

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

Resolution No. 701

Amending Resolution No. 577 to Add State Law Requirements Relating to Purchase of Recycled-Content Paper to the Goods and Services Procurement Policy for the Bolinas Community Public Utility District.

WHEREAS, on April 22, 2009, the Board of Directors ("Board") adopted Resolution No. 577 establishing a Goods and Services Procurement Policy ("Procurement Policy") for the Bolinas Community Public Utility District ("District"); and

WHEREAS, to ensure compliance with the purchasing requirements of the California Short-Lived Climate Pollutant Reduction Law ("SB 1383"), the Board now desires to adopt the amended Purchasing Policy.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bolinas Community Public Utility District as follows:

The Board of Directors hereby adopts the attached amendment to the District's Procurement Policy to ensure compliance with the purchasing requirements of SB 1383 regarding recycled-content paper.

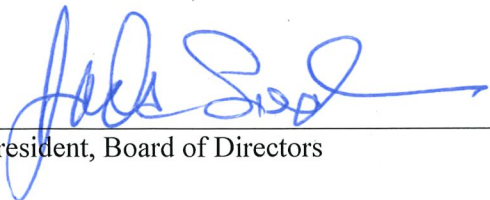
IT IS HEREBY CERTIFIED that this resolution was duly introduced and adopted by the Board of Directors of the Bolinas Community Public Utility District this 15th day of June, 2022, by the following vote:

AYES: COMSTOCK, SIEDMAN, SMITH, WALKER

NOES: NONE

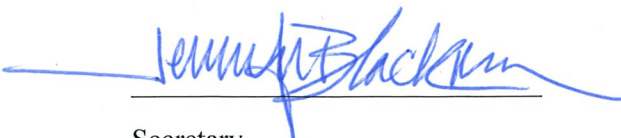
ABSTAIN: NONE

ABSENT: GODINO



President, Board of Directors

attest:



Secretary

Bolinas Community Public Utility District
Procurement Policy

Adopted April 22, 2009 and Amended June 15, 2022

I. GENERAL STANDARDS.

- A. Application. This Procurement Policy shall apply to procurements of goods, (materials, supplies and equipment), comply with applicable state law requirements relating to the purchase of recycled-content paper and services (general and professional), with the exception of construction services. BCPUD shall follow public contracting procedures described in state law for procurement of construction services.
- B. Competitive and Efficient Procurement. Staff shall conduct all procurements in a manner that promotes full and open competition, ensures efficient and economic contracting, avoids acquisition of unnecessary or duplicative items, and avoids conflicts of interest. Staff shall maintain a written record of each procurement, documenting such things as: (i) rationale for the method of procurement; (ii) reasons for contractor selections; and (iii) basis for the contract price.
- C. Contract Administration and Accounting. Staff shall maintain a contract administration and accounting system that ensures that (i) contractors perform in accordance with the terms, conditions, and specifications of their contracts; (ii) purchases are received and services are rendered in a timely manner; and (iii) contractors provide goods and services within the contract price.
- D. Responsible Firms. BCPUD may only contract with persons, firms, or entities that are responsible, and possess the ability to perform successfully under the terms and conditions of the procurement contract.
- E. Budget. The General Manager or the Manager's designee shall ensure the availability of funds within the budget approved by the Board before proceeding with any procurement contract.
- F. Reporting to the Board. The Board shall review on a periodic basis the status of all procurements over \$20,000. Staff shall provide the Board with an explanation of the purpose and budget for each procurement.

II. METHODS AND TYPES OF PROCUREMENT OF GOODS AND SERVICES.

- A. Small Purchases - up to and including \$20,000.
 - 1. Staff must obtain at least one informal quote.
 - 2. Staff must document that the quoted price is fair and reasonable.
 - 3. Small Purchases must be approved in advance by the General Manager or the Manager's designee.

4. Modifications to a Small Purchase must be approved in advance by the General Manager or the Manager's designee, and any modification to a Small Purchase that would exceed the \$20,000 threshold in the aggregate must be treated as a Medium Purchase.

B. Medium Purchases - over \$20,000 and up to and including \$75,000.

1. Staff must obtain at least two written quotes or proposals from qualified vendors, unless the goods or services are available from only one qualified vendor.
2. For Medium Purchases of goods, staff must award a contract to the vendor providing the lowest quote. For Medium Purchases of services, staff must award a contract to the most qualified proposal, and must consider cost as a factor in determining a proposal's qualification; staff must document the factors in determining the proposals' qualifications.
3. Medium Purchases must be made by written contract and/or other contractual instrument, such as a purchase order.
4. Medium Purchases must be approved in advance by the General Manager or the Manager's designee.
5. Modifications to a Medium Purchase must be approved in advance by the General Manager or the Manager's designee, and any modification to a Medium Purchase must not increase the contract above the \$75,000 threshold in the aggregate.

C. Large Purchases - over \$75,000.

1. Staff must publish notice requesting written bids or proposals for Large Purchases, unless the goods or services are available from only one qualified vendor. The notice must state any qualitative factors that will be used to evaluate proposals for Large Purchases.
2. For Large Purchases of goods, staff must present to the Board for its approval, in the Board's sole discretion, the lowest responsive bid from a responsible bidder. For Large Purchases of services, staff must present to the Board for its approval, in the Board's sole discretion, the most qualified proposal, and must consider cost as a factor in determining a proposal's qualification.
3. Large Purchases must be made by written contract.
4. Modifications to a Large Purchase that increase the contract price in excess of ten percent (10%) of the original contract amount, individually or in the aggregate, must be approved in advance by the Board; any modification of less than ten percent (10%) must be approved in advance by the General Manager.

D. Purchase of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper¹.

1. If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, the District shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever the total cost is no more than five percent (5%) greater than the total cost for the non-recycled items, consistent with the requirements of the Public Contract Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.

2. All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

3. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to the District shall:

a. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item, available at no more than five percent (5%) of the total cost for non-recycled Paper Products.

b. All vendors providing printing services to the District via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, or as amended by Public Contract Code Section 12209.

¹ For the purposes of this Policy the following definitions shall apply:

“Paper Products” shall include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or as otherwise defined in 14 CCR 18982(a)(51).

“Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications; or as otherwise defined in 14 CCR 18982(a)(54).

“Recyclability” means that the Paper Products and Printing and Writing Paper offered or sold to the District are eligible to be labeled with an unqualified recyclable label as defined in 16 CFR 260.12 (2013).

“Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper” means such products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, and as amended.

c. Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

d. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the District. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

e. Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the District is eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

f. Provide records to the General Manager or Manager's designee of all Paper Products and Printing and Writing Paper purchased from the vendor within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by an employee of the District. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in subsections d and e above for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non- Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

4. The General Manager or Manager's designee will be the responsible for obtaining records pertaining to procurement of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper and shall perform the following tasks to track procurement of Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper:

a. Collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all employees procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of District's documentation of its compliance with 14 CCR 18993.3.

b. Compile an annual report on the District's direct procurement, and vendor/other procurement on behalf of the District, of Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the recordkeeping requirements contained in 14 CCR 18993.4 for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement. This report shall be made available to the District's designee responsible for compiling the annual report to be submitted to CalRecycle (which will include a description of compliance on many other SB 1383 regulatory

requirements) pursuant to 14 CCR Division 7, Chapter 12, Article 13. The procurement report shall also be shared with the District's Board of Directors annually as evidence of implementing this Policy.

E. Noncompetitive Procurement.

1. Notwithstanding the provisions of the preceding sections, BCPUD is not required to engage in a competitive procurement process when procuring goods or services for which competitive solicitation would be infeasible, as determined by the General Manager based on at least one of the following factors:
 - (a) The good or service is available only from a single source; or
 - (b) The procurement is for an emergency that will not permit the delay accompanying competitive solicitation; or
 - (c) After attempts at competitive solicitation, the responses to the solicitation are inadequate.
2. The General Manager must document the circumstances supporting the Manager's conclusion that competitive solicitation would be infeasible, and that noncompetitive procurement price is fair and reasonable.
3. Noncompetitive procurement for goods or services up to and including \$75,000 must be approved in advance by the General Manager or the Manager's designee. Staff must present to the Board for its approval, in the Board's sole discretion, noncompetitive procurement for goods or services over \$75,000.