



FRESNO COUNTY ZOO AUTHORITY MEETING

9:00 am, Wednesday, January 29, 2014

Fresno County Employees' Retirement Association

1111 H Street, Fresno, CA 93721

(559) 457-0681

ADDENDUM TO THE AGENDA

Receive presentation on *Fresno's Chaffee Zoo Corporation Policy on the Procurement of Goods and Services, Including the Bidding & Selection Process for Construction Projects*; and direct staff to return at the next meeting with a resolution concurring with the Policy.

Placement on Agenda: **To follow Item 6**

Fresno's Chaffee Zoo Corporation
Policy on the Procurement of Goods and Services,
Including the Bidding & Selection Process for
Construction Projects

Table of Contents

Section 1 Purpose.....	1
Section 2 Definitions.....	1
Section 3 Summary of Procedures.....	2
Section 4 Negotiated Purchases of Goods, Services and Capital Improvement Projects...	3
Section 5 Goods and Services.....	3
Section 6 Informal Bidding of Capital Improvements.....	3
Section 7 Formal Bidding of Capital Improvements	4
Section 8 Construction Manager At-Risk and Design Build	5
Section 9 Emergency Repairs	5
Section 10 Bid Splitting	6



Section 1 Purpose

As a matter of best serving the needs of the Fresno County community and prudently using Measure Z Funds, Fresno's Chaffee Zoo Corporation ("ZooCorp") is adopting this policy for the procurement of goods, services and capital improvement projects. This policy is intended to provide guidance to ZooCorp representatives throughout the bidding and selection process. This policy is not intended to provide any rights, contractual or otherwise, to any person or entity. Furthermore, ZooCorp retains the right to interpret the provisions of this policy in the event of any dispute in the bidding and selection process.

The ZooCorp, on an annual basis and in consultation with Representatives of the Construction Industry, will evaluate the effectiveness and efficiency of these policies and will make changes intended to improve the procedures.

Section 2 Definitions

Capital Improvement Project - Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and/or repair work on a property that will enhance the property's value or increase its useful life.

Construction Manager at Risk with Guaranteed Maximum Pricing (CM) - A construction project delivery system where a Contractor is selected to review and participate in the production of the construction documents and who agrees upon a Guaranteed Maximum Price to perform the work.

Contractor(s) - A person or company that undertakes a contract to provide materials and/or labor to complete a construction project.

Design Build (DB) - A construction project delivery system where the design and construction aspects are contracted with a single entity.

Disabled Veteran Business Entity (DVBE) - A business entity certified by the California State Office of Small Business & Disabled Veteran Business Enterprise Services (OSDS) as owned by a disabled veteran.

Goods - Tangible materials, products and equipment not associated with a capital improvement project.

Formal Bid Process - Used to procure Capital Improvement Projects with an estimated cost greater than \$500,001.

Informal Bid Process - Used to procure minor Capital Improvement Projects with an estimated cost between \$100,001 and \$500,000.

Local Business Entity - Any business entity that has its primary home office located in Fresno County.

Negotiated Process - A procurement process where a vendor is contacted and the services and pricing is arranged without a formal or informal bidding process.



Preferred Business Entity - Any business certified by the State of California, OSDS, as owned by a Disabled Veteran Business or Small Business Enterprise or a Local Business Entity as defined in this document.

Prevailing Wage - The general prevailing rate of wages identified by the Director of the Department of Industrial Relations of the State of California pursuant to section 1770 of the Labor Code

Representative of the Construction Industry - A general Contractor, Trade Contractor, or labor representative with experience in the field of capital improvement construction projects.

Request for Proposal (RFP) - A request issued to suppliers of Goods used to establish pricing.

Request for Qualifications (RFQ) - A request issued to Service providers for a statement of qualifications.

Services - Intangible products associated with the design, inspection and management of Capital Improvement Projects.

Small Business Entity - A business entity certified by the California State Office of Small Business & Disabled Veteran Business Enterprise Services (OSDS) as a small business.

Specialty Trade Contractor – Appropriately licensed trade contractors that specialize in providing expertise in the construction of the theming elements of zoo exhibits and attractions.

Trade Contractor - Appropriately licensed specialty contractors hired by the ZooCorp, CM or Contractor to perform portions of the work.

ZooCorp - The Fresno Chaffee Zoo Corporation, a privately created California public benefit corporation.

Section 3 Summary of Procedures

These procedures are segmented into two different types of purchases and four different levels of costs.

The following is a brief description of purchasing type and cost restrictions.

- Procurement of Goods, Services and Specialty Trade Contractors:
Goods and Services costing \$100,000 or less will be procured using a negotiated process. For Goods and Services costing more than \$100,000, there will be a formal RFQ/RFP process.
- Procurement of Capital Improvement Projects:
Capital Improvement Projects estimated to cost \$100,000 or less will be procured using the Negotiated Process. For projects between \$100,001 and \$500,000 the Informal Bid Process will be used and for projects over \$500,001 the Formal Bid Process will be used. Projects estimated over \$4,000,000 may use the Formal Process, the CM delivery system or the DB delivery system.



Section 4 Negotiated Purchases of Goods, Services and Capital Improvement Projects

For Goods, Services and Minor Capital Improvement Projects estimated to cost between \$1 and \$100,000, ZooCorp will use the Negotiated process. ZooCorp will contact a vendor or vendors and negotiate the terms to purchase Goods, Services or perform the work on small maintenance or construction projects. No bidding will be required. ZooCorp may also choose to perform the work itself.

Section 5 Goods and Services

For Goods, Services and Specialty Trade Contractors estimated to cost more than \$100,000, ZooCorp will use a formal RFP process for goods and a RFQ process for services.

ZooCorp will generally:

- Advertise in an appropriate trade publication and local newspapers announcing the RFQ/RFP.
- Contact vendors and suppliers and develop interest in these vendors to participate in the RFQ/RFP process.
- Send a RFQ/RFP to interested vendors at least 30 days prior to bid opening.
- Answer any questions and issue addenda the RFQ/RFP as needed.
- Evaluate submittals and award to the most responsible and responsive proposer.

Preference will be given to Preferred Businesses. Specifics regarding the amount of preference will be included in the RFQ.

This section does not apply to firms providing CM or DB services on capital improvement projects.

Section 6 Informal Bidding of Capital Improvements

For Capital Improvement Projects estimated to cost between \$100,001 and \$500,000, ZooCorp will use an Informal Bid Process to procure construction projects. ZooCorp will develop and maintain a list of pre-approved general and Trade Contractors using the following procedure:

- In November of each year ZooCorp will announce their intention to prequalify Contractors to be included in a list that will be contacted to bid on minor Capital Improvement construction projects for the following year. The announcement will be sent to a minimum of one trade journal and one local newspaper. See Attachment A, "Announcement of Pre-qualification Procedures for Annual Pre-qualifications".
- Interested Contractors must submit a written request for the pre-qualification questionnaire via mail, email or fax.
- Each Contractor will be required to fill out and return the "Pre-Qualification Questionnaire", see Attachment B.



- ZooCorp will then evaluate each questionnaire and maintain a list of all Contractors that have been pre-qualified for a specific category of work.
- A Contractor may be added to ZooCorp's approved Contractors list at any time by submitting the required application.
- At least 10 calendar days prior to bid opening, all Contractors on the list for the category of work to be bid will be sent a notice inviting bids. This notice may also be advertised in a local newspaper or trade journal. This notice will describe the project in general terms, type of contractor's license required, how to obtain more detailed information about the project, and state the time and place for the submission of sealed bids.
- Sealed bids will require a listing of all proposed subcontractors if the value of their contract is greater than one half of one percent (.5%). Listed subcontractors will not be substituted without the expressed written consent of the ZooCorp.
- The ZooCorp will provide plans, specifications and/or direction on the scope of the project that will enable any competent mechanic or builders to carry out the project.
- ZooCorp will hold a public meeting to open sealed bids on the date and time specified on the notice inviting bids and award the project to the most qualified, responsible and responsive low bidder.
- A two percent (2%) bid advantage will be given to Preferred Business Enterprises. The two percent advantage is not accumulative, if a Contractor qualifies as a Preferred Business in more than one category, a maximum of a two percent advantage will be allowed.

Section 7 Formal Bidding of Capital Improvements

For Capital Improvement Projects estimated to cost \$500,001 or more, ZooCorp will use the following formal bidding process:

- Develop a complete set of bid documents for the intended project.
- Obtain the required approvals from the code enforcement authorities having jurisdiction over the Fresno Chaffee Zoo.
- Announce their intention to receive sealed bids for construction of a Capital Improvement Project 30 calendar days prior to bid opening. The announcement will be sent to a minimum of one trade journal and one local newspaper twice within the 30 calendar day time period. The announcement will include the following:
 - A brief description of the project.
 - Information on how to obtain the bidding documents.
 - Information on how to obtain the pre-qualification application. (A sample of the pre-qualification application is included in this document as Attachment B.
 - The type of contractor's license required).
 - The date and time of the bid opening.
 - Requirement for the Contractor to pay the Prevailing Wage for all labor.
 - Requirement to list all subcontractors with a contract value greater than .5% at the time of the bid submission, and not substitute listed subcontractors without the expressed written consent of the ZooCorp.



- Evaluate and respond to all pre-bid questions and issue addendums as necessary.
- Publicly open bids and announce an apparent low bidder on the specified date and time.
- Evaluate bids and award the project to the most responsible, responsive and lowest bidder.
- A two percent (2%) bid advantage will be given to Preferred Business Enterprises. The two percent advantage is not accumulative, if a Contractor qualifies as a Preferred Business in more than one category, a maximum of a two percent advantage will be allowed.

Section 8 Construction Manager At-Risk and Design Build

For construction projects estimated to cost over \$4,000,000, ZooCorp will evaluate each project to determine the most appropriate delivery method. Possible delivery methods include the Formal Bid Process mentioned above, the CM project delivery method or the DB project delivery method. When using the CM or DB methods, each firm will be required to meet certain selection criteria in addition to providing acceptable pricing. These requirements will be ascertained using a "Request for Qualification" (RFQ). Each firm will respond to the RFQ with a Statement of Qualifications (SOQ).

ZooCorp will announce their intention to procure a Capital Improvement Project using the CM or DB methods in one trade journal and one local newspaper 30 calendar days before submissions of the SOQ. This announcement will appear twice in this 30 day period. The announcement will specify the requirements for the bidding firms and include instructions on how to obtain the RFQ.

The RFQ provided to interested firms will describe the project, including construction budget, preconstruction phase services and construction phase services, the parties' duties and responsibilities and other terms and conditions of the project.

In making a determination with respect to the qualifications and experience of the firms, ZooCorp may request that firms show their experience and quality of work with respect to the construction of exhibits, including the artistry and constructing exhibits consistent with the animals' natural habitats. References and examples of prior work will be required. Other relevant factors will include bonding capability, insurability, safety record, experience and qualifications to perform work for a zoo or a similar operation, no conflict of interest with ZooCorp or its representatives, and commitment to pay prevailing wages. ZooCorp may also require interested firms to interview with ZooCorp representatives.

Preference will be given to Preferred Businesses. Specifics regarding the amount of preference will be included in the RFQ.

Section 9 Emergency Repairs

In cases of emergency when repair or replacements are necessary, the ZooCorp may proceed at once to replace or repair any 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 ZooCorp, by contractor, or by a combination of the two.



Section 10 Bid Splitting

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of these procedures requiring work to be done by contract after competitive bidding.

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