

BECKWORTH PEAK

FIRE PROTECTION DISTRICT

Agenda Brief

MEETING DATE: May 15, 2025

FROM: Board President Curtis

RE: Policy Review and Possible Adoption

REASON FOR RECOMMENDED BOARD ACTION:

The District needs a procurement policy that covers goods and services, including contracted services, to support a FEMA grant application for extraction equipment and exhaust emission elimination control systems in District facilities. The need for the policy is considered urgent and thus, it is recommended the board waive the second reading and consider approving the policy as written.

BACKGROUND:

Policy 314 - Procurement – The current Procurement policy has been edited and updated to reflect current legislation related to procedures for public project cost limits. As of January 1, 2025, any public project that is less than \$75,000 can be performed by employees of the District or by negotiated contract or purchase order without triggering a formal bid process. The new legislation also provides for enhanced flexibility for doing repairs or replacements due to emergencies to mitigate or prevent the loss or impairment of life, health, property, or essential public services. A draft of Policy 314 is included in this document.

At a later date, the board should consider adopting a resolution to participate in the California Uniform Public Construction Cost Accounting Act or CUPCAA. The Act once adopted allows for;

- Increased force account limit for public agencies;
- Simplified bidding for projects that are under \$220,000
- Reduced number of formal bids based on project size; and
- Expediated contracting for projects under \$220,000

Drafts of a policy and resolution required to participate in the CUPCAA are also include with this document for your review.

IMPACTS TO THE CUSTOMER:

Adopting Policy 314 – Procurement creates transparency when procuring goods and services and sets limits and authorities. Good policies and their adherence provide for a strong operating foundation that mitigates risk and the potential for losses and provides structure to staff in complying with District requirements.

FISCAL IMPACT: None identified.

RECOMMENDATION: Policy #314-Procurement review and discuss. Waive the second reading of this policy and adopt it as written.

Review drafted Policy #2165 California Uniform Public Construction Cost Accounting Act and associated Resolution.

BECKWOURTH PEAK

FIRE PROTECTION DISTRICT

314 Procurement Policy

314.1 Introduction

The Beckwourth Peak Fire Protection District is committed to managing public funds by establishing sound procurement practices that ensure transparency, fairness, and efficiency in the purchase of goods and services. This policy outlines the procedures and expectations for all procurement activities conducted by District personnel.

314.2 General Guidelines

Procurement activities should reflect the District's dedication to ethical conduct and fiscal responsibility. Purchases must be made in a manner that maximizes value while meeting operational needs. All employees with purchasing authority are expected to act in good faith, avoid conflicts of interest, and maintain documentation where appropriate.

314.3 Procurement Limits and Methods

Purchases under \$10,000 may be made directly from a sole source vendor without the need for competitive quotes or additional approvals. This allows flexibility for routine or low-cost purchases where competitive bidding may not be practical or necessary due to the proprietary nature of the product or service. Although formal justification is not required for these purchases, staff are encouraged to confirm pricing is reasonable and consistent with market standards.

For purchases between \$10,000 and \$74,999. The District requires that staff obtain informal quotes from at least three (3) vendors whenever feasible. This process should be documented to show due diligence in evaluating price and value. If competitive quotes are not available or practical, a sole source procurement may be approved by the Fire Chief with written justification explaining the necessity.

Any procurement of goods or services of \$75,000 or more shall follow a formal bidding or Request for Proposal (RFP) process. Such purchases must be publicly advertised or otherwise competitively solicited, and the final selection must be approved by the Board of Directors.

314.4 Sole Source Purchases for Goods or Services

Sole source procurement may be justified when only one vendor is capable of providing the required goods or services due to factors such as unique qualifications, proprietary products, compatibility with existing systems, or time sensitive needs. While justification is not required for purchases under \$10,000, a formal explanation is required of any sole source request above that amount and the unique case must be approved by the Fire Chief.

314.5 Emergency Procurement

In situations where the immediate acquisition of goods or services is necessary to preserve life, safety, property, or operational continuity, emergency procurement may be authorized by the Board of Directors or in their absence, the Fire Chief. The necessary replacement or repairs of any public facility may proceed immediately without adopting plans, specifications or working details. The work may be done by day labor under the direction of the Fire Chief, by contractor, or a combination of the two. Documentation of the circumstances and costs must be submitted as soon as practical following the event.

314.6 Ethical Conduct

All personnel engaged in procurement must avoid any actions that may result in a real or perceived conflict of interest. Gifts, favors, or compensation from current or potential vendors are strictly prohibited. Procurement decisions must be made based solely on the best interest of the District.

314.7 Oversight

The Fire Chief is responsible for ensuring compliance with this policy. Any violation of these procurement procedures and this policy may result in administrative review and potential disciplinary action. This policy may be updated or revised by the Board of Directors as needed to reflect the changes in law, operational requirements, or best practices.

All procurement activities are to be documented and detailed using generally accepted accounting practices.

Adopted:_____

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FIRE PROTECTION DISTRICT

POSSIBLE POLICY AND RESOLUTION FOR CONSIDERATION AT A LATER DATE

Policy 2165 California Uniform Public Construction Cost Accounting Act

2165.1 Introduction

The Beckwourth Peak Fire Protection District is committed to responsibly managing public funds by establishing sound procurement practices that ensure transparency, fairness, and efficiency in the purchase of goods and services.

2165.2 General Guidelines

Procurement activities should reflect the District's dedication to ethical conduct and fiscal responsibility. Purchases must be made in a manner that maximizes value while meeting operational needs.

2165.3 Purpose of This Policy

Beckwourth Peak Fire Protection District desires to comply with the Public Contract Code (PCC) Section 22000, et seq. to simplify bidding for projects, reduce the number of formal bids based on project size, and expedite contracting for projects under \$220,000.

2165.4 Definitions

- a) "Public agency" for purposes of this policy includes any special district.
- b) "Representative of the construction industry" means a general contractor, subcontractor, or labor representative with experience in the field of public works construction.
- c) "Public project" means any of the following:
 - 1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, installation, and repair work involving any publicly owned, leased, or operated facility.
 - 2) Painting or repainting of any publicly owned, leased, or operated facility.
- d) "Public project" does not include maintenance work. Maintenance work includes all the following:
 - 1) Routine, recurring and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
 - 2) Minor repainting.
 - 3) Landscape maintenance, including mowing, watering, trimming, pruning planting, replacement of plants, and servicing of irrigation and sprinkler systems.
- e) "Facility" means any plant, building, structure, ground facility or utility system.

2165.5 Cost Accounting Code Bidding Requirements

- a) Public projects of seventy-five thousand dollars (\$75,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.
- b) Public projects of two hundred twenty thousand dollars (\$220,000.) or less may be let to contract by informal procedures.
- c) Public projects of more than two hundred twenty thousand dollars (\$220,000.) shall be let to contract by formal bidding procedure.
- d) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting bids may be sent exclusively to such contractor or contractors.
- e) The Board of Directors has the authority to designate the Fire Chief or other board approved committees, the authority to award informal contracts.
- f) Public construction projects require cost tracking using generally accepted accounting practices for work performed by the District's own forces on a "project" and as defined by the Act (Section 22002(c)). The procedures do not apply to operations or maintenance work, or any work that meets the criteria listed in Section 22002(d).
- g) The Act does not supersede other Public Contract Code legal requirements such as performance bonds, prevailing wages, and certificates of insurance.
- h) In emergency situations where the immediate acquisition of goods or services is necessary to preserve life, safety, property, or operational continuity, emergency purchases may be authorized by the board and may proceed at once to replace or repair any public facility without adopting plans, specifications, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the board of directors, by contractor, or by a combination of the two. Section 22050 et seq. of the Uniform Public Construction Cost Accounting Act provides the emergency contract procedures to be followed.

2165.6 Oversight

The California Uniform Public Construction Cost Accounting Act Commission, (CUPCCAAC) oversees agency compliance with the Act and can compel the District to show their accounting procedures when an interested party presents evidence that the work undertaken by the District has been split or separated into smaller work order or projects, as specified. The Act also requires the CUPCCAAC to review noncompliance with bidding procedures for the publication and posting of electronic transmissions of notice inviting formal bids.

ADOPTED:_____

**A Resolution of the Beckwourth Peak Board of Directors of the County of
Plumas To Provide Informal Bidding Procedures Under the Uniform Public
Construction Cost Accounting Act (Section 22000, et seq. of the Public
Contract Code**

The Beckwourth Peak Fire Protection District Board of Directors do hereby ordain as follows:

Section 1

Informal Bid Procedures

Public projects, as defined by the Act and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

Contractors List

The District shall comply with the requirements of Public Contract Code Section 22034.

Notice Inviting Informal Bids

Where a public project is to be performed which is subject to the provisions of this Resolution, a notice inviting informal bids shall be circulated using one or both of the following alternatives:

- a) Notices inviting informal bids may be mailed, faxed, or emailed to all contractors for the category of work to be bid, as shown on the list developed.
- b) Notices inviting informal bids may be mailed to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the District when soliciting bids, provided however:

If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

Award of Contracts

The District's Fire Chief or other individuals or committees as approved by the Board of Directors are authorized to award informal contracts pursuant to this Section.

Section 2

This Resolution shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of the members of the Board of Directors voting for and against the same in the Plumas Sun, a news outlet of general circulation published in the County of Plumas.

PASSED, APPROVED AND ADOPTED by the Beckwourth Peak Fire Protection District Board of Directors of the county of Plumas, State of California, this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT: