

REGIONAL WATER AUTHORITY POLICIES AND PROCEDURES MANUAL

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PROFESSIONAL SERVICES SELECTION AND CONTRACTING POLICY

The procurement of consulting and professional services for the Regional Water Authority will be on the basis of documented competence and qualifications for the types of services to be performed, and at a fair, competitive and reasonable price.

For the purposes of this policy, the term “consulting and professional services” means any specialized services performed by firms or persons who are qualified, by education, experience, licenses or certification in a particular field. Types of services may include, but are not limited to: engineering, information technology, financial, public relations, legal, and human resources.

I. General Procedures

Generally, consulting and professional services that would cost \$50,000 or less will be obtained pursuant to a selection process determined by the Executive Director. Consulting and professional services that would cost more than \$50,000 will generally be obtained through a competitive process by issuance of a Request for Proposals or a Request for Qualifications, as determined by the Executive Director, and a contract for such services will be subject to: (1) approval of the Executive Committee, and (2) for a contract for services that would cost more than \$150,000, approval of the Board of Directors.

The Executive Director will recommend to the Executive Committee and, where applicable, the Board of Directors, selection based on documented competence and qualifications for the types of services to be performed, and at a fair, competitive and reasonable price, and not based solely on the lowest-cost proposal submitted.

With each recommendation for a contract exceeding \$50,000, the Executive Director will provide to the Executive Committee and, where applicable, the Board of Directors, a written description of the selection process. The description will include: (1) a copy of the solicitation; (2) a list of firms invited; (3) a description of the method used to identify

the invited firms and the selection criteria used; (4) a summary and ranking of each proposal received, including the proposed fees and costs, and scope of work to be performed; and (5) a list of the members of the selection committee.

II. Procedures for Specific Situations

A. Recurring Work

1. If RWA contracts with a consultant for work of a recurring nature to be performed over two or more years (e.g., auditing, accounting or technical writing services), the Executive Director will determine the total estimated cost of the work over the life of the contract and, based on that cost estimate, will follow the applicable contracting procedure in Part I of this Policy when making the contract.
2. Other than requesting annual appropriations in the budget for funding work under a recurring contract, the Executive Director will not be required to request additional approvals from the Executive Committee or the Board in the second and following years.
3. Recurring contracts will generally not have a term longer than five years, however, contracts may have an indefinite term with validation every 5 years by the Executive Committee. If, upon review, the Executive Director believes that it would be beneficial to RWA to extend a recurring contract for an additional term, the Executive Director will prepare a report to the Executive Committee or Board, as appropriate, justifying the extension and requesting such approval from the appropriate body.

B. Extended or Successive Contracts

1. If a consultant is working under an approved contract for specified work, the amount of the contract for the same or related work can be increased above the approved amount without further Board or Executive Committee approval if the increase is within the authorized amount for consulting services provided in the current year's budget, provided that a subsequent increase in the contract amount does not exceed \$50,000.
2. For contracts originally in the amount of \$50,000 or less, the Executive Director may waive this policy up to the amount of \$100,000, provided that the waiver involves the extension of an existing contract or execution of a successive contract with the same consultant and subject to the availability of funds.
3. A waiver will be effective only upon a written determination by the Executive Director that: (a) the consultant satisfactorily performed the previous stage of a project, has acquired extensive background and working knowledge of the work to be performed, and is a highly-recognized or only authority in the field or area of work to be performed; (b) it would be more cost- and time-efficient for RWA to enter into the extended or successive contract than to issue a solicitation for a

new contract; and (c) the need for a higher contract amount and increased work was not foreseeable at the time that the original contract was executed. The Executive Director will report the contract extension to the Executive Committee at its next meeting.

4. The Executive Director will report on expenditures of the budgeted amount to the Board or Executive Committee, as appropriate.
5. Any proposal to increase the amount of a consultant's contract above the amount authorized in an annual budget will be subject to Board or Executive Committee approval in accordance with the procedures in Part I.

C. Subscription Programs

1. Once a consultant contract for a subscription program has been authorized by the executive committee or Board in accordance with the Part I general procedures, the committee established by the project agreement will have the authority to approve an increase in the amount of a consultant contract for project-related work.
2. The increased contract amount will not become effective until the Executive Director determines and certifies that the increase will not affect or become a debt, liability or obligation of non-participating RWA members. The Executive Director will report the project committee's decision to the Board or Executive Committee, as appropriate.

D. Third Party Goods or Services Under an Existing Contract

1. A consultant under contract may recommend that RWA obtain goods or services from third parties through the consultant, rather than by separate contract (for example, a media buy for a public awareness campaign being conducted by a consultant). Subject to the below conditions, obtaining such third party goods and services will be deemed a separate agreement subject to the monetary contracting limits.
2. Before obtaining third party goods or services through an existing consultant contract, the Executive Director will determine in writing that the good or services are necessary for RWA's purposes; the goods are of sufficient quality or the services will be provided by persons or entities with the requisite qualifications and experience; are offered at a fair, competitive and reasonable price; and that there is a business justification for obtaining the goods or services through the consultant rather than directly from the provider.
3. The Executive Director will report such a "pass-through" procurement of third party goods or services at the next meeting of the Board or Executive Committee, as appropriate, when such goods or services cost in excess of \$50,000.

E. Multi-party procurement of Goods or Services

RWA may periodically wish to procure goods or services under an agreement with other public agencies or other organizations. RWA participation in such procurements is subject to the requirements of this policy.

1. The dollar amounts of RWA's share of a procurement shall be used to evaluate compliance with the approval authorities in Section I and requirements in Section I and II.B. above.
2. Other conditions of the policy may be waived only if the procurement complies with the policies and procedures of another agency adopted according to applicable law.

III. Alternate Selection Process

Regardless of the amount or of any other limitations provided in this policy, the Executive Committee may at any time approve an alternate selection process in cases where a consulting firm has satisfactorily performed the previous stage of a project, has acquired extensive background and working knowledge of the work to be performed, is a highly-recognized authority in the field or area of work to be performed or is the only-known available highly-recognized authority, and the alternative process is in the best interests of RWA.

IV. Conflict of Interest

In the event the Executive Director has a conflict of interest in selection and contracting, the Executive Committee will require the Manager of Technical Services or Finance and Administrative Services Manager to participate in place of the Executive Director, and report directly to the Executive Committee on the matter. In the event no qualified employee can participate, the Executive Committee will manage the matter directly.

IV. Policy Review

This Policy shall be reviewed at least once every five years.