



Procurement Procedures For Construction Services

Following are the procurement procedures used by the Marin Resource Conservation District (MRCD) for the acquisition of construction services. The MRCD uses one of six methods to solicit construction services depending on the circumstances of the work. These are:

- 1) Conservation Corps /Interagency Projects,
- 2) Construction valued at less than \$25,000.00,
- 3) Construction valued between \$25,000.00 and \$50,000.00, and
- 4) Construction valued above \$50,000.00
- 5) Construction for fencing projects,
- 6) Landowner Subgrant Agreement

1. Conservation Corps /Interagency Projects

This procedure applies specifically to the Conservation Corps North Bay (CCNB), a nonprofit corporation, and any local, state or federal agency constructing erosion control and natural resource restoration projects.

The MRCD recognizes that the CCNB, a private nonprofit corporation, makes a unique contribution to the Marin County public by contributing to the development of youth and young adults through training and employing them in conservation projects.

The MRCD frequently sponsors projects, which lend themselves well to construction by youth conservation corps crews. When such a project or series of projects is ready for construction, the MRCD Board may, at its sole discretion, solicit a proposal from the CCNB.

The MRCD sponsors projects on local, state or federal lands and works with partner agencies to complete such projects. When such a project or series of projects is ready for construction, the MRCD Board may, at its sole discretion, solicit a proposal from a partner agency.

The Board may negotiate with CCNB or a partner agency about, and/or reject, any construction proposal it receives from CCNB or the partner agency. The Board may also choose, but is not obligated to solicit construction services from private for-profit construction firms for any project.

2. Construction valued at less than \$25,000.00.

This procedure is for work valued at less than \$25,000.00. This procedure requires that only one acceptable proposer be found. The MRCD Board may reject any and all proposals received.

- A. A project description, plans, specifications and related drawings, including earliest start and latest completion dates, will be prepared. An engineer's cost estimate is prepared separately.
- B. The project manager may solicit an interested contractor who is credited as competent and qualified to complete the project as specified. A Contractor will be solicited for a proposal using the following guidelines:
 - 1) Low bidders in the current year
 - 2) Low bidders in past years
 - 3) Contractors who have submitted bids in the current year
 - 4) Contractors who have submitted bids in prior years

The project manager will seek a contractor in good standing and with whom the MRCD has a good working relationship.

- C. The manager will send the project description, plans, specifications and related drawings to the contractor for examination prior to a site visit.
- D. Typically, a site visit should occur when the project manager or an assistant can show the project site to the contractor and answer any questions. If the contractor wishes, the project designer may attend the site visit to clarify design questions. At this time, a proposal due date shall be agreed upon. If no date is acceptable to both parties, the MRCD may solicit additional proposals.
- E. The contractor shall submit a written cost proposal to complete the project as specified, attached to a signed copy of the project specifications. If the contractor's proposal is accepted, it will be attached to the MRCD contract form and will become a part of the contract.
- F. If the contractor's cost proposal is greater than 125% of the engineer's cost estimate, a second proposal should be solicited. This is not required, however, if time is insufficient or additional information comes to light to explain the unexpected cost.

- G. If the contractor's proposal is not greater than 125% of the engineer's estimate, the contractor's proposal may be accepted and a contract executed.
- H. If the contractor's proposal is greater than \$25,000.00, the proposal shall be rejected and a competitive procedure shall be used, unless an emergency would develop.

3. Competitive Procedure, Construction Valued Between \$25,000 and \$50,000

A competitive procedure shall be used for proposals on projects valued between \$25,000 and \$50,000. The Board seeks to receive at least two proposals for projects in this size range.

Advertising is not required. The MRCD may reject any and all proposals received.

- A. A request for bids package, which includes a project description, plans, specifications and related drawings, the contract form, earliest start and latest completion dates, a cost proposal form, a proposal due date, and a site visit date, is prepared. An engineer's cost estimate is prepared separately.
- B. The project manager will solicit proposals from two or more interested contractors who are credited as competent and qualified to complete the project as specified.
- C. The manager will send the request for bids to each interested contractor for examination at least 5 days prior to the site tour.
- D. All interested contractors are encouraged to attend the site visit, at which time the project manager or an assistant can show the project site to contractors and answer any questions. At the manager's discretion, the project designer may attend the site visit to clarify design questions.
- E. Each interested contractor shall use the cost proposal form for their proposal and return it with a signed copy of the request for bids prior to the proposal due time. If a contractor's proposal is accepted, it will be attached to the MRCD contract form and will become a part of the contract. The MRCD will accept the proposal, which is of the greatest advantage to the MRCD. However, the MRCD has the right to reject any and all proposals.
- F. If the most advantageous proposal is greater than \$50,000, all proposals shall be rejected and a new request for bids shall be issued using the competitive procedure for projects over \$50,000, unless an emergency would develop.

4. Competitive Procedure, Construction Valued above \$50,000

Following is a competitive procedure for proposals on projects valued above \$50,000. The Board seeks, but is not required, to receive at least two proposals for projects in this size range. Advertising is required. Performance bonding is required. The MRCD may reject any and all proposals received.

- A. A request for bids package, which includes a project description, plans, specifications and related drawings, a copy of the contract form, a cost proposal form, earliest start and latest completion dates, a proposal due date, and a site visit date, is prepared. An engineer's cost estimate is prepared separately.
- B. The project manager will maintain a mailing list of interested contractors who are credited as competent and qualified.
- C. The manager will send the request for bids to each contractor on the mailing list at least 10 days prior to the site tour. Any licensed contractor who contacts the manager may receive the RFB. The manager will also send the RFB to the Marin Builders Exchange at least 15 days prior to the scheduled site visit.
- D. All interested contractors are encouraged to attend the site visit, at which time the project designer will be available to answer questions.
- E. Each interested contractor shall use the cost proposal form for their proposals and return it with a signed copy of the request for bids prior to the proposal due time. If a contractor's proposal is accepted, it will be attached to the MRCD contract form and will become a part of the contract. The MRCD will accept the proposal, which is of the greatest advantage to the MRCD. However, the MRCD has the right to reject any and all proposals.

5. Construction for fencing projects.

This procedure applies to fencing projects for the purpose of livestock management or exclusion.

- A. Projects valued at less than \$10,000.00 may proceed under the solicitation and responsibility of the Landowner. The Landowner may construct the project using their own resources or solicit the services of a fencing contractor at their discretion. When acquiring the services of a fencing contractor, the Landowner is responsible for ensuring the contractor is properly licensed and insured.
 - 1) Landowner shall submit a cost estimate for the work including materials, supplies and labor.
 - 2) The MRCD shall review the cost estimate and may remove the project from the Landowner if the cost estimate is unacceptable to the MRCD. If the MRCD removes the project, the MRCD shall solicit a contractor to perform the work.
- B. Projects valued over \$10,000 and are solicited by the Landowner will require two bids. Bids shall be presented to the MRCD Board with a recommendation from the landowner. MRCD Board shall consider bids and recommendations prior to selecting a contractor. The MRCD Board may reject any and all proposals received. The

Landowner is responsible for ensuring the contractor is properly licensed and insured.

- C. Projects valued over \$10,000 may proceed under the responsibility of the Landowner. The Landowner may construct the project. Landowner shall submit a cost estimate for the work including materials, supplies and labor. The MRCD shall review the cost estimate and may remove the project from the Landowner if the cost estimate is unacceptable to the MRCD. If the MRCD removes the project from the landowner, procurement procedures may proceed as stated in 5B or 5D of this section.
- D. Projects valued over \$10,000 and are solicited by the MRCD will require two bids. Bids shall be presented to the MRCD Board prior to contractor approval. The MRCD may reject any and all proposals received. MRCD is responsible for ensuring the contractor is properly licensed and insured.

6. Landowner Subgrant Agreement:

Landowner subgrant agreements allow for reimbursement to landowners for specific project-related expenses as long as the identified goal is achieved. This section is superseded by method 5 which shall be used for all fence related projects.

Landowners may perform specific work on their own or they may secure the services of a contractor. A landowner agreement will serve as a binding agreement between MRCD and the landowner. This method is appropriate under the following conditions: Single private ownership; a simple project under \$50,000; lack of control by MRCD over contractor is suitable in light of low-risk nature of the work; volunteer-based; landowner able to pay contractor & wait for reimbursement; educational/outreach value in landowner involvement; minimal permitting; landowner is licensed contractor OR ensures subcontractors are licensed and insured; technically approved by MRCD, and ready for implementation; grant funding agencies allow for this type of subgrant; minimal public controversy.

- A. Should the Landowner wish to perform the work on his/her own, Landowner shall submit a cost estimate for the work including materials, supplies and labor.
 - 1) The MRCD shall review the cost estimate and may remove the project from the Landowner if the cost estimate is unacceptable to the MRCD. If the MRCD removes the project, the MRCD shall solicit a contractor to perform the work.

- B. Should Landowner desire to secure the services of a Contractor, Landowner shall require the Contractor to submit a cost estimate for the work including materials, supplies and labor. Landowner shall submit this cost estimate to the MRCD.
- 1) The MRCD shall review the cost estimate and may remove the project from the Landowner and Contractor if the cost estimate is unacceptable to the MRCD. If the MRCD removes the project, the MRCD shall solicit a contractor to perform the work.

Additional Provisions

The provisions of Chapter 1, Part 7, of the California Labor Code, with respect to wages, hours, discrimination and worker's compensation benefits shall be applicable to all construction contracts entered into by this district. Contractors and proposed contractors are expected to familiarize themselves with these provisions.

In the event of a determination of emergency conditions by the Board of the District, the provisions herein shall not apply.

In the event that no bids are received for methods 3 and 4 stated above, the MRCD may solicit the services of any contractor who is credited, competent and qualified to perform the work.