



**ADMINISTRATIVE AND PROGRAMMATIC
PROCUREMENT POLICIES
AND PROCEDURES MANUAL**

Updated April 2017

The purpose of the Children and Families Commission of Fresno County (the Commission) also known as The Commission Fresno County. Administrative and Programmatic Procurement Policies and Procedures Manual is to document the Commission's policies and procedures related to its purchasing of and/or contracting for goods and services. Fresno County Ordinance **99-009**, Section **2.38.020**, item (E) states "The Commission shall develop purchasing and contracting policies and procedures consistent with applicable Federal and State laws and regulations." The Commission is required by law to abide by section *130140(d)(4)(B)* of the Health and Safety Code, which requires county commissions to adopt, in a public hearing, contracting and procurement policies consistent with State law. This includes, but is not limited to, Government Code sections *54201-54205*, Public Contract Code sections *2000-2002*, *3410* and *22150-22154*, and California Labor Code section *1771*, *et seq.*

PROCUREMENT

A. Public Works Projects

In the event that the Commission desires to enter into a Public Works Contract, as defined in Public Contract Code section 1101, the Commission shall comply with those provisions described in Article 3.5 of the Public Contract Code (§20120 *et. seq.*). The Commission shall be the final decision-maker with respect to all Public Works Contracts.

B. Informal and Formal Competitive Purchases for Goods and Services

1. Thresholds & Executive Director Signing Authority

Purchases for goods and services for the operations of the Commission are authorized by the Executive Director and/or the Commission. The competitive procurement process shall be used to acquire goods and services based upon the following dollar thresholds:

For Purchases	Type of Procurement	Required # of Proposals/Quotes	Minimum Approval Required
\$0.01 to \$3,000.00	N/A – Routine Purchase	N/A	Executive Director or designee
\$3,000.01 to \$50,000.00	Informal	Three (3)	a. Executive Director approval up to \$10,000.00 b. Full Commission approval \$10,000.01 and greater
\$50,000.01 and greater	Formal	No Minimum	Full Commission

Purchases \$3,000.00 or less are considered routine (day-to-day) and do not require proposals or quotes. These purchases can be made by using a Commission credit card with the Executive Director's (or designee) approval so long as they meet the requirements otherwise described in this policy.

The Executive Director or designee shall have authority to execute contracts for amounts less than \$10,000.01 without prior Commission approval. The Executive Director shall inform the Commission during the regular Commission meeting immediately following the execution of a contract within the Executive Director's signing authority of (i) the subject matter of the contract; (ii) the amount of the contract; and (iii) the contracting parties. Neither the Commission nor its staff shall piecemeal contracts in an effort to make the contract amounts fall below any particular monetary threshold.

2. Informal Selection Process:

The informal selection process allows the Commission staff to obtain a written price and scope of work via fax, e-mail, or other writing by at least three vendors for goods or services valued at \$50,000.00 and below. The vendor that best fits the Commission's needs, using price, quality and the ability to provide deliverables within the Commission's timeframe as the primary factors shall be selected. If the Commission is unable to obtain at least three written quotations, staff shall document this fact and provide as much available information regarding why it could not obtain this number. The Commission reserves the right to use a formal procurement process for purchases \$50,000.00 or less, especially if there is uncertainty about the types of goods or services the Commission is seeking to obtain. All agreements resulting from the informal selection process require Legal Counsel review and sign-off prior to execution.

3. Formal Procurement Process for Administrative Goods or Services

For formal procurements, the Commission will use a Request for Proposals (RFP) or a Request for Quotations (RFQ), as best determined by the Commission or staff, as the case may be. All contracts entered into as a result of the formal procurement process shall be approved by the Commission before they are executed by the Executive Director and a Commission officer. All agreements resulting from the formal procurement process for administrative goods or services require Legal Counsel review and sign-off prior to obtaining the signature from the Executive Director and the Commission Chair.

- (a) An RFP is used when the Commission cannot precisely set forth its needs. Rather than including specifications, the Commission shall provide vendors a statement of work and the vendors are then asked to propose solutions. The RFP will detail what items the vendors are to submit, the qualifications of the proposer, the cost of their proposals, how the Commission will evaluate the proposals, select the vendor, and develop the contract. The RFP award is based upon various factors, including the lowest price, expertise of the proposer, and technical superiority of the proposal as compared to the other proposals submitted to the Commission. Proposals in response to an RFP are subject to negotiation after they have been submitted to the Commission.
- (b) An RFQ is used when the Commission has determined precisely what goods and services it needs. Similar to an RFP, an RFQ award is not necessarily based upon the lowest price, but upon a service or good that best fits the requirements within a reasonable proximity to the other proposals submitted to the Commission. The terms contained in an RFQ are typically not negotiable.

4. Formal Procurement Process for Programmatic Services

For formal procurements, the Commission will use a RFP, RFQ, or Request for Applications (RFA) as best determined by the Commission or staff. All agreements resulting from the formal procurement process for programmatic services shall be approved by the Commission. All contracts require Legal Counsel review and sign-off prior to obtaining signature from the Executive Director and subsequently the Commission Chair.

- (a) The RFP is used when the Commission cannot precisely set forth its needs. Rather than including specifications, the Commission shall provide proposed grantees a statement of work and the proposed grantees are then asked to propose solutions. The RFP will detail what items the proposed grantees are to submit, the qualifications of the proposer, the cost of their proposals, how the Commission will evaluate the proposals, select the proposed grantee, and develop the contract. The RFP award is

based upon various factors, including the lowest price, expertise of the proposer, and technical superiority of the proposal as compared to the other proposals submitted to the Commission. Proposals in response to an RFP are subject to negotiation after they have been submitted to the Commission.

- (b) An RFA is a formal announcement by the Commission of an opportunity to apply for funds with specific strategies and parameters in order to achieve the Commission's strategic goals and outcomes. An RFA contains specific requirements regarding the application and evaluation processes, and how such funds shall be used. Proposals in response to an RFA are subject to negotiation after they have been submitted to the Commission.
- (c) Intent to Partner (ITP): With respect to programmatic RFPs or RFAs, the Commission may select certain service providers by engaging in community-based planning efforts in which stakeholders come together for the purpose of identifying specific needs and the providers best able to meet those needs. Funds should not be awarded during these meetings. The natural bias toward competitive procurement should apply and any exceptions should adhere to the guidelines outlined in this procedure.

C. Public Notice

It is the Commission's policy to provide notice to the public of all formal procurement opportunities. Such notices shall be posted publicly to ensure competition. Public notice will be on the Commission's website, in a local or trade newspaper/periodical of general circulation, and when determined by staff to achieve the greatest response, posted via the internet on public online exchanges. Publication shall be no less than ten (10) calendar days prior to the procurement time and due date. The Commission may opt to create and maintain a vendor list for specific professional services so long as such vendor(s) have been selected through informal or formal selection process, as the case may be. Commission staff shall keep evidence of posting of such notices as part of the project.

D. Contacts During Procurement Period

As of the issue date of the RFP/RFQ/RFA and continuing through the public notification of the award, all F5FC staff and Commissioners are specifically directed not to hold any unscheduled meetings, conferences, or technical discussions regarding the RFP/RFQ/RFA with prospective service providers or vendors. "Off the record" contact can potentially taint the Commission's decision-making process.

Proposers may only contact the Commission as identified in the RFP/RFQ/RFA in response to any matter pertaining to that RFP/RFQ/RFA. Proposers are prohibited from directly contacting any other Commission staff member or Commissioner regarding any matter directly or indirectly related to the RFP/RFQ/RFA. Such prohibited contact may result in disqualification of the potential contractor's proposal.

Proposers are encouraged to review the Commission's Conflict of Interest Policy.

E. Limitations on Those Who May Submit Proposals

1. No Subcontractors or Consultants

No consultant or subcontractor that provides advice to the Commission for a project may submit a proposal for an RFP/RFQ/RFA for the same project.

2. No Conflicts of Interest

Pursuant to the Commission's Conflicts of Interest Policy and Conflicts of Interest Code no Commissioner or Commission staff may make, participate in making, or use their official position to influence the making of any governmental decision which may have a direct or indirect foreseeable material financial effect on the Commissioner or staff person. Therefore, no entity in which a Commissioner or staff person has a material financial interest may submit a proposal to the Commission.

Additionally, any Commissioner or designated staff running for elected office must immediately disclose and recuse themselves from any Commission matter or action involving a contributor (whether direct or in-kind) to the campaign of that Commissioner or Commission staff. Under no circumstances may Commission staff accept a campaign contribution (whether direct or in-kind) from a Commission contractor in which that staff member has direct or indirect oversight over that contractor's service, contract, or activities. Commissioners and Commission staff are strongly encouraged to seek guidance from the Commission's legal counsel if there are any questions regarding the requirements contained in this paragraph. The violation of this provision by Commission staff may result in disciplinary action.

3. Relatives

Under no circumstances, may a financial dependent of a F5FC Commissioner or staff respond to a F5FC RFP, RFQ, or RFA. Relatives (which shall include, but not be limited to, parents, adult children, siblings, aunts and uncles) of F5FC Commissioners or staff who are not dependents are discouraged from responding to F5FC RFPs/RFQs/RFAs. If a Commission staff person becomes aware that his or her relative has submitted or will submit a proposal, that staff person shall immediately disclose the existence of this relationship to the Executive Director and subsequently the Commission. Moreover, that staff person shall immediately be screened from the proposal process and such relationship shall be disclosed to the Commission prior to any approval by the Commission. If a Commissioner is aware that his or her relative has submitted or will submit a proposal, that Commissioner shall disclose the relationship at a public meeting and recuse himself or herself from any part of the decision-making process on that RFP/RFQ/RFA.

F. Disallowed Costs

The Commission shall not reimburse any potential contractors for any expenses that potential contractor incurs in the preparation of a proposal to the Commission. A potential contractor is solely responsible for his/her/its own costs regarding preparation of and submitting any proposal.

G. Time and Due Date

The amount of time proposers may prepare their responses to formal procurement opportunities shall be determined by the Commission but, if practicable, shall be no less than ten (10) calendar days after release of RFP/RFQ/RFA and shall provide sufficient time for proposers to prepare and submit their proposals. The Commission reserves the right to amend the proposal due date. Such changes shall be issued in writing in the form of an addendum to all prospective proposers who received the original request documents or posted on the website. The Commission shall time-stamp all proposals it receives, or if the RFP/RFQ/RFA allows for electronic submission, staff shall keep evidence of the date and time such electronic correspondence is received. THE COMMISSION IS NOT RESPONSIBLE IF IT DOES NOT RECEIVE A PROPOSER'S ELECTRONIC SUBMISSION.

H. Addendum of Procurement Opportunities

The Commission reserves the right to amend any RFP/RFQ/RFA. The Commission shall make a reasonable effort to provide all vendors who received a RFP/RFQ/RFA with written notice of such action. Any oral interpretations of contract specifications by any Commissioner or staff to the vendor regarding terms or conditions shall not be binding on the Commission.

I. Mistakes in Proposals Prior to Opening of Proposals

Mistakes in proposals detected prior to opening may be corrected by the proposer by withdrawing the original and submitting a corrected proposal to the Commission before the due date. If there is insufficient time prior to the due date and time to withdraw the original and submit a corrected proposal, the proposer or an authorized representative may correct the mistake on the face of the original proposal, provided that such revision occurs prior to the due date and time. A corrected proposal must follow the time and due date procedures in Section G above. The Commission will not accept corrections to proposals after the proposal time and due date.

J. Acceptance, Review, and Selection

Proposals shall be accepted without alteration or correction, except as authorized in this policy, and shall be evaluated based upon the requirements set forth in the RFP/RFQ/RFA, which may include certain criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the proposal's price and be considered in evaluation for award, shall be objectively measurable, such as discounts, transportation costs and total or life cycle costs.

The Commission shall assign a staff person to facilitate the creation of a selection committee and/or process to review the proposals. The contract file shall contain a written explanation of the selection decision.

The Executive Director, or designee, shall make a final recommendation to the Commission based on the results of the committee. The Executive Director, or designee, shall notify all proposers of the recommendation no less than ten (10) days before the Commission approves the award. Final approval of the award shall be made by the Commission.

All contracts and purchases shall be based strictly upon the face value of the proposals received. The Commission shall not factor in to its procurement selection any hidden rebates, discounts, and other price considerations not described in the proposals.

A formal award letter shall be issued to the selected vendor, specifying the amount awarded and indicating that funds will be released upon compliance of a signed contract establishing the terms and conditions of all parties. Non-selected vendors shall receive written notice of the Commission's action. Commission staff shall keep evidence of the sent award and non-selection letters as part of the project.

K. Notice of Cancellation or Rejection of Proposals

The Commission may, at its discretion, cancel or reject any or all proposals. In the event of such a cancellation or rejection, all proposers shall be notified in writing as soon as possible and the reason(s) shall be documented in the procurement file.

L. Determination of Non-Responsiveness

Failure of a proposer to promptly supply information requested by the Commission may be grounds for the Commission to determine that the proposer is non-responsive, in which case the proposal may be rejected.

M. Disclosure of Results

After the award by the Commission, all proposals received by the Commission shall be open to public inspection at the offices of the Commission during normal business hours. The Commission shall keep the non-selected proposals for a minimum of two (2) years after the completion of the project. **The Commission is subject to the California Public Records Act (“CPRA”) and the proposer must assume that any proposal it submits to the Commission is subject to disclosure under the CPRA. The Commission assumes no responsibility for the confidentiality of any information provided in the proposals.**

N. Protests

1. **Formal Procurement or Commission Approved Informal Purchases:** Upon notice by F5FC of a proposed award, any proposer may file a formal written protest regarding a potential or recent procurement by the Commission. The protest shall be filed with the Executive Director no later than forty-eight hours before the day of the meeting at which the Commission is scheduled to (i) award the subject contract or (ii) approve or disapprove a purchase that requires approval pursuant to the informal selection process described in Section 2 above. The protest shall be in writing addressed to and filed with the Executive Director and contain the exact basis for the protest, and proof that the protester is a viable and responsible provider of the supplies, equipment or services sought. The protest should provide evidence that the award violated the Commission's procurement procedures or State law. Mere disagreement with the decision of the Commission or Executive Director shall not be the basis for a successful protest. Commission staff shall keep record, according to its record retention practices, of any and all protests made by proposers.
2. **Informal Procurement Under \$10,000.01:** Upon notice by F5FC of a proposed award of a procurement not going before the Commission, any proposer may file a formal written protest regarding a potential procurement. The protest shall be filed with the Executive Director no later than forty-eight hours after the notice of award. The protest shall be in writing addressed to and filed with the Executive Director and contain the exact basis for the protest, and proof that the protester is a viable and responsible provider of the supplies, equipment or services sought. The protest should provide evidence that the award violated the Commission's procurement procedures or State law. Mere disagreement with decision of the Commission or Executive Director shall not be the basis for a successful protest. The Executive Director shall make a determination as to a protest to an informal procurement. A proposer may file an appeal of such determination with the Commission. Commission staff shall keep record, according to its record retention practices, of any and all protests made by proposers.

O. Exceptions to a Competitive Selection Process

All goods and services shall be procured by an informal or formal competitive selection process unless the Commission or the Executive Director determines that one of the circumstances described below is satisfied. The Commission shall document, in writing, the justification for using such an exception.

1. **Sole Source Procurement:** The Commission may procure materials or services that are available from only one source. In order for the Commission to justify a sole source procurement, one or more of the following factors must be present:
 - (a) The vendor capabilities and experiences are so unique (including the vendor's possession of patents or trademarked materials) that no other vendor may comparably meet the Commission's needs;
 - (b) Only one product is available to reasonably meet the Commission's needs; and
 - (c) Only one vendor has the ability to provide goods or services to the Commission within the Commission's required time frame.
2. **Emergency:** Emergency purchases may be made by the Executive Director or designee when the materials or services so purchased are necessary to continue Commission operations or services. Such emergency purchases shall be submitted to the Commission for ratification at its next regular meeting. The Commission expects the use of such emergency purchases to be seldom used.
3. **State or County Vendors:** The Commission may use a vendor under a leveraged purchase agreement without a competitive selection process if the leveraged purchase agreement itself was procured via a competitive selection and the vendor accepts the same terms as those contained in the leveraged purchase agreement.

P. Commission's Standard Policies Manual

All contractors and vendors contracting with the Commission must agree to comply with the policies in the Commission's standard policies manual, including, but not limited to, the following:

1. **Breastfeeding Friendly (BFF) Policy:** The Commission embraces the importance of supporting and encouraging mothers to breastfeed their babies for as long as possible and has adopted a Breastfeeding Friendly Policy to be in place in any agreement between the Commission and programs and services funded by the Commission.

Prior to the disbursement of any funds, all Service Providers and vendors contracting with the Commission must agree to comply with the Commission's BFF Policy, which requires the display of the Commission's BFF logo in a highly visible location such as the lobby/reception area, front window or entrance of the agency's office or service location. By displaying the BFF logo, agencies promote awareness and support of California Civil Code - Section 43.3 - a mother's right to breastfeed in public.

2. **Faith-based Funding Policy:** The Commission embraces the value of an active partnership between families, Service Providers, civic leaders, the faith-based community, local business and the community at large, and honors and respects the diversity of our community.

The Commission acknowledges the right of all individuals to participate in Commission funded programs without coercion or unsolicited exposure to faith. Therefore, the Commission will not fund/support religious activities and/or activities that appear to promote a particular religious belief over others by way of its funding practices.

Service Providers and program recipients are expected to comply with all the legal requirements and restrictions imposed upon government funded activities as articulated in

the California Constitution and the Religion Clauses of the First Amendment to the United States Constitution.

3. **Supplanting Policy:** No Commission funds shall be used to supplant (take the place of or replace) state or local General Fund money for any purpose. This prohibition does not apply to federally or privately funded programs.
4. **Tobacco Policy:** The Commission recognizes the importance of protecting the health and safety of children, families, employees, visitors and others, and has adopted a Tobacco Policy requiring a tobacco-free provision be present in any agreement between the Commission and programs funded by the Commission.

All programs requesting funding from the Commission must provide a written copy of an established tobacco-free policy prior to the disbursement of granted funds. The established tobacco-free policy must apply to all employees, contractors, service employees, visitors and others.

Q. Strategic Plan

All contractors must provide services in a manner consistent with the objectives in the Commission's 2013-2020 Strategic Plan. In order to carry out these objectives, the Commission may, from time to time and in its sole discretion, request that a contractor work with other Commission-affiliated service providers in order to integrate the services into other programs funded directly or indirectly by the Commission. All contractors must make reasonable efforts to comply with the Commission's request.

R. Service Provider Manual

With respect to programmatic RFPs or RFAs, contractors must comply with all policies and procedures set forth in the Commission's Service Provider Manual. The Commission may review and amend the Service Provider Manual as the Commission considers necessary in its sole discretion.

S. Supportive Services Manual

With respect to administrative RFPs or RFQs, contractors must comply with all policies and procedures set forth in the Commission's Supportive Services Manual. The Commission may review and amend the Supportive Services Manual as the Commission considers necessary in its sole discretion.