

San Dieguito River Park  
Joint Powers Authority  
18372 Sycamore Creek Road  
Escondido, CA 92025  
(858) 674-2270 Fax (858) 674-2280  
www.sdrp.org

**JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

Chair Dave Grosch  
Poway City Council

Vice-Chair Joe LaCava  
San Diego City Council

Dwight Worden  
Del Mar City Council

Tina Inscoc  
Escondido City Council

Marni von Wilpert  
San Diego City Council

Joel Anderson  
Supervisor, County of San Diego

Terra Lawson-Remer  
Supervisor, County of San Diego

Kelly Harless  
Solana Beach City Council

Chris Khoury  
Citizens Advisory Committee

Dustin Fuller, Ex Officio  
22<sup>nd</sup> District Agricultural  
Association

Shawna Anderson  
Executive Director

**AGENDA  
SAN DIEGUITO RIVER PARK  
JOINT POWERS AUTHORITY  
VIA TELECONFERENCE ONLY  
Friday, December 9, 2022 - 11:00 A.M.**

Pursuant to the State of California Executive Order N-29-20, and in the interest of public health, San Dieguito River Park is temporarily taking actions to reduce the spread of the COVID-19 pandemic by holding the Board Meeting via teleconference. All Board members and staff will be participating remotely.

**To Join Zoom Meeting**

<https://zoom.us/j/99988232354?pwd=SmRIQ1BPRWZBbVhVVnhXRvprMTJlUT09>

**To join this meeting via Teleconference**

**Please dial: 1-669-900-9128**

**Meeting ID: 999 8823 2354**

**Passcode: 440149**

**Public Participation/Comment:** It is highly recommended to call in to the meeting or log in to the waiting room **at least 15 minutes** prior to the commencement of the meeting. Persons wishing to address the Board on matters not on the agenda may do so under Public Comment. Those wishing to speak on items on the agenda may do so when the item is being considered. To make a comment, please use the raise hand feature of Zoom or let the moderator know by using the chat function. You may also participate in the meeting by emailing comments to Christal@sdrp.org by 3:00 p.m. the day prior to the meeting. The subject of your e-mail should clearly state the item number you are commenting on. All comments will be e-mailed to the Board of Directors prior to the start of the meeting. If you desire to have your comment read into the record during the meeting, please note that in the e-mail subject line. Comments may be mailed to the Board, but to be considered, must be received on or before the meeting date. Written comments should be mailed to: San Dieguito River Park, 18372 Sycamore Creek Road, Escondido, CA. 92025.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact Christal Keeley at 858-674-2270. Please notify Christal at least 48 hours prior to the Board meeting.

**ROLL CALL**

Approval of the Minutes of November 18, 2022 (Page 8)

## Executive Director's Report

## Public Comments:

This portion of the agenda provides an opportunity for members of the public to address the Board on items of interest within the jurisdiction of the Board and not appearing on today's agenda. Comments relating to items on today's agenda are to be taken at the time the item is heard. Pursuant to the Brown Act, no action shall be taken by the Board on public comment items.

## DISCUSSION/ACTION

1. Approval of Resolution 22-12 Authorizing Virtual Teleconference Meetings per AB 361 (Page 8)
2. Authorization to Contract with KTU+A for Consultant Services (Page 12)
3. Update on Get-to-71 Campaign
4. Recognition of Outgoing JPA Board Members

## INFORMATION

5. Project Status Updates
  - a. Osuna Segment of CTC Trail
  - b. Reach the Beach Fairgrounds Trail
  - c. San Dieguito Lagoon Phase II Restoration (aka W-19)

6. Coordination Reports (oral)

- a. San Dieguito River Valley Conservancy
- b. Friends of the San Dieguito River Valley
- c. Volcan Mountain Foundation
- d. San Dieguito Lagoon Committee

7. Jurisdictional Status Reports (oral)

An opportunity for the Board members to report on actions taken within their jurisdictions to further the park planning process.

THE NEXT REGULAR JPA MEETING will be January 20, 2022. If you have any questions, please contact Shawna Anderson at [shawna@sdrp.org](mailto:shawna@sdrp.org) or (858) 674-2270 Ext. 13.

**SAN DIEGUITO RIVER PARK  
JOINT POWERS AUTHORITY  
Minutes of November 18, 2022**

**MEMBERS PRESENT**

Dave Grosch – Chair  
Joe LaCava – Vice Chair  
Tina Inscoe  
Greg Kazmer Alternate for Joel Anderson  
Chris Khoury  
Dwight Worden  
Dustin Fuller

**REPRESENTING**

City of Poway  
City of San Diego District 1  
City of Escondido  
County of San Diego Dist. 2  
Citizens Advisory Committee  
City of Del Mar  
22<sup>nd</sup> Agricultural District

**MEMBERS ABSENT**

Terra Lawson-Remer  
Marni von Wilpert  
Kelly Harless

**REPRESENTING**

County of San Diego Dist. 3  
City of San Diego Dist. 5  
City of Solana Beach

**VISITORS/STAFF PRESENT**

Shawna Anderson  
Christal Ames  
Wayne Brechtel  
Cheryl Goddard  
Brian Elliott  
Quinton Grounds  
Maggie Brown  
Anne Usher  
Lizzy Bendrick  
Laurel Lemarie  
Jamie Kennedy  
Jeff Barnouw

San Dieguito River Park JPA  
San Dieguito River Park JPA  
JPA Counsel  
San Dieguito River Valley Conservancy  
City of San Diego Dist 1  
City of San Diego Dist 5  
Friends of San Dieguito River Valley  
County of San Diego Dist 3  
County of San Diego  
San Dieguito Planning Group  
PUD  
Citizens Advisory Committee

**Introduction and Announcements:**

Chair Grosch convened the meeting at 11:02 a.m. A roll call was taken and a quorum of five Board Members were present to begin the meeting. Board Member LaCava entered the meeting at 11:10am.

1. **Approval of Resolution 22-11 Authorizing Remote Teleconference Meetings per AB 361**  
*Recommendation: Adopt Resolution 22-11, Authorizing Remote Teleconference Meetings*

JPA Counsel Brechtel explained the authorization of remote teleconference meetings has a firm ending date, which is the end of February 2023. This means that beginning in March in-person meetings are to be resumed.

Motion to approve Resolution 22-11 was made by Board Member Tina Inscoe and was seconded by Board Member Greg Kazmer.

**Public Comment** – no comments

Yes votes: Grosch, Inscoe, Kazmer, Khoury, Worden  
Absent: Lawson-Remer, Harless, von Wilpert, LaCava

**Approval of Minutes of October 21, 2022**

Board Member Worden made the motion to approve the Minutes of October 21, 2022. Board Member Kazmer seconded the motion.

**Public Comment** – no public comments

Yes votes: Grosch, Inscoe, Kazmer, Khoury, Worden  
Absent: Lawson-Remer, Harless, von Wilpert, LaCava

**Executive Directors Report** – Director Anderson shared various pictures and summary of events: Diane Coombs Waterfall Trail Dedication at Volcan Mountain, the unveiling of the SDRP Ranger Station sign with Southern Cal Edison, reminder of the upcoming Red Nose Run on December 3<sup>rd</sup>, Volunteer Enrichment w/UCSD and the RB Historical Society Lecture presentation. Director Anderson outlined the Boardwalk bench project funded by the Tipler Family and the Community Coastal Foundation that will be installed on November 29, 2022, with a planned private dedication ceremony with the Tipler family on December 17<sup>th</sup>. Director Anderson also outlined the tentative plan to resume in person meetings for the JPA in February or March 2023.

**Public Comment** – no public comments

**DISCUSSION/ACTION AGENDA**

**2. Update on Get-to-71 Campaign and Proposals**

Director Anderson shared the progress of the Coast to Crest Trail fundraiser, raising \$1.7M to date (85% of \$2M goal). The “quiet phase” of the campaign is ending, and the “public phase” will begin in December 2022 and continue into 2023. Anderson also updated the Board on progress made to finalize consultant teams for the trail design and engineering including timeline, interviews, and the selection criteria. A final consultant recommendation is anticipated for the December JPA Board meeting including a request for authorization to sign a contract with the selected team.

**Public Comment** – no public comment

No action was taken.

### **INFORMATION**

#### **3. Project Status Updates -**

- a. **Osuna Segment of CTC Trail -** Ms. Anderson reported that the project remains in process at the City of San Diego for a site development permit and that permit timelines are taking longer than anticipated due to longer than normal review times.
- b. **Reach the Beach Fairgrounds Trail** – Anderson reported that she met with a civil engineer and anticipates receiving a scope of work and cost proposal for an ADA trail connection design at Jimmy Durante Blvd.
- c. **San Dieguito Lagoon Phase II Restoration (aka W-19)** – Progress is continuing as anticipated.

**Public Comment** – no comments

#### **4. Coordination Reports (oral)**

- a. **San Dieguito River Valley Conservancy-** Conservancy Executive Director Cheryl Goddard summarized the results of the River Valley Fest held on November 6<sup>th</sup>, with a great turnout. A volunteer planting event was held on November 12<sup>th</sup>. Upcoming events: Yoga at the Birdwing, Walk and Talk on November 13<sup>th</sup>, and plans for 2023.
- b. **Friends of the San Dieguito River Valley-** President Maggie Brown reported that the City of San Diego Code Enforcement staff provided her with an update of Surf Cup’s property code and grading violation order, and that to-date none of Surf Cup’s correction items have been done.
- c. **Volcan Mountain Foundation** – no report
- d. **San Dieguito Lagoon Committee-** no report

5. **Jurisdictional Status Reports** – Boardmember Worden reported on the lagoon inlet dredging at the river mouth, which was, rescheduled from last year. The dredging contractor is coordinating with the City of Del Mar and work is planned for another week. Approximately 16,000 cubic yards is being removed from the inlet next to Camino Del Mar bridge and placed on the Del Mar beach, as required.

Chair Grosch adjourned the meeting at 11:54am.

DRAFT

**TO:** JPA Board

**FROM:** Staff

**SUBJECT:** Resolution 22-12 Authorizing Virtual Teleconference Meetings per AB 361

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**RECOMMENDATION:**

Adopt Resolution 22-12 to continue virtual meetings in December 2022.

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**SITUATION:**

Assembly Bill 361 amended provisions of the Ralph M. Brown Act (Cal. Gov. Code 54950 et seq.) during a state of emergency proclaimed by the Governor to provide local agencies with authority to continue holding virtual meetings after making certain findings. Resolutions approving virtual meetings pursuant to AB 361 automatically expire after 30 days unless renewed. Approval of Resolution 22-12 (Attachment 1) allows this meeting to be virtual.

**CAC RECOMMENDATION**

The CAC as a legislative body of the JPA must comply with the same Brown Act rules as the JPA Board regarding virtual meetings. Approval of Resolution 22-12 would allow the CAC to hold their January 6, 2023 meeting virtually if desired.

**FISCAL IMPACT**

This situation would not pose a fiscal impact to the JPA.

**ALTERNATIVES**

1. Adopt Resolution 22-12 approving continuation of virtual meetings for 30 days based upon a finding that as a result of the COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees.
2. Do not adopt Resolution 22-12, and instead, set a date for an in-person meeting and adjourn.



Respectfully submitted,

Shawna Anderson  
Executive Director

Attachments:

1. Draft Resolution 22-12

**RESOLUTION NO. 22-12**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY AUTHORIZING REMOTE TELECONFERENCE MEETINGS DUE TO THE DECLARED STATE EMERGENCY RESULTING FROM THE COVID-19 PANDEMIC**

**WHEREAS**, the San Dieguito River Valley Regional Open Space Joint Powers Authority (JPA) is committed to ensuring public access and participation in meetings of its legislative bodies; and

**WHEREAS**, all meetings of the JPA Board of Directors (Board of Directors) and the JPA's other legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the legislative bodies conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconference meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), during a proclaimed state of emergency, subject to specified conditions; and

**WHEREAS**, on March 4, 2020, the Governor of California issued a Proclamation declaring a state of emergency pursuant to Government Code section 8625 due to the COVID-19 pandemic that remains in effect; and

**WHEREAS**, COVID-19 can result in serious illness or death; and

**WHEREAS**, COVID-19 spreads effectively in indoor settings when multiple people are present,

**NOW, THEREFORE, THE BOARD OF DIRECTORS FOR THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY HEREBY FINDS AND RESOLVES AS FOLLOWS:**

1. The above recitations are true and correct.
2. The Board has reconsidered the circumstances of the COVID-19 pandemic state of emergency and finds that it continues to directly impact the ability of members to meet in person due to the risk of serious illness or death from the disease, and the ability of the disease to spread efficiently when multiple people are present, Board finds that meeting in person would present imminent risks to the health and safety of attendees.
3. Accordingly, the Board elects to continue holding legislative meetings telephonically pursuant to the alternative procedures authorized by Government Code section 54953(e).

4. The Executive Director is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of January 9, 2023 or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the JPA may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**PASSED AND ADOPTED** at a meeting of the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Power Authority held December 9, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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ATTEST:

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**TO:** JPA Board

**FROM:** Staff

**SUBJECT:** Consultant Agreement for Coast to Crest Trail Design

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**RECOMMENDATION:**

Approve and authorize Executive Director to sign contract with KTU+A for trail design, engineering, and environmental services for two segments of Coast to Crest Trail.

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**SUMMARY**

The joint JPA and San Dieguito River Valley Conservancy Get-to-71 fundraising campaign has raised over \$1.76 Million between June and November 2022 and will continue through the end of this year. The campaign purpose is to fund design work and a construction grant match for two long-standing gaps in the Coast to Crest Trail, the East San Pasqual and Sutherland trail segments. Your board unanimously supported the campaign strategy in March 2022 and approved a campaign MOU with the Conservancy in August 2022 and has been receiving monthly progress reports.

The two CTC Trail gaps are long and located in complex and remote areas with several challenges including existing uses (roads, agriculture, reservoir), sensitive biological and cultural resources, steep topography with several drainages that must be crossed, and access constraints. Multiple property owners (public) and stakeholders are also involved. As part of the Close the Gap project and stated in the MOU, JPA staff solicited design and engineering proposals from qualified companies for necessary technical support to design the trail segments to a “shovel-ready” stage in order to be eligible and competitive for future public construction grants.

**CONSULTANT SOLICITATION PROCESS**

JPA staff issued a Request for Proposals (RFP) in July 2022 for trail design, engineering, and environmental technical studies and support. Two separate RFPs were distributed for the two Coast to Crest Trail segments, the East San Pasqual trail segment (5 miles) and Sutherland trail segment (8 miles). The RFPs were distributed to 25 qualified landscape architecture and engineering companies and other qualified firms, advertised on LinkedIn and professional organizations, and posted on the JPA website. A well-attended pre-proposal meeting was held August 4<sup>th</sup> at each project site. The JPA received eleven qualified proposals by the proposal deadline. The solicitation process is consistent with the JPA’s procurement policy (Attachment 1).

A proposal review panel consisting of the JPA's Executive Director, Environmental Planner, and land/trails manager, and the Conservancy's Executive Director reviewed and scored the eleven proposals using a criteria scoring matrix. Criteria included:

- Demonstrates familiarity with project site characteristics and challenges
- Thoughtful project approach that considers unique site opportunities and challenges and how they might be addressed
- Scope includes collaborating with JPA staff throughout the process
- Demonstrates expertise with biological and cultural resources found in project area
- Detailed Scope of Work that meets project objectives
- Relevant qualifications of the project main point-of-contact
- Demonstrates knowledge of trail planning and recent experience with similar projects and non-urban trails
- Cost

Three consultant teams were selected for interviews held the week of November 7-10. The panel met and conferred after each step in the process and eventually determined that the KTU+A team was the most responsive and would best meet the JPA's project needs.

#### **PROJECT SCOPE OF WORK AND TIMELINE**

The following table summarizes the tasks required for each trail segment. JPA staff will work closely with the consultant team and be intimately involved in all aspects of the project.

<b>East San Pasqual Trail segment</b>	<b>Sutherland Trail segment</b>
Feasibility Study (3 options)	Identify/refine trail alignment
Select Preferred Trail Alignment	Conduct field work
Conduct surveys and field work	Technical Studies
Technical Studies	Design infrastructure components
Design infrastructure components	Public/Stakeholder Outreach
Public/Stakeholder Outreach	CEQA Documentation
CEQA Documentation	Prepare trail and bridge design plans
Prepare trail and bridge design plans	Construction Cost Estimating
Construction Cost Estimating	

It is anticipated that work will begin in January 2023 and take approximately 18 months.

#### **CONSULTANT RECOMMENDATION**

KTU+A's scope is to provide trail design, engineering and environmental studies and support services for both trail segments, develop project plans, CEQA documentation,

and construction cost estimates. KTU+A's cost proposal is \$691,251 for the East San Pasqual trail segment and \$591,955 for the Sutherland segment for a total of \$1,283,206. This cost is within the lower range of the other cost proposals received and within the JPA's project budget. The JPA's procurement policy requires JPA Board approval for professional services over \$50,000. JPA Executive Director is now conferring with KTU+A to finalize the scope details and cost.

The entire cost of the trail design work will be funded by the Get-to-71 campaign funds. JPA staff will be the project manager for all consultant work and all project invoices will be reviewed and approved before submittal to the Conservancy for reimbursement with the donor funds per the approved MOU.

It is my recommendation that your Board approve the selection of KTU+A and authorize the Executive Director to sign a time-and-materials contract with KTU+A for an amount not to exceed \$1.3M, subject to contract review and concurrence by JPA General Counsel.

Respectfully submitted,

Shawna Anderson  
Executive Director

Attachment 1: JPA Procurement Policy

**Policy No. P18-03**

**SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS  
AUTHORITY**

**PROCUREMENT POLICY**

**1. Purpose**

The purpose of this Policy is to establish the requirements and procedures for the procurement of all goods and services required by the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA). To the extent not covered by this Policy, state laws governing procurement and contracting by the County of San Diego shall apply to the JPA.

**2. Policy**

It is the Policy of the JPA that:

- 2.1. JPA shall procure required goods and services commensurate with acceptable quality at the lowest possible cost.
- 2.2. Appropriate internal financial controls shall be exercised over all procurements.
- 2.3. No procurement shall be authorized unless sufficient funds have been appropriated pursuant to JPA's budgetary processes.
- 2.4. The Executive Director shall implement this Policy and to ensure that the procurement of all goods and services are properly documented and conform to this Policy.
- 2.5. The Executive Director may, at his/her discretion, delegate duties under this Policy.
- 2.6. The Board of Directors may, at its sole discretion, waive all or any part of this Policy, unless such waiver is prohibited by State or Federal Law.

**3. Duties and Definitions**

- 3.1 Purchasing Agent: For purposes of the California Public Contract Code (Public Contract Code), the Executive Director is the designated Purchasing Agent for the JPA.
- 3.2 Managers: For the purposes of this Policy, the following JPA Staff have a high level of accountability for purchasing oversight and project level or line item budget tracking):
  - Office Manager
  - Principal Planner
  - Resources and Trails Manager
  - Senior Ranger/Trails Manager

- Manager of Interpretation and Outreach

3.3 Professional Services: For purposes of this Policy, Professional Services are services that are specialized in nature and do not include the physical construction or maintenance of JPA buildings and structures or the physical installation and maintenance of JPA equipment. Services in this category include engineering, design, architectural services, biological and environmental consultants, public information services, financial services, strategic planning services and legal services. Other similar services would also be part of this category.

3.4 Staff: All employees and contract labor supervised by Managers or the Executive Director are accountable for purchases within their authority level and for adhering to proper approvals as outlined in this Policy.

#### **4. Open Market Procurement of Materials, Supplies, Equipment (\$5,000 or less) and Professional Services (\$25,000 or less).**

The Executive Director is authorized to purchase materials, supplies and equipment up to an amount for each purchase that does not exceed \$5,000.00 and contract for Professional Services up to an amount that does not exceed \$25,000.00, without a competitive bid process. Such purchases shall comply with the terms of this Policy, and the Executive Director shall make reasonable efforts to secure goods of suitable quality or, in the case of services, the best qualified consultant, at the lowest possible cost and shall document such procurements as appropriate.

#### **5. Informal Procurement of Materials, Supplies and Equipment (\$5,001 to \$50,000)**

Materials, supplies and equipment up to an amount for each purchase that that is greater than \$5,000.00 and less than \$50,000.00 shall be procured through an informal, competitive bid process which shall include, as a minimum:

5.1 Specifications: An appropriately detailed request for quote with specification of the items to be procured, considering the value, availability and technical complexity of the items to be procured ("Request for Quote").

5.2 Request for Quote Distribution and Evaluation: Unless impracticable, JPA shall distribute the Request for Quote to at least three (3) suppliers and evaluate the responses received to determine the lowest responsive and responsible quote that meets or exceeds the Request for Quote specifications.

5.3 Quote Documentation: The JPA shall document the quotes received and the results of the evaluation. If less than three (3) quotes were received and evaluated, a brief explanatory statement will be provided.

5.4 Award: The Executive Director shall award the procurement to the lowest responsive and responsible bidder if the total dollar cost of the procurement is \$25,000 or less. If the total dollar cost of the procurement is \$25,000.01 or more, the purchase must be approved by the Board of Directors.

5.5 Delegation of Authority to Award: The Executive Director may delegate his or her authority to award procurements by administrative procedure specifically identifying such delegates and the dollar limit of each delegate's authority.



- 5.6 Documentation of Award. The Executive Director shall establish a contract file that contains the Request for Quote documentation per Sections 5.1 through 5.5 of this Policy, signed contract and any additional documents prescribed by administrative procedure.

Nothing in this Policy shall prohibit staff from utilizing a formal bid process if deemed to be in the best interest of the JPA.

## **6. Informal Procurement of Professional Services (\$25,000.01 to \$50,000):**

Professional Services at a cost for each contract that is greater than \$25,000.00 and less than \$50,000.00 may be procured through an informal, competitive bid process which shall include, as a minimum:

- 6.1 Request for Proposal (RFP). The RFP shall include an appropriately detailed Scope of Work considering the value availability and technical complexity of the services to be procured,
- 6.2 RFP Distribution and Evaluation. Whenever possible, dependent on the services required, JPA shall distribute the RFP to three or more candidates and obtain and evaluate at least three (3) proposals. If less than three (3) proposals were evaluated, a brief explanatory statement shall be included in the file for the matter. The Executive Director will determine the best qualified proposer based on professional competency and their ability to satisfy the Scope of Work.
- 6.3 Negotiations. The Executive Director shall negotiate with the best qualified proposer. If the Executive Director is unable to successfully complete such negotiations, the Executive Director shall negotiate with the remaining proposers, in the order that their proposals are most beneficial to JPA, until negotiations are successfully completed.
- 6.4 Coordination, Review and Approval. The Executive Director will assign staff and, if necessary, JPA Counsel to generate a contract or related documents. All informal procurements for services will require a written contract.
- 6.5 Award. The Executive Director shall recommend that the Board of Directors award the contract to the best qualified firm with whom JPA successfully completed negotiations. The Board shall award procurements of services with a total dollar cost from \$25,000.01 to \$50,000.00.
- 6.6 Documentation of Award. The Executive Director shall establish a contract file that contains the RFP documentation per Sections 6.1 through 6.5 of this Policy, signed contract and any additional documents prescribed by administrative procedure.

Nothing in this Policy shall prohibit staff from utilizing a formal bid process if deemed to be in the best interest of the JPA.

## **7. Formal Procurement of Materials, Supplies and Equipment (\$50,000.01 and over)**

Formal Procurement of Materials, Supplies and Equipment shall comply with the Informal Procurement requirements of this Policy, and in addition, include a formal bid process that meets the following standards:

- 7.1. Formal Bid Process and Request for Sealed Bids (RFB). In addition to the requirements for Informal Procurements, the formal procurement process shall include a formal bid process and request for Sealed Bids.
- 7.2. Public Notice. Public Notice Inviting Bids for a RFB must be published in a newspaper of general circulation at least ten (10) days prior to the bid opening date.
- 7.3. Bid Opening. All sealed bids are opened in public and apparent low bidder is identified at the bid opening.
- 7.4. Bid Evaluation. After the bid opening, all bids will be evaluated to ensure compliance with the bid specifications and for acceptable quality to determine the lowest responsive and responsible bidder. All bids and bid information shall be public unless otherwise specified in the bid specifications.
- 7.5. Award. All sealed bid procurements shall be awarded to the lowest responsive and responsible bidder who meets or exceeds the specifications of the RFB. All formal procurements must be approved by the Board of Directors.

## **8. Formal Procurement of Professional Services (\$50,000.01 and over)**

Formal Procurement of Professional Services shall comply with the Informal Procurement requirements of this Policy, and in addition, include a formal bid process that meets the following standards:

- 8.1. Formal Request for Proposals (RFP) and Request for Qualifications (RFQ). The Executive Director shall prepare an RFP and/or RFQ for the required services.
- 8.2. RFP. An RFP may be used alone or in conjunction with an RFQ and shall include:
  - A detailed Scope of Work itemizing the services required,
  - Proposed schedule,
  - Preliminary criteria upon which proposals shall be evaluated,
- 8.3. RFQ. RFQs may be used alone or in conjunction with an RFP. RFQs shall request submission of a Statement of Qualification (SOQ) to establish the professional competency and capability of each firm to perform and satisfy the project's Scope of Work. Once Statements of Qualifications (SOQ) are received from interested firms, the Executive Director, or a panel of evaluators selected by the Executive Director, will determine which firms, in his or her opinion, are best qualified to meet the Scope of Work identified in the RFQ. The Executive Director shall identify at least three (3) qualified firms, when feasible, and if applicable, evaluate their RFPs. If the RFQ did not include a request for RFPs, the Executive Director may request that the qualified firms submit proposals for evaluation.
- 8.4. Public Notice. Public notice of the RFP/RFQ must be published in a newspaper of general circulation at least ten (10) days prior to the proposal / Statement of Qualification (SOQ) due date.

- 8.5. Proposal Evaluation. Pursuant to the criteria established for that RFP and any additional criteria necessary and appropriate to advance the best interests of the JPA, the Executive Director, or a panel of evaluators selected by the Executive Director, shall review each proposal and may interview each firm to determine an ordinal ranking of the proposing firms. The ranking will be primarily based on the professional competency of the firms.
- 8.6. Negotiation. The Executive Director shall enter into negotiations with the top ranked firm to establish the contract price and fees. If a fair price cannot be reached with the top ranked firm, then that firm shall be eliminated from consideration and negotiations shall be initiated with the next highest ranked firm.
- 8.7. Award. All formal procurements for services must be approved by the Board of Directors.

## **9. Alteration and Repair Work on JPA Owned Buildings and Improvements.**

- 9.1 The Executive Director is authorized to enter into contracts for the alteration or repair of JPA owned buildings and improvements up to an amount for each contract that does not exceed a combined total of \$25,000.00 for materials and labor, without a competitive bid process.
- 9.2 The Board of Directors may approve Contracts for the alteration or repair of JPA owned buildings and improvements that have a combined amount that is greater than \$25,000.00 and does not exceed \$50,000.00.
- 9.3 The JPA shall make reasonable efforts to secure goods of suitable quality or, in the case of services, the best qualified contractor, at the lowest possible cost and shall document such procurements as appropriate.
- 9.4 Contracts for alteration or repair of JPA owned buildings and improvements that exceed \$50,000.00 shall comply with the bidding and contract requirements set forth in California Public Contract Code and be approved by the Board of Directors.

## **10. New Public Works**

- 10.1 The Executive Director is authorized to enter into contracts for new public works, as defined by the California Public Contract Code, up to an amount for each project that does not exceed \$3,500.00 for materials and \$6,500.00 for labor without a competitive bid process. The Executive Director shall make reasonable efforts to secure materials and services from the best qualified contractors, at the lowest possible cost and shall document such procurements as appropriate.
- 10.2 Contracts for new public works that exceed \$3,500.00 for materials or \$6,500.00 for labor shall comply with the bidding and contract requirements set forth in California Public Contract Code. Subject to compliance with the Public Contract Code, the Executive Director may approve contracts for new public works in an amount that does not exceed \$25,000.00. All other new public works contracts must be approved by the Board of Directors.

## **11. Emergencies and Exceptions**

The following exceptions shall apply to the foregoing bidding procedures. When an exception applies, supplies, equipment and/or services may be purchased following whatever procedures are determined necessary under the circumstances as determined by the Executive Director, at his or her discretion.

### **11.1 Sole Source Procurement**

- A. In certain instances, goods and services may be obtained from only one vendor due to unique circumstances. These circumstances include:
- The good or service is of such a unique, proprietary or technical nature that it is only manufactured or provided by a single vendor.
  - The good or service must match or be compatible with other goods or service, currently in use by JPA, obtained from a certain vendor. In this instance, it must be demonstrated that the matching or compatible good or service can only be supplied by this same vendor.
  - When the procurement is for services from a provider with unique knowledge, skill, or ability not available from other sources.
- B. All sole source purchases for goods over \$5,000 and sole source procurements for services over \$25,000 require a written explanation justifying the sole source procurement under this Policy.
- C. Sole source procurements shall comply with all award threshold requirements set forth in this Policy.

### **11.2 No Competitive Advantage**

Competitive bidding can be waived if the Executive Director, for work within his or her authority, or Board of Directors, for all other work, make written findings that bidding would not be in the public interest and that no competitive advantage would be gained by soliciting bids. Examples of work that could qualify, include, but are not limited to, work performed by non-profit organizations, such as the California Conservation Corps, potential loss of funding due to delays resulting from the bidding process or legal or contractual requirements that limit use of specified funds. Findings must describe the benefits of the proposed contract and why no competitive advantage would be gained by soliciting bids.

### **11.3 Emergency**

If an emergency arises and there is insufficient time to comply with the otherwise applicable procurement procedures, an exception shall apply. An emergency may be determined by the Executive Director if there is no time for a Board meeting; otherwise a finding of emergency shall be made by the Board. If the Executive Director determines an emergency existed and the procurement exceeded his or her approval authority as established in this Policy, the actions taken shall be reported to the Board of Directors at its next regular meeting.

## 12. Additional Options and Limitations

- 12.1 Rejection of Bids/Proposals. The Executive Director or Board of Directors, at their discretion, may reject any and all bids or proposals / SOQs and proceed pursuant to this Policy.
- 12.2 Continuing Services. Where a vendor or firm has satisfactorily completed one phase in the development of a project and the Executive Director, or as may be required by this Policy, the Board of Directors, determines that it is in the best interest to retain this vendor or firm for a subsequent phase of work, the Executive Director, or his designee, shall be authorized to proceed directly with the negotiations for compensation with this entity. If required by this Policy, the Board of Directors shall approve the resulting contract or amendment. In the event that a fair price cannot be reached, then the appropriate procurement requirements set forth in this Policy shall apply.
- 12.3 Governing Law. Nothing in this Policy is intended nor shall be deemed to supersede any applicable State or Federal laws.

The policy was adopted at the JPA Board meeting on April 20, 2018

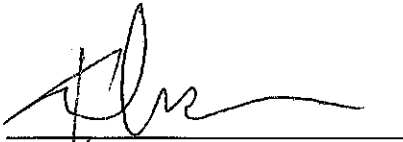
Motion: Jacob

Second: Barnouw

Vote: Yes – Grosch, Jacob, Worden, Barnouw, Hegenauer, Bry, Kersey

Absent – Gaspar, Diaz

Attest:



Kevin McKernan  
Executive Director