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I. Policy Statement

It is the intent of the Imperial Valley Telecommunications Authority (“IVTA”) to provide a comprehensive process to be used for public projects exceeding the bid threshold pursuant to Public Contract Code Section 20111(b) when formal bidding proves to be unfavorable or impossible to achieve.

II. Definitions

- **Public Project.** –Public project means construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility as defined by Public Contract Code Section 22002(c).
- **Bid Threshold** – Public Contract Code Section 20111(b) requires competitively bidding and awarding any contract involving an expenditure of more than \$15,000 to the lowest responsible bidder for construction of public projects.

III. General Information

Like most public agencies in California, the IVTA uses competitive bidding when purchasing or leasing equipment, materials or supplies, or when contracting for services, repairs or public projects to ensure efficient, economic and responsible spending of public funds. However, given the current bidding climate experienced by IVTA in which construction services for relatively small public projects are both costly and scarce, the bidding process has proven to be very unfavorable and incongruous for the greatest public benefit.

In *Graydon v. Pasadena Redev. Agency* (1980) Cal.App.3d 631, 635 (.Graydon.), the courts determined that even if statutorily required, competitive bidding may be foregone if it contradicts the goal of ensuring efficient, economic, and responsible government and proves unavailing, disadvantageous, undesirable, impractical, or impossible.

This clearly applies to IVTA as the bidding process has resulted in either no response from vendors or extremely high vendor quotations.



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IV. Bidding Process

As a matter of practice and based on current bidding experience, the IVTA may forego the formal bidding process for public projects exceeding the bid threshold and instead contract directly from a vendor only after having secured in writing from responsible vendors at least three estimates of the project cost.

At least two times per year, the IVTA shall reassess the bidding climate to weigh factors such as exigency, expediency, and cost efficiency to make a determination as to whether formally bidding a project would provide the IVTA with the greatest public benefit. Should IVTA make a determination that the bidding climate has favorably changed; the requirements of formal competitive bidding will be followed.

The formal competitive bidding process shall be as follows:

1. Preparation of the bid document to include the following (if applicable)
 - a. Notice to contractors
 - b. Information to bidders
 - c. Bid form
 - d. Workers compensation certificate
 - e. Non-collusion affidavit
 - f. Bid bond
 - g. Agreement
 - h. Performance bond
 - i. General specifications
2. Advertise for bids at least once a week for two weeks in a newspaper of general circulation
3. Receive all bids at a date and time specified in the "Notice Calling for Bids"
4. Open all bids in public
5. Evaluate all bids received
6. Recommendation for Board approval of award
7. Notify contractor of the award
8. Issue a notice to proceed