

Notice and Agenda

REGULAR MEETING — BOARD OF DIRECTORS — COUNTY SANITATION DISTRICT NO. 23

To be held at the OFFICE OF THE DISTRICT
1955 Workman Mill Road, Whittier, California

For the public to join the meeting virtually, click <https://us02web.zoom.us/j/8091438308> or enter the Meeting ID 809 143 8308 into the Zoom app on your smartphone or computer. Alternatively, you may join by phone by calling (669) 900-9128 and entering the Meeting ID. The meeting is not required to be broadcast via Zoom, but as a courtesy for public attendance. You may find further information at: <http://www.lacsd.org/agendas>

THE DISTRICT MAY TAKE ACTION ON ANY AGENDA ITEM LISTED BELOW

| | | |
|-----------|------------------|------------------------|
| WEDNESDAY | January 10, 2024 | At 1:30 P.M. |
| LARIOS | LOPEZ | MERLO (Chairperson) |
| | | RIVERA |
| | | YBARRA |

1. Public Comment
2. Approve Minutes of Regular Meeting Held November 8, 2023
3. Approve September and October 2023 Expenses in Amount of \$1,323

Summary: Local District expenses represent costs that are the sole responsibility of the individual District. Allocated expenses, which are generally distributed twice per year in conjunction with the receipt of the District’s service charge revenue, represent the District’s proportionate share of expenses made by the Joint Outfall System pursuant to the Joint Outfall Agreement. The Agreement provides for the joint administration, technical support and management of the operations, maintenance, and capital costs associated with all the shared facilities for all of the signatory Districts, along with the methodology for determining the proportionate costs for each District. A listing of Districts’ payments and previously approved budgets can be found on the Districts’ website at lacsd.org/financial-documents. This item is consistent with the Districts’ Guiding Principle of commitment to fiscal responsibility and prudent financial stewardship.

| | |
|--------------------------|----------------|
| Local District Expenses: | |
| Operations & Maintenance | <u>\$1,323</u> |
| Total Expenses | <u>\$1,323</u> |

4. Adopt Purchasing Policy (Policy)

Summary: As part of the continuing effort to ensure the Districts follows best practices as it relates to financial matters, revisions to the Policy are being recommended. The Policy establishes rules for purchase of materials, supplies, equipment, services, and construction projects. Proposed revisions to the Policy clarify several sections and modify the provisions for emergency orders and contracts. In September 2023, the Personnel Committee, comprised of the Chairpersons of all active Districts, unanimously endorsed the proposed revisions, and the revised Policy was adopted by this Board at the November 8, 2023, meeting. Subsequently, in response to concerns raised at the November meetings of the District No. 14 and District No. 20 Boards, staff made further revisions to notification requirements related to emergency actions specified in Section 3.3 to reduce the threshold for Board Chairperson notification and concurrence for actions exceeding \$200,000 for smaller Districts. These changes are included in the attached revised Policy. This item is consistent with the Districts’ Guiding Principles of commitment to fiscal responsibility and prudent financial stewardship; and to plan for both short-term and long-term needs to minimize the need for significant rate increases.

Adjourn

Status Report: Prior to or during the meeting session, the Chief Engineer and General Manager may update the Directors on various matters concerning the Districts that may be of current interest to the Directors.

Public Comment: Members of the public may address the Board of Directors on any item shown on the agenda or matter under the Board’s authority. A “Request to Address Board of Directors” form is available. In compliance with the Americans with Disabilities Act, if you require special assistance to participate in this meeting, please contact the Secretary to the Boards’ Office (562) 908-4288, extension 1100. Notification of 48 hours prior to the meeting will enable staff to make reasonable arrangements to ensure accessibility to this meeting. (28CFR 35.101 et seq. ADA Title II).

Document Requests: Links to supporting documents are available online at the time of posting. Agendas and supporting documents or other writings that will be distributed to Board members in connection with matters subject to discussion or consideration at this meeting that are not exempt from disclosure under the Public Records Act are available for inspection following the posting of this agenda at the office of the Secretary to the Boards of Directors located at the Districts’ Joint Administration Building, 1955 Workman Mill Road, Whittier, California, 90601, or at the time of the meeting at the address posted on this agenda.



**LOS ANGELES COUNTY
SANITATION DISTRICTS**
Converting Waste Into Resources

Robert C. Ferrante
Chief Engineer and General Manager

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PURCHASING POLICY

Rules, Regulations, and Policies for the Purchase
or Lease of Materials, Supplies, Equipment,
Services, and Construction Projects, and for the
Sale and Disposition of Districts' Property

Proposed 2023 Revisions for Consideration by Boards

For clarity only substantive changes are shown; formatting and other minor edits are not shown.

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**RULES, REGULATIONS AND POLICIES FOR THE PURCHASE OR LEASE OF
MATERIALS, SUPPLIES, EQUIPMENT, SERVICES, AND CONSTRUCTION PROJECTS
AND FOR THE SALE AND DISPOSITION OF DISTRICTS' PROPERTY**

SECTION 1. GENERAL

- 1.1 The County Sanitation Districts of Los Angeles County ("Districts" or individually "District") are special districts organized and operating pursuant to the County Sanitation District Act, California Health and Safety Code, Sections 4700, et seq.
- 1.2 Health and Safety Code section 4763 provides that all powers of the District shall be exercised by the District Board unless otherwise specified. Pursuant to Health and Safety Code section 4840, each of the Districts has found and declared by resolution that it is for the interest or advantage of the Districts to enter into an agreement for the maintenance of a centralized and joint administrative organization to carry out the purposes there set forth, which powers include:
 - a. To purchase or lease personal property, including materials, equipment, supplies and services that are necessary or convenient for the construction, maintenance, and operation of their sewerage and refuse transfer and disposal systems (Health and Safety Code 4740), and
 - b. To sell or dispose of interests in property that are no longer required for District purposes (Health and Safety Code sections 4743), and
 - c. To sell or dispose of by-products from the operation of their sewerage and refuse transfer and disposal systems (Health and Safety Code section 4743).
- 1.3 Each District hereby confirms said action by approving this Policy by resolution.
- 1.4 The Purchasing Agent is its Chief Engineer and General Manager or his or her designee.
- 1.5 The Board of Directors hereby delegates to the Purchasing Agent the authority set forth in the following rules, regulations, and policies, which shall be known as the Districts' Purchasing Policy (Policy) and shall, among other things, constitute the policies and procedures, including bidding regulations to advertise and receive bids in accordance with all applicable statutes and regulations, required by Government Code Sections 54201, et seq.
- 1.6 The Purchasing Agent shall develop detailed procedures as needed to implement the requirements of this Policy.
- 1.7 As the administrative District, as described in the Amended Joint Administration Agreement, District No. 2 is authorized to issue purchase orders or enter into contracts on behalf of each of the other Districts. When Board approval is required by this Policy, the Board of District No. 2 shall approve, execute, or authorize purchases, agreements leases, contracts, etc., that involve joint or shared costs. The Purchasing Agent may seek concurrence from other Districts' Boards for such actions.

- 1.8 The Districts are subject to the requirements of the California Uniform Public Construction Cost Accounting Act (“CUPCCAA”) Public Contract Code § § 22000 – 22045 and this Policy sets forth purchasing procedures consistent with CUPCCAA.
- 1.9 The Districts have adopted Job Order Contracting (JOC), indefinite delivery, indefinite quantity, alternative delivery method under the provisions of the Joint Powers Agreement with Sourcewell adopted May 27, 2020. JOC is to be utilized for projects that do not require detailed engineering design and when the Purchasing Agent determines JOC is the most cost-effective method for completing the project.
- 1.10 This Policy is not intended to describe every requirement of laws and regulations that govern Districts’ purchases and therefore additional requirements, processes and limits may apply. In the event of a conflict between this Policy and any law, regulation, or other agreement, the more stringent provisions shall prevail.

SECTION 2. PROCEDURES FOR PURCHASE OR LEASE OF MATERIALS, SUPPLIES, EQUIPMENT, SERVICES, AND CONSTRUCTION PROJECTS

- 2.1 Board approval shall be obtained before any purchase order is issued or, contract is executed, or change order or extra work claim is granted that has a value of greater than \$100,000 regardless of the method of solicitation or whether it falls under CUPCCAA, except as allowed under Section 2.11. The Purchasing Agent is authorized to take necessary actions to issue or execute purchase orders, contracts, change orders or extra work claims with a value of \$100,000 or less.
- 2.2 Board approval to solicit or reject bids or proposals shall be obtained for all significant projects and purchases as determined by the Purchasing Agent or when required by law.
- 2.3 The following limits govern solicitation of bids or proposals not falling under CUPCCAA:
 - a. \$5,000 or Less The Purchasing Agent may make purchases or leases in accordance with procedures that the Purchasing Agent deems appropriate.
 - b. More than \$5,000 up to \$50,000 The Purchasing Agent shall solicit bids or proposals from a minimum of three vendors, if available.
 - c. More than \$50,000 The Purchasing Agent shall solicit bids or proposals by formal invitation with a thoroughly documented scope and terms. All such solicitations shall be posted on the Districts’ web site.
- 2.4 For Projects that are procured pursuant to CUPCCAA, the following limits apply as required in Public Contract Code 22032:
 - a. \$60,000 or Less The Purchasing Agent shall solicit informal quotes or perform with District’s own workforces (“Force Account”).
 - b. More than \$60,000 up to \$200,000 The Purchasing Agent shall let to contract by the informal procedures set forth in CUPCCAA.

- c. More than \$200,000 The Purchasing Agent shall let to contract by formal bidding procedures that comply with the requirements of the Public Contract Code.

2.5 The Purchasing Agent need not comply with the solicitation requirements of sections 2-3 when the Purchasing Agent determines that any of the following reasons or circumstances exist:

- a. An emergency condition as described in section 3 of this Policy.
- b. Construction or repair completion dates cannot be met, and delays will lead to costs that exceed possible savings from following the bid requirements.
- c. Patented, licensed, or proprietary materials or services are required.
- d. Compatibility with existing equipment is necessary.
- e. Single-Source Procurement – Prior experience has proven that a particular-make or type of equipment, material, supply, service is more satisfactory or economical from one supplier than any other available product or service from other suppliers.
- f. Sole Source Procurement – Equipment, material, supply, or service is only available from one source.
- g. Piggybacking – The procurement is available at pricing established by and available through an existing governmental purchasing cooperative or a City, County, State, or Federal contract.

2.6 The following may be purchased by means of a Purchase Order:

- a. Purchases of materials, supplies, equipment, and services of any dollar value.
- b. Projects procured using the procedures set forth in CUPCCAA and JOC.

2.7 The following shall be procured by a contract:

- a. Whenever a contract is needed to clarify or supplement the terms and conditions and related documents associated with a purchase order.
- b. When required by any law or regulation.

2.8 A request for proposals may be issued when the purchase involves one or more of the following: significant unknown conditions or scope; evaluation of the providers’ abilities; selection factors other than price; or it is required or allowed by law.

2.9 All dollar limits in this policy are exclusive of taxes and delivery fees.

2.10 Projects, purchases, and contracts shall not be split or separated for purposes of evading the dollar limits given in this Policy or mandated by law. For recurring orders, blanket orders, or multi-year orders, the dollar limits in this Policy are to be applied considering the annual estimated purchases.

2.11 When the purchase of materials, supplies, equipment, or services, including maintenance and public works projects, has previously been authorized by the Board of Directors, the Purchasing Agent may, during the term of the original authorization, purchase additional ~~quantities of such~~ materials, supplies, equipment, or services, including maintenance and public works projects, under the same terms as the board-approved order, without Board approval as follows:

- If the change is for additional quantities under the same terms, up to 25% of the original amount authorized by the Board regardless of dollar value.
- If the change is under substantially the same terms and within the general scope of the original order, up to 25% of the original amount authorized by the Board regardless of dollar value.
- If the change order involves work outside of the original scope or under different terms of the original order, up to \$100,000 regardless of percentage. ~~up to 25 percent of the cost originally authorized without additional Board approval, not to exceed \$100,000.~~
- ~~Thereafter, if exceeding 25 percent of the original cost of \$100,000 or greater, Board approval is required.~~

2.112.12 The law requires that private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services shall be selected based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. The Purchasing Agent shall comply with the requirements of Government Code Section 4525 et seq. When in the best interest of the Districts, such services shall be obtained by issuing a request for competitive proposals utilizing a two-envelope process (one for qualifications and one for costs) in accordance with the procedures described in Government Code Section 4527 and 4528.

2.122.13 The Purchasing Agent may purchase used equipment without following the bid procedures in this Policy and without prior authorization by the Board of Directors if savings can be realized only by making such purchase before the next regular meeting of the District Board of Directors. Any such purchase in excess of \$100,000 shall be reported to the Board of Directors at its next regular meeting.

2.132.14 The Purchasing Agent is authorized to participate in research studies or programs with other public, private, or academic organizations, or become a member of an organization, if the resulting research or membership has the potential to benefit District facilities or services or otherwise further a statutory purpose of the District, and the District's contribution will not exceed \$100,000 per year, without approval by the Board of Directors.

2.142.15 The Purchasing Agent is authorized to arrange for utility services as required for operation of District facilities, including executing agreements and contracts as required to obtain utility services without Board approval.

2.152.16 The Purchasing Agent is authorized to execute service agreements and similar agreements related to software, internet, and other information services purchases without obtaining Board approval beyond the purchasing approvals otherwise required in the Policy.

~~2.162.17~~ The Purchasing Agent is authorized to purchase dirt, used asphalt, and other similar materials for solid waste site operations at rates determined necessary and appropriate (including at no charge when appropriate) to provide materials in quantities required without Board approval.

SECTION 3. EMERGENCY AUTHORITY

3.1 Pursuant to Public Contract Code, Section ~~110222050~~, The Purchasing Agent shall have the authority to take immediate action, including the expenditure of District funds, to repair, restore, replace, or protect District facilities, or to prevent or correct damage caused by District operations, for protection of public health, safety, property, or the environment, without prior authorization of the Board of Directors upon his or her finding that:

- a. It is necessary to repair, restore, replace, or protect District facilities or prevent or correct damage caused by District operations for protection of public health, safety, property, or the environment;
- b. It is infeasible to secure prior authorization of the Board of Directors or to contract for such work in accordance with formal competitive bidding procedures.

~~3.2 The amount of expenditures authorized by section 3-1 is unlimited, except that the Purchasing Agent shall not incur an indebtedness that is anticipated to exceed \$100,000 without the concurrence of the Chairperson of the Board of Directors, or, in his or her absence, the concurrence of any other Board member. If the Purchasing Agent, after reasonable effort under the circumstances, is unable to contact the Chairperson or other board member, the Purchasing Agent is authorized to take immediate action without the prior concurrence of the Chairperson or other Board member.~~

~~3.3 The Purchasing Agent shall report any action taken pursuant to section 3-1 and that exceeds \$5100,000 to the Board of Directors at its next regular board meeting.~~

3.2 The Purchasing Agent shall have the authority to issue a purchase order or execute a contract agreement that would normally require prior Board authorization if any delays to the issuance of the purchase order would result in significant economic losses, such as downtime at an energy or commodity-producing facility or delays to other contractors or District forces or when there are tangible benefits to the Districts such as associated with project staging costs and/or minimizing project impacts to surrounding communities. When possible, the order shall be issued to a vendor who has previously been awarded similar work because of a formal bid process. An analysis of the economic and any other factors justifying the issuance of the purchase order shall be documented. ~~Action confirming the issuance of the purchase order shall be obtained from the Board of Directors at its next regular board meeting.~~

3.3 The Purchasing Agent is authorized to take immediate action under the provisions of 3.1 and 3.2 when necessary. For any action under the provisions of 3.1 or 3.2 that, for Joint Outfall or Solid Waste Operations, exceeds \$500,000 in cost or \$200,000 in cost for all other operations, the Purchasing Agent shall (i) notify and seek concurrence from the chairperson of the Board of Directors as soon as practicable; and (ii) report any such action to the Board of Directors at its next board meeting. In addition, the Purchasing Agent shall obtain confirming approval from the Board of Directors for any action that exceeds \$100,000 after the contract or order details, including costs, are finalized.

SECTION 4. BIDDING REGULATIONS

- 4.1 The Purchasing Agent shall establish bidding procedures that are in the best interest of the Districts, and that comply with all applicable provisions of law and this Purchasing Policy and the specific requirements of this Section.
- 4.2 As used in this Section, the word “bid” shall include any offer to provide materials, equipment, supplies and services, including maintenance and public works projects, to the Districts.
- 4.3 Procurements shall be awarded to the lowest responsive, responsible bidder.
- 4.4 The Purchasing Agent shall have the right to reject all bids, to accept one part of a bid and reject another in accordance with bid specifications, to waive technical defects, and to consider alternate bids if to do so best serves the interests of the Districts.
- 4.5 All bids submitted to the Districts that do not substantially comply with the instructions for bidding or that contain unauthorized conditions, limitations, or provisions, or that substitute items shall be deemed non-responsive and may be rejected by the Purchasing Agent. The Purchasing Agent may waive minor errors, omissions, or irregularities and accept bids if the error, omission, or irregularity does not affect the award or provide any other advantage to the bidder.
- 4.6 In the event of a discrepancy, the bid price shown for the unit price or for a lump sum item shall take precedence over the bid price shown for the total.
- 4.7 Any bids received after a bid date and time will not be considered.
- 4.8 Contractors must supply such bidders’ security, payment bonds, or performance bonds required by law or District specifications. The Purchasing Agent shall establish reasonable minimum requirements for bonds and surety companies.
- 4.9 All bids shall remain confidential until the time for bid opening. All responses to Requests for Proposals shall remain confidential until a contract or purchase order has been awarded.
- 4.10 All methods of procurement, including bids, requests for quotations, requests for proposals, etc., must be conducted in a manner that is fair and transparent.
- 4.11 The Purchasing Agent shall maintain written records of all purchasing activity as required by law or the District’s document retention practices or policy. Electronic records, including but not limited to scanned documents, emails, and purchasing data in the District’s accounting and asset management systems, shall be considered adequate written records for this purpose.

SECTION 5. DISPOSITION OF DISTRICT PROPERTY

- 5.1 The Purchasing Agent shall sell or dispose of property that is no longer required for District purposes in such manner and for such consideration as the Purchasing Agent determines will best benefit the District. Property having a combined current value of \$100,000 or greater, shall not be sold or disposed of without prior authorization of the District’s Board of Directors.

5.2 The Purchasing Agent may exchange used District property in connection with a purchase of materials, supplies, or equipment, subject to the limitations in this section.

5.3 Disposition of all real property, regardless of value, requires Board approval.

SECTION 6. OUTREACH PROGRAM

6.1 Policy Statement

- a. The Districts reaffirm a commitment to cost efficiency, fair and open public processes, and equal opportunity for purchasing and contracting.
- b. The Districts support and encourage participation by businesses owned and controlled by minorities (“MBE”), women (“WBE”), disabled veterans (“DVBE”), disadvantaged (“DBE”), small business enterprises (“SBE”), and other disadvantaged businesses and historically underutilized businesses (“HUB”).
- c. Therefore, the Districts have adopted the following Outreach Program (“Program”):

6.2 The Program

- a. **Public Works Contracts:** Districts’ staff shall encourage participation by all members of the community including MBE/WBE/DVBE/DBE/SBE businesses in the process of bidding for public works contracts as defined by Section 1101 of the California Public Contract Code by means of an outreach program.
- b. **Purchases of Materials, Supplies, Equipment or Services:** Districts’ staff shall periodically review purchases of materials, supplies, equipment, or services for possible participation by MBE/WBE/DVBE/DBE/SBE businesses. Districts’ staff shall determine the availability of MBE/WBE/DVBE/DBE/SBE businesses in the applicable trade or industry and will notify them of contract opportunities.
- c. **Federal and State Projects:** Projects that are funded in whole or in part by the federal and/or state government shall be administered according to requirements of the respective state and/or federal programs.

6.3 The Program shall not apply to contracts let pursuant to emergency authority delegated to the Purchasing Agent as provided for elsewhere in this Policy.

6.4 Certification

- a. MBE/WBE/DVBE/DBE/SBE businesses shall have been certified as such by one or more of the following agencies: the City of Los Angeles, Department of Public Works; WMBE Clearinghouse, Los Angeles, California (California Public Utilities Commission); California Department of Transportation (CalTrans); Los Angeles County Metropolitan Transportation Authority (MTA); County of Los Angeles, Consumer and Business Affairs, Office of Small Business; or such other agencies deemed authoritative by the Purchasing Agent. Certifications from other agencies may be accepted on a case-by-case basis.

- b. The Purchasing Agent shall accept small businesses certified as such under the Federal Government's Small Business Administration 8(a) program and the State of California's Office of Small and Minority Businesses.
- 6.5 All businesses that have been certified in accordance with the procedures set forth above shall be placed in a database that categorizes them according to type of industry, trade, or commodity.
- 6.6 Districts' Goals and Reporting
- a. To encourage participation, an aspirational goal of 20% of Purchase Orders issued to MBE/WBE/DVBE/DBE/SBE businesses has been established for the Program. The goal will be communicated to prospective bidders in the specifications for each project.
 - b. Contractors awarded projects of \$100,000 and greater in value will be required to report levels of participation by MBE/WBE/DVBE/DBE/SBE suppliers and subcontractors. The information will be used by the Districts for statistical purposes.
 - b-c. Progress toward meeting the goals in this section shall be reported to the Board once per year.
- 6.7 The following methods shall be utilized by Districts' staff as appropriate to increase awareness of opportunities for MBE/WBE/DVBE/DBE/SBE business participation in contracting opportunities:
- a. Participate in working groups with other local agencies, such as OneLA Regional Collaborative.
 - b. Maintain a database that contains pertinent information on various certified MBE/WBE/DVBE/DBE/SBE firms, including the type of trade or industry in which the business is engaged.
 - c. Actively participate in business fairs sponsored by various city and county agencies, as well as MBE/WBE/DVBE/DBE/SBE business associations.
 - d. Notify contractor associations regarding bidding opportunities.
 - e. Place notices in local newspapers and trade journals regarding upcoming projects.
- 6.8 Efforts shall be made to eliminate or minimize requirements that have the potential to discourage or prevent disadvantaged businesses from participating in bids including:
- a. Insurance requirements shall not be more than what would be appropriate for the risk associated with the scope of work.
 - b. Bonds, licenses, experience requirements, etc. shall not be more than what is required by law or what is needed to ensure the quality of the work and the qualifications of the vendor.
 - c. When it will not unduly impact the Districts ability to operate efficiently, the scope of work associated with each bid or proposal solicitation shall be structured to maximize opportunities for vendors that have limited size or capabilities.

SECTION 7. ADMINISTRATIVE AND BUSINESS TRANSACTIONS

- 7.1 The Purchasing Agent is authorized to procure and pay for required regulatory fees, permit fees, taxes, etc. for payments to government agencies without Board approval.
- 7.2 The Purchasing Agent is authorized to procure and pay for legally required newspaper notices without board approval.
- 7.3 The Purchasing Agent is authorized to procure temporary property rights, that do not exceed \$100,000, necessary to accommodate construction of Districts' projects without approval by the Board of Directors.
- 7.4 The Purchasing Agent ~~or his or her designee~~ is authorized to settle and reject claims against the Districts not to exceed \$100,000.
- 7.5 The Purchasing Agent is authorized to issue Purchase Orders and enter into Contracts greater than \$100,000 without board approval, if the next board meeting is not expected to take place for more 30 days, and delay of the order or contract until the next board meeting would result in significant economic losses, regulatory issues, or delays to critical work. The Purchasing Agent shall request approval at the next meeting of the Board of Directors, not to exceed 90 days from the date the purchase order or contract was issued.

7.57.6 The Board authorizes the Purchasing Agent to designate staff, as he or she determines is appropriate, to carry out the actions authorized in this Policy.

SECTION 8. PURCHASING POLICY ADOPTION

This Policy will become effective after approval by all of the Districts Boards and supersedes the Purchasing Policy for each individual District. This Policy will be reviewed on an annual basis and any modifications must be approved by the Boards. After each review, the matter will be referred to the Personnel Committee (comprised of the Chairpersons of the Board of Directors of each active County Sanitation District of Los Angeles County) for its consideration.