

Memorandum

Date: October 22, 2024
To: Board of Directors
From: Kellyx Nelson
Re: Recommendation to approve a minor change to the Procurement and Subaward Policy

Staff recommends the board of directors approve a minor change to the Procurement and Subaward Policy (found on our website [here](#)) that was adopted May 18, 2024. The adopted Policy establishes the RCD's requirements for subawards and the procurement of services, construction contracts and materials and supplies. It is consistent with the California Public Contracting Code (§1100-22355).

The change provides helpful clarity for the RCD's competitive informal bid processes for construction services by including language concerning the review and award of bids that applies to all competitive bid processes (i.e. formal and informal) for construction but was inadvertently left out of this section (4.3.6 Competitive Informal Bid Process) in the adopted Policy. Although the omission of this language has not affected the application of the bid process policies, it has caused some confusion for RCD staff that can be avoided going forward. The language to be added (shown below) is the same as in section 4.3.5. Competitive Formal Bid Process in the adopted Policy.

The District reserves the right to waive irregularities relative to the responsiveness of any bid, so long as they do not give competitive advantage.

The District may reject any bids presented because bids exceed available funding, the bids are non-responsive and/or deemed not responsible. In such cases, the District shall have the option of pursuing any the following: select an alternate bidder under the same procurement, abandon the project, revise the scope of work and/or specifications and readvertise for bids in the manner described by this policy.

If a construction contract is awarded, it shall be awarded to the lowest-cost, responsive and responsible bidder, except as otherwise provided herein.

If no bids are received through the formal bid procedure, the project may be performed by negotiated contract without further complying with this policy.