



City of Big Bear Lake, Department of Water and Power
POLICY

Policy #2017-03
Purchasing Policy
Date Established: City Administrative Instruction 81-0; Rev. 3/8/99; 4/19/05; 6/27/17,
6/25/2024
Date Last Amended: August 5, 2025

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PURPOSE

This document defines policies for the procurement of goods and services for the City of Big Bear Lake, Department of Water and Power (DWP). This policy governs the purchasing and procurement processes of DWP, providing a basis for purchasing processes and procedures to be established by the CFO, and assigning accountability for the management of DWP funds. All purchases shall comply with this policy, all aspects of state and local law governing formal competitive bidding, including, but not limited to, the Public Contract Code, Government Code, Labor Code, Uniform Guidance under 2 CFR 200 and applicable grant programs. In the event of conflict with this policy, the applicable law, regulation or program guidelines will govern.

The principal tenant of this policy is to obtain the highest benefit for DWP either in fiscal and/or quality of service terms. It is understood that this policy applies to the vast majority of the procurement situations DWP will face. It is also understood that situations will arise that do not specifically fit the parameters of this policy. When these unusual situations arise, the principal tenant of this policy applies. In no circumstances, unless prescribed by law or program, should competitive procurement procedures be undertaken where the costs of the procurement procedures are reasonably expected to outweigh the benefit derived from the procurement procedures. This tenant also applies when mitigating circumstances arise such that a purchase is of greater benefit to DWP beyond the specific results of a competitive procurement process.

DEFINITIONS

For the purposes of this policy, the following words and terms, shall be construed with the following definitions:

“Best value” means the overall value provided to DWP including price, competency, availability, quality and any other factor including setup costs, staff time, and levels of certainty that collectively provide lower overall costs irrespective of the quoted price. Best Value is the result of a comprehensive analysis of known variables and the determination of the adjusted total cost to DWP.

“Department head” Chief Financial Officer, Water Superintendent and employees considered to be charged at an equivalent level and to have higher responsibility roles than that of a supervisor/manager within the Department e.g. director or higher level.

“Emergency” means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

“Federal funding purchases” means any purchase of goods or services paid for with federal funds (including partial federal funding) or federal pass-through funds.

“General services” means the furnishing of labor, time, or effort by a contractor for non-professional services as DWP may, from time to time, find necessary and proper. Examples include, but are not limited to, janitorial, uniform cleaning, or other services which do not require any unique skill, special background or training.

“General goods” means any and all supplies, materials, articles, things, or property, other than real property, furnished to be used by DWP.

“Goods and/or Services” is/are used as an inclusive description for general goods and/or services, maintenance services, or professional services irrespective of whether the goods and/or services are related to federal funding purchase, maintenance services or public works contracts.

“Maintenance services” means:

- Routine, recurring, and usual work not considered a Public Works Contract for the preservation or protection of a publicly owned, or publicly operated facility for intended purposes;
- Minor repainting or resurfacing;
- Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems; and
- Work performed to keep, operate and maintain publicly owned water or waste disposal systems;
- Other similar services that are generally classified as maintenance.

“Professional services” means services provided by a person, company, corporation, or firm engaged in a profession based on a generally recognized special knowledge, skill, license, and/or certification to perform the work including, but not limited to, the professions of accountant, attorney, artist, architect, landscape architect, construction manager, engineer, environmental

consultant, dentist, physician, training or educational consultant, or land surveyor, and whose services are considered distinct and unique.

“Public works contract” means:

- A contract for the erection, construction, alteration, repair or improvement of any public structure, building, road or other public improvement of any kind as defined in the California Public Contract Code;
- Work in or about streams, embankments or other works for protection against overflow;
- Street or sewer work except maintenance or repair; and
- Furnishing supplies or materials for any such project.

“Purchase” refers to the overall purpose of the procurement and not the dollar value of an invoice, quote or otherwise agreed to price. Often several items that would normally be purchased separately can be purchased together due to the timing of need and combining the items in a single purchase provides staff time savings. Just because the items are purchased together does not change the purchase authority level for each item. In other instances, several parts or items are needed to accomplish a singular need e.g. a vehicle repair requires a new transmission, drive shaft, engine and exhaust system to safely operate the vehicle. Each component would have a relatively low cost, but they are all needed together to make the vehicle functional, so the applicable purchase amount is the combined value of the parts and labor for all needed components. Components of the purchase price such as shipping, and taxes should be reasonably estimated. The estimated total is considered the purchase price. Final prices may exceed the purchase price for these initial estimates, this discrepancy is expected and does not invalidate the selected threshold and no change is needed when actual costs are determined.

“Request For Proposal (“RFP”)” means an announcement that solicits firms to submit a proposal to perform the scope of work associated with a proposed project. Cost is not the sole basis for selection in an RFP; other qualifications including experience, turnaround time and approach to work are important factors when evaluating proposals. RFPs are project specific, and preparation requires general knowledge of the project.

“Request For Qualification (“RFQ”)” means an announcement that solicits firms to submit information about their qualification and capabilities to perform the type of work associated with a proposed project. The preparation of an RFQ generally does not require specific project knowledge or scope. An RFQ may be used as a pre-qualification step to engage a service provider. If an RFQ is required, only those candidates who successfully respond to it and meet the qualification criteria will be included in the subsequent RFP process. An RFQ will contain specific reference to selection criteria.

“Time Increment Purchases” means a purchase that occurs regularly at a specified interval e.g. monthly, quarterly, annually. The specified time interval is reoccurring and the basis for the charge.

GENERAL PROVISIONS

Ethics and Standard of Behavior. All purchasing functions will be conducted with absolute integrity. The very highest ethical standards will be maintained in all material activities and the general manager and department heads shall remain aware of their responsibilities in spending DWP funds. Guidelines for transacting DWP business are derived from applicable California

State Government Code, California Public Contract Code, and other policies, resolutions of the DWP. DWP has adopted a Conflict-of-Interest Code and all employees involved in the procurement process should comply with the code.

Appropriations Requirement. All purchases permitted under this policy are based on the presumption that legally adopted appropriations (budget) are available for the purchase. No purchase is permitted at any level without sufficient appropriations.

Unauthorized Purchases. No employee of DWP shall request a firm to deliver goods and/or provided services to DWP or transact on DWP's behalf with the expectation of compensation without prior authorization by the Board of Commissioners, general manager or department head (depending on applicable approval limit). Such purchases are void and not considered an obligation of DWP.

Performance Bonds or Surety Deposits. The general manager or CFO have the authority to require a performance bond or surety deposit before entering into a contract in such an amount as is necessary to protect the fiscal interests of DWP. The general manager or CFO shall have the authority to release the required surety once the initial need is deemed reasonably mitigated.

Review and Approval of Plans and Specifications. The general manager, district engineer or qualified designee(s) is(are) authorized to review and approve engineering plans for all public projects. This shall include the working details, drawings, plans and specifications prepared for every public works project, including emergency and change order work, which may affect the design or operation of public improvements, and which may bring into question DWP's liability for dangerous conditions of public property.

Rejection of Bids and Proposals. At its discretion, the Board of Commissioners or general manager may reject any and all bids, proposals, quotations, or prices and take any other action deemed appropriate for the procurement of public projects, goods and services.

Procurement Processes and Procedures. The CFO is responsible for enforcing the provisions of this policy through the establishment and monitoring of processes and procedures. Said processes and procedures should be amended as needed to address changes in the public procurement environment and address operational issues as they arise. The processes and procedures are expected to add operational details to facilitate sufficient internal controls, provide guidance to DWP staff, incorporate sufficient tracking to ensure compliance with this policy, and are in no way to supersede or countermand any portion of this policy.

Local Preference. Local preference is the practice of procurement from certain suppliers or contractors because they are also local ratepayers. Local preference is desirable because it stimulates the local economy. All orders and contracts are awarded based on quality, previous performance, ability to meet the contract requirements, availability of service and parts, delivery schedule and payment terms/discounts. When all these factors are equal, except price, a preference will be given to local vendors who maintains a principal place of business within the Bear Valley Area, as long as their price is not more than one percent (1%) greater when compared to the lowest price obtained from a qualified non-local vendor.

PURCHASING AUTHORITY

The authority to purchase goods and services is set based on the following thresholds as determined by the cost of each purchase and as applied to the amount applicable to a fiscal year for purchases or time increment purchases:

1. Award by Department Head – Department heads may make purchases or contract for goods and services in an amount not to exceed twenty-five thousand dollars (\$25K). Purchasing authority may be designated to department supervisors at the discretion of the department head in an amount not to exceed ten thousand dollars (\$10K).
2. Award by General Manager – the General Manager or designee(s) may make purchases or contracts for goods and services or take any other action in response to bids for public works contracts, in an amount not to exceed fifty thousand dollars (\$50K).
3. Award by Board of Commissioner– the Board of Commissioners shall make purchases or contracts for goods and services or take any other action in response to bids for public projects that exceed fifty thousand dollars (\$50K). Any amendments (change orders, additional services, etc.) to purchases authorized by the Board require further Board approval.

EXCEPTIONS TO PROCUREMENT METHODS

Emergency Situations. In the case of an emergency, which requires the immediate procurement of goods or services to ensure public safety or to protect DWP interests, the general manager or department head may procure needed goods or services without regard to the provisions of this policy. The action shall only be to repair or replace a public facility, take any directly related and immediate action required by that emergency, or procure the necessary equipment, services, and supplies for those purposes. The general manager or department head shall terminate the emergency action as soon as conditions reasonably warrant. If a contract or purchase is made pursuant to this authority, the general manager or department head shall, upon request, provide for review to the Board of Commissioners, a written public record showing the nature of the emergency and when applicable to a public works contract the general manager's authorization to proceed pursuant the provisions of this section and the Public Contract Code.

Sole Source. Goods and services may occasionally be of a proprietary nature, specific design or construction, or specifically desired for purposes of maintaining cost effective system consistency, as to be available from only one source. After reasonable attempts to find other suppliers are exhausted and no comparable competitive alternative exists, the Board of Commissioners, general manager or department head may make the purchase from a sole source provider. The determining factor when making a sole source determination is the ability of a product to perform the needed purpose. If a competitive alternative will fulfil the needed purpose, then the sole source provision is not applicable. For example, if a vendor provides radio receiver telemetry equipment and the equipment is proprietary, the sole source provision is not met. If DWP needs the telemetry equipment to broadcast at a specific frequency and range and the identified equipment is the only equipment on the market that can broadcast at the specific frequency and range, then the sole source provision is met. Under no circumstances, should specifications be limited for the purpose of triggering the sole source provision.

No Competitive Market. Except where otherwise prohibited by law, when the Board of Commissioners, general manager or department head determines that a competitive market does not exist or that DWP will not gain a competitive advantage by using formal or informal

procurement procedure, DWP may use any other procurement method deemed more advantageous to DWP.

Competitive Bidding Already Completed. Except where otherwise prohibited by law, when it is determined that: (1) a competitive bid procedure has been conducted by another public agency, including, but not limited to, another local agency, the State through the California Multiple Award Schedule (CMAS), the federal government through the General Services Administration (GSA), or a joint powers agency, authority, alliance or other trade organization; and (2) the price to DWP is equal to or better than the price obtained through that competitive procurement process, DWP may utilize (piggyback on) the completed competitive procurement process. The process must have been completed within the three immediately preceding years or the last five years if adjusted using a reasonable method. The process must reasonably represent an equivalent level of competitive procedures as required by this policy.

Mandated Expenditures. Expenses mandated by law or regulation, such as county booking fees, utilities, postage, waste disposal fees or other non-negotiable permit, use or application fees.

Shared Goods & Services Costs. The Board of Commissioners, general manager or department head may authorize the award and execution of contracts for goods or services, subject to the dollar limits consistent with this policy, that are provided by another government, public entity, joint powers authority, quasi-governmental entity, special district or non-profit entity that will maximize efficiency, increase cost effectiveness, increase range of services, minimize duplication, provide training or education encourage collaboration or standardize efforts, or leverage government resources.

Purchase of Recurring Charges. DWP may create an open vendor list or retain existing vendors for the purposes of obtaining goods and service for ongoing cleanup, maintenance, inventory, information technology including related software and different routine items that are of a continuing nature. Overall prices from each vendor shall be evaluated in a manner to ensure general competitiveness in the best interest of DWP unless the service is a continuation of a previously procured ongoing service that was competitively procured in which case no competitive procurement is needed.

Reoccurring as Needed Service Agreements. DWP may engage certain service providers to perform routine services that are requested on an intermittent basis for an unknown amount. These agreements should be based on an informal evaluation of standard charges (usually on a per hour basis) using the best value standard. DWP may engage multiple service providers under this item to ensure continuous availability of services if deemed beneficial.

Individual Specific Agreements. Certain professional services contracts are exempt from the competitive procurement process in the limited circumstance where the contract is not for a set amount and is so closely tied to the individual contracted that the same result would not be expected should the contract be competitively bid (procurement of services dependent on the individual contracted). This section is applicable when the services are more consistent with a function performed by a contracted employee than an independent professional services provider. To meet the exemption outlined in this section, the contracted services must be tied directly to an individual. The individual may be employed through an intermediary (e.g. staffing company) but must be evaluated on the individual's specific qualifications.

Task or Job Orders. Except where otherwise prohibited by law, task or job orders that DWP places through a duly approved master agreement shall not be subject to further procurement requirements. This section is inclusive of pre-negotiated supplier contracts and cooperative purchasing arrangements and will be applicable to any similar purchasing mechanism where competitive procedures were undertaken, and the purchasing mechanism is consistent with industry practices.

Negotiated Purchases. A purchase may be had by negotiations when the purchase is for:

- (1) A technology product including hardware or software where customization and technical capability is necessary for integration with existing system needs;
- (2) An addition to, or repair or maintenance of existing equipment which can be more efficiently added to, repaired or maintained by an authorized company or manufacturer;
- (3) Equipment which must be compatible with existing equipment, by reason of the training of the personnel or an inventory of existing replacement parts kept by DWP;
- (4) Specific consulting services where a second opinion or very specific expertise is needed within the existing systems and operational structures of DWP.

COMPETITIVE PROCUREMENT METHODS

The total estimated purchase amount for the cost of goods and services determines the competitive procurement methods that must be followed.

Competitive Procurement Requirement Thresholds

General Goods, General Services, Professional Services & Maintenance Services Other Than Public Works Contracts and Expenditures of Federal Funds - These thresholds should be evaluated annually based on the Engineering News Record Construction Cost Index or similar equivalent inflation index. Inflation adjustments should be made by the CFO if deemed beneficial to the purchasing process. Thresholds are set as follows:

- A. No competitive procurement consideration is required for the purchase of goods and services under \$5,000.
- B. The informal quote process is required for the procurement of goods and services between \$5,000 and \$75,000.
- C. The formal (bid/RFP/RFQ) process is required for the procurement of goods and services over \$75,000.

DWP may dispense with the bid process for goods if an RFP process would be more beneficial to DWP.

Public Works Contracts - The thresholds for bidding public works contracts shall be subject to the California Uniform Public Construction Cost Accounting Act (Public Contract Code sections 22000 et seq.).

Expenditures of Federal Funds - The threshold for bidding of projects funded with federal funds will be consistent with 2 CFR Part 200 Uniform Guidance where the Office of Budget and Management sets and periodically amends competitive procurement thresholds. Where a project is a public works contract funded with federal funds, the lower competitive bidding threshold will apply. This requirement is applicable if any part of the public works contract is funded with federal funds.

Informal Procurement Process Requirements

Soliciting Quotes or Proposals. DWP staff will solicit via posted notice, telephone request, mail, email, text or any other reasonable solicitation method, price quotes or proposals documented in writing. If unable to obtain a minimum of three (3) price quotes, staff will document that reasonable efforts were made to obtain price quotes or proposals including, that a notice was posted for not less than seven (7) calendar days; that there were no other vendors to solicit price quotes or proposals from; or that they solicited to other vendors and two or more declined to provide a quote or proposal.

Award of Contract. Award shall be made to the vendor providing the best value.

Informal Bidding Requirements

Notice Inviting Bids or Quotes. At a minimum, a notice inviting bids shall: (1) describe the project; (2) state how to obtain more detailed information about the project; and (3) state the date, time and place for the submission of bids. Notices inviting bids will be sent by the responsible department to a list of qualified contractors/vendors or sufficient trade journals.

No Bids. If no bids are received, the department head or Board of Commissioners may have the procurement done in any manner deemed prudent without further compliance requirements.

Award of Contract. If awarded, the contract shall be awarded to the lowest responsible bidder except professional services contracts which will be awarded based on best value. If two or more bids received are the same amount, responsible DWP staff or Board of Commissioners may decide which bid to accept and award.

Rejection of Bids. The Board of Commissioners or general manager may, at their sole and absolute discretion, reject any one or more items of a bid/proposal, reject any and all bids/proposal, or waive any irregularities or informalities in the bids/proposals or bidding/proposal process if deemed to best serve the interests of DWP.

Formal Public Works Contract Bidding Requirements

Notice Inviting Formal Bids. Notice inviting formal bids shall be provided. Notices shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. At a minimum, the notice inviting formal bids shall: (1) describe the project; (2) state how to obtain more detailed information about the project; (3) state the date, time and place for the submission of sealed bids; and (4) include any other information required by state or local law.

Published Notice. The notice shall be published at least ten (10) calendar days before the date of opening the bids in a newspaper of general circulation and on DWP's website. Notice shall be published at least twice not less than five (5) calendar days apart.

Bidder's Security. All bids shall be presented under sealed cover accompanied by one of the following forms of bidder's security: (a) cash; (b) cashier's check made payable to DWP; or (c) a bidder's bond executed by an admitted surety insurer made payable to the DWP. Such security shall be an amount at least equal to ten percent of the bid amount. No bid shall be considered unless security in the form above set forth is enclosed with the bid.

Forfeiture of Security. If the successful bidder fails to execute the contract, the bidder's security shall be forfeited to DWP. The Board of Commissioners may, on refusal or failure of the successful bidder to execute such contract, award the contract to the next lowest responsible bidder. If the Board of Commissioners awards the contract to the second lowest bidder, the amount of the lowest bidder's security shall be applied by the DWP to the difference between

the low bid and the second low bid. The surplus, if any, shall be utilized to offset any and all costs of preparation and printing of plans, specifications, estimates of cost, publication of notices, and any surplus remaining shall be returned to the lowest bidder who fails to execute the contract.

Bid Opening. Sealed bids shall be submitted to the board secretary and shall be clearly identified with the project name on the envelope. Upon receipt, the board secretary will date, and time stamp the envelope. Bids shall be opened in public at the time and place stated in the public notices.

Review of Bids. DWP shall review all bids received for completeness, accuracy, responsiveness to the invitation and bid documents, and DWP's experience with or knowledge of the qualification and reliability of each bidder and prepare a recommendation for the Board of Commissioners. The Board of Commissioners may waive any irregularities or discrepancies in each bid received.

No Bids. If no bids are received, the Board of Commissioners may direct staff to restructure the project, revise the procurement procedures or award the contract in any manner that the Board of Commissioners may decide.

Award of Contract. If awarded, the contract shall be awarded to the lowest responsible bidder. If two or more bids received are the same amount, the Board of Commissioners may decide which bid to accept and award.

Formal Non-Public Works Contract Bidding Requirements

Notice Inviting Formal Bids. At a minimum, a notice inviting formal bids shall: (1) describe the project; (2) state how to obtain more detailed information about the project; and (3) state the date, time and place for the submission of bids. The notice shall be advertised in the most expedient manner possible to maximize the number of qualified respondents.

Bid Opening. Sealed bids shall be submitted to the board secretary and shall be clearly identified with the bid number on the envelope. Upon receipt, the board secretary will date, and time stamp the envelope. Bids shall be opened in public at the time and place stated in the public notices.

No Bids. If no bids are received, the Board of Commissioners may have the procurement done in any manner that the Board of Commissioners may decide.

Award of Contract. If awarded, the contract shall be awarded to the lowest responsible bidder. If two or more bids received are the same amount, the Board of Commissioners may decide which bid to accept and award.

Rejection of Bids. The Board of Commissioners may, in its sole and absolute discretion, reject any one or more items of a bid, reject any and all bids, or waive any irregularities or informalities in the bids or bidding process if deemed to best serve the interests of DWP.

Formal Request for Proposal (RFP)/Request for Qualifications (RFQ) Requirements

The formal RFP or RFQ process shall be utilized to engage services on the basis of best value to DWP. The following minimum guidelines shall be followed:

Notice Inviting RFQs or RFPs. At a minimum, the notice inviting RFQs, or RFPs shall: (1) describe the project; (2) state how to obtain more detailed information about the project; (3) state the date, time and place for the submission of qualifications or proposals; (4) describe general

parameters for evaluation and selection; and (5) include any other information required by state or local law.

Published Notice. RFQs or RFPs will be solicited via published notice in a newspaper of general circulation, a widely available solicitation service/platform or DWP's website at least ten (10) calendar days before the date for receiving qualifications or proposals, unless exigent circumstances call for a shorter time.

Review of Qualifications or Proposals. Proposals shall be evaluated based on the evaluation and selection criteria established by DWP.

Award. Award for professional services contracts shall be to the respondent offering the best value to DWP, at DWP's sole and absolute discretion.

Change Orders.

- A. Contracts may be amended by the issuance of a change order or amendment, provided the change is reasonably related to the scope of the original contract. The general manager shall have authority to approve change orders for contracts previously awarded by the general manager, provided that the combined total does not exceed the general manager's approval threshold under this policy.
- B. During the award of a contract by the Board of Commissioners, the Board of Commissioners may give the general manager the authority to approve change orders, specific to that contract, based on either a percentage of the contract or a specific dollar amount. If no specific authority is given by the Board of Commissioners, the general manager may approve change orders for a board of commissioner awarded contract subject to the dollar limits consistent with this policy, provided such change orders are within the approved project contingency.
- C. Change orders in excess of the general manager's authority may be approved by the general manager and submitted to the Board of Commissioners for ratification under the following circumstance:
 - a. The failure to immediately issue a change order may result in significant project cost increases or an unacceptable project delay due to work stoppage or other inefficiencies;
 - b. A special meeting or a regularly scheduled meeting of the Board of Commissioners is not scheduled within a reasonable period of time to sufficiently remedy the problem; and
 - c. Funding for the change order is currently available within the appropriated budget.

CONTRACTOR DEBARMENT PROCEDURES

A. Purpose

The purpose of this section is to promote fairness, integrity, and efficiency in the award and execution of contracts by DWP. This section establishes the process and grounds by which contractors may be disqualified or debarred from participating in future DWP contracts.

B. Grounds for Debarment

A contractor, subcontractor, or vendor may be debarred for a specified period of time based on any of the following:

1. Conviction of fraud, embezzlement, bribery, theft, forgery, or any offense involving moral turpitude in connection with public contracts.
2. Breach of contract or default under a DWP contract or other government contracts, including failure to perform or unsatisfactory performance.
3. Submission of false statements or concealment of material facts.
4. Violation of applicable labor, safety, environmental, or licensing laws in connection with public contracting.
5. Collusion or unethical conduct in bidding or contract execution.
6. Chronic history of submitting nonresponsive bids or failing to meet bid specifications.
7. Any debarment by a federal agency or other public entity.
8. The Contractor provided substandard services, used substandard materials, or failed to furnish or install materials in accordance with Contract requirements, even if the discovery of the defect is subsequent to the acceptance of the work and expiration of the warranty, if such defect is because of intentionally deficient or grossly negligent performance of the Contractor.

C. Initiation of Proceedings

The District Engineer or designee may initiate debarment proceedings based on evidence gathered through audits, contract administration, observations of prior work performed or referrals from other agencies.

D. Notice of Proposed Debarment

The contractor shall be provided with a written Notice of Proposed Debarment, which includes:

1. The grounds for proposed debarment.
2. A summary of the facts supporting the proposed action.
3. The proposed duration and scope of debarment.
4. Notification that the Contractor has an opportunity to request a hearing or provide a written response within a specified timeframe.

E. Hearing Procedure

If requested, the contractor will be granted a hearing before a designated Debarment Hearing Officer appointed by the District Engineer (cannot include individuals otherwise directly involved in the debarment process). The hearing will include:

1. Presentation of evidence and witnesses.
2. Opportunity for the contractor to cross-examine and present rebuttal.
3. A record of proceedings and a written decision within a reasonable period.

F. Decision and Effect of Debarment

If the District Engineer determines that debarment is warranted, a written decision shall be issued including:

1. The findings and conclusions.
2. The duration of debarment.
3. The scope, including whether the debarment applies to all DWP contracts or specific types.

During the debarment period, the contractor is ineligible to:

1. Submit bids or proposals for DWP projects.
2. Be awarded or participate in DWP contracts, as a prime contractor, subcontractor or consultant.

G. Reinstatement

At the conclusion of the debarment period, or upon showing of rehabilitation or changed circumstances as detailed in the debarment conclusion, the contractor may petition the District Engineer for reinstatement.

H. Appeal

A contractor may appeal a final debarment decision to DWP's General Manager by submitting a written request for review within 15 calendar days of the final decision. DWP's General Manager or designee will determine whether the appeal is frivolous in nature or has merit. If the appeal is determined to be lacking in substance, clearly inconsistent with the findings of the proceedings or otherwise clearly without merit, the appeal will be denied by the General Manager and the determination of the District Engineer is final. If the appeal has merit, DWP's General Manager or designee will agendize the appeal for the consideration of DWP's Board of Commissioners.

ADDITIONAL PURCHASING CONSIDERATIONS

A. Recycled Content

Employees and departments are encouraged to use recycled products and materials to meet the needs of the agency whenever possible. This practice demonstrates compliance with federal and state mandates that foster market development for recycled goods and materials and reduces the need for solid waste processing.

1. Each employee and department of the DWP will make reasonable effort to purchase and use recycled products whenever like quality materials are available at competitive pricing.
2. All DWP employees and departments shall make every effort to purchase environmentally preferred products whenever like quality materials are available at competitive pricing.
3. The DWP may require its contractors and consultants to use and specify recycled content products and materials in fulfilling contractual obligations whenever possible.
4. Recycled products purchased by the DWP shall contain the greatest amount of post-consumer material as practical or when post-consumer material is not practical for the specific type of product, contain a reasonable amount of post-consumer or pre-consumer recovered material.

B. Women Owned/Minority Owned Businesses

The DWP shall make every effort to include Woman-owned and Minority-owned businesses in its solicitations for bids, proposals and quotes.