

Clean Energy Alliance

JOINT POWERS AUTHORITY

NON-ENERGY PROCUREMENT POLICY

It is in the interest of Clean Energy Alliance (CEA) to establish non-energy competitive solicitation and procurement practices that facilitate efficient business operations and offer fair and open competition. This policy shall not apply to any energy procurements or transactions.

DEFINITIONS

“Best Value” is award based on factors in addition to price that provide the best overall value to CEA.

“Informal Bid Process” is a process wherein the Chief Executive Officer requests written quotes from at least three (3) vendors. A written proposal may be in an electronic mail format.

“Competitive Solicitation” is a competitive process in which CEA procures Goods, Services, or a combination thereof from Proposers in order to secure the Best Value for CEA and its customers.

RULES REGARDING COMPETITIVE SOLICITATION OF GOODS AND SERVICES

1. **Goods, Services or a Combination of Goods and Services.**
 - a. A Request for Proposals or Request for Qualifications for Goods, Services or a Combination of Goods and Services shall be required if the aggregate anticipated value of a contract exceeds \$100,000 in any fiscal year. These contracts are subject to Board approval before final execution.
 - b. An Informal Bid Process for Goods, Services or a Combination of Goods and Services shall be required if the aggregate anticipated value of a contract is between \$50,000 and \$99,999.
 - c. An Informal Verbal Proposal for Goods, Services or Combination of Goods and Services shall be required if the aggregate anticipated value of a contract is between \$10,000 and \$49,999. Staff shall note the three verbal bids by including the providers’ name, address, phone number and amount of the verbal proposal.
 - d. For Goods, Services or Combination of Goods and Services anticipated to be valued at less than \$10,000, no formal or informal bids shall be required, however, staff is directed to seek the best value available.
2. CEA shall be permitted to award a contract on Best Value, unless a lowest cost award is required by California law.

3. No CEA employee, official or director shall split purchases into more than one purchase in order to avoid the competitive solicitation requirements in this policy.
4. Exceptions to competitive solicitation requirements:
 - a. Sole source purchasing is authorized when the goods or services contemplated are capable of being performed by a sole provider, such as the holder of an exclusive patent or franchise, for purchase of unique or innovative goods or services including but not limited to computer software and technology, or for purchases of goods or services when there is a demonstrated need for compatibility with an existing item or service. A sole source may be designated when it is apparent that a needed product or service may be designated when it is apparent that a needed product or service is uniquely available from the source, or for all practical purposes, it is justifiable in the best interest of CEA. Under some circumstances, CEA competitive solicitation requirements may be dispensed with when the goods or services are only available from one source either because the brand or trade name article, goods, product or proprietary service is the only one which properly meets the needs of the CEA or the item or service is unique and available only from a sole source.

The following factors shall not apply to sole source requests: personal preference for product or vendor; cost, vendor performance, and local service; features that exceed the minimum requirements for the goods or services; explanation for the actual need and basic use for the equipment, unless the information relates to a request for unique factors.

- b. No competitive solicitation shall be required to rent or lease equipment or offices.
 - c. No competitive solicitation shall be required when the contract, the goods or the services will be provided by another governmental agency. CEA can rely on the competitive solicitation process provided by another governmental agency providing that that agency's procurement is in compliance with California law.
 - d. In the event of an emergency, the CEO may suspend the normal purchasing and procurement requirements for goods and services related to abatement of the impacts or effects of the emergency.
5. CEA is encouraged to jointly procure supplies with other governmental agencies to obtain lowest cost when possible.
6. No CEA employee, officer or Director shall accept, directly or indirectly, any gift, rebate, money or anything else of value from any person or entity if such gift, rebate, money or anything of value is intended to reward or be an inducement for conducting business, placing orders with, or otherwise using the employee's position to secure an agreement with CEA.

PROCUREMENT OF PROFESSIONAL SERVICES

CEA may contract for professional services, including but not limited to consultant, legal or technical services in its sole discretion. CEA shall endeavor to secure the highest quality professional services available. While CEA shall secure such services in compliance with the Competitive Solicitation Requirements above, awarding a contract for services need not be awarded to the lowest responsible bidder.

SIGNING AUTHORITY

1. The Chief Executive Officer (CEO) is authorized to enter into contracts of \$100,000 or less without prior Board approval with the stipulation that the contract be for goods or services budgeted for in the current CEA budget, that the contract has been approved as to form and content by the CEA General Counsel. All new contracts in excess of \$50,000 shall be reported at the next regular Board meeting.
2. Invoices and vendor payments shall be approved by the CEO prior to payment, pursuant to the approved CEA budget.