



PLEASANT VALLEY RECREATION & PARK DISTRICT

PURCHASING POLICY Board Approved June 1, 2022

POLICY

PURPOSE

This policy shall be known as the Purchasing Policy, effective upon adoption, and may be cited as such. Its purposes are to establish policies and procedures for the purchase of supplies, equipment, and related services at the lowest possible cost commensurate with the quality needed; exercise positive financial control over purchases; review and authorize those items contained within the scope of Public Contract Code § 20815.1 et seq. which are in excess of \$25,000, prior to efforts by District staff to initiate acquisition of such items; and clearly define authority for the purchasing function:

PART I DEFINITIONS

The definitions given in this section shall be used in the interpretation of this Policy unless another meaning for the word is apparent from the context:

- a. "Board" means the District Board of Directors.
- b. "District" means the Pleasant Valley Recreation & Park District.
- c. "Emergency" means circumstances or conditions that pose, an immediate threat to public health, welfare, or safety as determined by the General Manager in which little or no time exists to seek Board action or approval, if otherwise such action or approval were required.
- d. "General Manager" means the Pleasant Valley Recreation & Park District General Manager as designated by the District Board of Directors.
- e. "Impossible" means actual impossibility or extremely and unreasonably difficult or expensive.
- f. "Impractical" means incapable of being adequately or reasonably performed by the bid procedure.
- g. "Incongruous" means not suitable or compatible with the bid procedure.
- h. "Negotiated Procurement" means any contract awarded as a result of negotiations rather than competitive bids.

Public Contracts Code 20815.1 says:

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- (a) All contracts for new construction estimated to cost in excess of twenty-five thousand dollars (\$25,000) shall be let to the lowest responsible bidder after competitive bidding
 - (b) All contracts for alterations, maintenance, or repairs estimated to cost in excess of twenty-five thousand dollars (\$25,000) shall be let to the lowest responsible bidder after competitive bidding.
 - (c) All contracts for materials and supplies not related to new construction, alterations, maintenance, or repairs estimated to cost in excess of twenty-five thousand dollars (\$25,000) shall be let to the lowest responsible bidder after competitive bidding.
 - (d) A district may purchase in the open market without calling for bids, materials and supplies estimated to cost less than twenty-five thousand (\$25,000) for use in the work either under contract or by force account.
- i. "Purchase" includes buying or paying in full for an item or service, rental of equipment or lease of equipment.
 - j. "Supplies, equipment, and related services" means all supplies, equipment, and services generally referred to as part of the services and supplies and/or fixed assets series in the District expense accounts, including those expenses related to the maintenance and servicing of District equipment and property.

ADMINISTRATION RULES AND PROCEDURES

The General Manager shall issue and enforce such administrative rules and procedures as required and necessary to carry out the intent and purposes of this Policy. Among these shall be a prohibition against "splitting" orders to avoid established purchasing or contracting requirements.

GENERAL MANAGER

The General Manager shall have authority to:

- a. Purchase or contract for supplies, equipment and related services, projects and other items required by the District in accordance with the purchasing policies set forth in this Policy, and such administrative rules and procedures as shall be issued by the General Manager from time to time;
- b. Negotiate and recommend the execution of contracts for the purchase of supplies, equipment, & related services; and other projects and items as set forth in this Policy;
- c. Act to procure the needed quality in supplies, equipment, related services and other projects and items at the least overall expense to the District;
- d. Endeavor to obtain as full and open competition as reasonable on purchases;



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- e. Prepare, update, and implement rules and procedures governing the purchasing of supplies, equipment, and related services and other projects and items for the District;
- f. Keep informed of current developments in the field of purchasing as well as prices, market conditions, and new products;
- g. Prescribe and maintain such records as are reasonably necessary to document compliance with the provisions of this Policy and other administrative rules and regulations;
- h. Maintain records needed for efficient operation of the purchasing function.

PART II AUTHORIZATION TO PURCHASE SUPPLIES, EQUIPMENT AND RELATED SERVICES

AUTHORIZATION BY BOARD OF DIRECTORS

The Board of Directors must specifically authorize the purchase of any supplies, equipment, or related services having an estimated value greater than \$25,000. For those projects and items in excess of \$25,000 and subject to Public Contract Code § 20815.1 et seq., the Board in accordance with Section 501 must first authorize District staff to initiate acquisition as specified in Sections 301 through 304 herein.

SPECIFIC AUTHORIZATION FOR GENERAL MANGER TO PURCHASE

Purchase of any supplies, equipment or related services having an estimated value of \$25,000 or less may be authorized by the General Manager without prior authorization from the Board of Directors. The General Manager shall require that such purchases or contracts be made in conformance with this policy, and the General Manager may further require periodic reports from District employees regarding purchases and contracts made under such authorization.

PURCHASING THRESHOLDS

Purchases up to \$5,000: The authority to award is vested with the Department Manager or General Manager. Comparative pricing is not required but must be used when practical. Prudent judgment must be used at all times. All departments may purchase goods, equipment and services up to \$5,000 without competitive bidding.

Purchases over \$5,000 and up to \$25,000: The authority to award is the General Manager. All departments must endeavor to obtain three (3) written bids.



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Purchases over \$25,000.00: The authority to award is vested with the Board of Directors after formal bid process.

SOLE SOURCE PURCHASES

Unique goods, equipment and services that can be obtained from only one vendor, or one distributor authorized to sell in this area, with singular characteristics or performance capabilities or which have specific compatibility components with existing District products are exempt from the competitive bidding requirement and are deemed sole source purchases. Sole source purchases may include proprietary items sold direct from the manufacturer. Proprietary items are those held under exclusive title, trademark or copyright by a private person or company. A proprietary distributorship would also apply.

Specifications which lead to sole source purchases must be avoided whenever possible as they minimize or eliminate competition, unless warranted by the circumstance in the preceding paragraph.

Use of brand names in a specification must be for the purpose of describing the standard of quality, performance, and characteristics the District desires and not be intended to limit or restrict competition and should be followed by the phrase “or equal”.

All sole source purchases must include written documentation supporting the determination of a sole source, signed by the General Manager and the Department Manager.

Purchasing thresholds referenced in the “Purchasing Thresholds” section apply to sole source purchases.

URGENCY PURCHASES

Urgency purchases may be made without competitive bidding when time is of the essence, and must be made only for the following reasons:

- a. To preserve or protect life, health, or property: or
- b. Upon natural disaster: or
- c. To forestall a shutdown of essential public services: or
- d. For reasons determined by the General Manager.

Since urgency purchases do not normally provide the District an opportunity to obtain competitive quotes or properly encumber funds, sound judgement shall be used in keeping such purchases to an absolute minimum.



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The Board of Directors delegates authority to the General Manager to authorize urgency purchases. Anytime the total cost exceeds \$25,000 in the aggregate for a single urgency purchase, Board of Directors ratification is required within 30 days.

SELECTION OF CONSULTANTS FOR PROFESSIONAL SERVICES FOR CONTINUING SERVICES

Professional consultants providing auditing, engineering, environmental, landscape architecture or other similar services may be retained on a contractual basis to provide professional services. The Department Manager, with the approval of the General Manager, may contract on a project-by-project or on a retainer basis for additional work/services without going through RFP (Request for Proposal) and selection process. At least every three (3) to five (5) years, these arrangements must be reviewed, and every effort must be made to receive proposals from at least (3) consultants to perform the same services. This is to ensure the District is receiving the best value for, and performance level of, services contracted.

If every effort has been made to obtain (3) three or more bids staff can make a recommendation to the Board of Directors to move forward with the Proposal or Proposals that were submitted that meet the requirements of the District.

ENCUMBRANCE OF FUNDS

Except in cases of emergency, no contract or purchase order shall be issued for supplies, equipment or related services unless there exists an unencumbered appropriation against which the current fiscal year's portion of such purchase is to be charged, or unless authorized by the Board.

PART III - PURCHASE OF SUPPLIES, EQUIPMENT, AND RELATED SERVICES; AND CONTRACTS SUBJECT TO PUBLIC CONTRACT CODE § 20815.1(a) ET SEQ.

FORMAL BIDDING PROCEDURES

Except as otherwise provided in this Policy, the following formal bidding procedures shall apply to purchases of supplies, equipment and related services, and those contracts subject to the provisions of Public Contract Code § 20815.1 et seq., having an estimated value greater than \$25,000. Unless otherwise provided, bidding shall also comply with any applicable requirements of Public Contract Code section 20815.1 et seq.



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- a. Notice Inviting Bid. Notices inviting bids shall include 1) a general description of the supplies, equipment, or related services to be purchased or work to be performed; 2) the location where bid blanks and specifications may be secured, 3) the deadline for bid submissions, and 4) the time and place for opening bids. No bids shall be accepted after the bid submission deadline.
 - i. Published Notices. Notices inviting bids shall be published once in a local newspaper of general circulation at least seven (7) days before the date of the bid opening.
 - ii. Bidders List. The General Manager, to the extent possible, shall maintain a list of prospective suppliers offering supplies, equipment, and project and related services for purchase to the District. The General Manager shall solicit sealed bids from responsible prospective suppliers whose names are on the bidders list or who have requested their names to be added thereto, or who are otherwise known by the General Manager to be prospective suppliers.
- b. Bid Opening Procedure. Sealed bids shall be submitted to the General Manager and be identified as bids on the envelope. Such bids shall be opened in public at the time and place stated in the Notice Inviting Bid. A tabulation of all bids received shall be available for public inspection during regular business hours for a period of not less than fifteen (15) calendar days after the bid opening.
- c. Award of Bids. Bids shall be awarded to the lowest responsible and responsive bidder provided that as allowed by law, the Board in its sole discretion may give consideration to factors other than price (for example, product quality and ability to meet District requirements) when such factors are identified in District specifications or are related to availability of merchandise or relevant administrative considerations. In such instances, the Board may award bids to other than the lowest responsible and responsive bidder. In adopting this Policy, it is the intent of the Board that the District not be held to the extent of statutory provisions and judicial interpretations.
- d. Tie Bids. If two (2) or more bids received are for the same total amount or unit price, quality and service being equal, and if, in the Board's discretion, the public interest will not permit the delay of re-advertising for bids, the Board may accept whichever bid it chooses or accept the lowest bid by negotiation with the bidders at the time of its next regularly-scheduled meeting.
- e. Rejection of Bids. At its discretion, the Board may reject any and all bids presented and re-advertise for bids. The Board may also waive any and all irregularities in any bid. The Board may also, by four fifths vote, elect to purchase materials or supplies in the open market, or elect to construct the building, structure or improvement by force account, in a manner authorized by Public Contract Code §20815.3.
- f. Bid Protest – Any party that submitted a bid for the Project may file a protest regarding the purchasing decision authorized.

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- i. Notice of Decision: After a decision regarding a bid award has been made, the District will post a notice of intended award on the District website. If a bidder is rejected because the bid is found non-responsive or because the bidder is deemed not responsible, the District will give written notice to said bidder of evidence reflecting such decision.
- ii. Time to File Protest: All protests must be submitted to the District's Clerk of the Board by email within five (5) business days from the date on the notice of intended award.
- iii. Form of Protest: All protests must be in writing, state the factual basis for the protest, state the facts relevant to the protest, and all evidentiary support to rebut adverse evidence that it or another bidder was either non-responsive or not responsible. All protests have to be filed in accordance with the instructions contained in the Notice Inviting Bid.
- iv. Protest Review: The Department Manger will review all timely protests and recommend that the General Manager or Board of Directors, either reject the protest and award to the responsible and responsive bidder or accept the protest and award the bid to the next responsible and responsive bidder.
- v. Hearing on Protest: A hearing will be set within a reasonable time to provide a decision before final approval of the selected low bid.
- vi. Appeal of General Manager's Decision to Board of Directors: Such appeals can either be in writing or email and must filed with the Clerk of the Board within five (5) business days from the date of the General Manager's decision.
- vii. Failure to Timely Appeal: A bidder who fails to file a protest or appeal within the times set forth in this section waives any right to protest the issue further. No appeal of any once the contract with awarded bidder has been issued.

EXEMPTIONS FROM BIDDING:

- a. Legal Services
 - i. Anything related to existing or threatened litigation
 - ii. Anything that protects attorney-client privileged records or discussion
- b. Anything relating to a confidential on-going investigation and other confidential police business
- c. Advertising (airtime/newspaper/magazine ad space, not advertising agencies or design services)
- d. Government printed publications
- e. Subscriptions to publications
- f. Travel payments made directly to hotels, motels, airlines or for other transportation
- g. Insurance and claim settlements



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- h. Legal brief printing and transcription
- i. Membership to professional organizations
- j. Credit card payments to a bank
- k. Contracts with other governmental entities
- l. Permit fees
- m. Postage
- n. Real Property purchases, escrow fees and lease payments
- o. Utilities
- p. Voting Materials
- q. Debt Services

INFORMATION TECHNOLOGY PURCHASES

The District recognizes that purchasing information technology on the basis of lowest purchase price alone may not always serve the best interests of the District. Therefore, to ensure hardware requirements and software compatibility, all such purchases must be reviewed by the Administrative Services Manager prior to purchase

COOPERATIVE AGREEMENTS

No provision of this Policy shall be interpreted or construed to prohibit or prevent the District from purchasing supplies, equipment or related services by contracts or arrangements for cooperative purchasing with the State of California, the County of Ventura, or as otherwise authorized by Public Resources Code section 5786.15; provided, however, the contract or arrangement of such purchases shall be approved by the Board if such approval would otherwise be required.

ANNUAL CONTRACTS FOR SUPPLIES, EQUIPMENT, AND RELATED SERVICES



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No provision of this Policy shall be interpreted or construed to prohibit or prevent the District from contracting with suppliers on an annual basis to provide supplies, equipment, or related services as needed; provided, however, that normal selection procedures are used in the original supplier selection. A maximum of three annual extensions of such contracts, based on satisfactory performance documented by written evaluation, shall be allowed. Such contracts obligating the District to any payment exceeding \$25,000 per year shall be approved by the Board if such approval would otherwise be required.

CHANGE ORDERS AND AMENDMENTS

The General Manager shall be authorized to approve change orders to purchase orders for supplies, equipment, related services and projects, provided that sufficient funds have been appropriated for such expenditures or have is otherwise been approved by the Board. Unless otherwise approved by the Board, each change order for a purchase order shall not exceed ten percent of the contract and the aggregate total of all change orders for individual purchase orders shall not exceed \$15,000.

AUTHORIZATION OF PROJECTS AND ITEMS IN EXCESS OF \$25,000 SUBJECT TO THE PROVISIONS OF PUBLIC CONTRACT CODE SECTION 20815.1 ET SEQ.

Prior to the District advertising by formal bid, or entering into discussions for negotiated procurement or by other means of acquisition, for new construction, alterations, repairs, materials, or supplies in excess of \$25,000, as such projects or items are defined within the meaning of Public Contract Code section 20815.1 et seq., the Board shall first review and authorize acquisition of such projects or items notwithstanding whether such projects or items are contained in the District's current fiscal year budget.

CREDIT CARD USAGE

- A. Prescribe the internal controls for management of District credit cards.
- B. This portion of the Purchasing Policy applies to all individuals who are authorized to use District credit cards and/or who are responsible for managing credit card accounts and/or paying credit card bills.

Implementation:

Credit cards shall be issued to:

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Title of Position	Credit Card Limit	Single Purchase Limit
General Manager	\$10,000	\$4,500
Administrative Services Manager	\$10,000	\$4,500
Park Services Manager	\$10,000	\$4,500
Recreation Services Manager	\$10,000	\$4,500
Parks Supervisor(s)	\$6,000	\$2,000
Recreation Supervisor(s)	\$6,000	\$2,000
Administrative Analyst(s)	\$5,000	\$1,900
Development Analyst	\$5,000	\$1,900
Recreation Coordinator	\$3,000	\$1,800
Park Maintenance Lead Worker(s)	\$3,000	\$1,800
Irrigation Specialist	\$3,000	\$1,800
Marketing Specialist	\$3,000	\$1,800
Recreation Specialist	\$3,000	\$1,800
Mechanic	\$3,000	\$1,800
Board Member	\$2,500	\$2,500

- i. All credit card bills shall be paid timely to avoid late fees and finance charges
- ii. All credit card expenses shall be reasonable and necessary to the furtherance of District business. No personal expenses shall be charged on a District credit card. If a transaction involves both personal and District business, the employee shall pay for the transaction personally and request reimbursement by the District of the appropriate portion of the expense.
- iii. All credit card transaction shall have third-party documents (receipts) attached with the Department Manager initials and account number to expense transaction is noted on documents(s).
- iv. Credit card receipts, invoices, reimbursement, and/or documents must be turned into the Finance Division within fourteen (14) days from the closing date on the billing cycle.
- v. All credit card transaction shall be approved by the following:

Position Title Submitting Documentation	Position Title Approving Documentation
General Manager	Administrative Services Manager
Administrative Services Manager	General Manager
Park Services Manager	General Manager
Recreation Services Manager	General Manager
Park Supervisor(s)	Park Services Manager
Recreation Supervisor(s)	Recreation Services Manager

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Administrative Analyst(s)	Administrative Services Manager
Development Analyst	General Manager
Recreation Coordinator	Recreation Services Manager
Park Maintenance Lead Worker(s)	Park Services Manager
Irrigation Specialist	Park Services Manager
Marketing Specialist	Recreation Services Manager
Recreation Specialist	Recreation Services Manager
Mechanic	Park Services Manager
Board Member	General Manager

- vi. All records of the District involving credit card use, including receipts, invoices, and request for reimbursement are disclosable public records to be maintained consistently with the District's Records Retention Policy.

Purchasing Policy Update Information

Purchasing Policy Date	Purchasing Policy Resolution Number
11/6/2002	#366
7/13/2005	#393
3/2/2011	#468
6/1/2022	#713