

San Bernardino County Transportation Authority	Policy	11000
Adopted by the Board of Directors January 3, 1997	Revised	6/03/20
Contracting and Procurement Policy	Revision No.	24

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I. PURPOSE

This policy establishes contracting and procurement standards to guide the selection of the most qualified firms to perform services to the best advantage of the Agency. It provides guidance to SBCTA staff with respect to policy considerations adopted by the SBCTA Board of Directors.

II. REFERENCES

Policy 10025, Guidelines for Agenda Materials

California Government Code § 4525 et seq.; Public Contract Code; and Public Utilities Code §§ 130221–130239

2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; (see Procurement Standards 2 CFR sec. 200.317 through 200.326).

2 CFR Chapter XII—Department of Transportation, Part 1201--Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; (see 2 CFR sec. 1201.317).

40 USC Chapter 11 (Brooks Act)

23 CFR part 172

California Department of Transportation Local Assistance Procedures

III. POLICY

All contracts and purchase orders for construction projects, leases of real property, professional, non-professional and maintenance services, and the purchase of goods shall be processed according to the following policies.

IV. GENERAL

A. Definitions

Awarding Authority means the Board, or a Board Committee or the Executive Director to whom the Board delegated authority to award a contract or purchase order under this Policy or by other action of the Board.

Construction (Public Works) means construction, reconstruction, erection, alteration, renovation, demolition, painting, and repair work involving any publicly owned, leased or operated facility, building, structure, real property, street or highway, or other public improvement of any kind. Does not include routine operation, maintenance or repair of existing facilities, buildings, structures, or real property, or recurring or usual work for the preservation or protection of publicly owned or operated facilities.

Goods means supplies, materials, equipment, and other movable/tangible things.

Non-Professional Services means janitorial, maintenance, security, advertising, printing, postal, landscape maintenance, including mowing, weeding, watering, trimming/pruning, planting, and servicing of irrigation and sprinkler systems, the maintaining or servicing of Goods, and other services that are not deemed a professional service.

Procurement contract means an agreement or purchase order with a third party for acquisition of Goods, Non-Professional Services, Professional Services (A & E), Professional Services (Non A & E) or Construction work.

Professional Services (A & E) means architectural, engineering, environmental, land surveying, construction engineering, construction project management services, or other professional services of an architectural or engineering nature that are required to be performed or approved by a person licensed, registered, or certified to provide such services.

Professional Services (Non A & E) means advisory, information technology, legal, financial, accounting, auditing, legislative advocacy, marketing, freeway service patrol, program management, and any other services which involve the exercise of professional discretion and independent judgment based on advanced or specialized knowledge, expertise or training gained by formal studies or experience, but excludes Professional Services (A & E).

Procurement Solicitation means Invitation for Bids (IFB), Request for Proposals (RFP), Invitation for Quotes (IFQ), or other forms of written or verbal solicitations for the procurement of Goods, Non-Professional and Professional Services, and Construction projects.

SBCTA Staff means full-time employees of San Bernardino Associated Governments, or upon the transfer of such employees to SBCTA pursuant to SB 1305, the full-time employees of SBCTA.

B. Standard Requirements

1. Written Contracts. Written contracts shall be required for construction projects and for all employment contracts.
2. Legal Counsel Review. All contracts shall be reviewed by legal counsel prior to presentation to the Board or the Executive Director, or his/her designee, for approval.
3. Contract Provisions. All contracts shall specify a period of performance, description of the function to be performed, total contract amount, and appropriate performance standards.
4. Non-Discrimination. All contracts shall contain a standard non-discrimination clause.
5. Contract Term. The maximum term for procurement contracts shall be five years unless otherwise authorized by the Board.
6. Federal/State Requirements. When utilizing state and federal funds which require more rigorous or different procurement standards than required by these policies, such standards will apply. SBCTA is responsible for ensuring that such standards including those set out in 2 CFR part 200 and 2 CFR part 1201 are met and are included in appropriate contracts.
7. Consultant Selection. When procuring a consulting firm for architectural and engineering services utilizing federal funds through Caltrans, SBCTA will advertise, award and administer the project in accordance with Caltrans current Local Assistance Procedures per 23 CFR part 172 unless otherwise stated in the executed Caltrans project-specific Program Supplement.
8. Insurance. SBCTA's Risk Manager is responsible for ensuring that all insurance requirements are reviewed and approved prior to the solicitation being released for all of the following procurements, meeting any of the following criteria:
 - a. Anticipated value of \$500,000 or greater, regardless of the procurement type;
 - b. Construction projects;
 - c. Environmental services;
 - d. Rail projects;
 - e. FSP services.

9. Independent Cost Estimates (ICE). ICE are required for all procurement actions, including but not limited to all contract amendments and contract change orders. The United States Department of Transportation, Federal Highways Administration and Federal Transit Administration require recipients of federal dollars to “perform a cost or price analysis in connection with every procurement action, including contract modifications...” The starting point for cost or price analysis is the development of an ICE which should be used in the evaluation of the consultant’s or contractor’s price proposal.

An ICE should be prepared by staff who are knowledgeable about the goods, services or construction work being procured. The ICE is the best ‘estimate’ as to the cost of the goods, services or construction work being procured. The method and degree of analysis is dependent on the complexity of the goods, services or construction work being procured. An ICE should be prepared in advance of the receipt of any bids or proposals, amendments or change orders. The ICE is particularly critical whenever there is no price competition (e.g., for architectural and engineering procurements or where only one proposal is received), or when firms submit unusually high price proposals.

V. TYPES OF PROCUREMENTS

A. Goods and Non-Professional Services – Competitive Procurement

1. Informal Procurement (PUC § 130232(b))

The following procedures will generally be used when each expected procurement for goods and non-professional services is valued in excess of \$1,000, but not exceeding \$25,000:

- a. Whenever possible, informal procurements should be based on the solicitation of at least three (3) bids, either written or oral (telephone survey), that permit prices and terms to be compared.
- b. An Invitation for Quotes (IFQ) or letters may be required if the goods or non-professional services being requested require more detailed bids. IFQ or letters will be issued to a limited number of prospective bidders.
- c. Award of a purchase order or contract will be to the lowest responsive responsible bidder whose bid conforms to SBCTA’s requirements.
- d. SBCTA will document the results of all such informal procurement actions.

2. Formal Procurement (PUC § 130232(a))

The following policies apply for goods and non-professional services procurements valued in excess of \$25,000:

- a. An Invitation for Bids (IFB) will be distributed and a notice inviting bids will be published at least once in a newspaper of general circulation or the equivalent. The publication shall be made at least 10 days before the date for the receipt of the bids. The competitive sealed bid method will be used.
- b. A control record will be maintained as the IFB is distributed indicating the date, time, and/or place of distribution or notice. The record shall contain the names and addresses of offerors receiving the IFB and details regarding the publication of the notice of IFB. The control record shall be used as a mailing or distribution list for the issuance of notices relative to the IFB and as a verification record in the case of vendor protests.
- c. Award of a contract or purchase order shall be made to the lowest responsive responsible bidder whose bid conforms to all the material terms and conditions of the IFB.
- d. The Board, at its discretion, may reject any and all bids and readvertise.

3. Amendments

- a. Contracts and purchase orders for goods and non-professional services may be amended to extend the term of the contract or purchase order.
- b. Contracts and purchase orders for non-professional services may be amended to add additional scope of work and compensation for additional work that was not foreseen at the time the original contract or purchase order was awarded pursuant to competitive procurement, if the Awarding Authority determines it is in the best interests of SBCTA to do so. The Awarding Authority shall consider cost-effectiveness, timeliness, prior quality of performance of services in determining if it is in the best interests of SBCTA.

B. Construction – Competitive Procurement

1. Informal Procurement

The following policies will generally apply for Construction procurements valued at \$25,000 or less:

- a. Whenever possible, informal procurements should be based on the solicitation of at least three (3) bids.
- b. An Invitation for Quotes (IFQ) will be issued to a limited number of prospective bidders.
- c. Award of a contract will be to the lowest responsive responsible bidder whose bid conforms to the SBCTA's requirements.
- d. SBCTA will document results of all such informal procurement actions.

2. Formal Procurement

The following policies apply to Construction procurements in excess of \$25,000. (PUC § 130232)

- a. An Invitation for Bids (IFB) will be distributed and a notice inviting bids will be published at least once in a newspaper of general circulation or the equivalent. The publication shall be made at least 10 days before the date for the receipt of the bids. The competitive sealed bid method will be used.
- b. A control record will be maintained as the IFB is distributed indicating the date, time, and/or place of distribution or notice. The record shall contain the names and addresses of offerors receiving the IFB and details regarding the publication of the notice of IFB. The control record shall be used as a mailing or distribution list for the issuance of notices relative to the IFB and as a verification record in the case of vendor protests.
- c. Award of a Construction contract shall be made to the lowest responsive responsible bidder whose bid conforms to all the material terms and conditions of the IFB.
- d. Award of a Construction contract may proceed directly to the Board without prior review or recommendation by a Board Committee if the contract award recommended is to the lowest responsive responsible bidder.
- e. The Board, at its discretion, may reject any and all bids and readvertise.

3. Amendments/Change Orders

- a. Amendments and change orders to Construction contracts shall comply with the California Public Contract Code.
- b. Department Directors or Designee are authorized to approve Change Orders on all Construction contracts up to the authorized contract contingency amount. Change Orders approved by the Department Directors will be presented monthly for review to the appropriate Policy Committee and/or Board.

C. Professional Services (A & E) – Qualifications Based Procurement

1. Informal Procurement

The following policies will generally be used for Professional Services (A & E) procurements valued at \$25,000 or less:

- a. An Invitation for Quotes (IFQ) will be issued to a limited number of prospective proposers.
- b. Whenever possible, informal procurements should be based on the solicitation of at least three (3) proposals.
- c. Award of a purchase order or contract will be made to the consultant whose proposal conforms to the requirements of the IFQ and is most advantageous to the agency based on price and other factors considered.
- d. SBCTA will document results of all such informal procurement actions.

2. Formal Procurement

The following policies will be used for Professional Services (A & E) procurements valued at more than \$25,000:

- a. The Request for Proposal (RFP)/Request for Qualifications (RFQ) process will be used to solicit proposals.
- b. The RFP/RFQ process is a competitive procurement process that requires evaluation of a consultant's proposal and qualifications.
- c. These contracts shall be awarded based upon demonstrated competence, and professional qualifications and capabilities necessary to perform the services at a fair and reasonable price. This procurement process does not require award to the lowest cost proposer.
- d. Staff will maintain a control record as RFP packets are distributed indicating the date and time of distribution. The record shall contain the names and addresses of consultants receiving the RFP and attendance at pre-proposal conferences, if any.
- e. Pre-proposal conferences will be held, when appropriate, to discuss the basic requirements such as instructions to the consultants, funding, contract type, evaluation criteria, and specific points that should be addressed in each proposal.
- f. Special consideration is required in the instances of a formal competitive process resulting in only one response. In those instances, SBCTA staff shall evaluate factors relative to the competitive process, including adequacy of notification to qualified competitors, requirements of the RFQ/RFP, the amount of time provided to respond to the RFQ/RFP, adequacy of the one proposal received, and urgency. After such an analysis, the Executive Director shall make a recommendation to either accept or reject the proposal. Each circumstance will require consideration of facts relevant to the specific solicitation and work to be performed.

3. Amendments

- a. Amendments to increase the cost and/or period of performance of an established scope of work are approved as a matter of prudence and necessity. These result from increased difficulty or range of work effort to accomplish the defined scope. Examples requiring such amendments include actions in response to review comments, the imposition of new state or federal regulations, various design complications, and other factors generally beyond the consultant's control and not anticipated during the initial cost proposal.
- b. In those instances where it has been determined that professional services are required beyond the term of the existing contract, the standard practice shall be for the contract to be reviewed prior to the end of the contracted performance period and assessed relative to (1) the scope and continued need for the function performed, (2) the adequacy of performance under the contract, and (3) other terms and conditions of the contract.

In certain instances, SBCTA consultants are required to work closely with other public agency partners and SBCTA member jurisdictions. When such a professional services contract is being considered for a revised scope or extension, staff will solicit input from the representatives of those public agencies on the performance, demeanor, and timely implementation of work performed by the consultant.

- c. Based upon the demonstrated competence and on the professional qualifications of the consultant and upon the particular project needs, professional services contracts may be recommended for extension or be recommended for re-competition.
- d. Re-competition for required professional services serves to assess the competitive market conditions relative to expertise and pricing for such services and may be prudent on a periodic basis. However, where professional services relate to specific on-going projects or levels of unique qualifications, skills, and experience, it may be appropriate to extend such contracts without re-competition. Staff shall analyze each contract based upon the specific project needs and include justification for such recommendation in the report to the Board or Executive Director.
- e. It may be prudent for staff to recommend against a renewed competitive process in the following instances:
 - i. When the amendments are the result of an increase in the scope of work for the same project, wherein the qualifications and experience required to perform the new tasks were clearly examined as part of the prior competitive process.
 - ii. When, on the basis of a specific finding or competitive process prior to approval of the original contract, the consultant was determined to be the most qualified and responsive to undertake the work addressed by the contract amendment.
 - iii. Where the consultant, based upon findings presented to the Board, is found to be preeminently positioned to perform the work due to its: (1) specific qualifications, (2) unique knowledge of the project, or (3) unique knowledge of the work required.
- f. The Executive Director or Board may periodically approve amendments to product specific professional and technical services consulting contracts contingent upon consultant performance and negotiation. Amendments may address all contract components, but typically relate to increased cost, the period of performance to accomplish the project, or adjustments to the scope of work.
- g. Department Directors or Designee are authorized to approve Contingency Amendments up to the authorized contract contingency amount approved by Board. Contingency Amendments approved by Department Directors will be presented monthly for review to the appropriate Policy Committee and/or Board.

4. Procurement Process

The following procedures will be used for Professional Services (A&E) procurements to ensure that only highly qualified firms matching SBCTA's needs will be selected.

- a. Preparation and distribution of RFP/RFQ. Staff will prepare the scope of work and the RFP/RFQ.
- b. Appointment of Selection Team. The Board, Policy Committees and/or SBCTA staff shall appoint a selection team. A representative of SBCTA member jurisdictions or representatives of SBCTA counterpart agencies shall be invited to participate in the selection of consultants, when appropriate. Members of the selection team shall be appointed with reference to the discipline involved and the location of the project. When possible, SBCTA staff shall participate in the entire selection process.
- c. Responses to Queries. Numerous inquiries are typically received during the circulation period for any RFP/RFQ. Relevant information will be provided, and pre-proposal conferences will be held, when appropriate, to discuss the basic requirements such as instructions to offerors, funding, contract type, evaluation criteria, terms, scope, and the selection process. The names of the selection team are often requested. Relevant technical information will be provided, but names of the selection team shall not be made available prior to formal interviews.

- d. Short-listing. Short-listing is the most important part of the process. Narrowing the list to a small set of qualified firms greatly reduces the likelihood of making a poor selection. Ensuring an adequate short-list is therefore very important. Members of the selection team shall review and evaluate all responses to establish a short-list of the most highly qualified firms in preparation for formal interviews.

The review and evaluation will focus especially on the following points:

- Understanding of the project
 - Management structure of the project team
 - Approach
- e. Interviews. The selection team shall convene to interview the short-listed firms. Procurement staff will coordinate the interview process in questioning and discussion, but shall have no vote, and will not attempt to influence the decision. This will ensure adequate technical expertise and perspective from SBCTA's program interests.
- f. Debriefing. An essential part of the selection process is the debriefing of firms that were either not short-listed or not selected. Members of the selection team shall designate one member to meet with unsuccessful proposers to explain the selections that have been made and to offer recommendations for improving future proposals. Contract staff will not participate in the debriefing.

D. Professional Services (Non A & E) – Qualifications Based Procurement

1. Informal Procurement

The policies of Section V.C.1 for the Informal Procurement for A & E Professional Services contracts generally apply to Non A & E Professional Services procurements.

2. Formal Consultant Selection Process

The policies of Section V.C.2 for the Formal Procurement for A & E Professional Services contracts generally apply to Non A & E Professional Services procurements. Award of a purchase order or contract will be made to the consultant whose proposal conforms to the requirements of the RFP and is most advantageous to the agency based on qualifications, price and other factors considered.

3. Amendments

Amendments to contracts for Non A & E Professional Services shall be processed in accordance with the policies contained in Section V.C.3.

4. Procurement Process

Non A & E Professional Services shall be procured in accordance with the provisions contained in Section V.C.4, provided however Non A & E consultants' proposals may be ranked for short-listing based upon both qualifications and cost.

VI. EXCEPTIONS

A. Sole Source/Single Source

1. Goods--Single Source

Any Goods may be purchased without observing the provisions of this policy regarding contracts, bids, advertisement or notice, upon a finding by two-thirds (2/3) of all Board members that there is only a single source of procurement and the purchase is for the sole purpose of duplicating or replacing the supply, equipment, or material already in use. (PUC § 130237)

2. Professional Services—Sole Source

- a. In those specific instances when it may be necessary or prudent to enter into sole source contracts, specific approval shall be required.
- b. All sole source contracts shall be governed by the following guidelines:
 - i. Sole source contracts may be recommended for approval upon a finding of appropriateness and that it is in the best interest of the agency to do so.
 - ii. Contracts may be recommended for approval on a sole source selection based upon a requirement for unique qualifications, the existence of significant time constraints, and/or in certain instances of demonstrated experience.
 - iii. Any recommendation for approval of a contract for which a competitive process has not been completed shall contain justification for the lack of competition.
 - iv. Any recommendation to the Board for sole source procurement must be specifically called out in the agenda item and shall be placed on the discussion calendar.

B. Cooperative Procurements

SBCTA may contract with the vendor or supplier of any federal, state or local governmental department or agency (Public Agency) that has selected the vendor or supplier after complying with the Public Agency's competitive procurement requirements, and if it is in the best interest of SBCTA to do so. SBCTA's Procurement Manager will determine whether the purchase of goods and services directly from the vendor or supplier of a Public Agency is in the best interest of SBCTA based upon price, quality and whether the terms and conditions of the cooperative procurement contract meet SBCTA's necessary requirements.

C. Emergency Procurements (PUC § 130234)

In the event of great public calamity, as defined by Public Utilities Code § 130234, the Board may declare and determine, by resolution adopted by two-thirds (2/3) vote of all its members, that public interest and necessity demand the immediate expenditure of funds to safeguard life, health, or property, and enter into a contract without observance of the provisions of this policy and/or Public Utilities Code § 130232.

D. Remedial Measures (PUC § 130235)

Upon determining that immediate remedial measures are necessary to avert or alleviate damage to property, or to replace, repair, or restore damaged/destroyed property in order to ensure that SBCTA's facilities are available to serve the transportation needs of the public, and upon determining that available remedial measures are inadequate, including the procurement of goods and services or construction in accordance with Public Utilities Code §§ 130232-130234, the Executive Director may authorize the expenditure of funds for the procurement of goods and services without observance of the provisions of this policy and/or Public Utilities Code §§ 130232-130234. The Executive Director shall submit a report to the Board explaining the necessity of any such expenditure.

E. Prototype Equipment (PUC § 130236)

Upon a finding by two-thirds (2/3) vote by all members of the Board that a proposed competitive bid or open market purchase, in accordance with Public Utilities Code §§ 130232 and 130233, does not constitute an adequate method of procurement for the operation of SBCTA facilities or equipment, the Board may direct the procurement of prototype equipment or modifications in an amount sufficient to conduct and evaluate operational testing without further observance of the provisions of this policy and/or Public Utilities Code § 130232.

F. Specialized Equipment (PUC § 130238)

The Board may, upon a finding by two-thirds (2/3) vote by all its members, direct that the procurement of (1) specialized rail transit equipment, including rail cars, and (2) computers, telecommunications equipment, fare collections equipment, microwave equipment, and other related electronic equipment and apparatus be conducted through competitive negotiation as set forth in Public Utilities Code § 130238.

G. Open Market (PUC § 130233)

If after rejecting bids received from a formal competitive procurement process, the Board determines by a majority vote that the goods or non-professional services may be purchased at a lower price in the open market, the procurement of such goods or services may proceed without further observance of the provisions of this policy regarding contracts, bids, advertisement, or notice.

H. Design Build

Procurements may be authorized by the Board, pursuant to the Public Contract Code § 6820 et seq. or other applicable law, for the design and construction of eligible projects through design build contracts. Such procurements shall be performed in accordance with applicable state and federal laws.

VII. DELEGATION OF AUTHORITY

A. Invitations for Quotes, Requests for Proposals, Requests for Qualifications, Invitations for Bids

1. The Executive Director, or his/her designee, is authorized to release and advertise Invitations for Quotes (IFQ), Requests for Proposals (RFP), Requests for Qualifications (RFQ) and Invitations for Bids (IFB) for proposed contracts/projects for which funding has been approved in SBCTA's Annual Budget and are estimated not to exceed \$1 Million.

Board approval must be obtained prior to circulation of any RFP/RFQ/IFB if funding has not been approved in SBCTA's Annual Budget, or the anticipated value of the RFP/RFQ/IFB exceeds \$1 Million.

2. General Counsel is authorized to issue RFQs for the purpose of creating and maintaining panels of qualified lawyers and law firms to provide legal services.

B. Contracts, Purchase Orders, Amendments and Contingency Amendments

1. General Policy.

- a. All contracts, purchase orders, amendments, and memoranda of understanding in excess of \$100,000 require approval by the Board, unless otherwise authorized by the Board.
- b. In order to prevent delays that would result in negative impacts to projects and/or programs, staff will provide sufficient time for Policy Committees and/or the Board to review and consider staff recommendations for approval of contracts and contract amendments. Refer to Policy 10025.

2. Board President. The Board President is the officer designated to sign contracts on behalf of the organization, unless otherwise authorized by the Board. In the absence of the Board President, the Board Vice President is authorized to sign contracts on behalf of the organization.

3. General Policy Committee. The General Policy Committee is authorized to approve contracts in excess of \$100,000 in the event of significant time constraints, extenuating circumstances, or emergencies when approval is required, with notification to the Board. Notification shall be made at the next regularly scheduled meeting of the Board following such approval.

4. Executive Director. The Executive Director, or his/her designee, is authorized to approve and execute:

- a. All contracts and purchase orders up to \$100,000.
- b. Contract amendments:
 - i. With zero dollar value.
 - ii. Amendments to exercise the optional term(s) set out in contracts approved by the Board.
 - iii. Amendments that cumulatively do not exceed 50% of the original contract value or \$100,000 individually, whichever is less.
 - iv. Amendments that do not exceed contingency amounts authorized by Board.

- c. Purchase order amendments:
 - i. With zero dollar value.
 - ii. For purchase orders originally less than \$100,000, increasing the purchase order amount up to \$100,000.
 - iii. For purchase orders originally \$100,000 or more, increasing the purchase order amount up to 10% of the original purchase order value but not to exceed \$25,000.
 - d. Contract Task Orders (CTO):
 - i. All CTOs up to \$500,000, not-to-exceed the available contract balance.
 - ii. CTO amendments within available contract balance:
 - With zero dollar value.
 - For CTOs originally less than \$500,000, increasing the CTO amount up to \$500,000.
 - For CTOs originally \$500,000 or more, increasing the CTO amount up to 10% of the original CTO value but not-to-exceed \$100,000.
 - e. Sole source procurements up to \$100,000. Such sole source procurements shall be routinely reported to the Board.
5. General Counsel. General Counsel is authorized to directly award and execute legal services agreements up to \$100,000 in order to address the agency's legal needs. All such agreements shall be routinely reported to the Board. Award of contracts exceeding \$100,000 require Board approval.
 6. Department Director. The Department Director, or his/her designee, is authorized to approve and execute Contingency Amendments (SBCTA Form 305) that do not exceed contingency amounts authorized by Board.

VIII. LEASING OF REAL PROPERTY (Not Applicable to Rail Property – See Policy No. 31602)

SBCTA may, from time to time, enter into contracts for the leasing of real property belonging to SBCTA or leased for use by SBCTA. Examples of this type contract are for office space occupied by SBCTA staff, lease of rail rights-of-way owned by SBCTA not immediately required for rail operations, or other short-term project specific leases.

A. Leasing SBCTA Property

1. All lease agreements resulting from call for bids require approval of the Board.
2. The call for bids shall be posted in at least three public places for not less than 15 days and published for not less than two weeks in a newspaper of general circulation. The highest proposal for the proposed lease submitted in response to a call for bids shall be accepted, or all bids shall be rejected.
3. Leases for a period not exceeding ten years and having an estimated monthly rental of not more than \$5,000 may be excluded from the bidding procedure specified in the preceding paragraph, but shall be subject to the following requirements:
 - a. Notices requesting offers to lease SBCTA property shall be posted in the SBCTA offices. Notices shall also be mailed or delivered at least 15 days prior to accepting offers to lease to any person who has filed written request for notice with SBCTA. Such requests to receive notices shall be renewed annually. Notice shall be published as provided in Government Code § 6061.
 - b. Notices requesting offers to lease SBCTA property shall describe the property proposed to be leased, the terms of the lease, the location where offers to lease the property will be accepted, the location where leases will be executed, and any SBCTA officer authorized to execute the lease.

- c. The Executive Officer, or his/her designee, is authorized to approve and execute leases exempted from the bidding procedures specified in this section.
- d. Leases exempt from the bidding procedures are not renewable except by approval of the Board after a competitive process.

B. Leasing Property for SBCTA Use

Board approval is required on all leases of real property for use by SBCTA, except that the Executive Director, or his/her designee, is authorized to lease real property for a term not to exceed three years and for a rental not to exceed \$2,500 per month. The Executive Director, or his/her designee, is authorized to amend real property leases for improvements or alterations with a total cost not to exceed \$2,500, provided that the amendment does not extend the term of the lease and that no more than two amendments, not exceeding \$2,500 each, are made within a 12-month period.

IX. STANDARD OF ETHICS

- A. No SBCTA staff shall solicit, demand or accept from any person anything of a monetary value for or because of any action taken, or to be taken, in the performance of his or her duties. SBCTA staff failing to adhere to the above will be subject to any disciplinary proceeding deemed appropriate by SBCTA, including possible dismissal.
- B. No SBCTA staff shall use confidential information for his or her actual or anticipated personal gain, or the actual or anticipated personal gain of any other person related to such SBCTA staff by blood, marriage, or by common commercial or financial interest. SBCTA staff failing to adhere to the above will be subject to any disciplinary proceeding deemed appropriate by SBCTA, including possible dismissal.
- C. SBCTA procurements shall be conducted in accordance with SBCTA's Procurement Standards of Conduct and in compliance with the SBCTA Conflicts of Interest Policy and applicable federal and state law.

X. REVISION HISTORY

Revision No.	Revisions	Adopted
0	New Policy. Adopted by the Board of Directors	01/03/97
1	Modified Para. 11000.10	01/07/98
2	Modified Para. 11000.7.2	01/07/98
3	Deleted & replaced Para. 11000.7.3	01/07/98
4	Added Para. 11000.10 B	03/04/98
5	Modified Para. 11000.10	06/03/99
6	-Added Para. 11000.7.2.f -Modified Para. 11000.7.3.5.B -Modified Para. 11000.9.3.2	09/01/99
7	-Added new Para. 11000.5.G -Re-identified Para. 11000.5.H (was Para. 11000.5.G) and revised to add "...or the Plans and Programs Committee . . ." -Re-identified Para. 11000.5.I (was Para. 11000.5.H) -Moved Para. 11000.7.5.3 to new paragraph 11000.7.5.1.d and added "...and shall be placed on the discussion calendar." -Added Para 11000.12 REVISION HISTORY	07/05/00
8	-Revised Par. 11000.2 DEFINITIONS to REFERENCES and added Policy 10025, Guidelines for Agenda Materials. -Revised Paragraphs 11000.5.H and 11000.5.I -Re-numbered original Par. 11000.5.I to 11000.5.J -Deleted Par. 11000.10 POLICY GOVERNING DISADVANTAGED BUSINESS ENTERPRISES; re-numbered original Paragraphs 11000.11 and 11000.12 to 11000.10. and 11000.11.	01/09/02
9	Par. IX.A.1: Added additional paragraph "In certain instances, SANBAG professional services contractors are required to work closely with other public agency partners...". Re-formatted paragraph numbering to match current policy format, e.g., 11000.1 PURPOSE changed to I. PURPOSE.	07/02/03
10	Eliminated the Local Preference Policy – Paragraph VII.C; subsequent paragraphs VII.D and E renumbered to VII.C and D.	11/07/07
11	Par. IV.E.2 and 3: Increased the Executive Director's authority for approving Purchase Orders from \$25,000 to \$50,000.	12/03/08

Revision No.	Revisions	Adopted
12	Revised the "Director of Freeway Construction" to "Director of Project Delivery". Par. VII.D.2: Increased the Executive Director's authority for approving sole source procurements from \$25,000 to \$50,000. All other changes in language were made for clarity.	10/06/10
13	Par. V.K: Added authorization for SANBAG General Counsel to award and execute legal services agreements up to \$50,000. Par. VII.B.1.b: Added authorization for SANBAG General Counsel to issue RFQs.	07/11/12
14	Par. IX.C: Changed 'Director of Project Delivery' to 'SANBAG Department Directors'. Par. V.F: Changed the maximum term for standard SANBAG contracts, unless otherwise authorized by the Board of Directors, to five years (was three years).	08/01/12
15	Par. V.L: Added Requirement for Independent Cost Estimates. Adopted by Board of Directors on 10/3/12, Agenda Item 6.	10/03/12
16	Par. VII.A.2: Added Insurance Requirements. Par. VII.C: Major Projects Negotiating Guidelines removed since Policy 34504, Major Projects Program, Contract Negotiation Guidelines, was repealed on 9/5/12 (Board Agenda Item 5). Par. VII.D, Sole Source Process renamed to Par. VII.C..	11/07/12
17	Par. VII.A.1.c: Deleted "Use of electronic quotation systems operating within San Bernardino County" and replaced with language on Cooperative Procurements.	12/05/12
18	Changes approved by the Board of Directors on February 6, 2013, Agenda Item 32. Approve modifications, granting the SANBAG Executive Director or designee, contracting and/or signature authority as follows: 1. To release and advertise Requests for Proposals, Request for Quotes and Invitation for Bids, for proposed contracts for which funding has been approved in SANBAG's Annual Budget, and which are estimated not to exceed \$1,000,000. 2. To approve and execute all purchase orders and contracts up to \$100,000; and 3. To approve and execute contract amendments that meet at least one of the following criteria: a. Amendments with zero dollar value; b. Amendments to exercise the option term(s) set out in contracts approved by the SANBAG Board of Directors; or c. Amendments that cumulatively do not exceed 50% of the original contract value or \$100,000 individually whichever is less. Paragraphs IV.E.3, V.B, V.H, VII.B.1.a, VII.C.2, IX, and IX.B revised to incorporate these changes. Par. V.H: Revised to incorporate Board-approved agenda items (9/5/12 Agenda Item 7 and 11/7/12 Agenda Item 28) on the renaming and deletion of policy committees.	02/06/13
19	Change approved by the Board of Directors on May 1, 2013, Agenda Item 6. VII.B.3. Removed "In this instance of SANBAG's Major Projects contracts, the selection team shall consist of 2 Caltrans representatives and 3 representatives from member counterpart agencies, or members of the Board of Directors or their designees."	05/01/13
20	Change approved by the Board of Directors on April 9, 2014, Agenda Item 7. Par. V.F: Further identified term duration and description of procurement contracts. Par. V.H.3 Approved modification, granting the SANBAG Executive Director authority to approve and execute purchase order amendments.	04/09/14
21	Change approved by the Board of Directors on January 4, 2017, Agenda Item 6. Change SANBAG to SBCTA. Revised to reorganize sections and incorporate statutory provisions of SB1305 applicable to SBCTA. Deleted requirement for Committee approval of contract awards to low bidders. Increased General Counsel contract authority to \$100,000.	01/04/17
22	Change approved by the Board of Directors on December 6, 2017, Agenda Item 4. Incorporated language regarding 2 CFR part 200 federal requirements.	12/06/17
23	Changes approved by the Board of Directors on January 8, 2020, Agenda Item 6. Added in Executive Director CTO signature limit.	1/8/20
24	Changes approved by the Board of Directors on June 3, 2020, Agenda Item 3. Added provisions re: contingency amendments.	6/3/20