



REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES

ADDENDUM

Addendum Date: January 4, 2024

Purpose: This addendum supplements, amends, and takes precedence over the original Request for Proposals (RFP) and shall be considered when preparing bid proposals and shall become part of the Contract documents. Offerors shall review the Addendum work and requirements in detail and incorporate any effects the Addendum may have into their scope of services and cost proposal.

Note: All requirements of the RFP documents remain unchanged except as cited herein.

Questions & Requests:

The following are responses to the questions received by the Coachella Valley Association of Governments (CVAG) as of 4:00 p.m., January 3, 2024.

1. **Question:** Would the Coachella Valley Association of Governments consider providing a deadline extension for the Professional Services RFQ due to the upcoming holidays?

Response: *CVAG extends the deadline to submit SOQs to 4:00 p.m., January 12, 2024.*

2. **Question:** Understanding that “applicants may submit SOQs for any or all” disciplines listed providing submission requirements are met (RFQ Page 3), and that all proposed Subcontractors shall be identified along with relationship to applicant (RFQ Page 9), will CVAG consider SOQs from prime Consultants for the disciplines they perform in-house only, without listing Subcontractors, to allow greater flexibility with selection of Subcontractors during future task order proposal development? Or do all Subcontractors to be used on future task orders need to be listed with the initial SOQ submittal?

Response: *CVAG requests that all Subcontractors the Prime Consultant proposes to be used on future task orders be included in the SOQ submitted by the Prime.*

3. **Question:** Can a consultant be both a prime consultant and a subconsultant on another team?

Response: Yes.

4. **Question:** If a consultant proposes on more than one discipline, does CVAG want one 15-page SOQ for all disciplines or separate 15-page SOQs for each discipline?

Response: *Please submit one SOQ.*

5. **Question:** Item #3 Proposed Staffing and Project Organization states to furnish brief resumes of key personnel, though resumes are also listed in the Appendix, which are excluded from the page count. Would CVAG please clarify where resumes should be located and if they are excluded from the 15-page limit?

Response: *Detailed resumes are to be included in the Appendices, which does not count toward the 15-page limit. The Consultant will also provide brief resumes within the 15 pages of the SOQ.*

6. **Question:** Item #4 Appendices states, "Recent and Relevant Projects: Provide an example of a similar scoped project deliverable...". Does CVAG want consultants to list only one sample project, or may we include additional relevant experience so long as they meet the 3-year requirement?

Response: *Consultants may include more than one example deliverable in the Appendices.*

7. **Question:** We are within the architectural discipline, but our specialty is in building envelope which includes waterproofing, roofing, and anything regarding weatherproofing all six sides of your building. We wanted to ask if you would have a separate RFQ for Building Envelope and Roofing Consultants, or if we could submit to this RFQ?

Response: *You may submit to this RFQ.*

8. **Question:** Section 3 asks for resumes of key personnel as well as Section 4. Are these asking for different forms of resumes, or is this an accidental repeat of requirements?

Response: *See response to Question 5.*

9. **Question:** In Section 2: Qualifications, Related Experience, and References, there is no requirement regarding project experience. To clarify, sometimes we see RFQs asking for a list of 3-5 projects that best represent our scope of work, experience, etc. Would it be appropriate to add this to our response?

Response: *Section 2 asks that a Consultant describe the firm's capabilities and experience in providing professional services proposed by the Consultant. Section 4 requests that the Consultant provide an example of a similarly scoped project delivered within the last three (3) years. You may include more than one example project deliverable in the Appendices to support your response in Section 2.*

10. **Question:** Given that this is a request for qualifications and there is no associated project scope, is providing a rate table sufficient for the required Fee Proposal or is there a preferred format? Please confirm that the Fee Proposal should be provided separately from the SOQ.

Response: *Refer to Section III.C. Content and Format of Fee Proposal for requirements.*

11. **Question:** Page 3, second paragraph indicates it is anticipated only local funding will be used for the professional services, yet page 11, last paragraph in C. indicates it is highly recommended that that consultants have a recently approved Indirect Cost Rate from Caltrans. Does this Indirect Cost Rate need to be submitted with the Proposal or just have it available if requested at award? If Indirect Cost Rate from Caltrans is not available, what is CVAG looking for in order to have "Consultant must provide sufficient supporting documents to justify labor rates, overhead rates and fringe benefits"?

Response: CVAG may request the Consultant to provide supporting documentation should the Consultant be short-listed. If Consultant does not have Indirect Cost Rate, CVAG may request Consultant to document and/or attest to labor rates, overhead rates and fringe benefits in a form mutually acceptable to CVAG and the Consultant.

12. **Question:** Please clarify the second and fifth bullet point under III.B regarding the relationship between Consultant and Subcontractors (subcontractors are used in both bullet points but appear to have different meanings). Second Bullet Point - Are you just looking for if we have contracted with our subcontractors on prior projects or a financial interest in the subcontractor? Fifth Bullet Point - is requesting a statement that the Consultant has no personal, business or financial relationship with Contractors or Subcontractors that will be pursuing the work. In this instance is the Contractors and Subcontractors referring to those that will actually build the projects that we would design?

Response: CVAG is requesting the Consultant to state if Consultant has previously contracted with Subcontractor(s) proposed by the Consultant in the SOQ and if Consultant has a financial interest with said Subcontractor(s).

13. **Question:** Please provide a copy of CVAG Procurement Policy & Procedures.

Response: See attached.

14. **Question:** Could you confirm that SOQs are to be emailed to Allen McMillen but the cover letter should be addressed to Jonathan Hoy?

Response: Address the cover letter to Jonathan Hoy, PE, Transportation Director. Email your SOQ submittal to procurement@cvag.org.

15. **Question:** Can you please provide Section V - Scope of Services as referenced on page 8 of the RFQ?

Response: Section V. Scope of Services begins on page 14 of the RFQ.

16. **Question:** Would it be okay to use an 11x17 sheet for the organization chart? If so, would it count as one or two pages?

Response: Please use the 8-1/2" x 11" format.

17. **Question:** RFQ Section III, B, 4: "Recent and Relevant Projects: Provide an example of a similar scoped project deliverable conducted within the last three (3) years, or in process if at least in the final draft stage. If published online, the Offeror may provide a link in lieu of inserting a lengthy document into the appendices." Can you please clarify what type of deliverable would be acceptable to submit?

Response: Examples of deliverables may include completed studies, communications plans, completed plans, or other examples of work products that reflect the services the Offeror is proposing to provide to CVAG.

18. **Question:** Will firms have the ability to both Prime and Sub for this RFQ? Can firm A be a sub to firm B, and then can firm B also be a sub to firm A?

Response: Yes.

19. **Question:** Do we need to submit our personnel hourly rates using Caltrans 10H form?

Response: Caltrans 10H form is acceptable, but not required.

20. **Question:** Can we include the Table of Contents without counting it against the allowed page limit?

Response: *Table of Contents counts toward 15-page limit.*

21. **Question:** Does the Agency envision that this contract could be used to acquire support staff?

Response: *No. The purpose of the RFQ is to establish qualified vendor lists ("pools") to enable informal bidding opportunities and provide a ready pool of vendors for recurring and routine professional services to augment its in-house resources to deliver necessary projects and programs with the required expertise and staff capabilities to meet project schedules and/or deadlines.*

22. **Question:** Are there any CalPERS concerns we should be aware of?

Response: *Questions about CalPERS should be directed to CalPERS.*

23. **Question:** How many firms is CVAG planning on selecting?

Response: *CVAG does not have a predetermined number of firms to be selected.*

24. **Question:** Is there an incumbent on the contract? If yes, who are the incumbents for this RFQ?

Response: *No.*

25. **Question:** Please specify the total budget allocated for this contract.

Response: *The total budget is not specified; the budget for each contract issued through the RFQ will vary.*

26. **Question:** What's the tentative award date for this contract?

Response: *Various dates to be determined beginning in February 2024.*

27. **Question:** Will these positions be fully on-site, or will it be a hybrid schedule?

Response: *CVAG will not be furnishing office space for contracted vendors.*

28. **Question:** Will the positions be part- or full-time?

Response: *Contracted vendor staff may be either full-time or part-time. The purpose of the RFQ is to establish qualified vendor lists ("pools") to enable informal bidding opportunities and provide a ready pool of vendors for recurring and routine professional services to augment its in-house resources to deliver necessary projects and programs with the required expertise and staff capabilities to meet project schedules and/or deadlines.*

29. **Question:** Are escalations to hourly rates allowed?

Response: *Escalation rates will be negotiated with selected vendors when contracted.*

30. **Question:** Do we need to include travel reimbursements into our cost?

Response: *Yes.*

31. **Question:** To confirm: the page limit does not include resumes as resumes are to be included in the appendix?

Response: *Per RFQ requirements in Section III.B. Content and Format of Statement of Qualifications, furnish brief resumes of key personnel highlighting their skill, knowledge, and understanding of applicable subject matter, experience on comparable projects, education, and applicable professional credentials within the 15-page limit, and in the appendices submit resumes of all key personnel/support staff that will produce work product for the Services. Describe their qualifications, education, and professional licensing.*

32. **Question:** If a consultant is selected to participate in grant writing activities, would said consultant be precluded from bidding on future planning and/or design phases of that work?

Response: *No.*

33. **Question:** Can you confirm that proposers may submit on only the categories they would like to self-perform?

Response: *Proposers may submit a SOQ for only the professional services that they and their subconsultants (if applicable) intend to provide.*

34. **Question:** Per Section III.B.3. Proposed Staffing and Project Organization, the RFQ asks for brief resumes of the project staff/key personnel. However, their resumes with the same information asked for in Section 3 is asked for again in Section III.B.4. Would you like a list of resumes in both sections?

Response: *See response to Question 5.*

35. **Question:** The last 3-5 years, how many and what type of projects utilized landscape architects under the on call contract? Parks? Streetscapes? Or other types of projects?

Response: *Per the RFQ, CVAG is seeking to establish a pool of consultants to streamline the professional procurement process. This is the first effort of its kind for the agency, so CVAG has no history with on-call contracts for landscape architectural services. That said, landscape design is a component of current regional design projects CVAG is managing, and more opportunities are expected in the coming years.*

36. **Question:** What was the last contract amount?

Response: *This is the first effort of its kind for the agency, so CVAG has no history with on-call contracts for landscape architectural services.*

37. **Question:** Do we need to form a team? Include architect, civil engineer, geotechnical engineer, structural engineer. Electrical engineer etc? or if there is a project that requires a sub-consultant, CVAG would select that consultant from the OnCall list?

Response: *It is up to the Offeror to decide if they wish to submit an SOQ that includes subconsultants.*

38. **Question:** On pg 11/ Item C. it requires fully burdened hourly rates. The RFP states that Consultant must provide sufficient supporting documents to justify labor rates, overhead rates and fringe benefit rates. Is CVAG requesting a breakdown of the fully burdened rates into labor/overhead/benefits? The RFP also mentions that it is highly recommended that consultants have a recently approved Indirect Cost Rate from Caltrans. We have not seen this recommendation before and may not be able to obtain approval of Indirect Cost Rates from CalTrans prior to the submittal deadline, any recommendation?

Response: *See response to Question 11.*

39. **Question:** Attachment 'B'-Section 5. Payment. Please clarify if progress invoices can be submitted and progress payments will be made for projects that take longer than a month to complete , or billing can only be submitted once the Work Order is completed?

Response: *CVAG can accept monthly invoices.*

40. **Question:** 10. Ownership of Documents - I understand CVAG has the right to reuse plans, we would request to be indemnified for any reuse, as well as no warranty over use of computer files.

Response: *Per Section III.B.4. Appendices, Offerors shall review with proposed subconsultants and identify from Offeror or proposed subconsultants any objections to and/or request changes to the standard contract language in this section of the qualifications.*

41. **Question:** 11. Indemnification – Is this open for discussion since the current clause is not insurable.

Response: *See response to Question 40.*

42. **Question:** Should proposers include all subcontractors that may potentially be used on projects in their SOQs, or can subcontractors be added later?

Response: *See response to Question 2.*

43. **Question:** The RFQ says proposers should include “A statement that the Consultant does not have any personal, business, or financial relationship with the Contractors and Subcontractors that will be pursuing the work” in the cover letter. How can proposers make this statement in the proposal if we're unaware of all Contractors and Subcontractors pursuing the work?

Response: *See response to Question 12.*

44. **Question:** Would you like us to provide a list of key proposed staff and their fully burdened rates and then list key service categories with fully burdened rates?

Response: *The proposed consultant staff, their fully burdened hourly rates and key service category for each staff may be presented in two tables, but ideally in one table in the Fee Proposal.*

Acknowledgement: **Offerors must acknowledge** receipt of this Addendum by signing in the space provided below. This signed Addendum shall be included in the appendices section of the Technical Proposal.

Authorized
Signature:

Date: _____

Company: _____

**COACHELLA VALLEY ASSOCIATION OF
GOVERNMENTS
PROCUREMENT POLICY & PROCEDURES
POLICY NO. 21-04**

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1. Purpose and Scope

Coachella Valley Association of Governments (CVAG) is committed to fair, open, and transparent procurement of goods and services. All staff conducting procurement processes will do so in a professional and ethical manner, without any conflict of interest, to obtain maximum value for every public dollar spent. Except for contracts entered prior to the effective date of this Policy, all purchases of materials, equipment, supplies, and services to be paid by CVAG must adhere to the procedures, authority, and dollar limits set forth in this Policy – including subsequent versions of any cross referenced policies and documents.

2. Definitions

Addendum (sing.)/Addenda (pl.) – A written change, addition, alteration, correction, or revision to a solicitation or contract document. Commonly, the name given to the document used to revise a solicitation.

Amendment – An agreed addition to, deletion from, correction, or modification of a document or contract.

Architect or Engineer (A/E) Professional Services - Services that require performance by a registered architect or engineer. Professional services of an architectural or engineering nature that are associated with research, planning, development, and design for construction, alteration, or repair.

Awardee – A person or firm who is awarded a contract.

Committee Chair (Chair) – Serves as the head of the Executive Committee.

Cooperative Procurement – The action taken when two or more entities combine their requirements to obtain advantages of volume purchases, including administrative savings and other benefits. A variety of arrangements, whereby two or more public procurement entities purchase from the same supplier or multiple suppliers using a single Invitation for Bids (IFB) or Request for Proposals (RFP). Cooperative procurement efforts may result in contracts that other entities may “piggyback.”

CV Link – CV Link is an active transportation project that will provide access for pedestrians, bicyclists, and low-speed electric vehicles (including golf carts) on a dual pathway that largely parallels Highway 111, the busiest corridor in the Coachella Valley.

CV Sync – CV Sync is Smart Region project that will synchronize signals on the regional corridors across the Coachella Valley, starting with Highway 111, Ramon Road and Washington Street.

Designee – A duly authorized representative.

Electronic Procurement (eProcurement) – Conducting all or some of the procurement function over the Internet.

Staff – The individual or department who uses a procured good or service.

Ethical Procurement – Prohibits the breach of the public’s trust by discouraging a public employee from attempting to realize personal gain through conduct inconsistent with the proper discharge of the employee’s duties.

Executive Director – The senior operating officer or manager of CVAG.

Formal Solicitation – A bid that must be submitted in a sealed envelope (or through an eProcurement site) and in conformance with a prescribed format to be opened in public at a specified date and time.

Informal Solicitation – A competitive bid, price quotation, or proposal for supplies or services that is conveyed by a letter, fax, e-mail, or other manner that does not require a formal sealed

bid or proposal, public opening, or other formalities. Generally relegated to requirements that may be considered low value or fall under a stipulated price/cost threshold.

Invitation for Bids (IFB) – A procurement method used to solicit competitive sealed bid responses, sometimes called a formal bid, when price is the basis for award.

Nonprofessional Services – A contract for services where the service provided is not a solution to a problem and does not involve professionals. Examples include, but are not limited to, janitorial work, equipment rental, catering, and security.

Offeror – A generic term that refers to a person or business who submits an offer in response to a solicitation.

Piggyback – A form of intergovernmental cooperative purchasing in which an entity will be extended the pricing and terms of a contract entered into by another entity. Generally, an entity will competitively award a contract that will include language allowing for other entities to utilize the contract which may be to their advantage in terms of pricing, thereby gaining economies of scale that they normally would not receive if they competed on their own.

Procurement – Purchasing, renting, leasing, or otherwise acquiring any supplies, services, or construction; includes all functions that pertain to the acquisition, including description of requirements, selection, and solicitation of sources, preparation and award of contract, and all phases of contract administration. The combined functions of purchasing, inventory control, traffic and transportation, receiving, inspection, storekeeping, salvage, and disposal operations.

Procurement Card – A payment method whereby internal customers (requisitioners) are empowered to deal directly with suppliers for purchases using a credit card issued by a bank or major credit card provider. Generally, a pre-established credit limit is established for each card issued. CVAG's use of a Procurement Card is governed by a separate CVAG policy.

Professional Services – Services rendered by members of a recognized profession or possessing a special skill. Such services are generally acquired to obtain information, advice, training, or direct assistance (e.g., financial, legal, economic, accounting, engineering, information services, technical, architectural, or other administrative professional matters).

Project Manager (PM) – Designated individual within the entity to administer a specific task or contract.

Public Works – Construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds, except work done directly by a public utility company pursuant to order of the Public Utilities Commission or other public authority. For purposes of this paragraph, "construction" includes work performed during the design, site assessment, feasibility study, and other preconstruction phases of construction, including, but not limited to, inspection and land surveying work, regardless of whether any further construction work is conducted, and work performed during the postconstruction phases of construction, including, but not limited to, all cleanup work at the jobsite. For purposes of this paragraph, "installation" includes, but is not limited to, the assembly and disassembly of freestanding and affixed modular office systems.

Request for Proposals (RFP) – The document used to solicit proposals from potential providers (proposers) for goods and services. Price is usually not a primary evaluation factor.

Provides for the negotiation of all terms, including price, prior to contract award. May include a provision for the negotiation of best and final offers. May be a single-step or multi-step process.

Request for Qualifications (RFQ) – A document, which is issued by a procurement entity to obtain statements of the qualifications of potential responders (development teams or consultants) to gauge potential competition in the marketplace, prior to issuing the solicitation.

Responsible Bidder – A bidder that possesses the minimum qualifications, licensure, experience, financial stability, expertise and workforce to perform the work.

Responsive Bid/Proposer – A bid or proposal that fully conforms in all material respects to the Invitation for Bids (IFB)/Request for Proposals (RFP) and, all of its requirements, including all form and substance.

Scope of Work (SOW) – A scope of work is developed at the beginning of the procurement cycle and is a written description of the entity's needs and desired outcomes for the procurement and becomes the basis for any resulting solicitation. The scope of work helps to ensure that the product or service meets the stated outcome and establishes the parameters of the resulting contract.

Single Source Procurement – A non-competitive method of procurement used when, although two or more vendors supply the commodities or service(s), the department selects one for substantial reasons, eliminating the competitive bidding process. A written justification shall be required from staff explaining why only this supplier fulfills the requirement.

Sole Source Procurement – A non-competitive method of procurement used when only one supplier possesses the unique ability or capability to meet the particular requirements of the entity or because only one supplier is practicably available. A written justification shall be required from staff explaining why only this supplier can fulfill the requirement.

Standard Specification - A specification that is to be used for all or most purchases of an item; describes all required physical and functional characteristics of goods, services, or construction.

Task Order – Task order contract means a contract for services that does not procure or specify a firm quantity of services (other than a minimum or maximum quantity) and that provides for the issuance of orders for the performance of tasks during the period of the contract.

3. Standards of Conduct

Transactions relating to the expenditure of public funds require the highest degree of public trust and impeccable standards of conduct. CVAG's contracting activity shall be conducted in a manner above reproach, with the highest of ethical standards and, except as authorized by law, with complete impartiality and without preferential treatment. It is CVAG's policy to strictly avoid any conflict of interest or even the appearance of a conflict of interest in all of its procurement and contracting practices.

All staff shall comply with all applicable laws regarding conflicts of interest, including, but not limited to, the California Political Reform Act, and the provisions of the California Government

Code regarding Prohibited Interests in Contracts, as these laws may be amended from time to time.

All staff shall also specifically comply with CVAG's Personnel Rules and Benefits Manual, including the policies addressing conflicts of interest and ethical standards.

Contracts/Procurement shall have adequate internal controls to ensure all contracts and purchases processed are in accordance with the policies specified in that:

All internal requests contain proper approvals before being converted into a contract or purchase order;

Staff have a mechanism to report unauthorized activities as well as any suspicions of fraud, waste, or abuse; and

Any violation of these standards may be cause for disciplinary action, including dismissal, if appropriate.

4. Delegation of Authority

The Executive Director has authority to approve expenditures up to the dollar amounts shown in the following table:

AGENCY	CAPITAL EXPENDITURES	NON-CAPITAL EXPENDITURES	PROJECT-SPECIFIC EXPENDITURES*
CVAG	\$50,000	\$25,000	\$50,000
CVCC	\$25,000	\$25,000	n/a
DCE	\$100,000	\$100,000	n/a

*The CVAG Executive Committee has approved project-specific spending authorities related to the CV Link and CV Sync projects.

Limits established in Table 1 may be modified by the CVAG Executive Committee, the CVCC or the DCE Board. Expenditures above the limits in Table 1 must be approved by the agency's governing board.

Only the Executive Director (or designee) is authorized to sign contracts and agreements binding upon CVAG. Contracts or agreements in excess of the thresholds established in Table 1 above shall require approval of the CVAG, CVCC or DCE governing board and the signature of the Chair, unless express authority is granted to the Executive Director by the Executive Committee.

The intent of this delegation of authority shall not be circumvented by breaking up an expenditure into smaller contract amounts or breaking up expenditures across more than one fiscal year. Expenditures shall be considered on an individual project basis in the aggregate for each fiscal year as well as across more than one fiscal year. For example, three non-capital expenditures for CVAG/CVCC in the amount of \$10,000 each to a single vendor for the same project during the same fiscal year shall not be provided without governing body approval.

Likewise, three non-capital expenditures for CVAG/CVCC in the amount of \$10,000 each to a single vendor for the same project spanning three fiscal years shall not be provided without governing body approval. The Agency's fiscal year is from July 1 to June 30. In the event the Executive Director or Chair is absent or unavailable to sign the contract, the designee shall sign on that person's behalf.

5. Competitive Procurement Thresholds and Methods

To establish uniform thresholds and procedures for the acquisition of goods or services, subject to the exceptions set forth in Section 6 .

5.1. Procurement Thresholds

The table (Table 2) below provides guidelines for competitive purchases for goods and services..

Table 2

DOLLAR THRESHOLD	PROCUREMENT METHOD
\$0 - \$5,000	Informal, one (1) written quote
\$5,001 - \$25,000	Informal, three (3) written quotes
\$25,001 and above	Formal Solicitation

Splitting of purchases ("fragmenting") in order to avoid competitive procurement requirements is prohibited.

The Executive Director (or designee) at his/her/their discretion shall have the authority to authorize a formal procurement method less than the limits established if it is deemed to be in the best interest of CVAG.

5.2. Procurement Methods

Informal Procurement (\$0 - \$5000): Staff shall make and document a reasonable effort to solicit and obtain the lowest quote/proposal for the goods or services desired.

Informal Procurement (\$5001 - \$25,000): Staff shall make a reasonable effort to solicit and obtain three (3) competitive quotes/proposals via email, mail, fax or any other reasonable solicitation method. When three (3) quotes/proposals are unable to be obtained, Staff must provide documentation as to how the quotes were requested and document its findings prior to the approval of any purchase.

Formal Procurement (\$25,001 and above): Staff in consultation with the Director of Finance/Administration (or designee) will determine the best method of solicitation (i.e., RFP,

IFB, or RFQ) depending on the nature of the desired goods or services. The Director of Finance/Administration (or designee) shall be the main point of contact for any formal solicitation to avoid any unethical practices. All formal procurement methods shall be publicly advertised for a minimum of fourteen (14) days and opened and reviewed as described in the bid documents. Purchases of supplies and equipment of an estimated value of greater than twenty-five thousand dollars (\$25,000) shall be by written contract.

5.3. Purchases of Supplies, Material, and Equipment

Staff shall use the informal request for quote method per Section 5.2 for goods and/or supplies in an amount under twenty-five thousand dollars (\$25,000) and award to the lowest bidder. For goods and/or supplies in an amount greater than twenty-five thousand dollars (\$25,000), staff shall procure the goods and/or supplies through a formal procurement method per Section 5.2 and award to the lowest bidder. Bids shall be publicly opened at a date and time set forth in the bid documents.

5.4. Nonprofessional Services

Staff shall solicit a request for quote or request for proposal through an informal process per Section 5.2 for nonprofessional services in an amount under twenty-five thousand dollars (\$25,000) and a formal process per Section 5.2 for nonprofessional services in an amount greater than twenty-five thousand dollars (\$25,000). If an informal process is used, Staff shall award based on lowest bid. If a formal process is used, proposals received shall be evaluated based on qualifications and competence, where price is a criterion but not the determinative factor. Staff, in consultation with the Director of Finance/Administration (or designee), shall determine the best method of evaluating proposals received based on the nonprofessional services needed.

5.5. Professional Services – Government Code 4526

Contracts for private architectural, landscape architectural, professional engineering, environmental, land surveying, and construction project management services shall be engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to CVAG, pursuant to California Government Code Section 4526.

Staff shall solicit a request for proposal for professional services through an informal process for services under twenty-five thousand dollars (\$25,000) and a formal process for services greater than twenty-five thousand dollars (\$25,000) per Section 5.2 and shall evaluate proposals received based on competence and qualifications. The cost proposal shall be submitted separately from the balance of the proposal (in a sealed envelope) and opened for comparison only after evaluation and ranking of the proposals is complete. CVAG shall have the option to negotiate the cost with the top-ranked firm. Should CVAG and the top-rank firm fail to agree on

a cost, CVAG shall have the option to reject the top rank firm's proposal and start negotiations with the next highest ranked firm and so on until an agreement is made.

The awarding authority shall have the right to reject any quote, bid, or proposal if doing so is determined to be in the best interest of CVAG and to re-advertise for bids, and to waive any irregularity in any bid so long as doing so does not create an unfair advantage.

The above process may be utilized in the discretion of the Executive Director for the solicitation of professional services other than those enumerated above.

5.6. Public Works Projects

Pursuant to Section 1.2.3 of the Third Amendment and Restatement of Joint Powers Agreement of CVAG, CVAG shall exercise such powers that are imposed upon the City of Palm Desert, a charter city, in the exercise of similar powers; provided, however, that if the City of Palm Desert shall cease to be a member, then CVAG shall be restricted in the exercise of its power in the same manner as the County of Riverside, a general law county. Accordingly, the procurement thresholds and methods governing CVAG public works projects shall be those set forth in the City of Palm Desert Charter or Municipal Code and are as follows:

Fifty thousand dollars or less. For public works projects in an amount less than fifty thousand dollars (\$50,000), staff shall solicit three price quotes and award to the lowest responsible and responsive bidder. If unable to obtain a minimum of three price quotes, staff shall document that reasonable efforts were made to obtain price quotes including, that a notice was posted for not less than seven business days; that there were no other vendors to solicit quotes from; or that they solicited other vendors and one or more declined to provide a quote. In lieu of soliciting three price quotes, staff may elect to procure by formal bidding procedures per Section 5.2.

More than fifty thousand dollars. Public projects in an amount more than fifty thousand dollars (\$50,000) shall be solicited pursuant to the formal bidding procedure (Section 5.2) and awarded to the lowest responsive and responsible bidder. The Executive Committee may reject any or all bids received and may waive any irregularities in each bid received.

5.7. Recycled, Energy Efficient or Environmentally Friendly Supply Products Specification

If in procuring supplies a recycled, energy efficient or environmentally friendly product can achieve the necessary CVAG performance standard, and if such recycled product is readily available, specifications should, if economically feasible, require products made with recycled, energy efficient or environmentally friendly materials be bid. If the Executive Director (or designee) determines that: (1) a recycled, energy efficient or environmentally friendly product lacks performance capabilities or needed quality levels; or (2) a sufficient amount of said product is not currently available in the market, then a reduced percentage can be required, or

the supply specification can be limited to non-recycled, non-energy efficient or non-environmentally friendly materials.

6. Exceptions to Competitive Procurement

This Section 6 sets forth exceptions to competitive procurement. The following is a list of services and expenditures that fall outside the requirements of the competitive process:

- Utility Expenses
- Cooperative Purchases
- Piggyback Purchases
- Emergency Expenditure (further defined below)
- Association Fees
- Subscriptions
- Membership Dues
- Leases or Purchase of Real Property
- Government Permits & Fees, Advertisement
- Conferences & Seminars
- Office and Routine Program Supplies
- Environmental Permits & Fees
- Travel Expenses, Lodging, & Meals
- Insurance Premiums & Fees
- Application Fees
- Medical Services
- Taxes, such as property or payroll taxes
- Memoranda of Understanding (MOUs)

6.1. Emergency Expenditures

An emergency exists when life or property is in immediate danger due to an Act of God or other catastrophic circumstance and prevention of loss requires a deviation from normal competitive procurement procedures.

6.1.1. Procedures for Emergency Expenditures

The staff making the purchase must document (e-mail or memo) the specific reasons for the purchase.

The staff making the purchase must obtain approval from the Executive Director (or designee).

The use of the emergency purchase policy must not be considered a substitute for regular purchasing procedures or a method of circumventing established purchasing controls.

Staff may request expenditure reimbursements by submitting a Payment Request Form. Original receipts are required as proof of purchase and must be attached to the payment request form, approved by the Department Director, and submitted to the Accounting Department.

6.2. Special Expertise Services

A contract for professional services agreement may be awarded without competition when it is determined that an unusual or unique situation exists, in that due to experience and expertise demonstrated in prior contracts for professional services with CVAG's particular contractor is

uniquely qualified for a particular task, that makes the application of all requirements of competitive sealed bidding or competitive sealed proposals contrary to the public interest. Any special procurement under this section shall be made with such competition as is practicable under the circumstances.

6.3. Matters with Time Constraints

Due to CVAG's meeting schedules, there could be instances where a good or service is needed in an exigent manner, and where a formal procurement method would not be in the best interest of CVAG. The Executive Director, in consultation with the Chair, may authorize an informal bid process for matters that fall within his authorized expenditure in such instances. Staff shall make every effort to obtain proposals/quotes from a minimum of three (3) firms. The term of the contract shall not exceed one (1) year or the Executive Director's expenditure authority. If it is determined the service or good will be reoccurring, exceed the maximum one (1) year, or exceed the Executive Director's expenditure authority, CVAG shall solicit with a formal procurement for said goods or service. CVAG shall notify the Executive Committee of such award at CVAG's next meeting.

6.4. Cooperative Purchasing with Other Agencies

The bidding requirements of Section 5.2 shall not apply to the purchasing of any equipment or supplies which the end user decides to obtain through a cooperative competitive bidding procedure, being prepared by and processed through another local, Tribal, State, or Federal governmental agency. If staff determines it to be in the best interest of CVAG, is authorized to "piggy-back" onto or join into an existing written purchase contract, which contract was obtained within the last 12 months through a competitive bidding process prepared by and awarded by another local, state or federal government agency. Approval of a "piggy-back" or cooperative purchase shall be obtained from the Executive Committee for an award exceeding the Executive Director's signing authority.

Multiple Awarded Bids. It is not uncommon to have multiple awarded bids. A competitive bidding process is conducted for a specified product. Several vendors whose product meets the specification are awarded the contract. Maximum item price and contract terms are established. If staff determines it to be in the CVAG's best interest, the staff is authorized to use Federal, state or other government agency multiple awarded contracts. Staff must obtain quotes from at least three vendors on the list and award the bid to the lowest responsible bidder. Approval shall be obtained from the Executive Committee for purchases exceeding the Executive Director's signing authority.

6.5. Single/Sole Source Justification

Procurement by single/sole source for goods or services requires submission, vetting, and approval of a Single/Sole Source Justification form. Final approval of a single/sole source procurement requires the signature of the Executive Director (or designee). A single/sole source shall not be used to limit competition in any way. A letter/memo from the vendor explaining the product or service, or statement of geographic territory on a formal letter, shall be attached to the single/sole source justification form when applicable.

7. Procurement Card (P-Card)

The procurement card is an alternative payment method for acquiring goods and some services at a low dollar value while adhering to the procurement policy guidelines. Refer to Procurement Card Policy No. 21-05

8. Grant Funds

Procurement of services or goods paid for with grant funds will be subject to the guidelines specified in the funding agreement(s) which supersedes this policy in such instances.

9. Federal Funds

When money has first been secured from a federal source, CVAG's project manager for the project shall determine whether expenditures of said money are subject to any federal purchasing policies or procedures, which shall thereafter be adopted as restrictions on the administration of those funds.

10. Caltrans Procurement Guidance – Federal and State Funded Transportation Projects

Regional transportation projects must adhere to the contract management procedures as outlined in CVAG Policy 20-03, which was approved by the CVAG Executive Committee in October 2020 and complies with Caltrans requirements.

On December 4, 2017, CVAG Executive Committee adopted Caltrans' Chapter 10, Consultant Selection, as the procedures manual for the procurement of private consultants to perform architectural, engineering, environmental, land surveying, construction engineering or construction management and related services for federal-aid or state funded projects. CVAG will follow the selection and contracting procedures detailed in this chapter for federal-aid or state funded projects. See link below.

[Chapter 10 Consultant Selection \(ca.gov\)](https://www.caltrans.ca.gov/procurement/chapter-10-consultant-selection)

11. Contracts (or Agreements) and Purchase Orders

Contracts (or Agreements) shall be used when an initial expenditure exceeds \$25,000 for goods and/or services. Prior to the issuance of any Contract (or Agreement), the Director of Finance/Administration (or designee) shall ensure the proper procurement methods established in this policy were followed.

When negotiating terms, it may be determined by the Director of Finance/Administration (or designee) that it is in the best interest of the agency to issue Purchase Orders for goods and services requested. Prior to the issuance of any Purchase Order, the department director shall ensure the proper procurement methods established in this policy were followed.

12. Subsequent Contract Awards, Amendments, Extensions or Renewals

Notwithstanding any extension clauses in a contract or anything herein to the contrary, the Executive Director (or designee) shall not award a subsequent contract to the same individual or entity for the same or similar services on the same project, or amend, extend or renew such a contract, without obtaining the next highest approval authority (i.e., the governing body), when the award, amendment, extension or renewal will result in CVAG paying an aggregate amount in excess of the approval authority of the Executive Director to the individual or entity in any given fiscal year or the cumulative total of the project. For purposes of this section, the phrase "same project" shall include an on-call or as-needed contract.

13. Insurance

Prior to the execution of a contract, evidence of proper insurance coverage is required for any procurement involving services that puts CVAG at risk. If a consultant request CVAG to waive or alter any of its insurance requirements, the Executive Director may elect to waive certain insurance requirements, depending upon his/her/their assessment of the risks and liabilities posed to CVAG's.

14. Performance and Payment Bonds

Payment Bond. Per Civil Code §9550, a direct contractor that is awarded a public works contract involving an expenditure in excess of twenty-five thousand dollars (\$25,000) shall, before commencement of work, give a payment bond to and approved by the CVAG by whom the contract was awarded.

Performance Bond. The Executive Director (or designee) shall have the authority to require, at his/her/their sole discretion, a performance bond for a direct contractor that is awarded a service contract involving in expenditure in excess of twenty-five thousand (\$25,000) before commencement of work. The performance bond shall be provided to and approved by the officer or public entity by whom the contract was awarded when applicable. A performance bond in an amount equal to 100 percent of the contract amount shall be required for all public works contracts.

15. Protests for Formal Solicitations

This protest process applies only to contracts awarded through a formal bidding process (e.g., RFP or IFB). This does not apply to CVAG purchase orders.

Written protests must be filed with CVAG's Executive Director within five (5) workdays after posting of the Notice of Intent to Award on CVAG's website. No verbal protest will be accepted. The protest must be detailed, referencing the solicitation number, project name, and the name of the administrator listed on the bid documents. The protest must be submitted to CVAG's Executive Director via certified mail using the following address:

Executive Director
Coachella Valley Association of Governments
73-710 Fred Waring Dr., Suite 200
Palm Desert, CA 92260

Any entity that submits a bid or proposal may protest a CVAG contract award.

There is no basis for protest if CVAG rejects all proposals/bids based on the best interest of CVAG.

The Executive Director shall respond to the offeror protesting the solicitation in writing and acknowledge receipt of the offerors protest. The Executive Director shall notify Contracts/Procurement and the Project Manager of the protest received. The Executive Director, in consultation with Contracts/Procurement, the Project Manager, and legal counsel, if necessary, shall determine whether the basis of the protest has merit and is permissible. If so, the Executive Director shall notify all offerors, including the awardee, that the protest will be decided by reviewing submissions of written material to support each party's position and sets the date of submission thereof. If the protest is deemed to be insufficient and without merit, the awarding authority shall notify the offeror protesting the solicitation the protest is denied.

16. Pre-Bid/Pre-Proposal Meetings

The project manager in consultation with the Director of Finance/Administration (or designee) shall determine if a pre-bid/proposal meeting is necessary. A pre-bid/pre-proposal meeting shall not be mandatory, unless stated in the bid documents. The meeting is held after the RFP or IFB is released and before bids/proposals are due. The meeting will allow the project manager to further elaborate on the Scope of Work in more detail and to answer questions from prospective bidders/proposers.

Except for questions raised during a pre-bid/pre-proposal meeting, prospective proposers shall submit all questions pertaining to the bid documents in writing.