

RESOLUTION NO. 2026-02

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY TO AMEND THE PROCUREMENT POLICY

WHEREAS, Section 54202 of the Government Code requires every local agency to adopt policies and procedures governing the purchases of supplies and equipment by the local agency and that all purchases of supplies and equipment shall be in accordance with said policies and procedures; and

WHEREAS, on May 23, 1996, the Board of Commissioners for the Victor Valley Wastewater Reclamation Authority adopted Resolution No. 96-1 establishing policies and procedures governing the letting of public works contracts and purchases of supplies and equipment by the Victor Valley Wastewater Reclamation Authority ("Purchasing Policy"); and

WHEREAS, on March 23, 2000, the Board of Commissioners adopted Resolution No. 2000-5, which revised and updated the policies and procedures governing contracts and purchases of supplies and equipment ("Amended Purchasing Policy"); and

WHEREAS, on April 26, 2001, the Board of Commissioners adopted Resolution No. 2001-7 to address new staff positions that were approved by the Board of Commissioners ("Amended Purchasing Policy"); and

WHEREAS, on June 19, 2006, the Board of Commissioner adopted Resolution No. 2006-8 to address new staff positions that were approved by the Board of Commissioners and to designate purchasing authority to acting or interim positions that were approved by the Board of Commissioners ("Amended Purchasing Policy"); and

WHEREAS, on March 2, 2007, the Board of Commissioners adopted Resolution No. 2007-2 to address administrative changes requested by the Finance Department and update positions that were approved by the Board of Commissioners ("Amended Purchasing Policy"); and

WHEREAS, on July 16, 2009 the Board of Commissioners adopted a Procurement Policy under Resolution No. 2009-12 that addressed administrative changes requested by the Finance Department to enhance internal controls and address new updated bid limitations to bring the limits into line with current practices and with other governmental entities ("Amended Purchasing Policy"); and

WHEREAS, on March 20, 2013 under Resolution 2013-9 the Board of Commissioners adopted an amendment to the Procurement Policy to address travel paid for by third parties in Section XII: Third Party Travel Payment Guidelines ("Amended Purchasing Policy"); and

WHEREAS, on September 16, 2013 under Resolution 2013-21 the Board of Commissioners adopted an amendment to extend the length of the advertising period for Notices Inviting Bids ("Amended Purchasing Policy"); and

WHEREAS, on October 23, 2014 under Resolution 2014-28 the Board of Commissioners adopted an amendment to amend the Procurement Policy to modify the Procurement Policy Sections XIII, Petty Cash and XV, Authorizing Signatures for Agency Funds, Documents, and Payments Subject to the Joint Signatures Provisions (“Amended Purchasing Policy”); and

WHEREAS, on July 16, 2015 under Resolution 2015-15 the Board of Commissioners adopted an amendment to amend the Procurement Policy to modify the Procurement Policy Sections IV, Purchases less than or equal to \$2,000.00 and XI, Credit Card, Purchasing Card, Cardlock Fuel Purchase Card and Open Charge Accounts and XV, Authorizing Signatures for Agency Funds, Documents, and Payments Subject to the Joint Signatures Provisions (“Amended Purchasing Policy”); and

WHEREAS, on October 18, 2018 under Resolution 2018-13 the Board of Commissioners adopted an amendment to amend the Procurement Policy to address administrative changes requested by the Finance Department and update positions that were approved by the Board of Commissioners (“Amended Purchasing Policy”); and

WHEREAS, On May 19, 2022 under Resolution 2022-04 the Board of Commissioners authorized and in increase in the purchasing authority for the General Manager and staff to \$75,000 for the General Manager, \$50,000 for the Directors, \$15,000 for the Supervisors, \$5,000 for the Lead Staff and \$500 for the regular staff (“Amended Purchasing Policy”); and

WHEREAS, On August 8, 2022 under Resolution 2022-09 the Board of Commissioners authorized an amendment to the Procurement Policy to address the change in the purchasing authority levels and to update positions that were approved by the Board of Commissioners in the FY 2022-23 Budget (“Amended Purchasing Policy”); and

WHEREAS, Staff has now recommended that the Purchasing Policy/Procurement Policy be further amended as set forth in the Staff Recommendation presented to the Board of Commissioners of the VVWRA at its regularly scheduled meeting on February 19, 2026; and

WHEREAS, the Board now desires to amend the Procurement Policy to address Staff recommendation, including without limitation establishing the Purchasing Authority of the recently created position of Assistant General Manager;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Victor Valley Wastewater Reclamation Authority that Procurement Policy shall be amended as recommended by Staff of the Victor Valley Wastewater Reclamation Authority:

SECTION 1: Adopted Procurement Policy. The Procurement Policy shall be adopted as set forth in the attached Exhibit “A,” and all expenditure of funds by the Victor Valley Wastewater Reclamation Authority shall be in accordance with the policies and procedures set forth therein.

SECTION 2: Effective Date. This adopted Procurement Policy shall be effective

immediately and shall supersede and replace all previous versions of said policy.

SECTION 3: Execution of Resolution. The Chair of the Commission will sign this Resolution, and the Secretary of the Commission will certify, this Resolution was duly and properly adopted by the Commission.

ADOPTED AND APPROVED this 19th day of February, 2026.

Cameron Gregg, Chair
VWRA Board of Commissioners

ATTEST:

VWRA Board of Commissioners

APPROVED AS TO FORM:

Piero Dallarda of
Best Best & Krieger LLP, Counsel VWRA

CERTIFICATION

I, Kristi Casteel, Secretary to the Board of Commissioners of the Victor Valley Wastewater Reclamation Authority, State of California, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2026-02, adopted by the Board of Commissioners of said Authority at its meeting of February 19, 2026.

Kristi Casteel
Secretary to the Board of Commissioners

EXHIBIT ‘A’



Victor Valley Wastewater Reclamation Authority

Procurement Policy

Board Approved ~~(Draft)~~ raft ~~August 18, 2022~~

Resolution No. ~~0000-00~~ 2026-02 ~~2022-09~~
(Appendix ~~E~~ A)

Victor Valley Wastewater Reclamation Authority
Procurement Policy

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Victor Valley Wastewater Reclamation Authority
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Appendix A	Resolution 2022-09 Procurement Policy Approval
Appendix B	Resolution 2022-04 Purchasing Authority Limits Approval
Appendix C	81-11 a Resolution Establishing Statement of Policy on Emergency Operations
<u>Appendix D</u>	<u>Resolution Adopting CUPCAA</u>
<u>Appendix E</u>	<u>Resolution 2026-02 Procurement Policy and Purchasing Authority Limits Approval</u>

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Victor Valley Wastewater Reclamation Authority
Procurement Policy

I. Purpose

The purpose of this procurement policy ("Policy") is to establish the requirements governing the procurement of goods and services required to operate the Victor Valley Wastewater Reclamation Authority (VWVRA or Authority).

II. Compliance

The responsibility for the solicitation of purchases and procurement of general services, professional services, supplies and equipment, and public projects is hereby vested in the General Manager, who shall be the purchasing officer for the Authority.

The General Manager shall be responsible for ensuring compliance and implementation of procedures to execute the obligations of this Policy, inclusive of the California Uniform Public Construction Cost Accounting Act ("CUPCAA" or the "Act") ethically and dutifully in accordance with applicable law.

III. Authority of the General Manager

1) The General Manager may enter and sign on behalf of the Authority, without the prior approval of the Board, contracts for the procurement of goods, services, and public work in accordance with the procurement authorization limits set forth in Resolution No. 2022-04, as may be amended from time to time.

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1)

a) Which do not exceed an initial compensation figure of \$75,000 dollars in any single transaction or term agreement.

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b) For which moneys have been appropriated and for which there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expense of the contract. The responsibility for the solicitation of purchases and procurement of general services, professional services, supplies and equipment, and public works projects is hereby vested in the General Manager who shall be the purchasing officer for the Authority.

2) The General Manager may authorize additional funds for any existing contracts for the procurement of goods, services, and public work in an event which additional funds are required as a change order. The limit of the General Manager's authorization on the change order shall not exceed 15% of the contract up to a maximum of \$75,000, or whichever is less, and only if sufficient budget exists.

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2)3) The General Manager may delegate in writing the authority to purchase or contract for specified supplies, services, and equipment and construction of public works projects, provided such delegations, purchases, and contracts are made in conformity with this Policy.

3)4) In an emergency, the General Manager may authorize the expenditure of any unencumbered funds to respond to the emergency, notwithstanding the fact that such moneys may not have been appropriated for such purpose, but only to the extent that such moneys have

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not been appropriated or are otherwise unavailable. As further discussed in this Policy, Such action shall be ratified by the Board as soon as practicable.

IV. Authorized Spending Limits

4) The authorization to procure goods and services shall not exceed the total value of the acquisition, including taxes, fees, and delivery, as set forth in Resolution No. 2022-04 and Resolution No. 2026-02, as may be amended from time to time. The General Manager may at his or her discretion delegate in writing the authority to procure to any full-time employee of VVWRA. Authority limits set by resolution 2022-04 (Appendix B).

a) General Manager	\$75,000
b) Assistant General Manager	\$65,000
c) Directors	\$50,000
d) Supervisors	\$15,000
e) Lead Staff	\$5,000
f) General Staff (all employees)	\$500

The General Manager may delegate authority to procure goods and services up to \$75,000 to any full-time employee in the General Manager's absence. The General Manager may, at his or her discretion, delegate in writing the authority to procure to any full-time employee of VVWRA. Authority limits set by Resolution No. 2022-04 (Appendix B) and Resolution No. 2026-02 (Appendix E).

V. Procurement of Goods and Non-Professional Services (Non-Public Work) Open Market Purchases (Informal Quotes)

1) Purchase not to exceed \$5,000 (Direct Purchase)

Purchases having a total estimated value of less than or equal to \$5,000 may be made without formal or informal competitive bidding or competitive quotes and may instead be procured through a Purchase Card or Purchase Order.

2) Purchase of \$5,001-\$75,000 (Written Quotes)

4) Purchases of materials, supplies, equipment, and contractual services (other than services qualifying as a "public project" as defined below) having an estimated value of more than \$5,001 and less than or equal to \$75,000 may be made in the open market based on a minimum of three (3) verbal competitive written quotes.

2) 2(a) Awards for purchases of goods made between \$5,001 and \$75,000 shall be to the vendor or contractor that submits the lowest responsive, responsible quote or bid. Purchases of materials, supplies, equipment and contractual services (other than services qualifying as a "public project" as defined below) having an estimated value of more than \$15,000 and less than or equal to \$75,000 may be made in the open market based on a minimum of three (3) competitive written quotes.

3) 2(b) Awards made to vendors or contractors that did not provide the lowest cost shall be accompanied by written documentation explaining the reason or reasons for determining that the quote would provide the best value to the Authority. If staff intends to utilize a best value selection,

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~~it must include the evaluation criteria in the solicitation. All documentation regarding the selection and award must be attached to the purchase order. Requests for competitive quotes shall be solicited either by verbal, written requests mailed, requests posted on the Authority website, solicited through an electronic bid system, or e-mailed to prospective vendors. The notice inviting competitive quotes shall contain a clear and concise description of the desired materials, supplies, equipment, or contractual services. The notice inviting competitive quotes shall also include a deadline for the submission of responsive quotes.~~

~~4) 2(c) Award of non-professional services may be made to either the responsible vendor/contractor that submitted the lowest responsive competitive quote, or the vendor/contractor representing the best value to the Authority, in the Authority's discretion. If staff intends to utilize a best value selection, it must include the evaluation criteria in the solicitation. A written or digital record of the responses from all vendors contacted shall be maintained with the respective purchase request. If appropriate, signed and dated telephone conversation records shall suffice for vendors that respond only by telephone~~

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~~2(d) Request for competitive quotes may be solicited either by verbal, written requests mailed, requests posted on the Authority website, solicited through an electronic bid system, or e-mailed to prospective vendors. The notice inviting competitive quotes shall contain a clear and concise description of the desired material, supplies, equipment, or contractual services. The notice inviting competitive quotes shall also include a deadline for the submission of responsive quotes. Awards of purchases made under this section shall be to the lowest responsible vendor or contractor that complies with the specifications contained in the notice inviting competitive quotes. Awards made to vendors or contractors that did not provide the lowest cost shall be accompanied by written documentation explaining the reason or reasons for the award. All documentation regarding the award must be attached to the purchase order.~~

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~~5) 2(e) A written or digital record of the responses from all vendors contacted should be maintained with the respective purchase request.~~

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~~6) 2(f) The General Manager shall have the authority to waive the requirements of this section in the following circumstances provided that the reasons for such a waiver are documented as part of the purchasing process:~~

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~~a) The acquisition of engineering, professional, audit, or legal services.~~

~~b) The acquisition of highly technical and specialized outside services.~~

~~c) The acquisition of materials, supplies, and equipment in which the Authority did not receive at least three quotes.~~

~~d) The acquisition of materials, supplies, and equipment when it is in the best interest of the Authority to purchase name brand or sole source materials, supplies, or equipment, as determined by the General Manager. Materials, supplies, and equipment shall be considered obtainable from only one vendor when only one vendor offers it for sale, lease, or rental, or when only one vendor is able to provide the materials, supplies or equipment within the time frame and/or under the terms and conditions which reasonably meet the needs of VVWRA. Sole source purchases are appropriate when there is no suitable~~

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substitute for the desired materials, supplies, and equipment. A memo to the General Manager must be attached describing the circumstances surrounding the situation.

- d) The purchase of equipment or supplies at a public auction that has been approved in advance by the General Manager. The spending limit for purchases made at a public auction shall be \$75+0,000 unless the spending limit for an auction is increased in advance by an action of the VVWRA Board of Commissioners.

3) Purchase greater than \$75,000

- 4) Purchases of materials, supplies, equipment, and contractual services having an estimated value of more than \$75,000 must be made through the formal bidding procedures in Section VI.

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VI. Formal Bidding for Non-Public Work~~Open Market Purchases (Formal Bidding)~~

Except as otherwise provided in this policy, purchases of supplies, equipment, or services other than public projects that exceed the informal bid limit, shall follow the formal bid procedures, and will result in a written contract with the lowest responsible, responsive bidder.

- 1) A notice inviting bids shall be advertised at a minimum of five (5) business days in the newspaper of local publication posted on the Authority website or solicited through an electronic bid system. The notice inviting bids shall include a general description of the articles or services to be procured, instructions on how to obtain bid forms and specifications, and the time and place for the opening of sealed or electronic bids. The notice inviting bids shall be published or posted at least ten (10) working days before the date of opening of the sealed or electronic bids. The notice inviting bids shall also be posted in at least two areas, including but not limited to the lobby area of the VVWRA administration building, the Authority website, posted in an electronic bid system, mailed, faxed, or e-mailed to one or more identified potential bidders.
- 2) When deemed necessary by the General Manager or Board, the bidder's security may be prescribed in the public notice inviting bids. Bidders shall be entitled to return of bid security upon completion of the contract. However, if a successful bidder fails or refuses to execute the contract within ten days after the notice of award of the contract has been mailed, unless explicitly stated in the terms of the contract, the bidder shall forfeit the bid security. The Authority may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible, responsive bidder, with the bidder's security being applied to the amount of the contract price differential between the lowest bid and the second lowest bid, with the surplus, if any, returned to the lowest bidder. If the Authority rejects the remaining bids presented and readvertises, the amount of the lowest bidder's security may be used to offset the cost of receiving new bids, and the surplus, if any, shall be returned to the lowest bidder.
- 3) Sealed and electronic bids shall be submitted to the Administrative Director~~Assistant General Manager~~, or his or her designee, and shall be clearly identified as requested in the request for bid document. Bids shall be opened in public at the time and place stated in the public notice.

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A tabulation of all bids received shall be available for public inspection during regular business hours after the bid opening.

- 4) The Authority may reject all bids presented and advertise for bids or award a contract after negotiation for the most reasonable cost under existing conditions. The right to reject any and/or all bids is expressly reserved to the Authority, and said decision shall be final.
- 5) Upon opening and tabulation of all bids received to determine the low bidder, the ~~Assistant General Manager~~~~Administrative Director~~, or his or her designee, shall thereafter determine the lowest responsible, responsive bidder by applying the following criteria:
 - a) The capability, quality, and skill of the bidder to provide the service or commodity required and to comply with all specified requirements in the bid document.
 - b) The bidder's record of performance of previous contracts or services; previous failure to perform to Authority requirements may disqualify the bidder.
 - c) Whenever the ~~Assistant General Manager~~~~Administrative Director~~, or his or her designee, determines that a bidder is not responsible pursuant to this section and the specifications of the notice of inviting bids, the ~~Assistant General Manager~~~~Administrative Director~~, or his or her designee, shall notify the bidder of said determination, in writing.
- 6) Except as otherwise provided in this policy, contracts shall be awarded to the lowest responsible, responsive bidder. Contracts which exceed the appropriated amount, or which are not budgeted, shall not be awarded except upon approval of the Board.
- 7) If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the Authority may, at its discretion, award the bid to a vendor located within the Authority limits. Should a tie continue to exist, a request for additional bids, only from the tie low bidders will be requested, whereby, the lowest bid will be accepted.
- 8) A performance bond, certificate of deposit, or cash may be required before entering a contract, in such amount as is deemed reasonably necessary to protect the interests of the Authority. If performance security is required, the acceptable type and amount thereof shall be described in the notice inviting bids, and, if a bond, the form of the bond shall be as approved by the Authority Attorney.

VII. Procurement of Professional Services (RFP)

The Authority may utilize a request for proposal process or other formal process for the selection of consultants to provide professional services, as set forth in more detail below

Professional services include those services provided by trained and, if necessary, licensed individuals or firms, including but not limited to, engineers, architects, scientific researchers, surveyors, financial experts, auditors, and legal services, where the Authority is hiring them based upon their technical expertise. ("Professional Services")

Professional Services shall be procured as follows:

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- a) An RFP may be issued to a wide variety of consultants requesting their qualifications to perform the project, a proposal to perform the work, and schedule of their rates.
 - b) Private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. The acquisition of these Professional Services shall be made through a solicitation of Requests for Proposals (RFP).
 - c) Professional services having a total estimated value equal to or less than \$75,000 shall be procured in the manner determined to be in the best interests of the Authority at its sole discretion.
- 8) Selection of professional services consultants shall be made in the Authority's sole discretion based on demonstrated competence, professional qualifications, cost, and other criteria which the Authority deems relevant.

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VI.VIII. Bidding Exemptions (Non-Public Work).

Bidding may be dispensed with upon adequate, specific documentation when one of the following conditions pertains:

- 1) When, in the sole view of the General Manager, an emergency exists as defined under Section XI of this policy, and the procurement of all goods/services/projects is necessary to properly mitigate the emergency, may direct that emergency procurement to be made. For purposes of an emergency purchase, an emergency is defined as an emergency operations center (EOC) activation period initiated by the Authority General Manager. All purchases made under such emergency authority shall be subject to ratification by the Authority Board of Commissioners at a subsequent public meeting.
- 2) So long as the authorization limits set forth by the Authority are adhered to, the bidding procedures of this chapter may be waived for the following:
 - a) The commodity or service can be obtained from only one responsible and responsive source.
 - b) The commodity is required to match or be compatible with other furnishings, material, or equipment presently on hand and is to be purchased from the supplier of such on-hand items.
 - c) The General Manager or Board has ordered a standardized type of commodity or quality of product.
- 3) A Piggyback Agreement is acceptable when the purchase of goods or services is beneficial to the interest of the Authority and is from a supplier who has been awarded a specific item or items in a contract resulting from a formal competitive bid process by another local governmental agency within the State of California within the previous three hundred sixty-five (365) days.

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- 4) A Cooperative Purchasing agreement is acceptable when such purchases are based on any master agreement, cooperative agreement, multiple award schedule, or other types of agreements entered into by the State of California or the federal government.
- 5) When purchasing from or selling to another governmental agency and such action is beneficial to the interests of the Authority, the bidding procedures may be waived.
- 6) When the Board determines by resolution it would be in the best interest of the Authority to dispense with bidding.
- 7) When there is a breakdown in essential machinery, essential services, or when unforeseen circumstances arise, including delays by contractors, delays in transportation, and unanticipated volume of work, which requires the immediate attention of a professional or immediate service/repair in order to protect public health, safety, or welfare.
- 8) When there is to be a contract for the purchase of telecommunications, computer, and/or networking hardware and software, the purchase of "such items" (telecommunications, computer, and/or networking hardware and software) will be done pursuant to regulations and procedures established by the Authority manager to ensure compatibility with current Authority infrastructure.
- 9) Additional Requirements and Prohibitions.
 - a) No employee elected or appointed official of the Authority shall be financially interested in any contract made by them in their official capacity, or by anybody or Board of which they are members (See: California Government Code Section 1090, et seq.) or violative of the conflict-of-interest provisions of the Authority and/or the Political Reform Act (See: California Government Code Section 87100, et seq.).
 - b) Splitting orders of supplies, materials, equipment, or services into smaller or separate orders for the purpose of evading the competitive bidding provisions of this chapter are prohibited.
 - c) Contract amendments or changes to purchase orders that exceed either the maximum authorization limit set forth by the Board or the original authorization as granted by the Authority will require subsequent approval of the Board before the contract amendment and/or change order is executed.
 - d) Employees, volunteers, and elected and appointed officials of the Authority are advised to be knowledgeable of all laws, rules, and regulations concerning conflict of interest; disclosure/reporting requirements; and the acceptance of anything of value from any individual or business, including, but not limited to, vendors, business clients, and the public.
 - e) Recycled Goods. In the procurement of goods for the Authority, a preference shall be given to buy recycled goods whenever reasonably possible. Recycled goods are defined and provided for in such state legislation as the State Assistance for Recycling (STAR) Markets Act of 1989 (commencing with the California Public Contracts Code Section 12150), the

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California Integrated Waste Management Act of 1989 (commencing with the California Public Resources Code Section 40000), and Environmentally Preferable Purchasing (AB 498). A Sustainable Purchasing policy will be adopted by resolution of the Authority Board.

10) Certain types of non-discretionary purchases/payments are not readily adaptable to the open market and competitive selection process. Except where otherwise required by federal law or by reason of the source of funding for the project, non-discretionary purchases are exempt from the bidding and solicitation requirements set forth in section V and VI of this policy. Examples of non-discretionary purchases include, but are not limited to:

- a) Bank charges and fees.
- b) Debt Service payments.
- ~~e) Insurance premiums.~~
- ~~d) Process Chemicals~~
- ~~d) Insurance Premiums~~
- ~~e) Regulatory permit fees~~
- ~~f) Lab Analysis~~
- ~~g) Memberships, dues, and subscriptions.~~
- ~~h) Reimbursement of expenses.~~
- ~~i) Newspaper advertisements and notices.~~
- j) Utility service provider payments, utility connection and/or installation charges required to ensure the continued daily operation of the Authority; including Electrical power, telephone service, water service, natural gas, and refuse service
- ~~Equipment Rental (up to \$75,000)~~
- k) ~~Fuel~~

VIII. Professional Services Agreements

~~The acquisition of services for engineering, audit, legal, consulting, and other professional services in excess of \$75,000 shall be obtained through a solicitation of Requests for Proposals (RFP). The procedures for soliciting and RFP shall be respective to the type, complexity, and expected cost of services to be provided. Awards made for professional services shall be based on the qualifications that best match the needs of the Authority.~~

IX. Public Works Projects (CUPCAA)

~~The Uniform Public Construction Cost Accounting Act (Act), enacted in 1983 under Public Contract Code section 22000 et seq., establishes an alternative set of bidding and accounting procedures for local agencies that choose to participate. The Act permits agencies that have opted in to perform certain public works projects with their own workforce, up to specified monetary thresholds, provided they follow the cost accounting procedures set forth in the Act. The Victor Valley Wastewater Reclamation Authority elected to participate in the Act by formally notifying the State Controller and adopting the Act on August 13, 2009. The Act supersedes only the bidding procedures used once a public agency has opted into the Act and has notified the Controller. All other contracting requirements of the Public Contract Code remain applicable. Contracts for public projects shall be procured in accordance with the contracting~~

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~~procedures set forth in Article 3 of the Act (Section 22030 et seq., of the Public Contract Code) as it may be amended from time to time.~~

~~Contracts for public projects, as defined, shall be procured in accordance with the contracting procedures set forth in the Act (Section 22030 et seq., of the Public Contract Code) as it may be amended from time to time. The General Manager, or his or her designee, shall compile and maintain a list of qualified contractors identified according to categories of work. This list shall comply with the requirements of the Act and the criteria promulgated, from time to time, by the Commission.~~

~~Contracts for public projects below the bidding threshold under the Act, as it may be amended from time to time, may be done pursuant to force account or negotiated contract. On-call or as-needed contracts for public projects must be procured pursuant to the following process:~~

- 1) ~~The procedures set forth in this section shall apply to the procurement of “public projects” defined as any of the following:~~
 - a) ~~Construction, reconstruction, erection, alteration, renovation, improvement, demolition, installation, and repair work involving any publicly owned, leased, or operated facility.~~
 - b) ~~Painting or repainting of any publicly owned, leased, or operated facility.~~
 - c) ~~In the case of a publicly owned electric utility system, “public project” shall include only the construction, erection, improvement, or repair of dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.~~
- 2) ~~“Public project” does not include maintenance work. For purposes of this section, “maintenance work” includes all of the following:~~
 - a) ~~Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.~~
 - b) ~~Minor repainting.~~
 - c) ~~Resurfacing of streets and highways at less than one inch.~~
 - d) ~~Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.~~
 - e) ~~Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.~~
- 3) ~~For purposes of this section, “facility” means any plant, building, structure, ground facility, utility system, subject to the limitation found in paragraph (c) of subdivision (12) above, real property, streets and highways, or other public work improvement~~

~~The General Manager, or his or her designee, shall compile and maintain a list of qualified contractors identified according to categories of work. This list shall comply with the~~

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requirements of the Act and the criteria promulgated, from time to time, by the Commission.

A. No Formal or Informal Bidding Required

- 1) Contracts for public projects below the relevant bidding thresholds under the Act for formal or informal bidding, as they may be amended from time to time, may be done pursuant to force account or negotiated contract. On-call or as-needed contracts for public projects must be procured pursuant to the following process:
 - a) VVWRA staff must present the General Manager with a written request to contract for on-call or as-needed services for a public project and written quotes from contractors that are proposed to be utilized for such on-call or as-needed services.
 - b) The General Manager and ~~Assistant General Manager~~~~Administrative Director~~, or his or her designee shall have the authority to approve or deny the contract request.
 - c) Once approved, the ~~Assistant General Manager~~~~Administrative Director~~, or his or her designee shall issue the on-call or as-needed contract for public project services to the selected contractor(s).
 - d) The total contract amount of any on-call or as-needed contract issued under this Section shall not exceed \$75,000. The Finance Supervisor, or his or her designee shall track expenditures under the on-call or as-needed contract to ensure it does not exceed \$75,000.
 - e) Once an on-call or as-needed contract reaches the \$75,000. threshold, it must be terminated without accruing any further costs in excess of the \$75,000 threshold. VVWRA staff may issue a new on-call, or as- needed contract to the contractor pursuant to the same procedure set forth above. There is no limitation on the number of on-call or as- needed contracts that may be issued to the same contractor in any one year; however, any subsequent on-call or as-needed contracts issued to the same contractor in a given year shall be approved by the Board.

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B. Informal Bidding

- 1) When a public project is to be performed which qualifies for informal bidding under the Act, a notice of such project shall be given as follows, except where the product or service is proprietary;
 - a) Mailed, e-mailed, or electronic bid system postings shall be sent to all contractors on the prequalified contractors list for the category of work being bid; or
 - b) Mailed notices shall be given to all construction trade journals specified by the Commission for the receipt of such a notice for San Bernardino County; or
 - c) Additional notices posted on the Authority website or delivered through an electronic bidding system to other contractors, may, in the discretion of VVWRA, be given.
- 2) If the product or service to be acquired is proprietary in nature, such that it can only be obtained from a certain contractor or contractors, notice inviting bids may be sent only to such contractor or contractors.

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3) All mailing, emailed, Authority website postings, and electronic bidding system notices to contractors and construction trade journals shall be completed not less than 10 calendar days before bids are due.

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4) The notice shall describe the project in general terms, how to obtain more detailed information about the project, and shall state the time and place for submission of bids.

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5) If all bids received are in excess of the amount of two hundred twenty thousand dollars (\$220,000) as may be amended from time to time, the Board of Commissioners may, by adoption of a resolution by a four-fifths vote, award the contract, at two hundred thirty-five thousand dollars (\$235,000) or less, to the lowest responsible bidder, if it determines the cost estimate of the Authority was reasonable.

Award of a project procured pursuant to this section shall be made to the lowest responsible bidder submitting a responsive bid.

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C. Formal Bidding

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1) When a public project is to be performed which qualifies for formal bidding under the Act, notice of such project shall be given as follows except where the product or service is proprietary:

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a) A notice shall be published at least 14 calendar days before the date of opening of the bids in a newspaper of general circulation, printed and published in the jurisdiction of VVWRA. In addition, notice may also be published on the Authority website or through an electronic bidding system.

b) The notice inviting formal bids shall also be sent to all construction trade journals specified by the Commission for the receipt of such notice for San Bernardino County at least 15 calendar days before the date of opening the bids.

c) Additional notices to other contractors and/or trade journals may, in the discretion of VVWRA, be given.

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2) If the product or service to be acquired is proprietary in nature such that it can only be obtained from a certain contractor or contractors, notice inviting bids may be sent only to such contractor or contractors.

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3) The notice shall distinctly describe the project, describe how to obtain more detailed information about the project, and shall state the time and place for submission of bids.

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4) Where bidding is required by the Act, award of the contract shall be made to the lowest responsible bidder submitting a responsive bid. If two or more bids are the same and the lowest, the Authority may accept the one it chooses.

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5) The General Manager or the VVWRA Board of Commissioners may, in their respective discretion, reject all bids and proceed as authorized by the Act.

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- a) VVWRA staff must present the General Manager with a written request to contract for on-call or as-needed services for a public project and written quotes from contractors that are proposed to be utilized for such on-call or as-needed services.
- b) The General Manager and Administrative Director, or his or her designee shall have the authority to approve or deny the contract request.
- c) Once approved, the Administrative Director, or his or her designee shall issue the on-call or as-needed contract for public project services to the selected contractor(s).
- d) The total contract amount of any on-call or as-needed contract issued under this Section shall not exceed \$55,000. The Administrative Director, or his or her designee shall track expenditures under the on-call or as-needed contract to ensure it does not exceed \$55,000.
- e) Once an on-call or as-needed contract reaches the \$55,000 threshold, it must be terminated without accruing any further costs in excess of the \$55,000 threshold. VVWRA staff may issue a new on-call or as-needed contract to the contractor pursuant to the same procedure set forth above. There is no limitation on the number of on-call or as-needed contracts that may be issued to the same contractor in any one year; however, any subsequent on-call or as-needed contracts issued to the same contractor in a given year shall be approved by the Board.
- 2) When a public project is to be performed which qualifies for informal bidding under the Act, a notice of such project shall be given as follows except where the product or service is proprietary:
- a) Mailed, e-mailed, or electronic bid system postings shall be sent to all contractors on the contractors list for the category of work being bid; or
- b) Mailed notices shall be given to all construction trade journals specified by the Commission for the receipt of such a notice for San Bernardino County; or
- c) Additional notices posted on the Authority website or delivered through an electronic bidding system to other contractors, may, in the discretion of VVWRA, be given.
- 3) If the product or service to be acquired is proprietary in nature such that it can only be obtained from a certain contractor or contractors, notice inviting bids may be sent only to such contractor or contractors.
- 4) All mailing, emailed, Authority website postings, and electronic bidding system notices to contractors and construction trade journals shall be completed not less than 10 calendar days before bids are due.
- 5) The notice shall describe the project in general terms, how to obtain more detailed information about the project and shall state the time and place for submission of bids.
- 6) When a public project is to be performed which qualifies for formal bidding under the Act, notice of such project shall be given as follows except where the product or service is proprietary:
- a) A notice shall be published at least 14 calendar days before bids are due on the Authority website, through an electronic bidding system or in a newspaper of general circulation, printed and published in the jurisdiction of VVWRA; and or
- b) Mailed notices shall be given to all construction trade journals specified by the Commission for the receipt of such notice for San Bernardino County at least 15 calendar days

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~~before bids are due.~~

~~e) Additional notices to other contractors and/or trade journals may, in the discretion of VVWRA, be given.~~

~~7) If the product or service to be acquired is proprietary in nature such that it can only be obtained from a certain contractor or contractors, notice inviting bids may be sent only to such contractor or contractors.~~

~~8) The notice shall describe the project in general terms, how to obtain more detailed information about the project and shall state the time and place for submission of bids.~~

~~9) Where bidding is required by the Act, award of the contract shall be made to the lowest responsible bidder submitting a responsive bid.~~

~~10) The General Manager or the VVWRA Board of Commissioners may, in their respective discretion, reject all bids and proceed as authorized by the Act.~~

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X. Bid protests

Any person, firm, company, vendor, contractor, or other individual/group that unsuccessfully bids on a VVWRA contract may file a protest in accordance with the provisions of this section.

- 1) Only a bidder on a contract or a bidder's authorized representative may file a bid protest on a contract. A subcontractor of a party filing a bid on a contract may not submit a bid protest.
- 2) Bid protests shall be in writing; shall provide the name, address, electronic mail address, telephone, and fax numbers of the protesting bidder; and shall identify the contractor bid request number to which the bid protest pertains. The bid protest shall identify and explain the factual and legal grounds for the protest and include any written materials that the protesting bidder wishes to have considered in determining the protest. Any grounds not raised in the written protest are deemed waived by the protesting bidder. Bid protests shall be addressed and delivered to the General Manager. Any bid protest that is not submitted as provided herein shall be invalid and shall not be considered.
- 3) After bids are received and opened by the Authority, VVWRA staff shall provide each bidder with notice of the Authority's preliminary recommendation for award of the contract. Any bid protest shall be received by the General Manager no later than five (5) calendar days after the Authority notifies the bidders of the recommendation for award. The effective date of notice by mail is the postmark date. The effective date of the notice electronically is the date of the transmission. If the fifth calendar day does not fall on a business day, the deadline to submit a protest shall be extended to 5:00 p.m. on the next business day.

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- 4) Upon receipt of the filed bid protest, the General Manager shall prepare a written response to the bid protest. The Assistant General Manager~~Administrative Director~~, or his or her designee will review all the facts and make a determination.
- 5) In instances where the General Manager has delegated the role of the purchasing officer to a subordinate staff member, an appeal of the purchasing officer's decision on the bid protest may be made by the protesting bidder to the General Manager by filing a written notice of appeal with the General Manager within five calendar days after the date of notice of the purchasing officer's decision regarding the bid protest. If an appeal is timely filed and subsequently has not been withdrawn by the protesting bidder or by operation of the provision of this section, the General Manager shall consider the bid protest and make a determination.
- 6) An appeal of the General Manager's decision on the bid protest may be made by the protesting bidder to the Authority Board (Board) by filing a written notice of appeal with the Authority clerk within five calendar days after the date of notice of the Authority General Manager's decision regarding the bid protest. If an appeal is timely filed and subsequently has not been withdrawn by the protesting bidder or by operation of the provisions of this section, the Board shall consider the bid protest at a noticed, public meeting. The Board may hear the bid protest as part of the Board's consideration of the award of the contract to which the bid protest relates or may hear the bid protest as a separate item, provided that the Board shall decide the bid protest prior to awarding the contract, unless the Board exercises its discretion to reject all bids.
- 7) The Board's review of the bid protest shall be limited to the issues set forth in the bid protest timely filed with the General Manager. The Board may take any action on the bid protest that is authorized by law, including adoption of Authority staff's recommended determination of the bid protest, adoption of a determination different from that recommended by Authority staff, or the rejection of all bids without deciding the bid protest. The decision of the Board on a bid protest shall be the final administrative action on the protest and shall exhaust the protesting bidder's administrative remedies.

XI. Emergency Conditions and Authority

The purpose of this section is to provide for the preparation and implementation of plans for the protection of persons, property, and the environment within the VVWRA service area in the event of an emergency; the direction of the emergency organization and emergency response activities; and the coordination of the emergency functions of the Authority with all other public agencies, corporations, organizations and affected private persons.

- 1) As used in this section, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons, property, or the environment within the VVWRA service area caused by such conditions as sewer overflows or spills, sewer backups, air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting

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from a labor controversy, for which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the Authority, which may require the combined forces of other political subdivisions to combat.

2) It shall be the duty of the General Manager to develop and recommend for adoption by the VVWRA Board of Commissioners emergency and mutual aid plans and agreements, and such ordinances, resolutions, rules, and regulations as are necessary to implement such plans and agreements.

3) In cases of emergency when repairs or replacements to facilities are necessary, the Board of Commissioners may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the governing body, by contractor, or by a combination of the two. In case of an emergency, if notice for bids to let contracts will not be given for public projects, the Authority shall comply with Public Contract code sections 22050 et. seq.

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4) Emergency services - General Manager - Powers and duties the General Manager is empowered to:

- a) Request the Board of Commissioners to proclaim the existence or threatened existence of an "emergency" if the Board is in session, or to issue such proclamation if the Board is not in session. Whenever an emergency is proclaimed by the General Manager, the Board shall take action to ratify the proclamation in a timely fashion, or the proclamation shall have no further force or effect. For emergencies that are anticipated to result in \$75,000 or less in actual expenditures, ratification of the emergency may occur at the next scheduled Board meeting. For emergencies that are anticipated to result in more than \$75,000 in total expenditures, ratification of the emergency must occur within seven days after the proclamation of the emergency.
- b) Request the Governor to proclaim a "state of emergency" when, in the opinion of the General Manager, the locally available resources are inadequate to cope with the emergency.
- c) Control and direct the efforts of the emergency organization of the Authority for the accomplishment of the purposes of this section.
- d) Direct cooperation between and coordination of services and staff of the emergency organization of the Authority, and resolve questions of authority and responsibility that may arise between them.
- e) Represent the Authority in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

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5) In the event of the proclamation of an emergency, the General Manager is empowered to:

- a) Make and issue rules and regulations on matters reasonably related to the protection of life, property, and the environment as affected by such emergency; provided, however, such

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rules and regulations must be confirmed at the earliest practicable time by the Board of Commissioners.

- b) Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the Authority for the fair value thereof and, if required immediately, to commandeer the same for the Authority's use.
- c) Require emergency services of any ~~VVW~~WRA employee and, in the event of a proclamation of an emergency, to command the aid of as many citizens of the community as he or she deems necessary in the execution of his or her duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers.
- d) Requisition necessary personnel or material of any member entity or willing agency.
- e) Execute all of his or her ordinary power as General Manager, all of the special powers conferred upon him or her by this section or by resolution or emergency plan developed pursuant to this section and adopted by the Board of Commissioners, all powers conferred upon him or her by any statute, by any agreement approved by the Board of Commissioners, and by any other lawful authority.

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6) The General Manager shall designate a person or persons that shall be in charge in his or her absence, to take effect in the event the General Manager is unavailable to attend meetings and otherwise perform his or her duties during an emergency. The Board of Commissioners shall approve any changes to the order of succession. In the event that the General Manager does not or cannot designate a person or persons to be in charge, the following order of succession shall apply:

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- a) ~~Director of Operations~~ Assistant General Manager
- b) Director of ~~Administration~~ Operations and Maintenance
- c) ~~Operations Supervisor~~ Director of Finance and Procurement
- d) ~~Finance Supervisor~~ Director of Engineering and Environmental Compliance

4)

If any of the above listed persons are absent or otherwise unable to perform the duties described during an emergency, the order of succession shall continue to the first available person listed.

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7) All officers and employees of the Authority, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions described herein, shall be charged with duties incident to the protection of life and property in the VVWRA service area during such emergency, and shall constitute the emergency organization of the Authority.

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8) The General Manager shall be responsible for the development, periodic review, and maintenance of emergency plans, which plan shall provide for the effective mobilization of the resources of the Authority, both public and private, to meet any condition constituting an emergency, and shall provide for the organization, powers, duties, services, and staff of the

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emergency organization. Such emergency plans shall take effect upon adoption by resolution of the Board of Commissioners. See Resolution 81-11 a Resolution Establishing Statement of Policy on Emergency Operations (Appendix C)

89) Any expenditure made in connection with and subsequent to the proclamation of an emergency, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants, property, or environment of the VVWRA service area. The spending limits and purchasing policies set forth herein shall not apply in the event of a proclaimed emergency.

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XII. Purchasing Card Accounts

Credit card accounts may be used by the General Manager and his/her designee to make reservations or charge purchases in the name of VVWRA without the submission of signed purchase orders for Authority travel, travel related expenses, business related meetings, business related meals, and non-routine commodity purchases.

The General Manager shall designate spend limits, which may not exceed Board authorized spend limits. An approved purchasing card may be used by employees authorized by the General Manager to purchase materials, supplies, and services or pay for travel-related expenses.

~~Purchasing card transactions are limited to a \$2,000 maximum per single transaction. Any purchases above \$2,000 require General Manager's approval prior to making purchases. All purchasing card transactions should be approved by department heads.~~

XIII. Violation of this Policy

Use of public resources or falsifying expense reports in violation of this policy may result in disciplinary action up to and including termination.

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XIV. Definitions

Act: The Uniform Public Construction Cost Accounting Act (California Public Contracts Code Section 22000 *et seq.*).

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Commission: The California Uniform Construction Cost Accounting Commission.

Cooperative Purchasing Agreements or Piggyback: Cooperative purchase agreements are when another governmental agency has performed a competitive bid process and allows other agencies to "piggyback" off of those bid prices offered. No formal or informal procedures shall then be required.

CUPCAA: The California Uniform Public Construction Cost Accounting Act.

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Facility: Any plant, building, structure, ground facility, utility system, subject to the limitation of subsection (4) of the definition for "public project" below, real property, streets and highways, or other public work improvement.

Maintenance Work: Any of the following: (1) Routine, recurring, and usual work for the preservation or protection of any VVWRA owned or VVWRA operated facility for its intended purposes; (2) Minor repainting; (3) Resurfacing of streets and highways at less than one inch.

Open Charge Account: A charge account that is the financial liability of VVWRA and can be used by VVWRA employees without providing the vendor with an authorized purchase order or purchase contract.

Open Ended Purchase Order: An authorized purchase order that is used for recurring expenditures up to a maximum stated amount. The vendor that is named on this type of purchase order submits invoices or other requests for payment as supplies and materials are furnished or as services are rendered.

Public Project: Any of the following: (1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition and repair work involving any VVWRA owned, leased or operated facility; (2) Painting or repainting of any VVWRA owned, leased, or operated facility; (3) In the case of a VVWRA owned electric utility system, "public project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, power plants, and electrical transmission lines of two hundred thirty thousand volts and higher. "Public project" does not include maintenance work as defined above.

Replacement: Expenditures for obtaining and installing process structures, equipment, and accessories which are necessary to maintain the capacity, authority, and performance for which such items were originally designed and constructed.

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Appendix A
Resolution 2022-09

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Appendix B
Resolution 2022-04

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Appendix C
Resolution 81-11
Statement of Policy on Emergency Operations

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Appendix D
Resolution Adopting CUPCCAA

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[Appendix E](#)
[Resolution 2026-02](#)