section and would be subject to the prohibition of Government Code section 87100.

Section 5.03 Procurement

- (a) *Procurement of Professional and Consultant Services: \$45,000.00 or Less.*
 - (i) Informal Request for Proposal Procedure. Except as set forth herein, the procurement of consultant or professional services with a value of Forty-Five Thousand Dollars (\$45,000.00) or less shall be made following the procedure prescribed below:
 - (1) Solicitation of Proposals. The General Manager may solicit proposals by written (including e-mail) or verbal request to prospective consultants. Informal requests for proposals shall attempt, whenever feasible, to obtain at least three (3) proposals.
 - (2) Award of Contracts. The General Manager shall award contracts pursuant to this subdivision to the best qualified and most responsible proposer, which may not necessarily be the lowest priced proposal. The dollar amount of the proposal shall be considered but the award need not be made to the lowest dollar proposal.
 - (3) Signature Authority. The General Manager shall have the authority to execute a contract granted pursuant to this section. Such contracts shall be formal written agreements executed by the General Manager on behalf of the District.
 - (ii) Exceptions. The General Manager may dispense with the informal RFP procedure, whether the informal RFP procedure has been initiated or not, for the reasons set forth below:
 - (1) In an emergency;
 - (2) When the services can be obtained from only one (1) source which has been reviewed and approved in writing by the General Manager;
 - (3) When, in the judgment of the General Manager, compliance with the procedure is not in the best interest of the District; or
 - (4) When processed through a cooperative purchasing agreement with another public agency, whose procurement process is substantially consistent with the provisions of this article.

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- (b) *Procurement of Professional and Consultant Services: More than \$45,000.00.*
- (i) Formal Request for Proposal Procedure. Except as set forth herein, the procurement of consultant or professional services with a value of more than Forty-Five Thousand Dollars (\$45,000.00) shall be made following the procedure prescribed below:
- (1) Solicitation of Proposals. The General Manager shall solicit proposals by written (including e-mail) or verbal request to prospective consultants. Informal requests for proposals shall, whenever feasible, be based on at least three (3) proposals.
 - (2) Award of Contracts. The Board shall award contracts pursuant to this subdivision to the best qualified and most responsible proposer, which may not necessarily be the lowest priced proposal. The dollar amount of the proposal shall be considered but the award need not be made to the lowest dollar proposal.
 - (3) Signature Authority. The Board President, or General Manager with the Board's approval, shall have the authority to execute a contract granted pursuant to this section. Such contracts shall be formal written agreements executed by the Board President, or General Manager on behalf of the District.
- (ii) Exceptions. The Board may dispense with the informal RFP procedure, whether the informal RFP procedure has been initiated or not, for the reasons set forth above under subdivision (a)(ii).

ARTICLE VI. PURCHASING AND CONTRACTING FOR FEDERAL GRANTS

Section 6.01 Codified Guidance

The Code of Federal Regulations (CFR) lists the general and permanent rules published in the Federal Register by each of the executive departments and agencies of the Federal Government. The CFR is a systematic collection of rules that are published in the Federal Register by the executive departments and agencies within the Federal government. It is divided into different Titles which represent areas subject to Federal regulation. Regulations are created through an enabling statute of Congress and serve as administrative law.

The Office of Management and Budget (OMB) is charged with the responsibility of the oversight and preparation of the Federal budget, in addition to the supervision of the budget of the various Federal agencies. OMB oversees and coordinates the Administration's procurement, financial management, information, and regulatory policies and serves on behalf of the President of the United States in developing government-wide policies which aid in ensuring that Federal grants are managed properly and that Federal grant monies are spent in accordance with applicable laws and regulations.

{CW051214.5}

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OMB issued what is commonly referred to as its “Super Circular” or Uniform Grants Guidance (UGG) effective December 26, 2014, with an option to elect July 1, 2018 as the grace period option effective date. The District has elected this grace period effective date. The following summarizes the revisions to the guidance for Federal Award Programs:

- Supersedes and streamlines various OMB Circulars
- Aims to be more efficient, effective and transparent
- Strengthen oversight of federal funds to reduce waste, fraud, and abuse
- Review UGG (Title 2, Subtitle A, Chapter II, Part 200)

UGG §200.317-326 specifically relates to procurement and are incorporated in this policy in the sections that follow.

Section 6.02 Competition (OMB §200.319)

- (a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:
- (i) Placing unreasonable requirements on firms in order for them to qualify to do business;
 - (ii) Requiring unnecessary experience and excessive bonding;
 - (iii) Noncompetitive pricing practices between firms or between affiliated companies;
 - (iv) Noncompetitive contracts to consultants that are on retainer contracts;
 - (v) Organizational conflicts of interest;
 - (vi) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
 - (vii) Any arbitrary action in the procurement process.
- (b) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- (c) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:
- (i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

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- (ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- (d) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

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Section 6.03 Methods of Procurement (OMB §200.320)

- (a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§200.67 Micro-purchase). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.
- (b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
- (c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.
 - (i) In order for sealed bidding to be feasible, the following conditions should be present:
 - 1) A complete, adequate, and realistic specification or purchase description is available;
 - 2) Two or more responsible bidders are willing and able to compete effectively for the business; and
 - 3) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
 - (ii) If sealed bids are used, the following requirements apply:
 - (iii) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for state, local, and tribal governments, the invitation for bids must be publically advertised;
 - (iv) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - (v) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;

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- (vi) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- (vii) Any or all bids may be rejected if there is a sound documented reason.
- (d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
 - (i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - (ii) Proposals must be solicited from an adequate number of qualified sources;
 - (iii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
 - (iv) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
 - (v) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
- (e) [Reserved]
- (f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - (i) The item is available only from a single source;
 - (ii) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - (iii) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
 - (iv) After solicitation of a number of sources, competition is determined inadequate.

Section 6.04 Contracting with Small and Minority Businesses (OMB §200.321)

- (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible.
- (b) Affirmative steps must include:
 - (i) Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
 - (ii) Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
 - (iii) 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;
 - (iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises;
 - (v) 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
 - (vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

Section 6.05 Procurement of Recovered Materials (OMB §200.322)

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

Section 6.06 Contract Cost and Price (OMB §200.323)

- (a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.
- (b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- (c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under Subpart E—Cost Principles of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.
- (d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

Section 6.07 Federal Awarding Agency or Pass-through Entity Review (OMB §200.324)

- (a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
- (b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
 - (i) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;
 - (ii) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - (iii) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;

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- (iv) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
- (v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- (c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.
 - (i) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;
 - (ii) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

Section 6.08 Bonding Requirements (OMB §200.325)

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

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- (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- (b) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor’s obligations under such contract.
- (c) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

Section 6.09 Contract Provisions (OMB §200.326)

The non-Federal entity’s contracts must contain the applicable provisions described in Appendix II to Part 200— Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

RESOLUTION NO. 2023-XX
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
ADOPTING POLICY 2135, PROCUREMENT POLICY

WHEREAS, the Board of Directors of the Georgetown Divide adopted the Procurement Policy on October 9, 2018;

WHEREAS, the District intended in 2018 to opt into the Uniform Public Construction Account Act (Act), but the process was not completed;

WHEREAS, the policy was referred to the ad hoc Policy Committee of the Board of Directors to review and the committee requested Staff to prepare Policy 2135, Procurement Policy, to include provisions of the Act;

WHEREAS, Policy 2135, Procurement Policy, is made a part of this Resolution as **Exhibit A**; and

WHEREAS, the committee's recommended amendments to the procurement policy was outlined in a staff report and presented to the Board of Directors at its regular meeting of April 11, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT THAT the Policy 2135, Procurement Policy, be adopted, and authorize the General Manager to certify the policy and include it in the District's Policy and Procedures Manual.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the 11th day of April by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Mitch MacDonald, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of Resolution 2023-xx duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on this 11th day of April 2023.

Nicholas Schneider, Clerk and Ex Officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

ATTACHMENTS:

Exhibit A – Policy 2135 – Procurement Policy

DRAFT



GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT Policy Manual

POLICY NAME: PROCUREMENT POLICY AND PROCEDURES

POLICY NUMBER: 2135 Adopted: October 9, 2018 Amended:

ARTICLE I. GENERAL

Section 1.01 Purpose

The purpose of this policy is to establish the procedures governing purchase requisitions for materials, supplies and equipment in accordance with the State of California Government Code and contracting for public projects and consulting services in accordance with the State of California Public Contract Code and Uniform Public Construction Cost Accounting Act.

Section 1.02 Definitions

For the purposes of this policy, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

Bidder's List – refers to a list of prospective vendors.

Consultant – refers to a specially trained and experienced individual or firm for which they are qualified to provide expert services or advice related to financial, economic, accounting, architectural, engineering, legal, insurance, data processing, personnel or other administrative matters,

Board - refers to the Board of Directors of Georgetown Divide Public Utility District.

Contractor's List – refers to a list of contractors qualified to perform the duties required to construct public projects, which should be developed and maintained by the General Manager using the criteria detailed by the California Uniform Construction Cost Accounting Commission.

District – refers to the Georgetown Divide Public Utility District.

Emergency - refers to a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

Equipment - includes large heavy equipment, vehicles, furniture and fixtures.

Facility – means any plant, building, structure, ground facility, utility system, subject to the limitation found in Public Contract Code Section 22002(c)(3), real property, streets and highways, or other public works improvement.

Force Account – refers to the part of the financial account of a public body resulting from employment of a labor force usually distinguished from the part resulting from contracting similar services with commercial agencies. The Uniform Public Construction Cost Accounting Act allows for public work in the amount of \$60,000 or less to be performed by

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a public agency's force account using the public agency's own resources, or by negotiated contract, or by purchase order.

General Manager - is the General Manager as appointed by the Board of Directors of Georgetown Divide Public Utility District.

Government Code - refers to the Government Code of the State of California.

Local Business Preference List – refers to a list of vendors located within the District and are qualified to provide supplies, equipment, and services for maintenance and public projects.

Professional Services – shall mean and include professional services of any type or variety, including, but not limited to, services rendered by accountants, appraisers, architects, attorneys, auditors, designers, engineers, inspectors, physicians, surveyors, and other professional and technical callings requiring special licenses or certifications.

Public Contract Code - refers to the Public Contract Code of the State of California.

Public Project - defined in Chapter 2, Section 22002 of the Public Contract Code as:

- (a) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased or operated facility.
- (b) Painting or repainting of any publicly owned, leased, or operated facility.
- (c) In the case of a publicly owned utility system, "public project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.
- (d) A public project does not include maintenance work. For purposes of this policy, maintenance work includes all of the following:
 - (1) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
 - (2) Minor repainting.
 - (3) Resurfacing of streets and highways at less than one inch.
 - (4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
 - (5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including but not limited to, dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts or higher.

Purchase – refers to the acquisition of property including rental lease or trade.

Purchasing Agent - refers to the appointed positions of the District charged with responsibilities governing procurement of supplies, equipment, and contracts for maintenance and public project services.

Responsible Bidder - refers to a bidder who has demonstrated the specified qualifications and capabilities to satisfy the proposed work requirements and responds appropriately according to the demands of the bidding instructions.

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Supplies - includes materials, small tools and equipment, and other goods or commodities utilized in the daily operational efforts of the District.

Uniform Construction Cost Accounting Act (Act) – the Act is legislation that was enacted in 1983 to help promote uniformity of the cost accounting standards and bidding procedure on construction work performed or contracted by public entities in the “state” (Section 22001). The Act is a voluntary program available to all public entities in the State, but it applies only to those public agencies that have “opted in” to the provisions set forth by the Act using the processes outlined in the Act. The entirety of the Act is found in Sections 22000-22045.

1.03 Purchasing Agents

- (a) The Office Finance Manager, Operations Manager, or General Manager shall act as the Purchasing Agents for procurements up to Five Thousand Dollars (\$5,000). The Operations Manager does not have signature authority on contracts procured pursuant to this policy.
- (b) The General Manager shall act as the Purchasing Agent for procurements with a value of more than Five Thousand Dollars (\$5,000.00) and up to Forty-Five Thousand Dollars (\$45,000.00).
- (c) Procurement limits and contract signing authority are listed in Table 1.03(c), below:

Table 1.03(c) - Procurement Limits and Contract Signing Authority		
Title	Procurement Limit	Contract Authority
General Manager	Up to \$45,000	Up to \$45,000 without Board authorization. Over \$45,000 requires Board authorization.
Operations Manager	Up to \$5,000	None
Office Finance Manager	Up to \$5,000	None

NOTE: This table serves to summarize the provisions of Section 1.03. If this table conflicts with the language of Section 103, the latter shall control.

Section 1.04 Purchasing Agent Duties

The purchasing agent shall have the authority to:

- (a) Purchase or contract for supplies, equipment, maintenance services, or public projects in accordance with the purchasing procedures detailed in this directive; *Exception.* The Operations Manager does not have signature authority on contracts procured pursuant to this policy;
- (b) Procure quality supplies, equipment, and services for maintenance and public projects at the least expense to the District;
- (c) Obtain as full and open competition as possible on all purchases and contracts;
- (d) Keep informed of the current developments in the field of purchasing and contract administration as well as prices, market conditions and new products;

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- (e) Maintain reasonably necessary forms for the administration and operation of adhering to the procedures detailed in this directive;
- (f) Supervise the regular inspection of all supplies and equipment for adequacies in their intended use;
- (g) Obtain chemical and physical results of samples submitted with bids which are necessary to determine their quality and conformance with specifications, where the cost may be covered by the District, or the District may order the cost be covered by the bidder;
- (h) Recommend the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment that cannot be used by the District;
- (i) Maintain bidders list, contractors list, local business preference list, current vendor list and other related records required to perform the duties of the purchasing function.

Section 1.05 Purchase Orders

Standardized purchase orders and contracts for supplies, equipment, maintenance services and public projects are to be submitted to the purchasing agent prior to procurement.

Section 1.06 Encumbrance of Funds

The purchasing agent is only authorized to procure supplies, equipment, and contracts for maintenance or public project services for which there is an unencumbered appropriation available to be charged.

Section 1.07 Staging of Purchases

Staging purchases and contracts into smaller units for the purposes of evading competitive bidding procedures in this directive is explicitly prohibited.

Section 1.08 Exemptions

The purchasing procedures detailed in this policy do not include the following:

- (a) Travel expenses
- (b) Subscriptions
- (c) Advertisement of government mandated notices
- (d) Reimbursement expenses
- (e) Payroll and personnel related expenses
- (f) Insurance claims
- (g) Conference fees
- (h) Banking services
- (i) Postage, courier and delivery service charges
- (j) Dues to approved organizations
- (k) Payments to other government agencies
- (l) Land
- (m) Debt Service

- (n) Claims settlements
- (o) Grants

ARTICLE II. PURCHASING AND CONTRACTING FOR SUPPLIES AND EQUIPMENT

Section 2.01 Purchasing Procedures for Supplies and Equipment

Purchasing procedures for supplies and equipment authorize the purchasing agent to acquire such items within their authorized purchasing threshold, as defined in Section 1.03.

Section 2.02 Purchase Requisition Procedures

Purchase requisitions for the purchase of supplies and equipment are subject to the dollar limits provided in the following Table.

- (a) Purchase orders are required for all purchases over Five Hundred Dollars (\$500).
- (b) Purchases greater than Five Hundred Dollars (\$500) and up to the limit of the Operations Manager’s threshold, as defined in Section 1.03, require a second approval signature by the General Manager.
- (c) Purchases greater than One Thousand Dollars (\$1,000) must include attempts to receive at least three (3) quotes.
- (d) Purchases greater than Three Thousand Dollars (\$3,000) and up to Ten Thousand Dollars (\$10,000.00) every effort to procure three (3) quotes will be attempted, if less than three quotes are received a staff-level recommendation can be made utilizing the quotes submitted.
- (e) Purchases greater than Ten Thousand Dollars (\$10,000) require a formal bidding procedure before the purchase order requisition is issued.
- (f) Purchases up to Forty-Five Thousand Dollars (\$45,000) require a purchase order and Board authorization. Purchases over Sixty Thousand Dollars (\$60,000) require a formal bidding procedure.
- (g) Purchases up to Sixty Thousand Dollars (\$60,000) may be made under negotiated contract or by purchase order. The procurement limit of this section shall be governed by the most recent edition of Public Code Section 22032.
- (h) Table 2.02(h) provides procurement limits and procedures for supplies and equipment.

Table 2.02(h) – CONTRACTING AND PURCHASING PROCEDURES FOR SUPPLIES AND EQUIPMENT		
Procurement Limits	Purchase Order	Bidding Procedures
>\$500	No purchase order required.	No quotes required.
\$501 - \$5,000	Purchase order required.	No quotes required, unless (g) applies.
\$5,001 - \$10,000	Purchase order required. Second signature by General Manager.	Attempt three (3) quotes, unless (g) applies.
\$10,001 - \$25,000	Purchase order required. Second signature by General Manager	Three (3) quotes required, unless (g) applies.
\$25,001 - \$45,000	Purchase order required. Second signature by General Manager	Three (3) quotes required, unless (g) applies.
<\$45,000	Purchase order required Board Authorization Required	Three (3) quotes required, unless (f) or (g) applies.
<i>NOTE: This table serves to summarize the provisions of Section 2.02. If this table conflicts with the language of Section 2.02, the latter shall control.</i>		

Section 2.03 Types of Purchase Orders

There are two (2) types of purchase orders. The purchasing agent may issue blanket purchase orders and individual purchase order requisitions. Procedures for each are provided below.

- (a) *Blanket Purchase Orders.* Blanket purchase orders are issued by the purchasing agent for the purchase of supplies and equipment from the vendor for which there will be multiple orders or for ongoing monthly purchases. A blanket purchase order is issued to cover all amounts anticipated to be paid to the supplier for the fiscal year or contract term and typically expires at the end of the fiscal year or contract term. Blanket purchase orders are subject to the thresholds of the purchasing agents, as defined in Section 1.03. Once the dollar limit of the blanket purchase order has been met all subsequent purchases must revert to the use of individual purchase order requisitions.
- (b) *Purchase Order Requisitions.* Individual purchase order requisitions are to be submitted to the purchasing agent, as described in Section 1.05, for the purchase of supplies, equipment, and materials from vendors without blanket purchase orders, or from vendors with blanket purchase orders for which the dollar limit has been met.

Section 2.04 Formal Bidding Procedures

The following provisions shall apply in contracting for supplies and equipment:

- (a) *Notices Inviting Bids.* Notices inviting bids shall be prepared describing the bid items in general terms; referencing how to obtain more detailed information about the bid items; stating that the conditions and schedule may be found in the office of the District clerk; mentioning that the supplies and equipment are to be delivered at such times, in such quantities, and in such a manner as the Board may designate; and stating the time, date, and place for the submission of sealed bids.
- (i) *Sending, Mailing, and Publishing of Notices.* Notices inviting formal bids shall be published, sent, and mailed as follows:
 - 1) Published at least once in a newspaper of general circulation, printed and published in the District, at least Fourteen (14) calendar days before the date of the bid opening; and
 - 2) Other mailings, advertisements, and notifications deemed appropriate by the General Manager.
- (b) *Material Changes to the Bid.* If a material change to the bid specification is issued by the District later than Seventy-Two (72) hours prior to the opening of bids, the date and time shall be extended by no less than Seventy-Two (72) hours. The term "material change" means a change with a substantial cost impact on the total bid as determined by the District.
- (c) *Base Contract.* Bid specifications which include one or more alternative bid schedules, shall identify and define the base bid for the purpose of awarding to the lowest responsive and responsible bidder.
- (d) *Bid Opening Procedure.* Sealed bids shall be submitted to the Purchasing Agent and shall be identified as bids on the envelope. Such bids shall be opened in public at the time and place stated in the notice inviting bids, in the presence of all bidders who

attend. A tabulation of all bids received shall be open for public inspection during regular business hours until the award of the contract.

- (e) *Records of Bid Documents.* Bid documents received by the District shall be maintained by the District department issuing the bid in accordance with the District's records retention schedule.
- (f) *Award of Contracts.* Contracts shall be awarded by the District to the responsible bidder that submits the lowest bid.
- (g) *No Bids Received.* In the event no bids are received, the District shall have the option of any of the following:
 - (i) Abandon the purchase; or
 - (ii) Rebid the purchase.
- (h) *Rejection of Bids.* The District may elect to reject all bids. In the event all bids are rejected, the District shall have the option of any of the following:
 - (i) Abandon the purchase or service; or
 - (ii) Rebid the purchase.
- (j) *Tie Bids.* If Two (2) or more bids are received from responsive and responsible bidders for the same total amount or unit price, and are the lowest, the District may accept the bid it chooses.
- (k) *Written Contracts.* Written contracts in the form approved by the District Legal Counsel shall be used in the award of bids.
- (l) *Emergencies.* In case of an emergency, the Board shall respond to the emergency pursuant to Section 4.02 of this policy
- (m) *Exceptions.* A separate formal bidding process is not required when purchases are made through a cooperative purchasing agreement or "piggy backing" with another public agency whose procurement process is substantially consistent with the provisions of this article.

Section 2.05 Local Business Preference

The District recognizes that local businesses make significant contributions to the economic health of the District. The District supports local business opportunities, which encourage businesses to move into and stay within the District, promote economic development, and maintain a strong local economic base, which in turn foster economic growth in the District. Therefore, the Board has determined it is in the District's best interest to establish and provide a preference to local businesses.

- (a) *Competitive Bid Process.* The General Manager is authorized to extend a preference to a responsible and responsive local business in a competitive bid for the procurement of supplies, equipment, and materials not to exceed Five Percent (5%) of the local business's total bid price, or Two Thousand Five Hundred Dollars (\$2,500.00), whichever is lower, for the purpose of determining the lowest bid.
- (b) *Local Preference.* When a non-local business has submitted the lowest responsive and responsible bid, and when one or more local businesses have also bid, the local business's total bid amount will be reduced by Five Percent (5%) for bid comparison purposes. If the net amount is lower than the lowest bid, the bid will be awarded to the local business for the full amount of its bid.

- (c) *Local Business.* For purposes of this policy, "local business" means a vendor or contractor that has an office with at least one employee physically located within the District.
Exemptions. The local business preference does not apply to contracts funded by grants which prohibit the use of preferences.
- (d) *Women and Minority Owned Business Preference.* To help provide a level playing field for women and minority business owners, the District may extend a preference to a responsible and responsive women or minority owned business in a competitive bid for the procurement of supplies, equipment, and materials not to exceed Five Percent (5%) of the business' total bid price, or Two Thousand Five Hundred Dollars (\$2,500.00), whichever is lower, for the purpose of determining the lowest bid. For purposes of this policy, "women and minority owned business" means a business comprising of fifty-one percent (51%) or more women or minority owners whose management and daily operations are controlled by one or more of those individuals. A list of certified women and minority owned businesses is kept by the Supplier Clearinghouse under the supervision of the California Public Utilities Commission.

ARTICLE III. CONTRACTING FOR NEW CONSTRUCTION, ALTERATION, MAINTENANCE, OR REPAIR SERVICES

Section 3.01 Contracting Procedures for New Construction, Alteration, Maintenance, or Repair Services

Procurement procedures for new construction that is not a public project, alteration, maintenance, or repair service, authorize the Purchasing Agent to procure such work within his or her authorized purchasing threshold, as defined in Section 1.03.

Section 3.02 Contracting Procedures

Contracting procedures for new construction that is not a public project, alteration, maintenance, or repair service, are subject to the dollar limits provided in Table 3.02(g).

- (a) Requisition orders are required for all purchases over Five Hundred Dollars (\$500).
- (b) Purchases greater than Five Hundred Dollars (\$500) and up to the limit of the Operations Manager's threshold, as defined in Section 1.03, require a second approval signature by the General Manager.
- (c) Purchases greater than One Thousand Dollars (\$1,000) must include attempts to receive at least Three (3) quotes.
- (d) Purchases greater than Three Thousand Dollars (\$3,000) and up to Ten Thousand Dollars (\$10,000.00) every effort to procure three (3) quotes will be attempted, if less than three quotes are received a staff-level recommendation can be made utilizing the quotes submitted.
- (e) Purchases greater than Ten Thousand Dollars (\$10,000) require a formal bidding procedure before the purchase order requisition is issued.
- (f) Purchases over Forty-Five Thousand Dollars (\$45,000) require a purchase order, Board authorization, and a formal bidding procedure.
- (g) If the purchase of supplies and equipment is for a public project and performed by the employees of the District, purchases up to Sixty Thousand Dollars (\$60,000)

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may be performed by force account, by negotiated contract or by purchase order. The procurement limit of this section shall be governed by the most recent edition of Public Code Section 22032.

- (h) Table 3.02(h) provides procurement limits and procedures for new construction, alteration, maintenance, or repair services.

Table 3.02(h) – CONTRACTING PROCEDURES FOR NEW CONSTRUCTION, ALTERATION, MAINTENANCE OR REPAIR SERVICES		
Procurement Limits	Purchase Order	Bidding Procedures
>\$500	No purchase order required.	No quotes required.
\$501 - \$5,000	Purchase order required.	No quotes required, unless (g) applies.
\$5,001 - \$10,000	Purchase order required. Second signature by General Manager.	Attempt three (3) quotes, unless (g) applies.
\$10,001 - \$25,000	Purchase order required. Second signature by General Manager	Three (3) quotes required, unless (g) applies.
\$25,001 - \$45,000	Purchase order required. Second signature by General Manager	Formal bidding procedure required, unless (g) applies.
<\$45,000	Purchase order required Board Authorization Required	Formal bidding procedure required, unless (g) applies.

NOTE: This table serves to summarize the provisions of Section 3.02. If this table conflicts with the language of Section 3.02, the latter shall control.

Section 3.03 Purchase Orders

Purchase orders shall be submitted to the purchasing agent, as described in Section 1.05, for requests for new construction not deemed a public project, alteration, maintenance, or repair service.

Section 3.04 Work by the District

Nothing in this article prohibits the Board from doing, or causing to be done directly by the District, and without any contract, any or all work necessary or proper in or about the making of all current and ordinary repairs, upkeep, or maintenance.

Section 3.05 Bonds

Bidders for construction contracts shall give bonds for the faithful performance of the construction contract.

Section 3.06 Formal Bidding Procedures

The provisions in Section 2.04 shall apply to formal bidding procedures for contracting for new construction, alteration, maintenance, or repair services, except for subdivisions (g) and (h), which shall read:

- (i) *No bids received.* In the event no bids are received, the District shall have the option of any of the following:
- (i) Abandon the service; or
 - (ii) Rebid the service.

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- (ii) *Rejection of bids.* The District may elect to reject all bids. In the event all bids are rejected, the District shall have the option of any of the following:
 - (iii) Abandon the service;
 - (ii) Rebid the service; or
 - (iii) Perform the service by employees of the District after the Board passes, by a two-thirds (2/3rd) vote, a resolution declaring that all bids submitted are unsatisfactory or excessive.

ARTICLE IV. PURCHASING AND CONTRACTING FOR PUBLIC PROJECTS

Purchases and contracts for public projects are subject to the Public Contract Code and Uniform Public Construction Cost Accounting Act and shall adhere to the following competitive bidding procedures in the following sections of this article. The estimated value of purchases and contracts shall not include sales tax or freight. It is unlawful to split or separate into smaller work orders or projects for the purpose of evading the purchasing and contracting limits set forth in this section.

Section 4.01 Purchasing and Contracting Procedures for Public Projects

- (a) *Open Market Bidding Procedures.* Purchases and contracts of an estimated value in the amount of Sixty Thousand Dollars (\$60,000.00) or less may be made by force account, negotiated contract or by purchase order pursuant to the provisions of Section 4.04 of this article, except as otherwise provided in this section, or the amount listed in the most recent Public Contract Code Section.22032.
- (b) *Informal Bidding Procedures.* Purchases and contracts of an estimated value in the amount of Two Hundred Thousand Dollars (\$200,000.00) or less may be made by informal bidding procedures pursuant to the provisions of Sections 4.05 and 4.06 of this policy, except as otherwise provided in this section, or the amount listed in the most recent Public Contract Code Section 22032.
- (c) *Formal Bidding Procedures.* Purchases and contracts of an estimated value in an amount greater than Two Hundred Thousand Dollars (\$200,000.00) shall be made by formal bidding procedures pursuant to the provisions of Sections 4.05 and 4.07 of this policy, except as otherwise provided in this section.
- (d) *Exceptions.* The bidding procedures and force account restrictions set forth in this article shall be dispensed with when bidding would be impossible, impractical, or incongruent; in an emergency; when the price is controlled by law; when the commodity, or maintenance service, or project can only be provided or performed by one vendor. For the purposes of this section:
 - (i) "Impossible" shall mean actual impossibility or extreme and unreasonable difficulty or expense.
 - (ii) "Impractical" shall mean incapable of being performed by the bid procedure.
 - (iii) "Incongruous" shall mean not suitable to the bid procedure.
- (e) *Cooperative Agreements.* No provision of this article shall be interpreted or construed to prohibit or prevent the District from purchasing or contracting for supplies, equipment, maintenance services, or public projects by contracts, arrangements, and agreements for cooperative purchasing programs not otherwise prohibited by law with any federal government agency, the state, the county, any other public agencies, or with any cooperative purchasing alliance acting on behalf

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of governmental entities. Any such contract, agreement, or arrangement otherwise subject to open market or informal bidding procedures shall be first approved by the Purchasing Agent and if subject to formal bidding procedures shall be first approved by the Board, or by the General Manager, if the funding for the purchase has already been approved by the Board through the budget process. At the discretion of the appropriate approving authority, the bidding procedures of any agency may be used in such joint contracting arrangements.

- (f) A *Requisition Report* shall be added to the monthly financial reports to inform the Board of procured items of over \$500 that do not require Board authorization; for example, this would include computers, tools, hardware (non-consumable goods).
- (g) The following procedures shall be followed for the issuance *Request for Bids (RFB's)*:
 - (i) RFB's shall be posted on the District website in a listing of current and past RFB's;
 - (ii) the Board shall be notified of the date when RFB's are released;
 - (iii) the Board's agenda packet that includes the awarding of a contract or agreement for the Board's approval shall contain the RFB documents and information about all bidders and will be provided to the Board with a minimum of four (4) days for review.
- (h) All contracts cannot exceed more than ten percent (10%) of their original allocated amount. If a contract amount exceeds the \$45,000 of the General Manager's signing authority, it requires Board authorization.

Section 4.02 Emergencies

- (a) *Generally.* In cases of emergency, the Board shall follow the procedures in Public Contract Code Sections 22035 and 22050.
- (b) *Authority to Act.* In cases of emergency, the Board, by a Four-Fifths (4/5ths) vote, may direct the General Manager to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts.
- (c) *Work by Day Labor or Contract.* The work may be done by day labor under the direction of the Board, by contract, or by a combination of the two.
- (d) *Review of Board Actions.* Where the Board orders any action as permitted by Public Contract Code section 22050, the Board shall review the emergency action every Fourteen (14) days thereafter until the action is terminated, to determine, by a Four-fifths (4/5) vote, that there is a need to continue the action.
- (e) *Review of General Manager Actions.* Where the General Manager orders any action as permitted by Public Contract Code section 22050, the Board shall initially review the emergency action at the next regularly scheduled meeting of the Board, not to occur later than fourteen (14) days after the action. The Board shall review the emergency action every Fourteen (14) days thereafter until the action is terminated, to determine, by a Four-Fifths (4/5) vote, that there is a need to continue the action, unless the General Manager has terminated that action prior to the Board reviewing the emergency action and making a determination pursuant to this subdivision.
- (f) *Termination of Emergency Action.* When the Board reviews the emergency action, it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

- (g) All regulations not met during the emergency action by the district shall come into compliance within the required amount of time.

Section 4.03 Authorized Signature

- (a) *Board President.* The President shall be authorized to sign on behalf of the District all approved contracts provided for in this article. In the absence of the President, the Vice President shall be so authorized.
- (b) *General Manager.* The General Manager shall be authorized to sign on behalf of the District all contracts provided for in Section 4.06 of this article and such other approved contracts as the Board may specifically direct from time to time.

Section 4.04 Open Market Bidding Procedures

Except as otherwise provided in subsections (d) and (e) of Section 4.01 of this policy, the solicitation of bids and award of contracts for public projects with an estimated value in the amount of Sixty Thousand Dollars (\$60,000) or less may be made by the Purchasing Agent by force account, negotiated contract, or by purchase order. Whenever possible, bids shall be obtained in the open market in accordance with the following procedures:

- (a) *Minimum number of bids.* Open market purchases, whenever possible, shall be based on at least three (3) bids and shall be awarded to the lowest responsive and responsible bidder.
- (b) *Notices inviting bids.* The Purchasing Agent shall solicit bids from prospective vendors by written requests, by telephone, by facsimile or electronic mail, or by other advertising.
- (c) *Written records of bids.* Written records of bids received shall be maintained by the Purchasing Agent in accordance with the District's records retention schedule. Such records, while so kept, shall be open to public inspection and shall include the business name, address, and telephone number of the vendor; vendor representative; description of the bid items, including unit quantities if applicable, unit prices or lump sum amount quoted by the vendor; and the date the bid was received.

Section 4.05 General Provisions for Informal and Formal Bidding Procedures

The following provisions shall apply in contracting for public projects under both informal and formal bidding procedures:

- (a) *Material Changes to the Bid.* If a material change to the bid specification is issued by the District later than Seventy-Two (72) hours prior to the opening of bids, the date and time shall be extended by no less than seventy-two (72) hours. The term "material change" means a change with a substantial cost impact on the total bid as determined by the District.
- (b) *Base Contract.* Bid specifications which include one or more alternative bid schedules, shall identify and define the base bid for the purpose of awarding to the lowest responsive and responsible bidder.
- (c) *Bid opening procedure.* Sealed bids shall be submitted to the Purchasing Agent and shall be identified as bids on the envelope. Such bids shall be opened in public at the time and place stated in the notice inviting bids in the presence of all bidders who attend. A tabulation of all bids received shall be open for public inspection during regular business hours until award of the contract.

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- (d) *Records of bid documents.* Bid documents received by the District shall be maintained by the District department issuing the bid in accordance with the District's records retention schedule.
- (e) *Award of contracts.* Contracts shall be awarded by the District to the responsive and responsible bidder that submits the lowest bid.
- (f) *No bids received.* In the event no bids are received, the District shall have the option of any of the following:
 - (i) Abandoning the purchase or project;
 - (ii) Rebidding the purchase or project; or
 - (iii) Perform the work by employees of the District.
- (g) *Rejection of bids.* The District may elect to reject all bids. In the event the District anticipates rejecting all bids, the District shall provide a written notice to an apparent low bidder, pursuant to Public Contract Code section 22038. Furthermore, the District shall have the option of any of the following:
 - (i) Abandon the project;
 - (ii) Rebid the purchase or project using the appropriate bidding procedures; or
 - (iii) Perform the project by force account without further complying with Public Contract Code section 22020 et seq., after the Board passes a resolution by
 - (iv) a four-fifths (4/5th) vote of its governing body declaring that the project can be performed more economically by District employees.
- (h) *Tie bids.* If Two (2) or more bids are received from responsive and responsible bidders for the same total amount or unit price, and are the lowest, the District may accept the bid it chooses.
- (i) *Written contracts.* Written contracts in the form approved by the District Legal Counsel shall be used in the award of bids.
- (j) *Bidders' security.* Security will be required in an amount equal to Ten Percent (10%) of the bid quotation as described in the Public Contract Code. Upon an award to the lowest bidder, the security of an unsuccessful bidder shall be returned in a reasonable period of time, but in no event shall that security be held by the district beyond sixty (60) days from the time the award is made.
- (k) *Bonds.* Bidders for construction contracts shall give bonds for the faithful performance of the construction contract.

Section 4.06 Informal Bidding Procedures

Except as otherwise provided in subsections (a), (d), and (e) of Section 4.01 and in Section 4.02 of this article, the solicitation of bids may be authorized by the Purchasing Agent and the award of contracts for public projects up to an estimated value in the amount of Two Hundred Thousand Dollars (\$200,000.00) or the amount listed in the most recent Public Contract Code Section 22032, may be made by the General Manager in accordance with the requirements of the Public Contract Code section 22032, et seq., and the following informal bidding procedures:

- (a) *Budgetary Authorization.* The bid items shall have been authorized as a part of an approved budget of the District, and the purchase or contract shall not exceed the amount so authorized.

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- (b) *Contractor's List.* A list of contractors shall be developed and maintained in accordance with the provisions of section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.
- (c) *Notices Inviting Bids.* Notices inviting bids shall be prepared describing the bid items in general terms; referencing how to obtain more detailed information about the bid items; and stating the time, date, and place for the submission of sealed bids.
- (d) *Mailing of Notices.* Notices inviting informal bids shall be mailed at least ten (10) calendar days before the due date of the submission of bids as follows:
 - (i) Mailed to all firms on the bidders list or contractors list for the category of work being bid;
 - (ii) For bid items defined as public projects, mailed to all construction trade journals designated by the California Uniform Construction Cost Accounting Commission; and
 - (iii) Other mailings, advertisements, and notifications as deemed appropriate by the purchasing agent.
- (e) *Bids Received in Excess of Two Hundred Thousand Dollars (\$200,000.00).* If all bids received are in excess of Two Hundred Thousand Dollars (\$200,000.00), the Board may award the contract to the lowest responsive and responsible bidder by adoption of a resolution by a Four-Fifths (4/5ths) vote if the Purchasing Agent determines the cost estimate was reasonable and the low bid does not exceed Two Hundred Twelve Thousand Five Hundred Dollars (\$212,500.00).

Section 4.07 Formal Bidding Procedures

Except as provided in subsections (d) and (e) of Section 4.01 of this article, the solicitation of bids and award of contracts for public projects with an estimated value in excess of Two Hundred Thousand Dollars (\$200,000.00) shall be made in accordance with the requirements of the Public Contract Code section 22031 et seq., and the following formal bidding procedures:

- (a) *Plans and Specifications.* The Board shall adopt any plans, specifications, and working details as appropriate for the bid items prior to a solicitation for formal bids. Any person may examine the plans, specifications or working details or all of these, adopted by the District for any project.
- (b) *Notices.* Notices inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. The notice shall be published at least Fourteen (14) calendar days prior to the opening of bids in a newspaper of general circulation, printed and published in the jurisdiction of the District; or if there is no newspaper which is circulated within the jurisdiction for the District, publication shall be by posting the notice in at least three places within the jurisdiction of the District as have been designated by ordinance or regulation of the District as places for the postings.
- (c) *Sending, mailing, and publishing of notices.* Notices inviting formal bids shall be published, sent, and mailed as follows:
 - (i) For bid items defined as public projects, sent electronically, by either facsimile or electronic mail and mailed to all construction trade journals designated by the California Uniform Construction Cost Accounting

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- Commission at least Fifteen (15) calendar days before the date of the bid opening;
 - (ii) Sent electronically, by facsimile or electronic mail, or mailed to all firms on the bidders list at least Fifteen (15) calendar days before the date of the bid opening;
 - (iii) Published at least once in a newspaper of general circulation, printed and published in the District, at least Fourteen (14) calendar days before the date of the bid opening, or in a manner as authorized by Public Contract Code section 22037 if there is no newspaper of general circulation; and
 - (iv) Other mailings, advertisements, and notifications deemed appropriate by the department head of the requesting agency.
- (d) The following procedures shall be followed for *Request for Bids (RFB's)*:
- (i) RFB's shall be posted on the District website to the listing of current and past RFB's;
 - (ii) the Board shall be notified of the date when RFB's are released;
 - (iii) the Board's agenda packet that includes the awarding of a contract or agreement for Board approval shall contain the RFB documents and information about all bidders and shall be provided to the Board with a minimum of four (4) days for review.

Section 4.08 Local Business Preference

The District recognizes that local businesses make significant contributions to the economic health of the District. The District supports local business opportunities, which encourage businesses to move into and stay within the District, promote economic development and maintain a strong local economic base, which in turn foster economic growth in the District. Therefore, the Board has determined it is in the District's best interest to establish and provide a preference to local businesses.

- (a) *Competitive bid process.* The General Manager is authorized to extend a preference to a responsible and responsive local business in a competitive bid for a public project not to exceed five percent (5%) of the local business's total bid price, or Two Thousand Five Hundred Dollars (\$2,500.00), whichever is lower, for the purpose of determining the lowest bid.
- (b) *Local preference.* When a non-local business has submitted the lowest responsive and responsible bid, and when one or more local businesses have also bid, the local business's total bid amount will be reduced by five percent (5%) for bid comparison purposes. If the net amount is lower than the lowest bid, the bid will be awarded to the local business for the full amount of its bid.
- (c) *Local business.* For purposes of this chapter, "local business" means a vendor or contractor that has an office with at least one (1) employee physically located within the District.
- (e) *Women and Minority Owned Business Preference.* To help provide a level playing field for women and minority business owners, the District may extend a preference to a responsible and responsive women or minority owned business in a competitive bid for the procurement of supplies, equipment, and materials not to exceed Five Percent (5%) of the business' total bid price, or Two Thousand Five

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Hundred Dollars (\$2,500.00), whichever is lower, for the purpose of determining the lowest bid. For purposes of this policy, “women and minority owned business” means a business comprising of fifty-one percent (51%) or more women or minority owners whose management and daily operations are controlled by one or more of those individuals. A list of certified women and minority owned businesses is kept by the Supplier Clearinghouse under the supervision of the California Public Utilities Commission.

- (d) *Exemptions.* The local, women, and minority owned business preferences do not apply to the following:
 - (i) Contracts funded by grants which prohibit the use of preferences, and
 - (ii) Contracts for services.

ARTICLE V. CONTRACTS FOR PROFESSIONAL AND CONSULTING SERVICES

Section 5.01 Contracting Procedures

Contracts for consultant/professional services shall be made pursuant to the provisions of this policy.

Section 5.02 Architectural, Landscape Architectural, Professional Engineering, Environmental, Land Surveying, and Construction Management Services

- (a) Procurements for architectural, landscape architectural, professional engineering, environmental, land surveying, and construction management services contracts shall comply with this section and Section 5.03.

Selection. Contracts for architectural, landscape architectural, engineering, environmental, land surveying, and construction management services are subject to the provisions of this article and shall be awarded in accordance with California Government Code section 4525 et seq. Selection process will be designed to select the most qualified firm to provide the desired services at a reasonable price. Selection will not be solely based on price; however, price may be a factor in selecting a firm. If price will be a factor, it will be discussed in the RFP, along with the method used to consider price.

- (b) *Maximum Participation of Small Business Firms.*
 - (i) Definition of Small Business. “Small business,” as used in this section, shall have the same definition in Government Code section 14837(d)(1).
 - (ii) Quotes. The District shall attempt to obtain at least two (2) quotes or proposals from a small business, where this article requires quotes or RFPs under Section 5.03.
- (c) *Prohibition of Unlawful Activity.* The District specifically prohibits practices which might result in unlawful activity, including but not limited to rebates, kickbacks, or other unlawful considerations. The District also prohibits its employees from participating in the selection process when those employees have a financial interest with an individual or business entity seeking a contract under this Section and would be subject to the prohibition of Government Code section 87100.

Section 5.03 Procurement

- (a) Procurement of Professional and Consultant Services: \$45,000.00 or Less.

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- (i) *Informal Request for Proposal Procedure (RFP).* Except as set forth herein, the procurement of consultant or professional services with a value of Forty-Five Thousand Dollars (\$45,000.00) or less shall be made following the procedure prescribed below:
 - (1) *Solicitation of Proposals.* The General Manager may solicit proposals by written (including e-mail) or verbal request to prospective consultants. Informal requests for proposals shall attempt, whenever feasible, to obtain at least three (3) proposals.
 - (2) *Award of Contracts.* The General Manager shall award contracts pursuant to this subdivision to the best qualified and most responsible proposer, which may not necessarily be the lowest priced proposal. The dollar amount of the proposal shall be considered but the award need not be made to the lowest dollar proposal.
 - (3) *Signature Authority.* The General Manager shall have the authority to execute a contract granted pursuant to this section. Such contracts shall be formal written agreements executed by the General Manager on behalf of the District.
- (ii) *Exceptions.* The General Manager may dispense with the informal RFP procedure, whether the informal RFP procedure has been initiated or not, for the reasons set forth below:
 - (1) In an emergency;
 - (2) When the services can be obtained from only one (1) source which has been reviewed and approved in writing by the General Manager;
 - (3) When, in the judgment of the General Manager, compliance with the procedure is not in the best interest of the District; or
 - (4) When processed through a cooperative purchasing agreement with another public agency, whose procurement process is substantially consistent with the provisions of this article.
- (b) *Procurement of Professional and Consultant Services: More than \$45,000.00.*
 - (i) *Formal Request for Proposal Procedure.* Except as set forth herein, the procurement of consultant or professional services with a value of more than Forty-Five Thousand Dollars (\$45,000.00) shall be made following the procedure prescribed below:
 - (1) *Solicitation of Proposals.* The General Manager shall solicit proposals by written (including e-mail) or verbal request to prospective consultants.
 - (2) Informal requests for proposals shall, whenever feasible, be based on at least three (3) proposals.
 - (3) *Award of Contracts.* The Board shall award contracts pursuant to this subsection to the best qualified and most responsible proposer, which may not necessarily be the lowest priced proposal. The dollar amount of the proposal shall be considered but the award need not be made to the lowest dollar proposal.
 - (4) *Signature Authority.* The Board President, or General Manager with the Board's approval, shall have the authority to execute a contract granted pursuant to this section. Such contracts shall be formal written agreements executed by the Board President, or General Manager on behalf of the District.

Procurement Policy and Procedures

- (ii) *Exceptions.* The Board may dispense with the informal RFP procedure, whether the informal RFP procedure has been initiated or not, for the reasons set forth above under subdivision (a)(ii).
- (iii) The following procedures shall be followed for *Request for Proposals (RFP's)*:
 - a. RFP's shall be posted on the District website in a listing of current and past RFP's;
 - b. the Board shall be notified of the date when RFP's are released;
 - c. the Board's agenda packet that includes the awarding of a professional services agreement shall contain the RFP documents and information about all proposers and shall be provided to the Board with a minimum of four (4) days for review.

ARTICLE VI. PURCHASING AND CONTRACTING FOR FEDERAL AND STATE GRANTS

Section 6.01 State and Federal Requirements

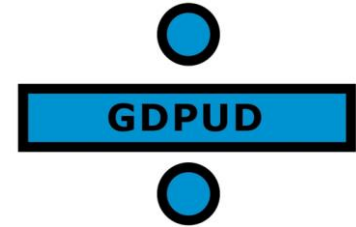
The District will follow all guidance and purchasing regulations as laid out within the specific grant program. Additionally, all environmental regulations shall be followed pursuant to the grant guidelines.

Certification

I hereby certify that the foregoing is a full, true and correct copy of Policy 2135 amended by the Board of Directors of the Georgetown Divide Public Utility District on (date):

Nicholas Schneider, Clerk and Ex-Officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

**REPORT TO THE BOARD OF DIRECTORS
BOARD MEETING OF APRIL 11, 2023
AGENDA ITEM 8C**



AGENDA SECTION: CONSENT CALENDAR

SUBJECT: DECLARATION OF PROJECTED WATER SEASON

PREPARED BY: Adam Brown, Operations Manager

APPROVED BY: Nicholas Schneider, General Manager

BACKGROUND

Ordinance 2005-01 establishes rules and regulations for irrigation service in the Georgetown Divide Public Utility District. Section 3, Distribution of Water, states that the irrigation season shall generally be from May 1 through October 1 of each year. The Board of Directors shall consider changes to the irrigation season to respond to climactic conditions and may implement such changes by majority vote.

DISCUSSION

At the time of this report, the Stumpy Meadows Reservoir (SMR) is at full capacity of 21,206 acre-feet (ac-ft). SMR first reached capacity December 31, 2022, and a recorded a maximum inflow discharge of 1021 cubic feet per second recorded on March 15, 2023. The most recent snow survey completed by Department of Water Resources (DWR) on April 3, 2023, electronic readings from 130 snow sensors placed throughout the state indicate the statewide snowpack's snow water equivalent is 61.1 inches, or 237 percent of average for the date. A representative snow sensor located near Robbs Peak recorded 31 inches of water content which represents a 154 percent of average for April 1st average.

As part of the District's efforts along with State of California DWR requirements to respond to variances on hydrologic conditions staff utilized the District's forecasting tool and prepared a *Draft 2023 Supply and Demand Assessment (SDA)*.

An evaluation of total inflow into SMR, for the remaining of the water year¹, was completed utilizing the District's forecasting tool. Based on the storage level of 21,206 acre-feet (ac-ft) measured on April 3, 2023, total inflow into SMR is projected to be between 18,620 ac-ft (95% exceedance) to 140,042 ac-ft (10% exceedance), with a forecasted 50% exceedance of 24,658 ac-ft by September 30, 2023. Based on projected demand and utilizing the most conservative projection scenario, the District can anticipate a SMR capacity of 18,918 acre-feet at the end of the 2022/2023 water year. Our forecasting tool output charts are included in Attachment 1.

¹ Water Year – October 1st through September 30th

The Draft SDA was prepared, as required with the assumption of one-year dry condition as outlined in the *2020 Urban Water Management Plan (UWMP)*². The District's UWMP has defined one-year dry condition as SMR level being recorded at 11,890 ac-ft during the second week in April. The Draft SDA requires the analysis to cover a period starting in July 2023 and ending June 2022. For the purposes of this Staff Report supply and demand assumptions were entered into the Draft SDA which may be revised upon submittal in June 2023. Draft SDA is included in Attachment 2.

The 1977 and 2021 historical conditions were entered into the current conditions to understand potential water availability for the 2023 water season and any demand reduction actions that may be needed. The two scenarios are detailed below:

- Using 1977 conditions, the estimated SMR level would be anticipated to be at a storage of 10,605 ac-ft at the second week of April 2023. This would trigger Stage-5 shortage level of the District's *Water Shortage Contingency Plan (WSCP)*; and
- Using 2021 conditions, the estimated SMR level would be anticipated to be at a storage of 17,865 ac-ft at the second week of April 2023. This would trigger Stage-2 of the WSCP.

One dry year or continuous dry years would significantly impact demands of the District and during those periods to meet minimum health and safety requirements the District's WSCP would need to be implemented. Due to the historical 2022/2023 winter season, factors discussed above and since 1977 SMR has not reached capacity ten times it is likely the District will meet demands during the 2023/2024 water year.

FISCAL IMPACT

There is no fiscal impact.

CEQA ASSESSMENT

This is not a CEQA project.

RECOMMENDED ACTION

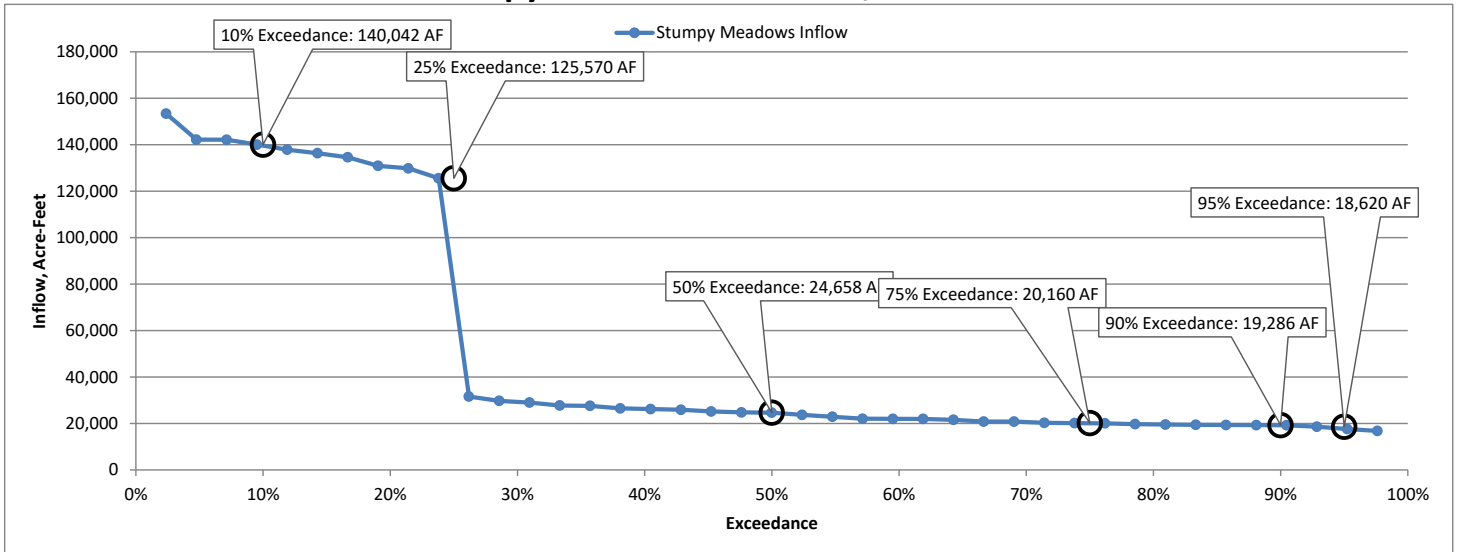
Current storage conditions allow for the declaration of a normal water year. Furthermore, due to historical precipitation, above average snowpack and increasing trend of dry late summer fall seasons staff aligns with the irrigation committee postponement recommendation of irrigation season to begin June 1, 2023. Resolution is included as Attachment 3.

ATTACHMENTS

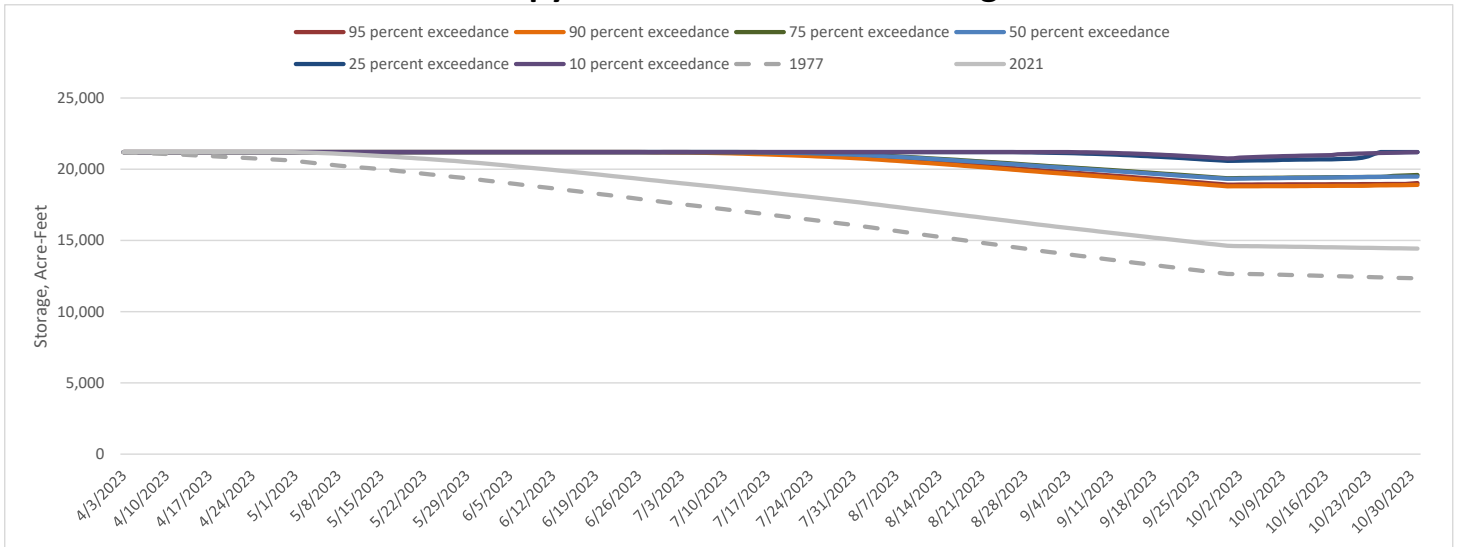
1. Forecast Charts
2. Draft Supply and Demand Assessment
3. Resolution 2023-XX

² <https://www.gd-pud.org/2020-urban-water-management-plan>

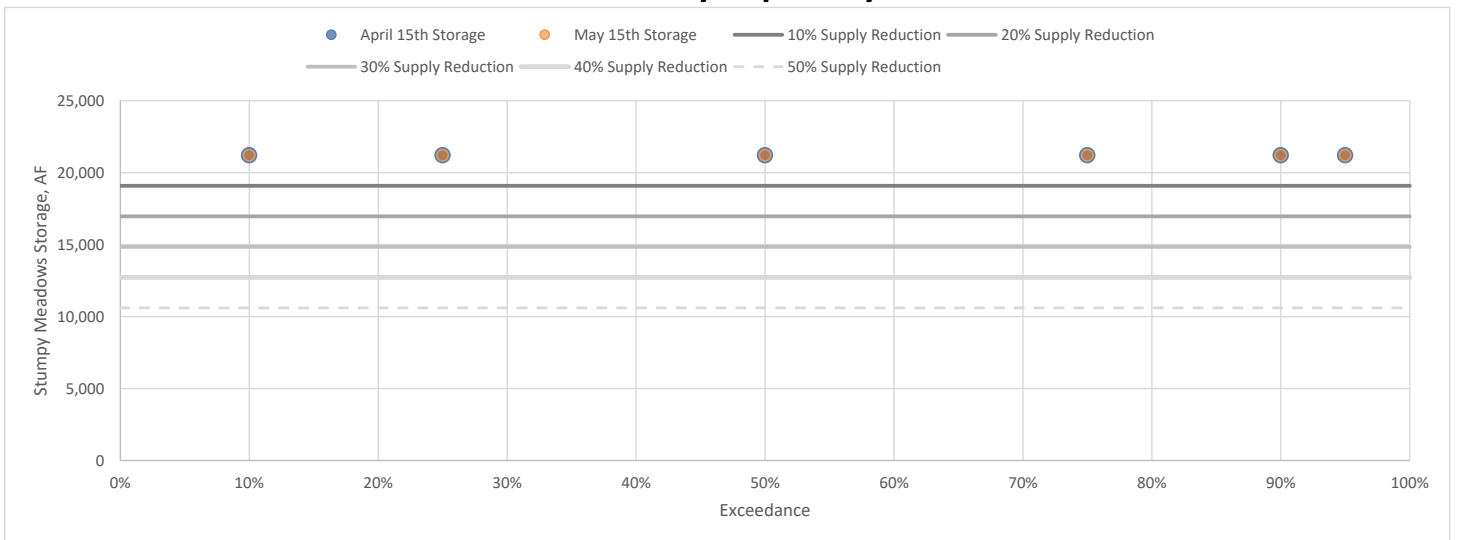
Total Inflow to Stumpy Meadows Reservoir, Remainder of Water Year



Stumpy Meadows Reservoir Storage



Delivery Capability



Delivery Capability

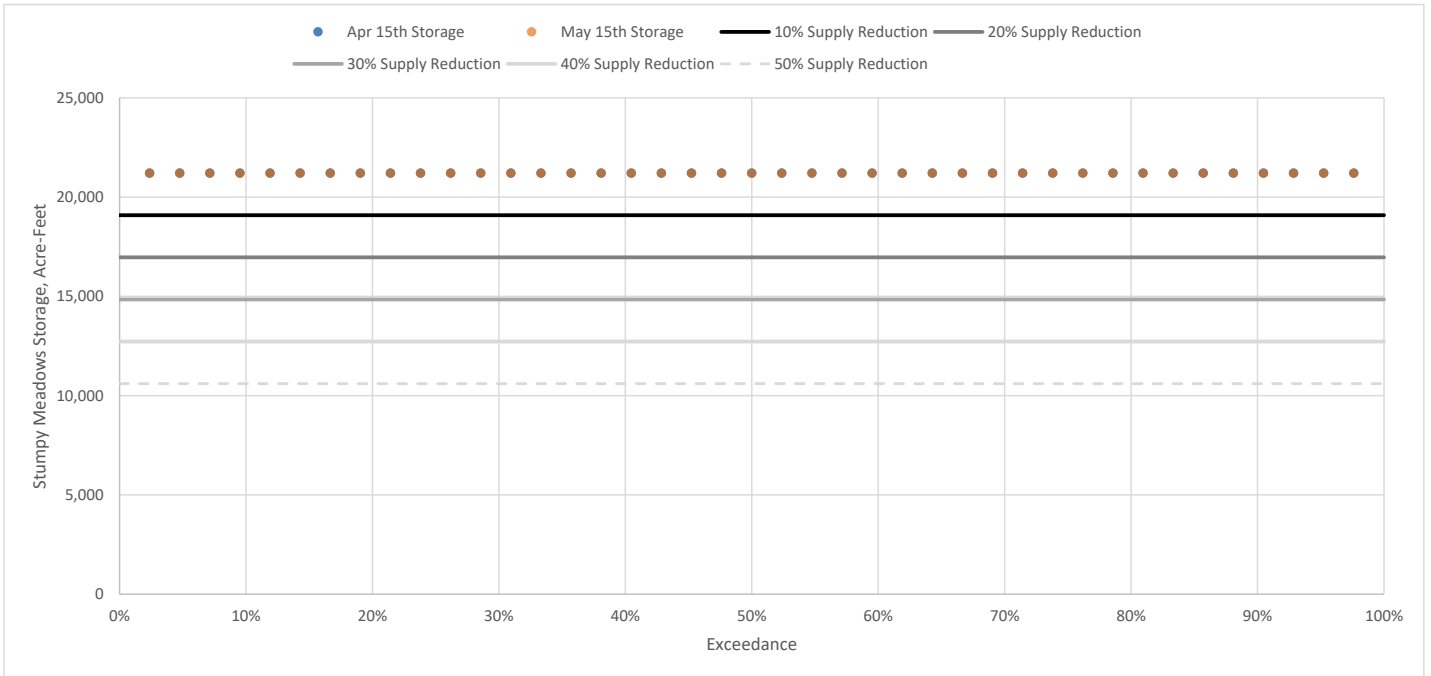


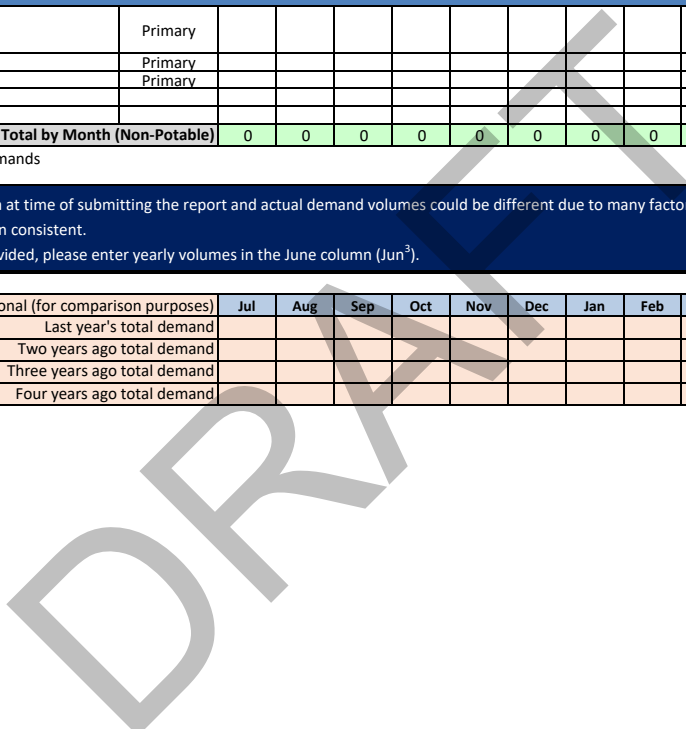
Table 1. Annual Assessment Information

Annual Assessment Information (Required)	
Year Covered By This Shortage Report	
Start: April 11,	2023
End: April 9,	2024
Volume Unit for Reported Supply and Demand (Must use the same unit throughout)	AF
Water Supplier's Contact Information	
Agency Name:	Georgetown Divide Utility District
Contact Name:	Adam Brown
Contact Title:	Operations Manager
Street Address:	6425 Main Street
ZIP Code:	95634
Phone Number:	(530) 333-4356
Email Address:	abrown@gd-pud.org
Report Preparer's Contact Information (if different from above)	
Preparer's Organization Name:	
Preparer's Contact Name:	
Phone Number:	
Email Address:	
Supplier's Water Shortage Contingency Plan	
WSCP Title	2020 Urban Water Management Plan
WSCP Adoption Date	3/14/2023
Other Annual Assessment Related Activities (Optional)	
Activity	Timeline/ Outcomes / Links / Notes
Annual Assessment/ Shortage Report Title:	Optional
Annual Assessment / Shortage Report Approval Date:	Optional
Other Annual Assessment Related Activities:	Optional
Other Annual Assessment Related Activities:	Optional
Other Annual Assessment Related Activities:	Optional

= From prior tables
 = Auto calculated

Table 2: Water Demands ¹															
Use Type	Start Year: 2023					Volumetric Unit Used: AF									
Drop down list May select each use multiple times These are the only Use Types that will be recognized by the WUEdata online submittal tool (Add additional rows as needed)	Additional Description (as needed)	Level of Treatment for Non-Potable Supplies Drop down list	Projected Water Demands - Volume ²												Total by Water Demand Type
			Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun ³	
Demands Served by Potable Supplies															
Single Family														1167	1167
Multi-Family														14	14
Commercial														45	45
Institutional/Governmental														104	104
Landscape														65	65
Losses														380	380
Losses														575	575
														0	0
														0	0
														0	0
Total by Month (Potable)			0	0	0	0	0	0	0	0	0	0	0	2350	2350
Demands Served by Non-Potable Supplies															
Agricultural irrigation		Primary												3721	3721
Losses		Primary												2300	2300
Transfers to other agencies		Primary												0	0
														0	0
														0	0
Total by Month (Non-Potable)			0	0	0	0	0	0	0	0	0	0	0	6021	6021
Notes: List considered factors impacting demands															
¹ Projections are based on best available data at time of submitting the report and actual demand volumes could be different due to many factors.															
² Units of measure (AF, CCF, MG) must remain consistent.															
³ When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun ³).															

Optional (for comparison purposes)	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Last year's total demand													0
Two years ago total demand													0
Three years ago total demand													0
Four years ago total demand													0



Annual Water Supply and Demand Assessment for §10632.1													= Auto calculated							
													= From prior tables							
													= For manual input							
Table 4(P): Potable Water Shortage Assessment ¹													Start Year: 2023		Volumetric Unit Used ² :				AF	
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun ³	Total							
Anticipated Unconstrained Demand	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2350.00	2350.00							
Anticipated Total Water Supply	0	0	0	0	0	0	0	0	0	0	0	6362	6362.00							
Surplus/Shortage w/o WSCP Action	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4,012.0	4,012.0							
% Surplus/Shortage w/o WSCP Action	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	171%	171%							
State Standard Shortage Level	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	0	0							
Planned WSCP Actions																				
Benefit from WSCP: Supply Augmentation	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0							
Benefit from WSCP: Demand Reduction	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0							
Revised Surplus/Shortage with WSCP	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4012.0	4012.0							
% Revised Surplus/Shortage with WSCP	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	171%	171%							

¹Assessments are based on best available data at time of submitting the report and actual volumes could be different due to many factors.
²Units of measure (AF, CCF, MG) must remain consistent.
³When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun³). If a shortage is projected, the supplier is highly recommended to perform a monthly analysis to more accurately identify the time of shortage.

Annual Water Supply and Demand Assessment for §10632.1													= Auto calculated							
													= From prior tables							
													= For manual input							
Table 4(NP): Non-Potable Water Shortage Assessment ¹													Start Year: 2023		Volumetric Unit Used ² :				AF	
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun ³	Total							
Anticipated Unconstrained Demand: Non-Potable	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	6,021.0	6,021.00							
Anticipated Total Water Supply: Non-Potable	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	14,844.0	14,844.0							
Surplus/Shortage w/o WSCP Action: Non-Potable	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	8,823.0	8,823.0							
% Surplus/Shortage w/o WSCP Action: Non-Potable	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	147%	147%							
Planned WSCP Actions																				
Benefit from WSCP: Supply Augmentation	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0							
Benefit from WSCP: Demand Reduction	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0							
Revised Surplus/Shortage with WSCP	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	8823.0	8823.0							
% Revised Surplus/Shortage with WSCP	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	147%	147%							

¹Assessments are based on best available data at time of submitting the report and actual volumes could be different due to many factors.
²Units of measure (AF, CCF, MG) must remain consistent.
³When optional monthly volumes aren't provided, please enter yearly volumes in the June column (Jun³). If a shortage is projected, the supplier is highly recommended to perform a monthly analysis to more accurately identify the time of shortage.

RESOLUTION NO. 2023-XX
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
DECLARING THE 2023 PROJECTED WATER YEAR

WHEREAS, Ordinance 2005-01, establishes rules and regulations for irrigation service in the Georgetown Divide Public Utility District, and Section 3, Distribution of Water, states that the irrigation season shall generally be from May 1 through October 1 of each year;

WHEREAS, the Board of Directors shall consider changes to the irrigation season to respond to climactic conditions and may implement such changes by majority vote;

WHEREAS, Stumpy Meadows Reservoir is at full capacity, and Staff sees no climactic conditions which would impact the ability of the District to deliver irrigation water; and

WHEREAS, Staff is projecting a normal five-month season, and will consider the need to adjust the irrigation season for consideration by the Board at its July regular Board meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT THAT 2023 will be a normal water year,

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the eleventh day of April 2023, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Mitch MacDonald, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true, and correct copy of Resolution 2023-XX duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on this eleventh day of April 2022.

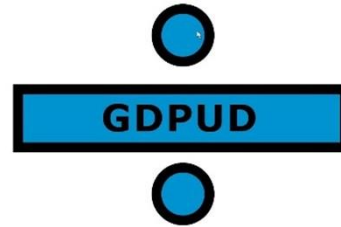
Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

DRAFT

REPORT TO THE BOARD OF DIRECTORS

Board Meeting of April 11th, 2023

Agenda Item No. 8D



AGENDA SECTION: Action Items

SUBJECT: Scheduling April 25th Special Meeting and Rescheduling May Regular Meeting to Special Meeting May 16th

PREPARED BY: Elizabeth Olson, Executive Assistant

Approved By: Nicholas Schneider, General Manager

BACKGROUND

Pursuant to Brown Act requirements, regular meetings may be rescheduled or cancelled by action of the Board (see Government Code section 54954(a).). Consideration of new legal counsel is best facilitated through holding an April 25th Special Board Meeting. This will allow the Board of Directors to interview potential counsel and weigh the decision. Due to scheduling conflicts the May 9th, 2023 Regular meeting is best rescheduled to a Special Meeting on May 16th, 2023. Two directors and the General Manager will be attending an Association of California Water Agencies (ACWA) conference thus requiring the date adjustments.

DISCUSSION

Present information and analyze decision to be made.

FISCAL IMPACT

The action has no fiscal impact.

CEQA ASSESSMENT

This is not a CEQA project.

RECOMMENDED ACTION

Staff recommends the Board of Directors of the Georgetown Divide Public Utility District vote to approve the April 25th, 2023 Special Board Meeting and the reschedule of the May 9th Regular Meeting to a May 16th, 2023 Special Meeting.

ALTERNATIVES

Detail alternative actions available to the Board; consider alternate dates to consider legal counsel and adjustments to the May 2023 Board Meeting Schedule.

ATTACHMENTS

None