



EAST BAY DISCHARGERS AUTHORITY
2651 Grant Avenue
San Lorenzo, CA 94580-1841
(510) 278-5910
FAX (510) 278-6547

A Joint Powers Public Agency

Pursuant to the Governor's Executive Order N-25-20 the Finance Meeting scheduled for December 15, 2020 at 10:30 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. #847 8182 7340. Members of the public are encouraged to dial in to the meeting using the same number. <https://us02web.zoom.us/j/84781827340>

ITEM NO. 12

FINANCIAL MANAGEMENT COMMITTEE

AGENDA

Tuesday, December 15, 2020

10:30 A.M.

East Bay Dischargers Authority

2651 Grant Avenue, San Lorenzo, CA 94580

Committee Members: Toy (Chair); TBD

FM1. Call to Order

FM2. Roll Call

FM3. Public Forum

FM4. List of Disbursements for November 2020

(The Committee will review the List of Disbursements for the month of November 2020.)

FM5. Treasurer's Report for November 2020

(The Committee will review the Treasurer's Report for the month of November 2020.)

FM6. Resolution Approving Revisions to the Authority's Purchasing Policy

(The Committee will consider the resolution.)

FM7. Resolution to Provide Informal Bidding Procedures Pursuant to California Public Contract § 22030 et seq. Regarding Public Project Contracts

(The Committee will consider the resolution.)

FM8. Adjournment

(Any member of the public may address the Committee at the commencement of the meeting on any matter within the jurisdiction of the Committee. This should not relate to any item on the agenda. Each person addressing the Committee should limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Committee on any agenda item should do so at the time the item is considered. Oral comments should be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at (510) 278-5910 or jvillasenor@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

Agenda Explanation
East Bay Dischargers Authority
Financial Management Committee
December 15, 2020

In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are also posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.

**The next Financial Management Committee meeting is scheduled on
Tuesday, January 19, 2021 at 10:30 a.m.**

ITEM NO. FM4 LIST OF DISBURSEMENTS FOR NOVEMBER 2020

The itemized List of Disbursements for the month of November 2020 totaled \$366,043.19.

Reviewed and Approved by:

Jennifer Toy, Chair	Date
Financial Management Committee	

Jacqueline T. Zipkin	Date
Treasurer	

EAST BAY DISCHARGERS AUTHORITY
Cash Disbursement
November 2020

CHECKS (SORTED BY AMOUNT)

Check #	Check Date	Invoice #	Vendor Name	Description	Itemized Charges	Invoice Amount	Check Amount
24968	11/30/2020	S1945419.001	R&B COMPANY	FORCE MAIN 60-INCH ROMAC ENCAPSULATING COUPLING		61,726.25	61,726.25
24932	11/16/2020	379896	CITY OF SAN LEANDRO	O&M - SEP		34,169.06	34,169.06
24935	11/16/2020	002668	UNION SANITARY DISTRICT	O&M - SEP		27,150.88	27,150.88
24952	11/30/2020	6375	ORO LOMA SANITARY DISTRICT	O&M - OCT		23,232.64	23,232.64
24933	11/16/2020	6361	ORO LOMA SANITARY DISTRICT	O&M - SEP		20,947.34	20,947.34
24943	11/16/2020	2020090476	MEYERS NAVE	LEGAL SERVICES - SEP BRINE		10,166.10	15,511.80
24943	11/16/2020	2020090475	MEYERS NAVE	LEGAL SERVICES - SEP		5,345.70	
24965	11/30/2020	37846	MAZE & ASSOCIATES	AUDIT SERVICES - FYE 06/30/2020		9,342.00	9,342.00
24955	11/30/2020	4828	CA ASSOCIATION OF SANITATION AGENCIES	CASA MEMBERSHIP CY 2021		9,000.00	9,000.00
24958	11/30/2020	Sep-20	DEBORAH QUINN	ACCOUNTING SERVICES - SEP		8,559.38	8,559.38
24964	11/30/2020	11388550	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT		8,145.64	8,145.64
24956	11/30/2020	47787	CALCON	COMMUNICATION SYSTEM UPGRADE		4,354.30	7,885.51
24956	11/30/2020	47785	CALCON	OLEPS SERVICE CALL AND PMs		1,675.06	
24956	11/30/2020	47706	CALCON	MDF PMs		632.37	
24956	11/30/2020	47708	CALCON	HEPS PMs		611.89	
24956	11/30/2020	47709	CALCON	OLEPS PMs		611.89	
24961	11/30/2020	2020100345	MEYERS NAVE	LEGAL SERVICES - OCT		6,180.00	6,180.00
24962	11/30/2020	48834484	UNIVAR	SODIUM BISULFITE - DELIVERED 11/23/2020		5,796.44	5,796.44
24944	11/16/2020	48813766	UNIVAR	SODIUM BISULFITE - DELIVERED 11/09/2020		5,653.98	5,653.98
24969	11/30/2020	1278869	HANSON BRIDGETT	LEGAL SERVICES		4,335.00	4,335.00
24967	11/30/2020	S353001	GSE CONSTRUCTION	FORCE MAIN REPAIR		3,828.00	3,828.00
24938	11/16/2020	Aug-20	DEBORAH QUINN	ACCOUNTING SERVICES - AUG		3,691.88	3,691.88
24931	11/16/2020	432494	VANTAGEPOINT	ICMA DEFERRED COMPENSATION FOR PAY PERIOD ENDED 11/15/2020		1,917.94	1,917.94
24951	11/30/2020	439214	VANTAGEPOINT	ICMA DEFERRED COMPENSATION FOR PAY PERIOD ENDED 11/30/2020		1,917.94	1,917.94
24946	11/16/2020	20-840	BARTEL ASSOCIATES	ACTUARIAL CONSULTING SERVICES		1,400.00	1,400.00
24934	11/16/2020	52205705	CITY OF HAYWARD	BENEFIT PREMIUMS - NOV		1,330.77	1,330.77
24948	11/16/2020	615755	CALTEST	LAB TESTING SERVICES - OCT		864.90	864.90
24942	11/16/2020	4246044555687620	US BANK	INTERMEDIA	86.41	670.81	670.81
24942	11/16/2020	4246044555687620	US BANK	ALAMEDA COUNTY CLERK RECORDERS OFFICE	2.00		
24942	11/16/2020	4246044555687620	US BANK	ALAMEDA COUNTY CLERK RECORDERS OFFICE	101.50		
24942	11/16/2020	4246044555687620	US BANK	APPLE CLOUD - CELL PHONE BACKUP	0.99		
24942	11/16/2020	4246044555687620	US BANK	76 - EBDA TRUCK GAS	40.96		
24942	11/16/2020	4246044555687620	US BANK	REMOTE DATA BACKUPS	429.00		
24942	11/16/2020	4246044555687620	US BANK	EAST BAY TIMES	9.95		
24937	11/16/2020	1746192-20	SCIF	WORKERS COMPENSATION PREMIUM - NOV		631.25	631.25
24940	11/16/2020	8229	CAYUGA INFORMATION SYSTEMS	IT SERVICES - OCT		585.00	585.00
24947	11/16/2020	Oct-20	EVERARDO OROZCO LANDSCAPE MANAGEMENT	LANDSCAPING SERVICES AT MDF - OCT		375.00	375.00
24936	11/16/2020	51027859109143	AT&T	TELEPHONE SERVICE ADMIN BUILDING		330.84	330.84
24963	11/30/2020	1120-22	BEECHER ENGINEERING, INC	OLEPS ELECTRICAL UPGRADE		200.00	200.00
24954	11/30/2020	51048304397166	AT&T	TELEPHONE SERVICE AT MDF		197.71	197.71
24957	11/30/2020	3-320-07237	FEDEX	SHIPPING SERVICES		193.49	193.49
24939	11/16/2020	9866057873	VERIZON WIRELESS	CELLPHONES - OCT		181.95	181.95

EAST BAY DISCHARGERS AUTHORITY
Cash Disbursement
November 2020

Check #	Check Date	Invoice #	Vendor Name	Description	Itemized Charges	Invoice Amount	Check Amount
24960	11/30/2020	12253	TOWN & COUNTRY	JANITORIAL SERVICES - NOV		165.00	165.00
24953	11/30/2020	44777800001	EBMUD	WATER & SEWER, ADMIN SEP-NOV		144.75	144.75
24966	11/30/2020	3141737	CALTRONICS	COPIER USAGE 10/18 - 11/17/2020		130.09	130.09
24945	11/16/2020	EBD3065	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES - OCT		110.00	110.00
24949	11/16/2020	46178	COMPUTER COURAGE	WEBSITE HOSTING		100.00	100.00
24941	11/16/2020	415818G	R&S OVERHEAD GARAGE DOOR, INC.	REMOTES FOR THE MDF		76.83	76.83
24950	11/16/2020	039231690X201104	DIRECTV	AT&T BUNDLE DISCOUNT		26.78	26.78
24959	11/30/2020	9866834013	VERIZON WIRELESS	MODEM FOR SCADA 10/11 - 11/10/2020		22.70	22.70
						TOTAL CHECK PAYMENTS	266,729.55
ELECTRONIC PAYMENTS							
		5105948980-0	PG&E	GAS & ELECTRIC SERVICE		38,215.88	38,215.88
		100000016202423	CALPERS	HEALTH PREMIUMS - NOV		7,020.76	7,020.76
		100000016178126	CALPERS	PENSION CONTRIBUTION, CLASSIC 10/16 - 31/2020		4,355.14	4,355.14
		100000016213523	CALPERS	PENSION CONTRIBUTION, CLASSIC 11/01 - 11/15/20		4,355.14	4,355.14
		100000016211165	CALPERS	PENSION CONTRIBUTION, PEPRA 11/01 - 11/15/20		247.82	247.82
		100000016205153	CALPERS	PENSION CONTRIBUTION, PEPRA 10/16 - 31/2020		247.82	247.82
		Oct-20	WELLS FARGO	CLIENT ANALYSIS SERVICE CHARGE - OCT		80.37	80.37
						TOTAL ELECTRONIC PAYMENTS	54,522.93
PAYROLL							
		Nov-20	ADP, LLC	PAYROLL PERIOD: 11/16-30/2020		23,964.11	23,964.11
		Nov-20	ADP, LLC	PAYROLL PERIOD: 11/01-15/2020		20,663.35	20,663.35
		567252040	ADP, LLC	PAYROLL FEES, PERIOD: 10/16-31/2020		88.25	88.25
		568125130	ADP, LLC	PAYROLL FEES, PERIOD: 11/01-15/2020		75.00	75.00
						TOTAL PAYROLL	44,790.71
						TOTAL DISBURSEMENTS	366,043.19

ITEM NO. FM5 TREASURER'S REPORT FOR NOVEMBER 2020

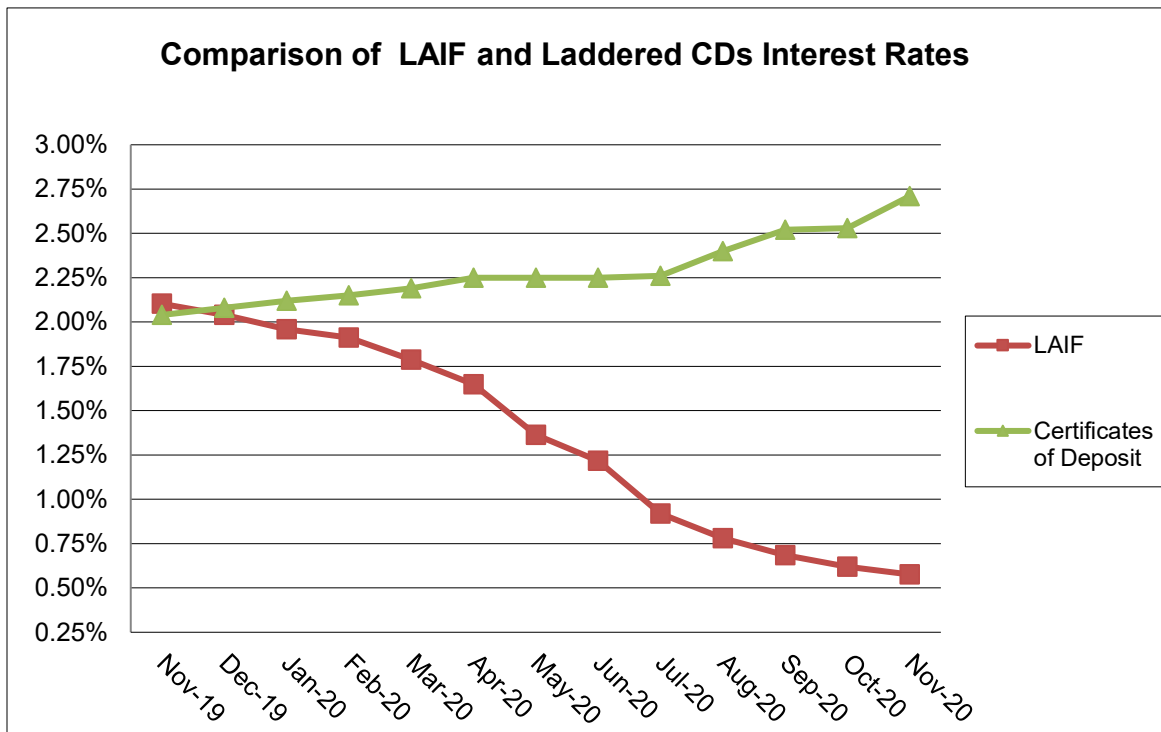
The beginning cash balance on November 1, 2020 was \$2,924,799.99. The ending cash balance on November 30, 2020 was \$3,500,578.31. Total receipts for the month were \$941,821.51 and disbursements were \$366,043.19.

EBDA currently has a three-pronged investment approach that includes laddered CDs, Local Agency Investment Fund (LAIF), and Wells Fargo accounts. As directed by the Financial Management Committee, funds are currently being transferred to the Authority's checking account and/or LAIF as CDs mature. Staff will continue to work with the Committee on investment strategy.

Current market value of EBDA's CD investment portfolio is \$202,648.21. In November, one of EBDA's 3-year Certificates of Deposit reached maturity and was redeemed at the coupon rate of 2%. The average annual yield of the CDs is 2.71%.

EBDA's LAIF balance on November 30, 2020 was \$2,250,879.58. The LAIF interest rate for period ending November 30, 2020 was 0.576%.

Approval is recommended.



EAST BAY DISCHARGERS AUTHORITY

TREASURER'S REPORT

NOVEMBER 30, 2020

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	574,714.56	293,257.40	254,851.96	613,120.00
13	PLANNING & SPECIAL STUDIES	198,362.24	114,073.22	29,892.79	282,542.67
14	RECLAMATION O & M (SKYWEST)	142,075.31		2,153.46	139,921.85
31	REPLACEMENT	2,009,647.88	534,490.89	79,144.98	2,464,993.79
TOTALS		2,924,799.99	941,821.51	366,043.19	3,500,578.31

Nov-20

12/9/20

SUPPLEMENTAL TREASURERS REPORT

DATE	TRANSACTION	RECEIPT	DISBURSEMENT CHECKING	DISBURSEMENT PAYROLL	PAYROLL TRANSFER	LAIF TRANSFER	CD TRANSFER	CD INTEREST & EXPENSES	WELLS FARGO CHECKING BALANCE	WELLS FARGO PAYROLL BALANCE	LAIF BALANCE	WELLS FARGO CERTIFICATES OF DEPOSIT	TOTAL CASH
11/01/20	BALANCE								451,742.91	20,579.07	2,250,879.58	201,598.43	2,924,799.99
11/02/20	INTEREST	506.85						506.85	451,742.91	20,579.07	2,250,879.58	202,105.28	2,925,306.84
11/03/20	DEPOSIT - USD	60,868.88							512,611.79	20,579.07	2,250,879.58	202,105.28	2,986,175.72
11/03/20	ELECTRONIC BILL PAY		38,215.88						474,395.91	20,579.07	2,250,879.58	202,105.28	2,947,959.84
11/06/20	PAYROLL FEES			88.25					474,395.91	20,490.82	2,250,879.58	202,105.28	2,947,871.59
11/09/20	PAYROLL TRANSFER				20,000.00				454,395.91	40,490.82	2,250,879.58	202,105.28	2,947,871.59
11/10/20	ELECTRONIC BILL PAY		4,355.14						450,040.77	40,490.82	2,250,879.58	202,105.28	2,943,516.45
11/10/20	ELECTRONIC BILL PAY		247.82						449,792.95	40,490.82	2,250,879.58	202,105.28	2,943,268.63
11/12/20	DEPOSIT	5,553.51							455,346.46	40,490.82	2,250,879.58	202,105.28	2,948,822.14
11/12/20	ANALYSIS FEE		80.37						455,266.09	40,490.82	2,250,879.58	202,105.28	2,948,741.77
11/12/20	ELECTRONIC BILL PAY		7,020.76						448,245.33	40,490.82	2,250,879.58	202,105.28	2,941,721.01
11/12/20	PAYROLL			20,663.35					448,245.33	19,827.47	2,250,879.58	202,105.28	2,921,057.66
11/13/20	DEPOSIT - LAVWMA	213,858.33							662,103.66	19,827.47	2,250,879.58	202,105.28	3,134,915.99
11/16/20	DISBURSEMENT		115,727.01						546,376.65	19,827.47	2,250,879.58	202,105.28	3,019,188.98
11/16/20	PAYROLL TRANSFER				20,000.00				526,376.65	39,827.47	2,250,879.58	202,105.28	3,019,188.98
11/18/20	DEPOSIT - CVSAN & USD	493,302.59							1,019,679.24	39,827.47	2,250,879.58	202,105.28	3,512,491.57
11/20/20	PAYROLL FEES			75.00					1,019,679.24	39,752.47	2,250,879.58	202,105.28	3,512,416.57
11/23/20	INTEREST	730.96						730.96	1,019,679.24	39,752.47	2,250,879.58	202,836.24	3,513,147.53
11/24/20	DEPOSIT - OLSA	167,000.00							1,186,679.24	39,752.47	2,250,879.58	202,836.24	3,680,147.53
11/25/20	ELECTRONIC BILL PAY		4,355.14						1,182,324.10	39,752.47	2,250,879.58	202,836.24	3,675,792.39
11/25/20	ELECTRONIC BILL PAY		247.82						1,182,076.28	39,752.47	2,250,879.58	202,836.24	3,675,544.57
11/27/20	PAYROLL			23,964.11					1,182,076.28	15,788.36	2,250,879.58	202,836.24	3,651,580.46
11/30/20	DISBURSEMENT		151,002.54						1,031,073.74	15,788.36	2,250,879.58	202,836.24	3,500,577.92
11/30/20	DIVIDEND	0.39						0.39	1,031,073.74	15,788.36	2,250,879.58	202,836.63	3,500,578.31
11/30/20	PAYROLL TRANSFER				20,000.00				1,011,073.74	35,788.36	2,250,879.58	202,836.63	3,500,578.31
									1,011,073.74	35,788.36	2,250,879.58	202,836.63	3,500,578.31
	TOTAL	941,821.51	321,252.48	44,790.71	60,000.00	-	-	1,238.20					
	CURRENT BALANCE								1,011,073.74	35,788.36	2,250,879.58	202,836.63	3,500,578.31

Reconciliation

① Per Bank Statement @11/30/20 \$ 1,163,408.05
 Less: Outstanding Checks 152,334.31
 \$ 1,011,073.74

② Per Bank Statement @ 11/30/20 \$ 35,788.36

③ Per LAIF Statement @ 11/30/20 \$ 2,250,879.58

④ Per Treasurer's Report @11/30/20 \$ 202,836.63

Fair Market Value Increase/Decrease (188.42)

Per Investment Statement @11/30/20 \$ 202,648.21

The Supplemental Treasurer's Report is prepared monthly by the General Manager. It also serves as EBDA's cash and investments reconciliation.

ITEM NO. FM6 RESOLUTION APPROVING REVISIONS TO THE AUTHORITY'S PURCHASING POLICY

Recommendation

Adopt the proposed Authority Purchasing Policy.

Background

Authority staff has been in the process of reviewing and updating the Authority's Financial Management System Policy and Procedure Manual. To facilitate better administration of Authority Policies, each section of the Manual is being addressed in a stand-alone Authority Policy, and the detailed procedures will be moved to separate staff documents. This includes the Authority's Purchasing Policy.

Prior to the adoption of the Authority's Amended and Restated Joint Powers Agreement (JPA), the JPA stated that, "The affirmative vote of four members of the Commission shall be required to: [...] Award, modify or accept work under any contract (including but not limited to contracts for the acquisition or construction of any building, works or improvements for the Phase I Project) in excess of \$10,000." The Commission and the Member Agencies determined that it was appropriate to remove that level of detail from the Amended and Restated JPA, with the agreement that the rules governing procurement would be captured in the Purchasing Policy. The Amended and Restated JPA requires unanimous approval of changes to the Purchasing Policy.

Discussion

The Purchasing Policy is attached for the Commission's review and approval. Based on previous discussions with the Commission, the proposed contracting authority and signature authority for the GM for goods and services is less than \$25,000. The Policy also details the process the Authority will undertake for procuring goods and services at various value thresholds.

For construction work, the Policy conforms to the California Uniform Public Construction Cost Accounting Act (CUPCCAA), which the Commission adopted in 2007 (Resolution 07-09). CUPCCAA allows agencies to use simplified bidding practices for projects under the statutory thresholds (currently \$200,000 or less). To fully conform to CUPCCAA, staff recommends that the Authority also adopt an updated informal bidding resolution that references CUPCCAA – see Item FM7.

The proposed Policy delegates to the GM the authority to enter into emergency contracts without competition, when the emergency conditions do not permit a delay resulting from a formal competitive solicitation process. The emergency contracting statutes in the Public Contract Code provide that the governing body of a public agency, by a four-fifths vote, may delegate to the appropriate non-elected agency officer, the authority to take action required by an emergency, and to procure the necessary equipment, services, and

Agenda Explanation
East Bay Dischargers Authority
Financial Management Committee
December 15, 2020

supplies for those purposes, without a competitive solicitation. (PCC § 22050(b)(1).) In lieu of a separate resolution to effect the delegation of authority, the Authority's legal counsel recommended that the relevant terms be incorporated into the resolution adopting the Policy. Because the Commission must approve the Policy by unanimous vote, the four-fifths requirement will be met through this action.

POLICY NUMBER: 1.7

NAME OF POLICY: Finance – Purchasing

LAST REVISED: December 17, 2020

PREVIOUSLY REVISED: N/A

PURPOSE: Policy Regarding the Procurement of Equipment, Supplies, Services, and Contracts for Construction Projects

POLICY:

I. AUTHORITY CONTRACTS WITH OUTSIDE CONTRACTORS, VENDORS, AND CONSULTANTS

A. Procurement of Equipment, Supplies, and Services

1. Purchases and Contracts Under \$25,000. If the estimated cost of the equipment, supplies, and services is less than \$5,000, the General Manager will attempt to secure the best value for the Authority, but need not solicit quotes, bids, or proposals. If the estimated cost is between \$5,000 and \$10,000, the General Manager will solicit informal quotes, bids, or proposals from at least two vendors/consultants. If the estimated cost exceeds \$10,000, but is less than \$25,000, the General Manager will solicit informal quotes, bids, or proposals from at least three contractors, vendors, or consultants. For all purchases or contracts for equipment, supplies, or services below \$25,000, the General Manager may award the contract or purchase order, without further approval by the Commission.

2. Purchases and Contracts of \$25,000 or More. When the estimated cost of equipment or supplies is \$25,000 or more, the General Manager will solicit formal written bids/proposals through means and methods which he or she determines to be most cost-effective, which may include advertisement in a newspaper of general circulation in the Authority.

When the estimated cost of services is \$25,000 or more, the General Manager will solicit informal proposals through means and methods which he or she determines to be most cost-effective. With the exception of contracts for services procured pursuant to California Government Code Section 4525 et seq., all services contracts shall be awarded to the proposer(s) that offer the best value to the Authority, which is defined as the overall combination of quality, price, and other elements of a proposal that, when considered together, provide the greatest overall benefit to the Authority in response to the requirements described in the solicitation documents.

All contracts in the amount of \$25,000 or more shall be submitted to the Commission for approval.

3. Qualifications Based Solicitations. Pursuant to California Government Code Section 4525 et seq. (the Mini-Brooks Act), the Authority will use qualifications-based competitive proposal procedures for the procurement of architectural, landscape architectural, engineering, environmental (but, not where the scope of work consists of planning services), land surveying or construction project management services regardless of the contract value. Under this method, proposals will be evaluated based upon qualifications and demonstrated competence.

B. Procurement of Construction Projects

1. California Uniform Public Construction Cost Accounting Act. The Authority has opted in to the California Uniform Public Construction Cost Accounting Act (California Public Contract Code Section 22000 et seq., the "Act"). Pursuant to the Act projects for the construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, painting, or repainting of Authority-owned, leased, or operated facilities will be procured as follows:

a. Projects of \$60,000 (or the current threshold set forth in California Public Contract Code Section 22032(a)) or less may be let by negotiated contract or purchase order, or performed by the Authority's own employees by force account.

b. Projects of \$200,000 (or the current threshold set forth in California Public Contract Code Section 22032(b)) or less may be let by informal procedures set forth in the Authority's informal bidding resolution and in the Act.

c. Projects of more than \$200,000 (or the current threshold set forth in California Public Contract Code Section 22032(c)) will be let by formal bidding procedures set forth in the Act.

2. Maintenance Work. The Authority may, but is not required to, use the procedures set forth in this section B for maintenance work, which includes routine, recurring, and usual work for the preservation or protection of any Authority-owned or operated facility for its intended purposes, minor repainting, resurfacing of streets and highways of less than 1 inch, landscape maintenance, and work to keep, operate, and maintain Authority-owned water, power, or waste disposal systems.

3. Other Statutorily Authorized Methods. Alternative methods of procurement, such as a design build approach, may be utilized if authorized by state law and in full compliance with all applicable requirements.

C. Sole Source

Regardless of the estimated cost of the procurement, the Authority is not required to follow the processes detailed in this Policy when procuring materials, equipment, supplies, or services for which there exists only a sole source of supply.

D. Leasing of Equipment

If the total rental payments due under a lease are below \$25,000, the General Manager will follow the procedure in Section I.A.1. If the total rental payments due under a lease are \$25,000 or more, the General Manager will follow the procedure in Section I.A.2.

E. Reporting

The General Manager will report to the Commission on all contracts entered into under the General Manager's authority.

F. Contract Extensions

Commission approval is required for extension of contracts or purchase orders beyond one (1) year where the cost of the extension is estimated to be \$25,000 or greater.

G. Minority Business Enterprises/Women's Business Enterprises Policy

The Authority recognizes the value of diversity and it is the intention of the Authority to create a level playing field on which Minority Business Enterprises and Women's Business Enterprises can compete fairly for contracts and subcontracts.

H. Splitting Procurements Prohibited

The Authority will not arbitrarily split purchases into smaller segments or partial orders to remain below the authorized dollar threshold for formal solicitation in an effort to take advantage of informal solicitation procedures or otherwise avoid requirements of this Policy.

II. AUTHORITY CONTRACTS WITH MEMBER AGENCIES FOR WORK BY MEMBER AGENCY EMPLOYEES**A. Contracts with Member Agencies**

The Authority has entered into contracts with its member agencies for the operation and routine maintenance of Authority Facilities and additional tasks, as requested by the Authority. Work performed pursuant to contracts between the Authority and its member agencies will conform to the East Bay Dischargers Authority Amended and Restated Joint Exercise of Powers Agreement, this Policy, and the respective contract. In particular, each member agency contract will require the member agency to indemnify the Authority against all losses that may arise out of the performance of the work. Furthermore, the Authority will require the member agency to maintain insurance in such types and

amounts as the Authority may from time to time establish and naming the Authority and the member agencies as additional insureds.

B. Operations and Maintenance Manager Determination

Consistent with the above referenced contracts with the member agencies, the Authority's Operations and Maintenance Manager may authorize one or more member agencies to perform work on Authority Facilities when he or she determines that the agency(ies) can perform such work more cost effectively than if the work were let to contract by the Authority.

III. COOPERATIVE PROCUREMENTS WITH MEMBER AGENCIES

To foster greater economy and efficiency, the Authority may avail itself of joint procurements and assignment of existing contract rights ("piggybacking") with its member agencies.

IV. PURCHASE OR LEASE OF REAL PROPERTY

Any contract for the purchase of real property must be submitted to and approved by the Commission. Any lease or sublease of real property, including any renewal or extension of an existing lease or sublease, for which the annual rent is \$25,000 or greater, must be submitted to and approved by the Commission. For any lease or sublease of real property, including any renewal or extension of an existing lease, for which the annual rent is below \$25,000, the General Manager may approve and execute the lease, sublease, renewal, or extension, without further approval by the Commission.

V. GENERAL MANAGER SIGNATURE AUTHORITY

A. Signature Authority Generally

Except as otherwise described in this Policy, the General Manager is authorized to expend funds, issue purchase orders, and sign contracts for procurements and activities for equipment, supplies, and for professional or other services where the cost is less than \$25,000.

B. Change Orders and Amendments Generally

The General Manager is authorized to issue change orders or amendments where the cost is less than \$25,000 without further Commission approval, so long as such change order or amendment would not result in a total contract value of \$25,000 or greater. The Commission reserves to itself the right to approve all amendments to contracts previously approved by the Commission.

General Manager is authorized to administer all contracts on behalf of the Authority.

VI. EMERGENCY CONTRACTS

A. Competitively Bid Emergency Contracts

The General Manager has been authorized by the Commission to take all necessary and proper measures in emergency conditions to keep the Authority Facilities in operation. The Authority's practice is to competitively solicit contracts for emergency services in advance of any emergency, consistent with the California Governor's Office of Emergency Services (CalOES) and Federal Emergency Management Agency (FEMA) reimbursement requirements.

B. Non-Competitively Bid Emergency Contracts

In the event the Authority does not have a current contract for emergency services and the emergency conditions do not permit a delay resulting from a formal competitive solicitation process, the General Manager is authorized to make emergency purchases without giving notice for bids or proposals and to enter into such contracts without prior Commission approval. The General Manager will promptly report on the reasons and necessity for proceeding without a competitive solicitation to the Commission as required by Public Contract Code Section 22050 et seq.

C. Ratification

Commission ratification is required for any emergency contract where the cost is \$25,000 or more and will be obtained as soon as it is practicable to do so.

VII. WAIVER

The Commission may suspend or waive the requirements of this Policy in any instance when the Commission deems it in the best interest of the Authority to do so.

EAST BAY DISCHARGERS COMMISSION
EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 20-28

INTRODUCED BY _____

**RESOLUTION APPROVING REVISIONS TO THE AUTHORITY'S PURCHASING
POLICY**

WHEREAS, the East Bay Dischargers Authority (Authority) is a joint exercise of powers authority duly formed and governed by the Amended and Restated Joint Exercise of Powers Agreement (JPA) dated January 1, 2020; and

WHEREAS, Section 54202 of the California Government Code requires all local agencies to adopt written policies and procedures, including bidding requirements, for the purchase of equipment and supplies; and

WHEREAS, the Authority removed specific procurement provisions from the JPA in favor of incorporating such provisions into an updated Purchasing Policy; and

WHEREAS, California Public Contract Code Section 22050 authorizes a governing body to delegate to a non-elected agency officer the authority to, in the event of an emergency, repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for these purposes, without giving notice for bids to let contracts; and

WHEREAS, the Commission desires to delegate emergency contracting authority to the General Manager, consistent with the requirements of the statute; and

WHEREAS, the updates to the Purchasing Policy have been reviewed and recommended for approval by the Financial Management Committee.

NOW, THEREFORE, BE IT RESOLVED, the Authority hereby adopts a new Purchasing Policy effective December 17, 2020.

BE IT FURTHER RESOLVED, that the Commission hereby delegates authority to the General Manager to take any directly related and immediate action required in an emergency, as defined in the California Public Contract Code, including authority to procure necessary equipment, services, and supplies and to repair or replace Authority facilities without competitive bidding.

Agenda Explanation
East Bay Dischargers Authority
Financial Management Committee
December 15, 2020

SAN LORENZO, CALIFORNIA, DECEMBER 17, 2020, ADOPTED BY THE FOLLOWING VOTE:

**AYES:
NOES:
ABSENT:
ABSTAIN:**

**CHAIR
EAST BAY DISCHARGERS AUTHORITY**

ATTEST: _____
**GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY**

**ITEM NO. FM7 RESOLUTION TO PROVIDE INFORMAL BIDDING PROCEDURES
PURSUANT TO CALIFORNIA PUBLIC CONTRACT CODE § 22030 ET SEQ.
REGARDING PUBLIC PROJECT CONTRACTS**

Recommendation

Adopt the proposed Informal Bidding Resolution.

Background

As described in Item Number FM6, staff is recommending that the Authority revise its informal bidding resolution to conform to updates in the California Uniform Public Construction Cost Accounting Act (CUPCCAA), which allows public agencies to use simplified bidding practices for projects under the statutory thresholds (currently \$200,000 or less).

Following the election to become subject to CUPCCAA in 2007, the Authority adopted Resolution 07-12, setting out the Authority's informal bidding procedures. That resolution is now outdated because the CUPCCAA bidding thresholds have changed. Staff recommends that the Commission adopt a new resolution that references the statute rather than current thresholds so that, if the thresholds in the statute change in future, the resolution will not become obsolete.

Discussion

The following proposed resolution lays out the informal bidding procedures required by CUPCCAA as described in the Public Contract Code. The resolution is largely consistent with the prior informal bidding resolution (Resolution 07-12) and with a sample resolution provided by the California Uniform Public Construction Cost Accounting Commission to assist agencies participating in CUPCCAA.

EAST BAY DISCHARGERS COMMISSION
EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 20-29

INTRODUCED BY _____

**RESOLUTION TO PROVIDE INFORMAL BIDDING PROCEDURES
PURSUANT TO CALIFORNIA PUBLIC CONTRACT CODE § 22030 ET SEQ.
REGARDING PUBLIC PROJECT CONTRACTS**

WHEREAS, the East Bay Dischargers Authority of Alameda County, California (hereinafter "Authority") is a joint powers authority organized and operating under the laws of the State of California; and

WHEREAS, in Resolution 07-09, the Authority authorized adoption of California Uniform Public Construction Cost Accounting Act (Act) procedures; and

WHEREAS, pursuant to Public Contract Code § 22034, any public agency that elects to become subject to the uniform construction accounting procedures must enact an informal bidding ordinance to govern the selection of contractors to perform public projects.

NOW, THEREFORE, BE IT RESOLVED, the East Bay Dischargers Authority does hereby adopt the following informal bidding policy and procedure pursuant to California Public Contract Code §22034 for public projects, as defined by the Act, and in accordance with the limits listed in Public Contract Code §22032:

Informal Bidding Procedures

- A. 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:
1. The Authority may maintain a list of qualified contractors, identified according to categories of work. Notices inviting informal bids will be mailed, faxed, or emailed to all contractors for the category of work to be bid, as shown on the list. All mailing of notices to contractors pursuant to this provision shall be completed not less than 10 calendar days before bids are due.
 2. Notices inviting informal bids will be mailed to all construction trade journals as specified by the California Uniform Construction Cost

Agenda Explanation
East Bay Dischargers Authority
Financial Management Committee
December 15, 2020

Accounting Commission in accordance with Public Contract Code §22036.

3. Additional contractors and/or construction trade journals may be notified at the discretion of the Authority, 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.

The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for submission of bids.

- B. If all bids received are in excess of the threshold identified in Public Contract Code §22034(d), the Commission may, by adoption of a resolution by a four-fifths vote, award the contract, at a higher amount designated in the Code, to the lowest responsible bidder, if it determines the Authority's cost estimate was reasonable.

BE IT FURTHER RESOLVED, the Authority hereby adopts this informal bidding resolution, effective December 17, 2020.

SAN LORENZO, CALIFORNIA, DECEMBER 17, 2020, ADOPTED BY THE FOLLOWING VOTE:

**AYES:
NOES:
ABSENT:
ABSTAIN:**

**CHAIR
EAST BAY DISCHARGERS AUTHORITY**

ATTEST: _____
**GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY**