



Contracting and Procurement Policy

In accordance with Article 7, (commencing with Section 54201) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, First 5 Ventura County (the "Commission") has adopted policies and procedures governing the purchase of supplies and equipment and has incorporated them into the "Procurement of Goods and Services Policies and Procedures". These policies and procedures incorporate requirements set forth in AB 2932, which amended Health and Safety Code section 130140, relative to the procurement of goods and awarding of contracts and that meet goals regarding minority-owned businesses; women-owned businesses; disabled veteran-owned businesses; and small businesses, give preference to United States-grown produce and United States-processed foods when there is a choice and it is economically feasible to do so, and the purchase of recycled products.



Procurement of Goods and Services Policies and Procedures

1. **Goods and Services over \$5,000 dollars but under \$25,000**
 - a. Services over \$5,000 but under \$25,000 REQUIRE the solicitation of at least three (3) quotes by qualified prospective vendors prior to the procurement of goods or services. Less than 3 quotes are allowable when single source or two-source procurement is technically justifiable or there are less than 3 qualified suppliers available.
 - b. The lowest quote is not required to be the selected quote. Contracts shall be awarded based on cost, qualifications and performance.
 - c. Documentation must be attached to the requisition and maintained on file for audit purposes.
2. **Services \$25,000 and over**
 - a. Services \$25,000 and over REQUIRE a formal solicitation and award process (Refer to Attachment A: Procedures for Formal Solicitation and Award Process for Services \$25,000 and Over).
 - b. Formal solicitation shall be written to include the scope, specifications and terms of the proposed contract. Each formal solicitation shall provide sufficient detail to assist prospective bidders in calculating an accurate, unconditioned and stable proposal. Each formal solicitation shall provide explicitly that the Commission reserves the right to reject all bids and that failure to comply with specifications shall be grounds for disqualification. The Executive Director and/or Director of Operations shall approve all formal solicitations prior to issuance.
 - c. The Fiscal Department shall retain complete copies of all formal solicitations for a period of at least two (2) years following submission of such solicitations.
 - d. The Commission may reject any and all bids, may waive any irregularity in any bid and may re-advertise for bids.
 - e. The Commission's policies against Conflicts of Interest apply to all formal solicitation processes.
 - f. The lowest bid is not required to be the selected bid. Contracts shall be awarded based on cost, qualifications and performance.

3. Exceptions

a. **Exceptions are as follows:** The competitive proposal/bid requirements of this policy shall not apply under the following circumstances:

- The supplies or equipment are purchased through the California Multiple Award Schedule program (CMAS), or have been competitively bid within the last year by another public agency.
- The supplies, equipment, or services to be procured are unique because of their quality, durability, availability or fitness for a particular use.
- Such supplies, equipment or services are available from only one (1) source.
- The Executive Director has determined in writing that exigent or emergency circumstances require the immediate purchase of specific supplies, services or equipment.
- Personal services contracts of less than \$25,000 annually in the aggregate to any one (1) professional service provider.

4. **Purchase Requisitions (PR)** are required prior to all purchases regardless of dollar amount, for equipment, office supplies, etc. and general services such as computer repairs, phone system repairs, catering, facility rental, etc.

5. **Emergency purchases or services** for any reason shall be approved by the Executive Director, a PR completed, executed and delivered to the Fiscal Department by the next business day (within 24 hours) of the time the costs were incurred.

6. **Contracts for Services** are required prior to beginning of work for personal services such as program support, consulting, etc.

7. **Awarding contracts to businesses representing specialized groups** - In any instance in which the Commission chooses to award contracts to meet goals regarding minority-owned businesses, women-owned businesses, disabled veteran-owned businesses and small businesses, the Commission will comply with the rules set out in Chapter 2 (commencing with Section 2000) of Part 1 of Division 2 of Public Contract Code.

8. **Preference for United States grown product and processed foods** - The Commission will give preference to United States-grown produce and United States-processed foods when there is a choice and it is economically feasible to do so. The Commission will consider the total cost, quantity and quality of the food and the budget and policies, in determining economic feasibility.

9. **Recycled products** - Whenever recycled products are available at the same or lesser total cost than nonrecycled products, the Commission will purchase recycled products instead of nonrecycled products in accordance with Chapter 3.5 (commencing with Section 22150) of Part 3 of Division 2 of the Public Contract Code. The Commission may give preference to suppliers of recycled products and may define the amount of this preference.



PROCEDURES FOR FORMAL SOLICITATION AND AWARD PROCESS FOR SERVICES \$25,000 AND OVER

VENDORS (e.g. Website design, consultants)

- Commission staff will develop the formal solicitation,
- Executive Director and/or Director of Operations will approve the formal solicitation prior to issuance.
- Each proposal will be independently reviewed by 2 staff members and at least 1 external reviewer with expertise in the subject matter.
- Staff will develop a review process that will provide consistency and guidance to the reviewers for rating responses.
- The review committee will make a final recommendation based on the results of the scoring, cost, qualifications, and prior performance.
- Final approval of the award for services up to \$50,000 will rest with the Executive Director. Final approval for services over \$50,000 will rest with the Commission.

FUNDED PROGRAMS (e.g. Neighborhoods for Learning, Targeted Contracts)

RFA DEVELOPMENT

- Commission staff will develop Request for Applications/Qualifications (RFA/RFQ), with general policy direction from standing Committees. (Depending on the content area of the initiative, a special Ad-Hoc Committee may be formed.)
- Staff will seek technical assistance, as needed, from experts in the field.
- All RFA/RFQs will be brought to the full Commission for approval to release.

PROPOSAL REVIEW PROCESS

- Each proposal will be independently reviewed by at least 5 independent reviewers.
- Staff will develop a scoring matrix (rubric) for each proposal that will provide consistency and guidance to the reviewers for rating responses.
- An orientation will be held for proposal reviewers, inclusive of training on the use of scoring matrices (rubrics).
- A minimum score of 80 points will be required for a proposal to be eligible for funding. A score of 80 points or higher, however, does not guarantee the proposal will be selected for funding.

PROPOSAL REVIEW COMMITTEES

- Proposal review committees will be composed of a minimum of 5 persons with knowledge or expertise in the field.
- All reviewers will be asked to sign a standard conflict of interest form and to remove themselves from the committee if a conflict is presented.
- Alternates will be available to replace a reviewer who must disqualify himself (or herself) based on a conflict.
- Commissioners will not serve on any proposal review committees. Standing committee members may serve. However, a majority of each proposal review committee must consist of persons who are not members of standing Committees.
- Reviewers will be reimbursed for reasonable expenses, such as travel. It is not the intent of the Commission to pay stipends to reviewers.

RECOMMENDATIONS FOR FUNDING

- Results of the scoring matrix and recommendations of the proposal review committee will be presented by the Executive Director to the appropriate standing committee of the Commission.
- The standing committee will make a final recommendation to the Commission based on the results of the scoring matrix and the overall service needs of the County.
- Final approval of grant awards will rest with the Commission.

SOLE SOURCE CONTRACT GUIDELINES

There may be circumstances where there is only one qualified contractor who can provide the needed services. This is known as a sole source contract. In order to execute a sole source contract at least one of the following conditions must exist.

- The services required are unique.
- There is only one known source for the specialized services required.
- There is an emergency situation such as a declared emergency or disaster.

If one of the above conditions exists a sole source justification must be submitted to the Executive Director and include the following information:

- The unique specifications of the services.
- Why these unique specifications are required
- What other services/contractors have been evaluated and the reason for them not being considered.

The sole source contract proposal and justification will be brought to the Commission for review and final approval.

APPEAL PROCESSES

- Applicants whose proposals are not funded can file a Notice of Appeal with the Executive Director. Appeals must be filed within 10 calendar days following notification of grant awards. The appeal process will be used solely to contest a procedural aspect of the review process, e.g. fair and consistent application of rules and standards.
- If the Executive Director believes a decision should be reconsidered, the Executive Director will make a recommendation directly to the Commission.
- If the Executive Director denies the appeal, and the applicant does not agree with the decision, the applicant can file an appeal directly with the Commission.
- Final decision on appeals will rest with the Commission.