

RESOLUTION NO. 2013-04

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT AUTHORIZING PREQUALIFICATION OF PROSPECTIVE BIDDERS FOR PUBLIC WORKS PROJECTS

WHEREAS, Public Contract Code section 20101 authorizes public agencies to establish a system for prequalification of prospective bidders on public works projects, which shall include a process to dispute a proposed prequalification rating;

WHEREAS, the District now seeks to establish a prequalification policy and system to be used on District public works projects, as deemed appropriate on a project-by-project basis.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Rancho Murieta Community Services District that that the District hereby adopts the bidder prequalification system set forth at Exhibit A, attached hereto and incorporated herein by reference, to be used by the District on any public works project for which the District Board of Directors finds prequalification appropriate.

PASSED AND ADOPTED by the Board of Directors of the Rancho Murieta Community Services District at their regular meeting held on this 20th day of November 2013 by the following roll call vote:

Ayes: Pasek, Belton, Ferraro, Gumbinger, Martel
Noes: None
Absent: None
Abstain: None



Gerald Pasek, President of the Board
Rancho Murieta Community Services District

[seal]

Attest:

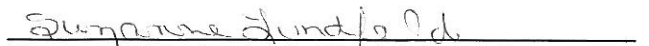

Suzanne Lindenfeld, District Secretary
Rancho Murieta Community Services District

EXHIBIT A

Prequalification of Bidders

A. Purpose.

This public works bidder prequalification policy is adopted pursuant to Section 20101 of the California Public Contract Code, which authorizes the District to establish a system for prequalification of prospective bidders on public works projects.

B. Prequalification of Bidders.

1. The District hereby establishes a system for prequalification of prospective bidders for public works projects. The District may use the prequalification system identified in this section for any District public works project, as determined to be appropriate by the District Board of Directors.

2. As to any prequalification process for any public works project to which this policy is applied, the District shall apply a uniform system of rating bidders for each project based on: a) the requirements of Section 20101 of the California Public Contract Code, and b) the model guidelines and standardized questionnaire created by the State of California Department of Industrial Relations, as may be modified at the District Board of Director's discretion to address the needs of the particular project, or projects, to which they are to be applied.

3. If prequalification of prospective bidders is required by the District for any particular project, the District Board of Directors, with input from the District General Manager or his/her designee, shall determine which bidders are qualified to bid on that project based upon the uniform system of rating bidders. If the District Board of Directors determines any bidder is not qualified to bid a project, the District General Manager shall mail to the bidder(s) written notice that includes the basis for the determination and an identification of any supporting evidence therefore.

4. A copy of all prequalification determinations shall be filed with the District Secretary at least ten (10) days prior to the scheduled bid opening for the particular project.

C. Dispute of Prequalification.

1. Any person or entity aggrieved by a determination made by the District pursuant to this policy ("aggrieved party") may dispute the determination of the District only by complying with the requirements set forth in this section. Without a timely notice of prequalification dispute, as set forth herein, the aggrieved party waives any and all rights to challenge the District's prequalification determinations, whether by administrative process, judicial process, or any other legal process or proceeding.

2. In order to dispute a prequalification determination made by the District, the aggrieved party shall submit a written notice of prequalification dispute to the District Secretary, along with a complete written description of all factual and legal bases for the dispute, no later than ten (10) days after the District General Manager has mailed written notice of the determination made by the District.

3. If the aggrieved party provides a proper and timely notice of prequalification dispute, as provided above, the District Board of Directors shall hear the prequalification dispute. The hearing shall be conducted so that it is concluded no later than five (5) days prior to the last date for the receipt of bids on the project or thirty (30) days following District's receipt of the notice of prequalification dispute, whichever is sooner. The hearing shall be a informal in nature, and the formal rules of evidence and procedure applicable to a civil actions shall not apply.

4. At the hearing, the aggrieved party shall be provided an opportunity to be represented by legal counsel and to present or rebut any evidence bearing upon the issue of the bidders' qualification and/or those in the notice of prequalification dispute. Each party shall bear his, her, its, or their own attorneys' fees, regardless of the outcome of the prequalification dispute.

5. The District Board of Directors shall consider the evidence presented during the hearing and make a determination on the dispute in a reasonably timely fashion. The decision may be oral or in writing, at the District Board of Director's discretion. Failure of the Board of Directors to render a decision by the last date for the receipt of bids on the project shall be deemed a denial of relief to the aggrieved party, and the initial determination(s) shall stand.

6. Any prequalification determinations made by the Board of Directors pursuant to this section shall be final, and there shall be no further right to any administrative appeal with the District.