
R-20-78
Meeting 20-16
August 27, 2020

AGENDA ITEM #2

To: Board of Directors
Open Space Authority

From: Andrea Mackenzie
General Manager

SUBJECT

Approve Amendments to BRD-012 Contract Approval Policy

REVENUE/COST

There are no costs associated with this item.

BACKGROUND

On December 14, 2000, the Board approved the Santa Clara Valley Open Space Authority (Authority) Contract Approval Policy (Policy). The purpose of the Policy is to outline how the Authority may comply with the process for contracting for bids as stated in the enabling legislation (California Public Resources Code, Section 35159).

On December 13, 2012, the Board approved the most recent revision to the Policy.

On August 13, 2020, Staff presented the amendment to the Administration and Budget Committee for review. The Committee recommended Staff bring the amendment to the Board at the next public meeting.

DISCUSSION

The Authority's current bidding process requires prospective bidders to submit original responses via courier mail.

A proposed revision to the Policy will allow the Authority to receive bids over the internet. Receiving bids electronically over paper submissions is beneficial to both the agency and the bidders: the agency cuts down on the paper, time, and cost associated with receiving and storing physical documents, while bidders have ample time to submit responses and eliminate the possibility of lost or late submissions.

Adoption of the revised policy would authorize the acceptance of electronic bids. If approved, the Authority will implement a procedure to facilitate the receipt of bids over the internet that meet the requirements set forth in California Public Contract Code § 1601:

- (a) Any public entity may adopt methods and procedures to do any of the following:
 - (1) Receive bids on public works or other contracts over the Internet, but only if no bid can be opened before the bid deadline and all bids can be verified as authentic.

(2) Receive supporting materials submitted pursuant to a public works contract over the Internet. For purposes of this section, “supporting materials” includes, but is not limited to, payment requests, shop drawings, schedules, notices of claims, and certified payrolls.

(b) If a public entity allows or requires bids or supporting materials to be submitted over the Internet pursuant to this section, the public entity shall provide an electronic receipt to the contractor showing the date and time the submission was received. The public entity shall provide the electronic receipt to the contractor either by immediate transmission to the contractor or by providing the contractor access to an electronic file online that contains this information and that can be viewed and printed by the contractor.

Receiving bids over the internet does not affect or change the general competitive bidding requirements outlined in the Authority’s Enabling Act or the Contract Approval Policy. Additionally, adoption of this policy would only result in changes to the workflow which will be facilitated over the Internet, possibly via email. The receipt of bids over the Internet further does not preclude the Authority from continuing to receive paper submissions.

If approved, the Authority may begin receiving proposals electronically.

RECOMMENDATION

Staff recommends that the Board adopt the attached resolution to approve and ratify the updated Contract Approval Policy.

Prepared by:

Justina Tien, Accounting and Financial Analyst

Attachment(s): Resolution 20-52 - A Resolution of the Governing Board of the Santa Clara Valley Open Space Authority Review and Ratification of the Open Space Authority Contract Approval Policy, BRD-012

Exhibit B – DRAFT BRD-012-04 – Contract Approval Policy

Exhibit C – DRAFT BRD-012-04 – Contract Approval Policy - redlined