

Request for Proposal (RFP) Requirements**1. PURPOSE**

The purpose of this section is to establish procedures governing the formulation of contracts and/or purchases in connection with the construction, repair, maintenance, alteration, and operation of Golden Rain Foundation (GRF) Trust Property.

2. GENERAL PROVISIONS**2.1. Completion**

All contracts and purchases made on behalf of the Golden Rain Foundation (GRF) for labor and/or materials shall be let by competitive bidding except as otherwise provided herein.

Excepted from the competitive requirements of this policy are contracts which, by their very nature, are impossible to award by competitive bidding, such as:

- 2.1.1.** Replacement of equipment parts.
- 2.1.2.** Public utilities, including water, light, heat, and telephone.
- 2.1.3.** Professional or other personal services requiring special skills where the personal qualifications of the individual are the determining factor.
- 2.1.4.** Repair and maintenance work which cannot be described specifically as to character and/or extent prior to the start of the job. The intent of this exception is to make clear the authority of the Board to arrange for the expeditious performance of essential work in all cases.
- 2.1.5.** In Circumstances where no alternate proposals are available, the Committee may waive additional bid requirements.

2.2. Conflict of Interest

No Board member and/or employee of GRF shall have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any GRF operation. (See applicable policies.)

3. REQUIREMENTS RELATING TO REQUESTS FOR PROPOSALS (RFP)

To carry out the competitive intent of this policy, adequate publicity should be given to potential bidders by the person responsible for the undertaking.

3.1. Proposals under \$25,000

Contract undertakings involving an estimated expenditure of less than \$25,000 shall not be subject to specific requirements relating to competitive bidding or publicity; however, it shall be the expressed intent of this policy that proposals, either verbal or

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written, shall be obtained to the fullest extent consistent with expeditious administration and the protection of the best interest of the GRF and a record of said proposals shall be maintained.

3.2. Proposals from \$25,000 to \$100,000

Proposals to award contracts where the estimated expenditure is greater than \$25,000 and less than \$100,000 shall call for written competitive proposals, either sealed or open.

3.3. Proposals in Excess of \$100,000

Except as otherwise provided in this policy, all proposals to award contracts in excess of \$100,000 shall call for sealed proposals unless authorized by the committee and/or board.

All proposals for contracts where the estimated expenditure for construction work is in excess of \$100,000 shall include the cost for performance and completion bonds.

3.4. Specifications

The proposals-RFP shall describe the type of commodity or service sought in sufficient detail to assure that all bidders shall know exactly what their obligation will be, the exact nature of the work, the time and manner in which it is to be executed, and the nature, quality, and grade of materials, together with any special requirements. All contract specifications shall be so established as to facilitate and encourage maximum competition.

3.5. Review of RFP

When directed by the BOD and/or committee, RFP shall be submitted to the Board and/or committee initiating the request to determine the appropriateness of the bid documents.

3.6. Qualified Proposals

3.6.1. GRF shall qualify potential contractors, service providers, and/or material suppliers in connection with construction, alteration, and repair undertakings.

3.6.2. The qualifying process shall be designed to secure the best product at the lowest long-term cost.

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3.7.1. Annual RFPs will be requested for a contractor of record for the period of one (1) year in the areas of landscape, streets, electric, and painting. Proposals will include prices for labor and materials most commonly used for each type of work to be included in the annual contract.

3.7.2. Contracts for Labor and Materials.
In case of emergencies affecting public health, welfare, safety, or convenience, it shall be the policy of GRF to let contracts without a formal call for proposals, only to the extent necessary to meet the emergency. In case of emergencies as defined herein, the Executive Director is hereby authorized to negotiate and award contracts on a lump-sum or cost-plus-a-fixed-fee basis, as the conditions may require, in amounts that do not exceed \$10,000 without due notification to the Board of Directors.

3.7.3. Contracts for Supplies and Materials.
The Executive Director is hereby authorized to initiate the purchase of supplies and materials on a negotiated basis under the following circumstances:

3.7.3.1. In case of emergencies as previously defined.

3.7.3.2. When the call for proposals-RFP fails to produce a reasonable proposal that complies with the specifications at an amount within the lowest limits within which GRF finds it appropriate to make an award, provided that said award shall not be made on terms less favorable than the best proposal received in response to previous calls for proposals.

3.7.3.3. When proposals are rejected because of a conflict of interest.

3.7.3.4. When market conditions force distress sales GRF is thereby enabled to realize a better price than competitive bidding would normally produce.

3.7.3.5. When purchasing non-competitive commodities.

3.7.4. Blanket Purchase Orders for Proprietary, Operating Emergency, and Special Use Items.

The Executive Director is hereby authorized to award contracts for services, supplies, and materials on a negotiated basis on blanket purchase orders where the total purchases chargeable to any one of such orders does not exceed \$10,000 or the amount included within a defined budget.

4. RECEIPT AND OPENING OF PROPOSALS**4.1. Receiving and Opening Sealed Proposals**

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4.1.1. All calls for proposals shall include instructions that inform the bidders as to how, when, and where the proposal is to be submitted.

4.2. Rejection of Proposals

4.2.1. GRF shall reserve the right to reject any or all proposals for any reason.

5. CONTRACT AWARDS

5.1. Award of Contract

The contract shall be awarded in the interest of ultimate economy or expeditious administration.

5.2. Budget Authorization

Contracts shall not be awarded in amounts that may cause GRF to incur expenditures in violation of its most recently approved budget, except in the case of an emergency, as provided herein.

5.3. Delegation to Award Contracts

No agent or employee of GRF shall have the power or authority to bind GRF by any contract unless specific or general authorization is granted by the GRF Board of Directors. Pursuant to the intent of these provisions, general authorization to award contracts is hereby granted as follows:

5.3.1. Awards Not Exceeding \$10,000.

The Executive Director is authorized to award contracts not exceeding \$10,000 provided that such contracts and/or amounts have been included within the approved budget.

5.3.2. The Purchasing Manager or such persons designated by the Executive Director are authorized to award, per budget, contracts necessary to maintain inventories of supplies, materials, and equipment.

5.4. Surety and Guaranties

The Executive Director and other persons authorized to award contracts may require such surety bonds or guaranties, including proposal, payment, performance, or other

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type of bonds, and in such amounts as will adequately protect the interests of GRF in the event of default. Performance and completion bonds may be required for all construction projects where the cost of construction is estimated to be \$100,000 or more.

5.5. Notification to Unsuccessful Bidders

The department responsible for a contract shall notify all bidders of the date of the award.

6. CONTRACT PREPARATION**6.1. Standard Form**

To facilitate and expedite the preparation and execution of contracts, standardized GRF contract shall be used.

6.2. Preparation of Contract

Where the standard form of contract, approved by Legal Counsel, is not appropriate, the staff member responsible for the undertaking shall submit a memorandum to the applicable committee requesting the preparation of a contract.

6.3. Contract Execution

6.3.1. Contracts Not Exceeding \$10,000 within the approved budget.
The Executive Director is authorized to execute contracts in amounts that do not exceed \$10,000.

6.3.2. All other contracts will be executed by the Board Officer or Officers or staff member authorized to execute the contract in the award resolution.

7. CONTRACT PERFORMANCE AND TERMINATION**7.1. Proceed Order**

Contractors shall not be given authorization to proceed unless and until the contract is executed by both parties, except in the case of an emergency.

7.2. Compliance with Terms of Contract

The Executive Director or a designated representative shall be responsible for ensuring that each contractor complies fully with the terms of the contract.

7.3. Inspection

The Executive Director or such person designated shall provide adequate inspection

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to assure that contract performance complies with plans and specifications.

7.4. Contract Changes

7.4.1. In the case of a contract awarded, the designated representative may authorize a change in the scope of the work or other terms of the contract, provided that the cost of the change does not exceed the approved contingency amount and notify the committee at its next meeting.

7.4.2. In the case of a contract awarded, any change where the cost of the change is more than the approved contingency amount, the change must be submitted to the awarding authority for action.

7.5. Termination

When a contractor has discharged their obligation or when GRF otherwise determines to cancel any outstanding contracts, the authorized representative shall execute such documents as may be necessary to terminate the contractual relationship and consummate final settlement.

7.6. Warranties

The responsible parties for the contract or purchase undertaking shall record guarantees and warranties and shall be responsible for seeing that the terms of any warranty or guarantee are performed by the contractor, service provider, and/or material supplier and enforced by GRF.

8. PROCUREMENT SERVICES AVAILABLE TO MUTUAL BOARDS

Designated persons shall be permitted to provide procurement services to any Mutual Board requesting service in accordance with this policy.

The Mutual Board request for service should specify, in writing, any variations from the policy in the request at possible additional cost.

9. RFP RETENTION

All submitted bid packages will be retained per retention procedures per 20-5046-3.

Document History

Adopted: 16 Nov 71	Amended: 16 Oct 73	Amended: 21 Oct 75
Amended: 17 Jan 78	Amended: 15 Sep 81	Amended: 16 Jul 85
Amended: 18 Nov 97	Amended: 20 Jan 98	Amended: 18 Dec 07
Amended: 05 Sep 18	Amended: 23 Oct 18	Amended: 23 Jul 19

(Oct 20)

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ADMINISTRATION

14-5506-3

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Reviewed: 19 Oct 20

Keywords: RFP

Proposal

Bid

Finance

Contract