Project:_____ Date:_____

# Created by Community Development Contra Costa County
# CDBG and HOME Programs - Procurement

***Be advised that these program requirements are <u>in addition</u> to any other procurement requirements imposed by your agency and/or other funding partners.***

<u>Construction Contractors and Subcontractors</u>

___ Competitive Sealed Bids (formal advertising)

1. The Invitation for Bid must be advertised in a local newspaper or trade publication, as well as notification given to the agencies included in Attachment A. The Invitation for Bid must identify the address of the project, where and when bid documents can be obtained; and the deadline, time and place for submission of the bid. There should be at least two weeks between advertising and bid opening.

2. The Invitation for Bid must include complete and accurate specifications and pertinent attachments, and clearly define items or services needed, including the following language:

   a. "The Contractor will use its best efforts to afford minority-owned and women-owned business enterprises the maximum practicable opportunity to participate in the construction of the project. The Contractor shall, at a minimum, notify applicable minority-owned and women-owned business firms located in Contra Costa County of bid opportunities for the project. Documentation of such notifications shall be maintained by the Contractor and made available to the County as requested."

   b. "The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965 and of the rules, regulations, and relevant orders of the Secretary of Labor. "

   c. (If the construction contract exceeds $100,000.) "The work performed on the project is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the project area, and agreements for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project."

3. Bids must be opened publicly at the time and place stated in the Invitation for Bid.

4. At least two or more responsible bids must be received. If not, Subrecipient must submit an explanation for accepting the bid.

5. Contract should be awarded to the lowest responsive and responsible bidder. (However, all bids can be rejected if there is a sound documented reason.)

6. Bid summary to be provided to County Compliance Administrator.

## Construction Contractors and Subcontractors (continued)

___ Small Purchase

1. This method may be used for contract/subcontracts less than $100,000. However, **County approval** is required to utilize this method for construction contractors/subcontractors.

2. Price or rate quotations must be obtained from an adequate number (usually three) of qualified vendors.

3. Contract should be awarded to the lowest responsive and responsible bidder.

4. Summary of bid (including all contacts and bids received) must be submitted to the County.

___ Davis Bacon Requirements - In addition to the bid language indicated above, the Invitation to Bid must include:

1. HUD Form 4010, Federal Labor Standards Provisions

2. Current Wage Determination (to be provided by the County)

3. The following statement: "This is a prevailing wage project. The attached Labor Federal Standards Provisions and Wage Decision CA___ Modification # (*fill-in appropriate decision and modification number*) apply to the work of this project."

## Architectural, Engineering and Similar Service Contractors/Subcontractors

___ Competitive Sealed Bids (formal advertising)

1. The Invitation for Bid must be advertised in at least one publication of general circulation, as well as notification given to the agencies included in Attachment A.

2. The Invitation for Bid must include complete and accurate specifications and pertinent attachments, and clearly define items or services needed, including the following language:

   a. "The Contractor will use its best efforts to afford minority-owned and women-owned business enterprises the maximum practicable opportunity to participate in the construction of the project. The Contractor shall, at a minimum, notify applicable minority-owned and women-owned business firms located in Contra Costa County of bid opportunities for the project. Documentation of such notifications shall be maintained by the Contractor and made available to the County as requested."

   b. "The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965 and of the rules, regulations, and relevant orders of the Secretary of Labor. "

3. Bids must be opened publicly at the time and place stated in the Invitation for Bid.

4. At least two or more responsible bids must be received.

5. Contract should be awarded to the lowest responsive and responsible bidder. (However, all bids can be rejected if there is a sound documented reason.)

Architectural, Engineering and Similar Service Contractors/Subcontractors (continued)

___ Small Purchase

1. This method may be used for contract/subcontracts less than $100,000.

2. Price or rate quotations must be obtained from an adequate number (usually three) of qualified vendors.

3. Contract should be awarded to the lowest responsive and responsible bidder.

___ Competitive Proposals (Request for Proposal and Request for Qualifications)

____ Request for Proposal (RFP)

1. Must be publicized and identify all evaluation factors.

2. Proposals must be solicited from an adequate number of qualified sources (usually three). All responses must be given consideration.

3. Award of contract must be the result of a technical evaluation of all proposals identifying the proposal most advantageous to the program, with price and other factors considered.

____ Request for Qualification (RFQ)

1. May be used for architectural or engineering services only.

2. Qualifications must be solicited from an adequate number of qualified sources (usually three). All responses must be given consideration.

3. Contracts are awarded based on the competitors' qualifications, and contract price is negotiated.

OTHER PROCUREMENT ISSUES:

Sole Source Procurement – This method requires **County approval** and may only be used in the following circumstances:

1. The item or service is only available from a single source.
2. A public emergency requires expedited procurement.
3. After solicitation of several sources, competition is determined to be inadequate.
4. You will need to comply with specific contract pricing requirements.

Conflict of Interest - No employee, officer or agent of the Subrecipient shall participate in selection, or in the award or administration of a contract if they (or their family) have a financial or other interest in the firm selected for award.

Unfair Competitive Advantage – If a contractor was used to develop or draft specifications, requirements, statements of work, invitations for bids, and/or requests for proposals, the contractor must be excluded from the competition for the project.

Pre-qualified Vendors/Contractors – Subrecipient may use a pre-qualified list of vendors/contractors IF the list is current, developed through open solicitation, includes adequate numbers of qualified sources, and allows entry of other firms to qualify at any time during the solicitation period.

Minority and/or Women-Owned Business – Subrecipient must take affirmative steps to assure the use of small, minority-owned, and women-owned businesses in the procurement process including:

1. Incorporate such businesses in solicitation lists;
2. Solicit such businesses when identified as a potential source;
3. Divide procurement requirements (when economically feasible) to permit maximum participation by such businesses;
4. Require contractors to take affirmative steps to select such firms when subcontracting.

Debarred/Ineligible Contractors – Contracts/subcontracts cannot be awarded to any party debarred or suspended or otherwise excluded from participation in federal assistance programs. The debarment list can be found at: www.epls.arnet.gov.

Bonding and Insurance – For contracts or subcontracts exceeding $100,000, the Subrecipient must require the following:

1. Bid guarantee (bid bond, certified check, or other negotiable instrument) from each bidder equivalent to 5% of the bid price;
2. Performance bond from the contractor/subcontractor for 100% of the contract price; and
3. Payment bond from the contractor/subcontractor for 100% of the contract price.