

REGULATION XI – POLICIES

RULE 1101. PURCHASING, BIDDING AND CONTRACTING POLICY

Adopted: 01/27/99

TABLE OF CONTENTS

1.0 INTRODUCTION 1

2.0 DEFINITIONS 1

3.0 GENERAL 2

 3.1 Separation Into Smaller Projects 2

 3.2 Publication of Legal Notices 2

 3.3 Sole Source Determination 2

4.0 MATERIALS AND EQUIPMENT..... 3

 4.1 Informal Bid Procedure..... 4

 4.2 Formal Bid Procedure 5

 4.3 Disposal of Surplus Materials 6

5.0 RETENTION OF CONSULTANTS 7

 5.1 Retention of Consultants to Perform Work Identified by the District..... 8

 5.2 Retention of Consultants Through the Owens and Mono Lakes Advisory Group 9

 5.3 Contract Amendments 10

 5.4 Research Construction 10

6.0 PUBLIC CONSTRUCTION CONTRACTING 11

 6.1 Informal Bid Process 11

 6.2 Formal Bid Process..... 12

 6.3 Contract Amendments 13

POLICY SUMMARY CHART 15

APPENDIX A - EXAMPLE OF REQUEST FOR INFORMAL MATERIALS AND
EQUIPMENT BIDS

APPENDIX B - EXAMPLE OF REQUEST FOR FORMAL MATERIALS AND
EQUIPMENT BIDS

APPENDIX C - EXAMPLE OF ADVERTISEMENT FOR FORMAL MATERIALS AND
EQUIPMENT BIDS

APPENDIX D - EXAMPLE OF REQUEST FOR PROPOSALS

APPENDIX E - EXAMPLE OF OWENS AND MONO LAKES ADVISORY GROUP
REQUEST FOR PROPOSALS

APPENDIX F - EXAMPLE OF PUBLIC CONSTRUCTION ADVERTISEMENT FOR
BIDS

GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT PURCHASING, BIDDING AND CONTRACTING POLICY

1.0 INTRODUCTION

This policy sets forth the District's requirements and guidelines for the purchase of materials and equipment, the retention of consultants and the award of public construction work. The District Governing Board (Board) reserves the authority to change spending limits and procedures set forth in this policy via adoption of resolution for a specified amount of time or for a specific circumstance.

2.0 DEFINITIONS

APCO – Air Pollution Control Officer of the Great Basin Unified Air Pollution Control District or an employee of the District designated by the APCO to act in these matters. The APCO shall have all the authority of a Purchasing Agent.

Bid – Any proposal submitted to the District in competition for supplying materials, equipment or public construction services. Bids are not submitted for the provision of consultant services.

Consultant – Individual, firm, partnership, corporation, association or other legal entity that provides a special service or expertise required by the District.

Contract or agreement – One of the District's standard personal service or independent contractor agreements (Standard contracts No. 101 through No. 119) or any agreement approved by the District's legal counsel.

Contractor – Individual, firm, partnership, corporation, association or other legal entity that enters into an agreement with the District to supply materials or equipment or to perform certain studies, investigations, services or work.

District – The Great Basin Unified Air Pollution Control District.

Equipment – Tools, supplies, parts, machinery, devices, computers and motor vehicles.

Materials – Building resources, such as, lumber, steel, pipe, hose, fasteners and fittings.

Public construction – The improvement, erection, installation and repair of buildings or works, as described in the California Public Contracting Code, Section 20150.2.

Research – Studies and investigations undertaken by the District or by District consultants or contractors to discover new facts or information regarding air quality, air pollution, air pollution control measures or environmental resources.

Research construction – The improvement, erection, installation and repair of works, material or equipment directly associated with research activities.

Total cost – The total and complete cost of the item or work including purchase or contract price, applicable sales tax, shipping cost and handling cost.

3.0 GENERAL

3.1 Separation Into Smaller Projects

Equipment, materials, consultant services and public construction shall not be split or separated into smaller contracts, projects or quantities for the purpose of evading the requirements of this policy.

3.2 Publication of Legal Notices

When this policy requires the publication of a notice, such notice shall appear in at least one newspaper of general circulation in the County in which the proposed project is proposed to occur. For materials used throughout the District (e.g. automobiles) or for disposal of surplus equipment, such notice shall occur in at least one newspaper of general circulation in each of the counties within the District. If a county does not have a newspaper of general circulation, then publication shall be made in a newspaper of general circulation in any adjacent county.

If this policy requires the publication of a notice more than once per week in a newspaper of general circulation that is only published once per week, then the publication requirement shall be met by publishing such notice once per week.

3.3 Sole Source Determination

On occasion, due to availability, experience or overall cost (including operating and maintenance costs), certain materials, equipment, consultant services or public construction services are available from only one source. In the case of the purchase of budgeted materials or equipment valued between \$2,500.00 and \$10,000.00, if the APCO makes a determination that the budgeted materials or equipment are available from only one source, those materials or equipment may be purchased without first conducting a formal or informal bid procedure and without prior Board approval. The APCO must make the sole source determination in writing and must present the determination to the District Board, as an informational item only, at their next regularly scheduled meeting. In the case of unbudgeted materials and equipment, or materials and equipment valued at greater than \$10,000.00, the Board shall make all sole source determinations.

In the case of contracting for consultant or public construction services for which a request for proposals, informal bids or formal bids are normally required, the District Board may make a determination that based on availability, required specifications or experience, certain services could best be performed by a sole source. If the Board makes such a determination, it may enter into a contract with the sole source to perform the desired services without first conducting a request for proposals, informal or formal bid procedure. A record of the Board's sole source determination shall

appear in the meeting minutes. However, the required specifications shall not purposefully allow only one item, one supplier or one contractor to meet the specifications.

4.0 MATERIALS AND EQUIPMENT

Rev. & Adopted 7/14/04

The purchase of all materials and equipment falls into one of three categories:

1. Total cost is less than or equal to \$2,500.00 - There is no requirement for formal or informal bid procedures and no requirement for the preparation of specifications.
 - Material or equipment costing less than or equal to \$500.00 may be purchased by those District employees designated in writing by the APCO as authorized to make such purchases.
 - Material or equipment costing more than \$500.00, but less than or equal to \$2,500.00, shall be purchased only upon authorization by the APCO.

With the exceptions discussed below, the materials or equipment shall be purchased by means of petty cash (total cost less than \$100.00), a District purchase order or charged to a District account.

Materials and equipment costing up to \$300.00 may be prepaid by means of a check issued for such purchase. Upon authorization by the APCO, materials and equipment costing more than \$300.00 may be prepaid by means of a check issued for such purpose. Upon authorization of the APCO, petty cash may be used for purchases greater than \$100.00 but less than or equal to \$300.00.

District credit cards shall not be used for food, beverages or meals. District credit cards may be used for the following:

- purchases related to transportation (airline or train tickets, fuel, auto repair, emergency auto services, parking and tolls),
 - purchases related to lodging (hotels, motels, tips, one telephone call home per day and office supplies, office services and communication charges directly related to travel),
 - purchases related to training (registration fees and materials),
 - with the written authorization of the APCO, purchases of materials and equipment in amounts of up to \$1,000.00 (revised by Board 7/14/04, Board Order #040714-04), and
 - in the event of an emergency and with the written authorization of the APCO, purchases of materials and equipment in amounts of up to \$2,500.00.
2. Total cost is greater than \$2,500.00 and less than or equal to \$10,000.00 - The materials or equipment shall be secured via an informal bid procedure. Upon completion of the informal bid procedure, the materials or equipment purchase shall be authorized by the

APCO and shall be purchased by means of a District purchase order, a District contract in a form approved by District Counsel or charged to a District account.

3. Total cost is greater than \$10,000.00 - The materials or equipment shall be secured via a formal bid procedure. Upon completion of the formal bid procedure, a contract or purchase order for the materials or equipment purchased shall be authorized and executed by the District Board.

4.1 Informal Bid Procedure

Procedures for purchases of equipment and materials subject to an informal bid shall be as follows:

1. A request of informal bids and a description or specifications for the item(s) shall be prepared. The specifications shall be detailed enough to thoroughly characterize the item(s), but should not contain so much detail as to purposefully allow only one item, one supplier or one manufacturer to meet the specifications. If only one item could meet the specifications, it may be appropriate to make a sole source determination (see Section 3.2).

The specifications may contain minimum warranty requirements. The specifications may also contain minimum requirements for product reliability. Specifically, if the type of materials or equipment being purchased have been evaluated by an independent testing and product evaluation organization (e.g. Consumers' Union), the specifications may require that the product have a frequency of repair rating or overall product rating of "average" or better. An example of specifications for an informal bid is contained in Appendix A.

2. An attempt should be made to distribute the request for informal bids and specifications to at least three (3) suppliers of the item(s) specified and the request for informal bids shall be posted in the public office of the District. The request for informal bids should designate the time and place that bids are to be received.
3. After a period of not less than forty eight (48) hours after distribution of the request for informal bids, the APCO shall evaluate all bids received. All bids received must be signed by an agent of the supplier authorized to submit binding bids. Bids submitted by FAX or verbal bids followed up within 24 hours by a District purchase order are acceptable. The materials or equipment shall be purchased from the lowest bidder that meets all the requirements set forth in the specifications.

4.2 Formal Bid Procedure

Procedures for purchases of equipment and materials subject to a formal bid shall be as follows:

1. A request for formal bids and a description or specifications for the item(s) shall be prepared. The specifications shall be detailed enough to thoroughly characterize the item(s), but should not contain so much detail as to purposefully allow only one item, one supplier or one manufacturer to meet the specifications. If only one item could meet the specifications, it may be appropriate to make a sole source determination (see Section 3.2).

The request for formal bids and the specifications shall also contain instructions to bidders and bid, delivery and payment conditions. These additional instructions and conditions are to be considered part of the specifications. In order for bids submitted to be acceptable, all instructions and conditions must be adhered to by the bidders.

The specifications may contain minimum warranty and service requirements. The specifications may also contain minimum requirements for product and vendor reliability. Specifically, if the type of materials or equipment being purchased have been evaluated by an independent testing and product evaluation organization (e.g. Consumers' Union), the specifications may require that the product have a frequency of repair rating or overall product rating of "average" or better. An example of specifications for a formal bid is contained in Appendix B.

2. The APCO shall cause an advertisement inviting formal bids to be published as a legal notice stating the materials or equipment to be purchased and the time and place of opening of sealed bids. The notice shall be published at least twice a week for two consecutive weeks with the first notice being published a minimum of fourteen (14) days prior to bid opening. An example of such an advertisement is contained in Appendix C.
3. At the time and place designated in the notice inviting bids, the APCO shall open all bids received. All bids received must be signed by an agent of the supplier authorized to submit binding bids. Bids submitted by FAX are not acceptable. The District, at its discretion, may reject all bids. The materials or equipment shall be purchased from the lowest bidder that meets all the requirements set forth in the specifications. If two or more bids meet all the requirements and are the lowest, the District will select the successful bidder by lot.
4. In the event that all bids are rejected after the second invitation for bids, the District Board may pass a resolution by four-fifths vote declaring that the materials or equipment may be purchased at a lower price on the open market. In the event that the District Board fails to pass the aforementioned resolution, the project shall be re-advertised for bids or abandoned.

4.3 Disposal of Surplus Materials

The disposal of all District materials, equipment and assets, deemed to be surplus, shall take place as follows:

1. No more than once per year, District staff may review the condition and usefulness to the District of all materials, equipment and assets and prepare a list of surplus materials for disposal via public auction. The list of items to be disposed of, along with a disposal justification for each item and an estimated "as-is" value, shall be submitted to the District Board for their review and approval.
2. Upon recommendation by the APCO and approval by the District Board, the surplus materials may be offered to local schools, other government agencies or to charitable non-

profit organizations. Surplus materials determined to be valueless may be disposed of as refuse.

3. For those surplus materials that have a determined value and are not taken by local schools, other government agencies or charitable non-profit agencies, a bid form shall be prepared and made available to the public. The APCO shall cause an advertisement inviting sealed bids to be published as a legal notice stating the materials or equipment to be disposed of and the time and place of opening of sealed bids. The notice shall be published at least once a week for two consecutive weeks with the first notice being published a minimum of fourteen (14) days prior to bid opening.
4. At the time and place designated in the notice inviting bids, the APCO shall open all bids received. All bids received must be signed. Bids submitted by FAX are not acceptable. The District, at its discretion, may reject all bids. Each surplus item shall be sold to the highest bidder submitting a bid on that item. If two or more bids are the highest, the District will select the successful bidder by lot.
5. The high bidder for each item(s) shall deliver to the District, within 10 days of the bid opening, cash or a certified or cashiers check made out to the District for the total amount bid on the item(s). At that time, the high bidder shall take possession of the item(s) from the District's Bishop office. All items will be sold in an "as-is" condition. The District will not bear any shipping or delivery costs.
6. All proceeds from the public auction shall be credited to the budget originally used for the purchase of each item auctioned. If the original budget is unknown, the proceeds shall be credited to the general District budget.
7. Any surplus materials remaining after the public auction process may be disposed of as refuse.

5.0 RETENTION OF CONSULTANTS

Consultants providing special services or expertise as defined in Government Code Section 31000 shall be retained via a formal contract with the District. An exception to this requirement is made for consultants providing a specific commodity or skilled labor service, such as laboratory analytical services or for professional services less than or equal to \$5,000.00. In these cases the consultant's services may be secured with a District purchase order. The scope of services provided by consultants retained via a formal contract to conduct research work may also include research construction, which is the improvement, erection, installation and repair of works, material or equipment directly associated with and required by the consultant's contracted research activities (see Section 5.4).

There will generally be two types of consultants that the District will contract with: independent contractors and contract employees. Independent contractors are consultants that 1) perform work for other clients, 2) do not use District office space, vehicles or other equipment and 3) carry their

own insurance for the work performed. Independent contractors are retained via the procedures set forth below. Independent contractors shall be contracted with by means of a formal contract or by means of a purchase order (see above paragraph).

Contract employees are consultants that 1) generally work only for the District, even if the work is temporary, 2) use District office space, vehicles and other equipment and 3) are insured by the District for liability and automobile. Contract employees are not retained via the procedures set forth below, but rather are retained via personnel hiring policies. Contract employees shall be contracted with by means of a formal contract.

The retention of a consultant to provide a special service or expertise required by the District falls into one of two categories:

1. Total cost of services is less than or equal to \$10,000.00 - There is no requirement for conducting a request for proposals process (see § 5.1). The APCO will execute a contract (or if appropriate, a purchase order) in a form approved by District Counsel on behalf of the District with the consultant to perform the required services. The APCO must inform the District Board of the contract at the Board's next regularly scheduled meeting. The ten thousand dollar (\$10,000.00) ceiling includes any amendments to the contract approved by the APCO (see Section 5.3).
2. Total cost of services is greater than \$10,000.00 - The consultant's services are to be secured by means of a request for proposals process. The contract (or if appropriate, the purchase order) to provide the required services shall be authorized and executed by the District Board prior to the start of services.

Consultant services costing greater than \$10,000.00 may be secured with one of two types of request for proposals procedures. The first is a request for specific type of proposals to perform work identified and budgeted for by the District. The District identifies the scope of services to be performed and issues requests for proposals. This procedure is addressed below (Section 5.1) and may be carried out at any time.

The second procedure for securing consultant services costing greater than \$10,000.00 is a general call for proposals from interested consultants for conducting studies and investigations to discover new facts or information regarding air quality, air pollution, air pollution control measures or environmental resources related to control fugitive dust emissions from Owens and Mono Lakes. This procedure shall take place in conjunction with meetings of the Owens and Mono Lakes Advisory Group. This procedure is addressed below (Section 5.2).

5.1 Retention of Consultants to Perform Work Identified by the District

Consultant services for work identified by the District shall be secured as follows:

1. A request for proposals is prepared. The request should contain project background information, project objectives, a scope of work, a project schedule and conditions and

instructions to proposers regarding submittal of proposals. The request should also have a sample contract attached. An example of a request for proposals is contained in Appendix D.

2. A list of consultant firms appropriate to the project is compiled and requests for proposals are sent to those firms.
3. Proposals are received and evaluated by the APCO.
4. If appropriate, a “short list” of not less than three consultants most qualified to perform the work is established.
5. If appropriate, interviews are conducted with the short listed firms.
6. The short listed firms are ranked on the basis of their qualifications to perform the work. The District shall solely determine the criteria upon which qualifications are evaluated. Evaluation criteria may include, but are not limited to:
 - Responsiveness to the requirements set forth in the request for proposals;
 - A demonstrated understanding of the scope of work;
 - Recent similar experience;
 - The quality and quantity of personnel assigned to the project;
 - The financial stability of the consultant;
 - References from previous clients;
 - The proposed project schedule;
 - The cost to perform the work.
7. A contract is negotiated with the most qualified short listed consultant. If a contract cannot be satisfactorily negotiated with the most qualified consultant, negotiations are terminated and the District enters into negotiations with the next ranked consultant and repeats the process until a contract is successfully negotiated.
8. The contract (or if appropriate, a purchase order) is presented to the District Board for their approval and execution.

5.2 Retention of Consultants through the Owens and Mono Lakes Advisory Group

Due to the scientific research nature of much of the work to develop solutions to the fugitive dust problems on Owens and Mono Lakes, it is not always possible for the District to specify in detail the type of work that is appropriate in the development of solutions. Therefore, once a year, and in conjunction with the Owens and Mono Lakes Advisory Group, the District may issue a general request for proposals for work that will contribute to the solution to the fugitive dust problems on Owens and Mono Lakes. The procedure is as follows:

1. The District prepares and distributes a call for proposals to all members of the Advisory Group as well as any other interested parties. An example of such a call for proposals is contained in Appendix E.
2. The proposals must be submitted in writing and must be presented to the Owens and Mono Lakes Advisory Group. The proposals should clearly specify how the proposed work will aid in the development of solutions to the fugitive dust problems.
3. District staff will evaluate the proposals and any comments on the proposals received from members of the Advisory Group and will prepare a proposed final list of projects. This list will be submitted to the District Board for consideration and approval.
4. The District Board will approve a final list of projects based on:
 - A demonstrated understanding of the fugitive dust problems;
 - Applicability of the proposed work to the development of a solution to the problems;
 - Applicability of the proposed work to the District's current mitigation efforts;
 - Scientific soundness of the proposed work;
 - Environmental impacts of the proposed work;
 - Available funding.
5. Project funding is secured.
6. A contract or purchase order is negotiated with the consultant.
7. The contract or purchase order, if over \$10,000, is presented to the District Board for their approval and execution.

5.3 Contract Amendments

Contracts for consultant services may be changed or altered by the mutual consent of both parties, if the change or alteration is in writing in accordance with the provisions of the current contract, is in a format approved by the District's legal counsel and is executed by both parties.

The APCO is authorized to approve and execute consultant contract amendments if the total cost associated with all amendments for the contract does not exceed:

1. Five thousand dollars (\$5,000.00) when the original amount of the contract does not exceed fifty thousand dollars (\$50,000.00);
2. Ten percent (10%) of the original amount of any contract exceeding fifty thousand dollars (\$50,000.00), however, in no case shall the APCO execute consultant contract amendments totaling more than twenty five thousand dollars (\$25,000.00) on any one contract.

All other contract amendments shall be approved and executed by the District Board.

5.4 Research Construction

Due to the nature of the research activities conducted by the District, the District's research projects that are carried out by consultants often require construction activities that are directly associated with and required as an integral part of the consultant's contracted research. In those cases where research construction is an integral part of the research scope of work, the research consultant may be required to undertake certain construction activities. These activities are not subject to the public construction contracting requirements set forth in Section 6. However, when research construction is anticipated as an element of the scope of work for a research consultant, the District Board shall be specifically advised of such when the Board's approval of the consulting contract is sought.

As stated above, research construction performed by a consultant is not subject to the public construction contracting requirements set forth in Section 6. However, to ensure that the proposed research construction is performed economically, such construction shall be subject to a competitive bidding process. Consultant research construction activities that are not directly carried out by the consultant (subcontracted construction) shall be competitively bid by the consultant using a process similar to the informal bid process described in Section 6.1, except there shall be no public notice requirements and the APCO does not execute the construction contract.

6.0 PUBLIC CONSTRUCTION CONTRACTING

Contractors providing public construction services to the District shall be retained via a contract with the District. The retention of a contractor to provide public construction services falls into one of two categories:

1. Total cost of construction is less than or equal to \$10,000.00 - There is no requirement for formally requesting bids to perform the work. An informal process (see Section 6.1) will be used and the APCO will execute a contract in a form approved by District Counsel on behalf of the District. The APCO must inform the District Board of the contract at the Board's next regularly scheduled meeting. The ten thousand dollar (\$10,000.00) ceiling includes any amendments to the contract approved by the APCO (see Section 6.3).
2. Total cost of construction is greater than \$10,000.00 - The contractor's services are to be secured by means of a formal bid process (see Section 6.2). The contract to provide the required services shall be authorized and executed by the District Board.

Consultant research construction, which is the improvement, erection, installation and repair of works, material or equipment directly associated with and required by a consultant's contracted research activities, are not subject to the public construction requirements of this section. Consultant research construction shall be carried out in accordance with Section 5.4)

6.1 Informal Bid Process (cost of construction is less than or equal to \$10,000)

The informal bid process for securing a contractor to provide public construction services shall be as follows:

1. Plans and specifications for the work to be performed shall be prepared. The plans and specifications should clearly show the location and extent of the work, they should specify the type of materials and equipment to be used and they should set forth working requirements and contractual terms. Examples of plans and specifications can be obtained from the District Projects Manager.
2. The APCO shall approve the plans and specifications.
3. The APCO shall cause a notice inviting informal bids to be published as a legal notice stating the type of work to be performed and the time and place of opening of sealed bids. The notice shall be published at least once, a minimum of forty eight (48) hours prior to the time scheduled for bid opening. An example of such an advertisement is contained in Appendix F.
4. Bidders shall fill out the bid forms provided by the District and submit them in a sealed envelope, plainly marked as required by the notice inviting bids. Bids not adequately marked, filled-in or delivered on time shall be rejected.
5. At the time and place designated in the notice inviting informal bids, the APCO shall publicly open and read all bids received. All bids received must be signed by an agent of the bidder authorized to submit binding bids. Bids submitted by FAX are not acceptable. The District, at its discretion, may reject all bids.
6. All bidders shall be required to have a current California contractor's license of the class appropriate for the work to be performed.
7. The work shall be awarded to the lowest bidder that meets all the requirements set forth in the plans and specifications. If two or more bids meet all the requirements, and are the lowest, the District will select the successful bidder by lot.
8. The APCO may award and execute a contract for the work in a form approved by District Counsel on behalf of the District. The APCO must inform the District Board of the contract award at the Board's next regularly scheduled meeting.

6.2 Formal Bid Process (cost of construction is greater than \$10,000)

The formal bid process for securing a contractor to provide public construction services shall be as follows:

1. Plans and specifications for the work to be performed shall be prepared. The plans and specifications should clearly show the location and extent of the work, they should specify the type of materials and equipment to be used and they should set forth working requirements and contractual terms. Examples of plans and specifications can be obtained from the District Projects Manager.

2. The District Board shall approve the plans and specifications prior to publication of notice inviting bids (see #3, below). Board approval of a project described in the annual SB-270 assessment (H&S Code § 42316) shall be deemed approval of the plans and specifications for bidding purposes.
3. The APCO shall cause a notice inviting formal bids to be published as a legal notice stating the type of work to be performed and the time and place of opening of sealed bids. The notice shall be published at least twice a week for least two (2) consecutive weeks with the first notice being published a minimum of ten (10) days prior to the bid opening. An example of such an advertisement is contained in Appendix F.
4. Bidders shall fill out the bid forms provided by the District and submit them in a sealed envelope, plainly marked as required by the notice inviting bids. Bids not adequately marked, filled-in or delivered on time will be rejected.
5. At the time and place designated in the notice inviting informal bids, the APCO shall publicly open and read all bids received. All bids received must be signed by an agent of the bidder authorized to submit binding bids. Bids submitted by FAX are not acceptable. The District, at its discretion, may reject all bids.
6. All bids shall be accompanied by a bidder's security in the amount equal to at least ten percent (10%) of the bid. The security shall be in the form of a cashier's check made payable to the District, a certified check made payable to the District, or a bidder's bond, executed by an admitted surety insurer, made payable to the District. If the successful bidder fails to execute the contract within thirty days after award by the District, the bidder's security shall be forfeit to the District.
7. All bidders shall be required to have a current California contractor's license of the class appropriate for the work to be performed.
8. The work shall be awarded to the lowest bidder that meets all the requirements set forth in the plans and specifications. If two or more bids meet all the requirements and are the lowest, the District will select the successful bidder by lot.
9. The contractor awarded the contract shall execute a bond for the faithful performance of the contract in the amount of one hundred percent (100%) of the contract amount and a payment bond for labor and materials in the amount of one hundred percent (100%) of the contract amount.
10. The District Board shall award and execute the contract.
11. In the event that all bids are rejected after the second invitation for bids, the District Board may pass a resolution by four-fifths vote declaring that the project can be performed more economically by District personnel or that a contract can be negotiated for a lower price than that submitted by the lowest qualified bidder. In the event that the District Board fails to pass the aforementioned resolution, the project shall be re-advertised for bids or abandoned.

If, after re-advertising, the District rejects all bids, the District may proceed with the project using District personnel or it may re-advertise.

6.3 Contract Amendments

Contracts for public construction services may be changed or altered by the mutual consent of both parties, if the change or alteration is in writing in accordance with the provisions of the current contract, is in a format approved by the District's legal counsel and is executed by both parties.

The APCO is authorized to approve and execute public construction contract amendments if the total cost associated with all amendments for the contract does not exceed:

1. Five thousand dollars (\$5,000.00) when the original amount of the contract does not exceed fifty thousand dollars (\$50,000.00);
2. Ten percent (10%) of the original amount of any contract exceeding fifty thousand dollars (\$50,000.00), however, in no case shall the APCO execute consultant contract amendments totaling more than twenty five thousand dollars (\$25,000.00) on any one contract.

All other contract amendments shall be approved and executed by the District Board.

POLICY SUMMARY CHART

Type	Cost (\$)		Method	Policy Section	Specs or Scope	Advertise (times)	Authorized By	Purchased By
	From	To						
Materials & Equipment	0.00	2,500.00	Direct Purchase	4.0	No	No	APCO	Cash, Chrg, PO
Materials & Equipment	2,500.01	10,000.00	Informal Bid	4.1	Yes	No	APCO	Chrg, PO, Contract
Materials & Equipment	2,500.01	10,000.00	Sole Source	3.2	Yes	No	APCO	Chrg, PO, Contract
Materials & Equipment	10,000.01	---	Formal Bid	4.2	Yes	Yes (4)	Board	Contract
Materials & Equipment	10,000.01	---	Sole Source	3.2	Yes	No	Board	Contract
Consultant	0.00	10,000.00	Direct Contract	5.0	Yes	No	APCO	Contract, PO
Consultant	10,000.01	---	Request for Proposals	5.1 or 5.2	Yes	No	Board	Contract, PO
Consultant	10,000.01	---	Sole Source	3.2	Yes	No	Board	Contract, PO
Public Construction	0.00	10,000.00	Informal Bid	6.1	Yes	Yes(1)	APCO	Contract
Public Construction	10,000.01	---	Formal Bid	6.2	Yes	Yes (4)	Board	Contract
Public Construction	0.00	---	Sole Source	3.2	Yes	No	Board	Contract
Research Construction	0.00	---	Bid by Consultant	5.4	Yes	No	Consultant	Consultant

APPENDIX A - EXAMPLE OF REQUEST FOR
INFORMAL MATERIALS AND EQUIPMENT BIDS

Appendix A, Page 1

**GREAT BASIN UNIFIED
AIR POLLUTION CONTROL DISTRICT
REQUEST FOR BIDS**

WINDOW UNIT AIR CONDITIONER

The Great Basin Unified Air Pollution Control District is requesting bids for a Window Unit Air Conditioner. Bids will be accepted until 2:00 pm on October 8, 1993. Bids may be delivered or FAXed to the District office at 157 Short Street, Bishop, California 93514, FAX (619) 872-6109, TEL (619) 872-8211. Verbal bids will not be accepted.

Questions should be directed to Mr. Ted Schade at (619) 872-8211.

SPECIFICATIONS

Item: Window Unit Air Conditioner

Size: To fit double hung window space 40" wide by 24" high

Power: 12,000 Btu/H

Voltage: 115 volts

Maximum Running Amperage: 15 amps

Minimum Air Flow: 250 cubic feet per minute

Features: 2-speed fan (minimum)

Adjustable thermostat

4 ft power cord (minimum)

Warranty: Minimum 5-years on sealed system and 1-year on all other parts

Other: Must comply with California energy code requirements

BID

Company Name: _____

Address: _____

Telephone: _____

Total Bid Price delivered to District's Bishop office, including sales tax:

Delivery Date: _____

Signature: _____ Date: _____

Appendix A, Page 2

APPENDIX B- EXAMPLE OF REQUEST FOR
FORMAL MATERIALS AND EQUIPMENT BIDS

Appendix B, Page 1



GREAT BASIN

UNIFIED AIR POLLUTION CONTROL DISTRICT
157 SHORT STREET, BISHOP, CALIFORNIA 93514 – (619) 872-8211
ELLEN HARDEBECK, CONTROL OFFICER

BID NUMBER: 93-1

BIDS AND MATERIALS

TO BE DELIVERED TO: GREAT BASIN UNIFIED
AIR POLLUTION CONTROL DISTRICT
157 Short Street
Bishop, CA 93514

BIDS WILL BE OPENED: Monday, March 29, 1993 at 2:00 p.m.

Prices will be quoted FOB Destination unless otherwise stated. Make your bid or quotations in the space provided on the attached sheets.

IMPORTANT: Bid must be sealed with bid number as indicated above on the outside of envelope. Read the Instructions and Conditions before making your Bid or Quotation. References to "District" in this document shall mean the Great Basin Unified Air Pollution Control District.

INSTRUCTIONS AND CONDITIONS

1. All prices and notations must be typewritten or written in ink. No erasures are permitted. Mistakes may be crossed out with corrections made adjacent and initialed in ink by the person signing the quotation.
2. State the brand or make on each item. If you are quoting on the articles exactly as specified, the words "or equal" must be stricken out by the bidder and initialed. If you are quoting on another make, model, or brand, the manufacturer's name and catalog number must be given with descriptive information and attached to the quotations.
3. Quote on each item separately. Prices should be stated in units specified herein.
4. Each quotation must be in a separately sealed envelope with bid number on the outside. It must be submitted to the District's Bishop Office, not later than the hour and day specified herein, at which time it will be publicly opened and read.
5. Time of delivery is a part of the consideration and **MUST BE** stated in definite terms and adhered to. If the time varies on different items, the bidder shall so state.

Appendix B, Page 2

6. Terms of less than 10 days for cash discount will be considered as net.
7. All quotations must be signed with the Firm's name and by a responsible officer or employee. Obligations assumed by such signature must be fulfilled.
8. No charge for packing, drayage, or for any other purpose will be allowed over and above the prices quoted on this sheet.
9. Contracts and/or purchase orders will be made or entered into with the lowest responsible bidder meeting the specifications. Where more than one item is specified, the District reserves the right to determine the low bidder either on the basis of individual items or on the basis of all items included in the Instructions and Conditions.
10. The right is reserved, unless otherwise stated, to accept or reject any or all quotations or any part thereof, either separately or as a whole, or to waive any informality in a bid.
11. Samples of items, when required, must be furnished free of expense to the District. If not destroyed by tests will, upon request, be returned at the bidder's expense.
12. In case of default by the vendor, the District may procure the articles or service from other sources.
13. Cost of transportation, handling, and/or inspection on deliveries or offers for delivery which do not meet the specifications will be for the account of the vendor.
14. The vendor shall hold the District, its officers, agents, servants and employees, harmless from liability of any nature or kind on account of use of any copyrighted or un-copyrighted composition, secret process, patented or un-patented invention, article, or appliance furnished or used under this quotation.
15. The vendor will not be held liable for failure or delay in fulfillment if hindered or prevented by fire, strikes, or Acts of God.
16. Verify your quotations before submission as they cannot be withdrawn or corrected, after being opened.
17. Return all sheets of the bid package whether or not you quote a price. If you do not quote, state your reason or your name may be removed from the mailing list.
18. Amounts paid for transportation of property to the District are exempt from Federal Transportation Tax. An exemption certificate is not required where the shipping papers show the consignee as the Great Basin Unified Air Pollution Control District, as such papers may be accepted by the carrier as proof of the exempt character of the equipment.

THE FOLLOWING MUST BE FILLED IN BY THE BIDDER IN SUBMITTING BID:

TO THE GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT:

We (I) hereby agree to furnish the articles and/or services, at the prices and terms stated, subject to the Instructions and Conditions set forth in this bid.

COMPANY NAME _____

STREET ADDRESS _____

CITY AND STATE _____ ZIP _____

PHONE NO. _____

BY _____

SIGNATURE _____

DATED AT _____

ON _____, 19_____

**Specifications for Bid Number 93-1
Great Basin Unified Air Pollution Control District
Request for Bids for Motor Vehicle**

Vehicle type: Compact Size Pickup Truck

Model year: 1993

General Description: Four-wheel Drive, Extended-Cab

Detailed Specifications:

Minimum wheelbase = 115 inches

Minimum total length = 190 inches

Minimum horsepower = 145

Minimum torque = 175 ft-lbs

Minimum inside bed length = 72 inches

Minimum ground clearance = 9.0 inches

Maximum turn circle diameter = 46 feet

Minimum payload = 1400 lbs

Minimum highway range* = 300 miles

Tow specifications:

Minimum trailer weight: 3500 lbs Minimum tongue load: 350 lbs

*Note: Highway range will be calculated by multiplying the fuel tank capacity by the EPA estimated highway miles per gallon fuel efficiency.

Vehicle shall come equipped with:

5-speed manual overdrive transmission

2-speed transfer case (manual or automatic)

Power steering

Power brakes

Front and rear bumpers

Plastic bed-liner

Full-size spare tire

Class II towing hitch

Cruise control

Air conditioning

Carpeting

Bucket-seats

Tinted glass

AM/FM/Cassette Radio

Floor mats

Special Requirement: The vehicle must have an overall frequency of repair "Trouble Index" rating of "Average" or above for the most recent model year rated in the 1993 edition of Consumer Reports' Buying Guide. A copy of this publication will be available for review at the District's Bishop office during the bid period.

Appendix B, Page 5

Bid Form for Bid Number 93-1
Great Basin Unified Air Pollution Control District
Request for Bids for Motor Vehicle

Name of Bidder: _____

Vehicle Brand: _____

Vehicle Model: _____

Option or Accessory Package(s): _____

Total Vehicle Price Delivered to District's Bishop Office Excluding Tax and License

Amounts: \$ _____ (Figures)

_____ Dollars and _____ Cents (Words)

Delivery Date: _____ (Delivery date may be stated in terms of days after award of bid by District)

APPENDIX C - EXAMPLE OF ADVERTISEMENT FOR
FORMAL MATERIALS AND EQUIPMENT BIDS

Appendix C, Page 1

**GREAT BASIN UNIFIED
AIR POLLUTION CONTROL DISTRICT
REQUEST FOR BIDS**

**1993 Compact Pickup Truck
4x4, Extended Cab**

The Clerk of the Board is requesting bids for a 1993 compact sized, four-wheel drive, extended cab pickup truck.

Sealed bids will be accepted until 2:00 p.m. on March 29, 1993, at which time all bids received will be opened.

For detailed specifications, bid information and special requirements, contact the Clerk of the Board by telephone at (619) 872-8211 or in person or by mail at 157 Short Street, Bishop, California 93514.

Publications: Inyo Register and Review Herald
Publication Dates: March 14, 17 and 19, 1993

APPENDIX D- EXAMPLE OF REQUEST FOR PROPOSALS



**GREAT BASIN UNIFIED
AIR POLLUTION CONTROL DISTRICT**

REQUEST FOR PROPOSALS

**MONO BASIN PM-10
STATE IMPLEMENTATION PLAN DEVELOPMENT**

FEBRUARY 1993

157 SHORT STREET, SUITE 6, BISHOP, CA 93514 PHONE: (619) 872-8211

Appendix D, Page 2

GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

REQUEST FOR PROPOSALS

MONO BASIN PM-10 STATE IMPLEMENTATION PLAN DEVELOPMENT

TABLE OF CONTENTS

COVER LETTER.....

REQUEST FOR PROPOSALS

- A. INTRODUCTION.....
- B. BACKGROUND.....
- C. PROJECT OBJECTIVES.....
- D. SCOPE OF WORK.....
- E. PROJECT FUNDING AND DURATION
- F. SCHEDULE.....

INSTRUCTIONS AND CONDITIONS

- A. GENERAL CONDITIONS
 - 1. SPECIAL ELIGIBILITY REQUIREMENTS
 - 2. PRE-CONTRACTUAL EXPENSES.....
 - 3. AUTHORITY TO WITHDRAW RFP.....
 - 4. PRICING APPROACH
 - 5. RIGHT TO REJECT PROPOSALS.....
 - 6. PROPOSAL EVALUATION CRITERIA
- B. PROPOSAL FORMAT AND CONTENT
 - 1. COVER LETTER.....
 - 2. BACKGROUND AND APPROACH.....
 - 3. WORK PLAN.....
 - 4. PROJECT ORGANIZATION AND STAFFING
 - 5. RELATED EXPERIENCE
 - 6. PROJECT SCHEDULE
 - 7. TECHNICAL WRITING/DATA ANALYSIS SAMPLES
 - 8. COST DATA
 - 9. STATEMENT OF COMPLIANCE.....
 - 10. NONDISCRIMINATION STATEMENT.....
- C. INSURANCE COVERAGE
- D. CONFORMANCE WITH CONFLICT OF INTEREST CODE.....

SAMPLE CONTRACT.....

February 1, 1993

REQUEST FOR PROPOSALS

MONO BASIN PM-10 STATE IMPLEMENTATION PLAN DEVELOPMENT

INTERESTED PARTIES:

The Great Basin Unified Air Pollution Control District (Great Basin) is interested in receiving proposals from consultants with offices in Inyo or Mono Counties for assistance in the development of an air quality management plan to control dust emissions from the exposed playa surrounding Mono Lake in Mono County, California. Details of the work to be performed are described in the attached Request for Proposals (RFP). The RFP contains background information about Great Basin and its efforts at Mono Lake, objectives of the proposed project, scope of work, schedule and RFP instructions.

GREAT BASIN POINT OF CONTACT

The sole source of contact regarding this RFP is Great Basin's Projects Manager, Theodore D. Schade. Individuals or firms interested in submitting a proposal are asked not to contact other members of Great Basin's staff in connection with the RFP prior to the announcement of the consultant selected.

Proposals and all written inquires related to this RFP are to be submitted to the following address:

Theodore D. Schade
Projects Manager
Great Basin UAPCD
157 Short Street, Suite 6
Bishop, California 93514

PROPOSAL CLOSING DATE:

Three copies of each bidder's proposal must be received by Great Basin not later than 5:00 pm on February 26, 1993. All proposals must be delivered to the above address. Proposals delivered after this time will not be accepted or considered.

Proposals will become part of the official files of Great Basin and cannot be returned.

Sincerely,

Theodore D. Schade
Projects Manager

Attachments

GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

REQUEST FOR PROPOSALS

MONO BASIN PM-10 STATE IMPLEMENTATION PLAN DEVELOPMENT

A. INTRODUCTION

Great Basin is seeking proposals from qualified consultants to assist with the development of an air quality management plan to control the dust emissions from the exposed playa around Mono Lake in Mono County, California. The plan is intended to be used as the State Implementation Plan (SIP) for the Mono Basin PM-10 planning area. Assistance shall include, but not be limited to: summarizing air quality and soil erosion data, researching and summarizing the air quality related information for the SIP and ultimately writing the SIP under the direction of the Deputy Air Pollution Control Officer. Presented below is a brief background, the objectives of the proposed project, a scope of work and a schedule.

B. BACKGROUND

Recent ambient air monitoring for PM-10 (particulate matter less than 10 microns nominal aerodynamic diameter) has shown that violations of the Federal PM-10 National Ambient Air Quality Standard (Standard) occur in the area around Mono Lake. These violations are caused by wind blown dust that is generated from the exposed lakebed around Mono Lake. In December 1992, the U.S. Environmental Protection Agency (EPA) gave notice to the Governor of California that the U.S. EPA intended to designate the Mono Basin as a non-attainment area for the federal PM-10 Standard. With this designation the U.S. EPA will require the State to submit a SIP for the Mono Basin that will assess the source of the violations and will propose a solution that will bring the area into attainment with the PM-10 standard as soon as practicable.

C. PROJECT OBJECTIVES

1. Summarize meteorological and ambient air quality data.
2. Assess the source areas for PM-10 dust production.
3. Determine the effects of control methods on PM-10 production and the associated impact on air quality.
4. Write a SIP suitable for adoption.

D. SCOPE OF WORK

The consultant shall work under the direction of the Deputy Air Pollution Control Officer (DAPCO). All assignments shall be approved by the DAPCO prior to implementation. Information and reports from tasks 1 through 3 are intended to be used in the draft SIP in task 4.

TASK 1: SUMMARIZE METEOROLOGICAL AND AMBIENT AIR QUALITY DATA FOR INCLUSION IN THE SIP.

The objective of this task is to determine the relative frequency of high wind events that could cause a dust storm at Mono Lake and a violation of the PM-10 standard. Data will be provided by Great Basin in a computer format suitable for a computer spreadsheet or data base.

TASK 2: ASSESS PM-10 SOURCE AREAS.

The objective of this task is summarize the available information on the source areas for PM-10 production, including locations, size, frequency of blowable emissions, and erosion rates. We estimate there will be 5 data collection periods (dust storms) to summarize. Maps and reports will be provided by Great Basin.

TASK 3: DETERMINE THE EFFECTS OF CONTROL TECHNIQUES ON PM-10 DUST PRODUCTION AND THE IMPACT ON THE AIR QUALITY.

This task will include summarizing and, if necessary, refining the results from the air quality modeling that is being performed to assess the impact of the wind blown dust on the ambient PM-10 concentrations and determining the reduction due to increased lake levels. A modeling report which will be completed under another contract will be provided by Great Basin.

TASK 4: WRITE THE MONO BASIN PM-10 SIP.

The contractor shall draft the PM-10 SIP in accordance with the requirements of the federal Clean Air Act. To help ensure completeness of the SIP, the contractor shall work with the DAPCO to develop an outline prior to writing the draft SIP.

E. PROJECT FUNDING AND DURATION

It is the District's intention to adopt the PM-10 SIP by December 31, 1993. Currently, funds are available for this project through June 30, 1993. If funding becomes available to continue the effort after June 30, the contract may be extended to continue efforts and complete the SIP by the end of 1993.

F. SCHEDULE

The following are the key dates in the effort to award a contract for the proposed project to the most qualified consultant:

February 1, 1993 RFPs sent out and made available to consultants.

February 26, 1993 Six copies of proposals due by 5:00 pm.

March 3, 1993 "Short list" consultants notified of interview.

March 9, 1993 "Short list" interviews.

March 11, 1993 Most qualified consultant selected.
March 17, 1993 Consultant executes contract.
March 24, 1993 Great Basin Board approves contract.

INSTRUCTIONS AND CONDITIONS

The following instructions and conditions apply to this RFP:

A. GENERAL CONDITIONS

1. SPECIAL ELIGIBILITY REQUIREMENTS

Due to the fact that the successful consultant will be working closely with the Deputy Air Pollution Control Officer and will be functioning as a member of Great Basin staff, only consultants with offices in Inyo or Mono Counties will be considered for this project.

2. PRE-CONTRACTUAL EXPENSES

Pre-contractual expenses are defined as expenses incurred by proposers in:

- * Preparing a proposal in response to this RFP.
- * Submitting that proposal to Great Basin.
- * Participating in the consultant selection process.
- * Negotiating with Great Basin any matter related to this RFP, proposal and/or contractual agreement.

Great Basin shall not, in any event, be liable for any pre-contractual expenses incurred by any proposer. In addition, no proposer shall include any such expenses as part of the price proposed to conduct the proposed project.

3. AUTHORITY TO WITHDRAW RFP AND/OR NOT AWARD CONTRACT

Great Basin reserves the right to withdraw this RFP at any time without prior notice. Further, Great Basin makes no representations that any agreement will be awarded to any proposer responding to this RFP. Great Basin expressly reserves the right to postpone or cancel the consideration of proposals for its own convenience without indicating any reasons for such postponement or cancellation.

4. PRICING APPROACH

Great Basin intends to award an hourly rate/not to exceed total amount contract for the conduct of this project. In no event shall Great Basin pay an amount in excess of the dollar value negotiated in the contractual agreement with the successful consultant.

5. RIGHT TO REJECT PROPOSALS

Great Basin reserves the right to reject any or all proposals submitted without indicating any reasons for such rejection. Any award made for this engagement will be made to the consultant that, in the opinion of Great Basin, is best qualified to conduct the project.

6. PROPOSAL EVALUATION CRITERIA

Proposals will be evaluated on the basis of their response to all provisions of this RFP. Great Basin may use some or all of the following criteria in its evaluation and comparison of proposals submitted. The criteria listed are not necessarily an all-inclusive list. The order that they appear is not intended to indicate their relative importance:

- a. Consultant's responsiveness to the requirements of the project as set forth in the RFP.
- b. A demonstrated understanding of the RFP, especially the project scope of work.
- c. The consultant's recent experience in conducting projects of similar scope, complexity and magnitude.
- d. The quality and quantity of personnel assigned to the project, including educational background, work experience and directly related recent consulting experience.
- e. The organizational structure of the proposed project team.
- f. The financial stability of the consultant.
- g. Recent references from local clients.
- h. The proposed project schedule.

B. PROPOSAL FORMAT AND CONTENT

Proposals should be typed and as brief as possible. They should not include any elaborate or unnecessary promotional material. The following order and content of proposal sections should be adhered to by each consultant.

1. COVER LETTER

A brief cover letter should summarize key elements of the consultant's proposal. The letter must be signed by an individual authorized to bind the consultant. The letter must stipulate that the proposed price will be valid for a period of at least 90 days. Indicate the address and telephone number of the consultant's office located nearest to Bishop, California, and the office from which the project will be managed.

2. BACKGROUND AND APPROACH

The Background and Approach Section should describe your understanding of Great Basin, the work to be done, and the objectives to be accomplished by the proposed project.

3. WORK PLAN

Describe the sequential work tasks you plan to carry out in accomplishing this project. Indicate all key deliverables and their contents. Identify the frequency and location of proposed progress meetings and/or progress reports.

4. PROJECT ORGANIZATION AND STAFFING

Describe your approach and methods for managing the project. Provide an organization chart showing all proposed project team members. Describe the responsibilities of each person on the project team. Identify the Project Director and/or Manager and the person who will be the key contact with Great Basin. Indicate how many hours each team member will devote to the project by task, along with a statement indicating the availability of the members of the project team for the duration of the project. Include resumes for each member of the project team. Include information and staff support required from Great Basin personnel.

5. RELATED EXPERIENCE

Describe recent, directly related experience. Include on each listing the name of the client; description of the work done; primary client contact, address and telephone number; dates for the project; name of the Project Director and/or Manager and members of the proposed project team who worked on the project, as well as their respective responsibilities.

At least three references should be included. For each reference, indicate the reference's name, organization affiliation, title, complete mailing address and telephone number. Great Basin reserves the right to contact any of the organizations or individuals listed.

6. PROJECT SCHEDULE

Provide a schedule for completing each task in the work program, including deadlines for preparing all project deliverables.

7. TECHNICAL WRITING/DATA ANALYSIS SAMPLES

Bound separately from the base proposal, provide at least one example of past technical writing and data analysis efforts. The samples do not need to be directly related to the type of work being proposed; they should provide some indication of the consultant's writing and data analysis abilities. Only one copy of these samples need be submitted.

8. COST DATA

In a separate, sealed envelope, marked with the consultant's name, project name and the words "Cost Proposal", indicate the hourly rates of each person that will work on the project. In addition, by task, indicate the total lump sum cost for which you will conduct the project. Identify by project team member: name, classification, hourly rate and the number of hours each member will spend on each work task. Indicate separately, total cost for fees and expenses, including any proposed fee discount. Only one copy of

the cost proposal is required. Cost proposals for consultants not selected will be returned, unopened.

9. STATEMENT OF COMPLIANCE

Consultants must submit a Statement of Compliance with all parts of the Request for Proposal and Draft Agreement terms and conditions (attached), or a listing of exceptions and suggested changes, along with a description of any cost implications or schedule changes the exceptions and/or changes cause. The Statement of Compliance must declare either:

- A. This proposal is in strict compliance with the Request for Proposal and Draft Agreement and no exceptions to either are proposed; or
- B. This proposal is in strict compliance with the Request for Proposal and Draft Agreement except for the items listed.

For each exception and/or suggested change, the consultant must include:

- 1. The suggested change in the RFP or rewording of the contractual obligations.
- 2. Reasons for submitting the proposed exception or change.
- 3. Any impact the change or exception may have on project costs, scheduling or other considerations.

10. NONDISCRIMINATION STATEMENT

Consultant agrees that in carrying out its responsibilities under this agreement, and in particular with regard to the employment of persons and sub-contractors working on the project, it will not discriminate on the basis of race, color, creed, national origin, religion, sex, age, or handicap. In the event any of the work performed by consultant hereunder is sub-contracted to another person or firm, sub-contract shall contain a similar provision.

C. INSURANCE COVERAGE

Prior to commencement of any project activities, consultant is to secure worker's compensation insurance, so as to be in compliance with State statutes. In addition, consultant shall secure comprehensive general liability insurance, including auto and contractual liability coverage, in an amount not less than \$1 million.

D. CONFORMANCE WITH CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) may require some consultants retained by Great Basin to comply with certain provisions of Great Basin's conflict of interest code. Prior to execution of a contract to perform the requested work, the Air Pollution Control Officer will make a determination as to which individuals, if any, are required to comply with disclosure requirements. Copies of Great Basin's conflict of interest code can be obtained by contacting the Projects Manager.

SAMPLE CONTRACT ATTACHED

APPENDIX E - EXAMPLE OF OWENS AND MONO LAKES ADVISORY GROUP
REQUEST FOR PROPOSALS

Appendix E, Page 1

GREAT BASIN AIR POLLUTION CONTROL DISTRICT

157 Short Street σ Βισηοπ, Χαλιφορνια 93514 σ (619) 87-8211 σ φαξ (619) 87-6109

October 5, 1993

TO: Owens Lake Advisory Group Members and Interested Parties

SUBJECT: Owens Lake Advisory Group Meeting and Request for Proposals

You are invited to participate in the fall meeting of the Owens Lake Advisory Group, to be held on Thursday, December 9 and Friday December 10.

The meeting on Thursday, December 9 will consist of presentations and will be held in the Inyo County Supervisors= Βοαρδ Ροομ ιν Ινδεπενδενχε. Σομε οφ τηε τοπιχσ ωε anticipate discussing at this meeting are: the status of the District's dust mitigation testing, including the flood irrigation project, the status of Lake Mineral's soda ash project and the status of UC Davis= σαנד φενχε ανδ αεροσολ προφεχτσ. Ιν αδδιτιον, ωε ωιλλ αλσο δισχυσσ potential projects for the 1994-1995 fiscal year, which starts July 1, 1994.

On Friday, December 10 there will be a tour of Owens Lake. Tentative sites to be visited include the District's flood irrigation project site and UC Davis' sand fence test site.

Members of the advisory group, as well as any other interested parties, are welcome to make presentations of past work and present proposals for new work. This notice is to be considered a request for proposals for work to be conducted in fiscal year 1994-1995. Proposals should be for work that will contribute to the solution of the fugitive dust problem on Owens Lake. All proposals shall be in writing and should be attached to the enclosed proposal submittal form. See the enclosed form for additional information.

If you would like to make a presentation or submit a proposal, please contact me by Friday, November 5. Written proposals should be submitted by Friday, November 19. An agenda will be sent out the week prior to the meeting. Please call me if you have any questions. I am looking forward to seeing you on December 9 and 10.

Sincerely,

Duane M. Ono
Deputy Air Pollution Control Officer

Appendix E, Page 2

OWENS LAKE ADVISORY GROUP PROPOSAL SUBMITTAL FORM

This form is to be used to submit proposals for Owens Lake fugitive dust mitigation projects to be funded in fiscal year 1994-1995 (July 1, 1994 to June 30, 1995).

The Great Basin Unified Air Pollution Control District (District) is interested in receiving proposals from interested contractors for assistance in the development of an air quality management plan to control fugitive dust emissions from Owens Dry Lake.

Proposals should clearly specify how the proposed work will aid in the development of the solution to the fugitive dust problem. Proposals should contain enough detail to allow the District to determine the type and amount of work to be performed, the products to be furnished and the estimated cost to accomplish the work. Specifically proposals should include: a cover letter summarizing the proposal, a work plan, project organization and staffing, work products, related experience, project schedule and project cost.

The District Board will approve the final list of projects to be funded based on: a demonstrated understanding of the Owens Lake fugitive dust problem, applicability of the proposed work to the development of a solution to the problem, applicability of the proposed work to the District's current mitigation efforts, scientific soundness of the proposed work and available funding.

All proponents approved for funding will be required to provide insurance coverage and enter into a contract with the District to perform the work. On request, the District can provide interested proponents with a copy of the District's standard contract.

Proponent's Name: _____

Address: _____

Phone: _____

Project Title: _____

Project Description:

Project Description (Cont.):

Project Start Date: _____

Project Finish Date: _____

Project Cost (Amount of funding requested): _____

Note: Three copies of the written proposal should be attached to this form and submitted to the District by Friday, November 19, 1993.

Signature: _____

Date: _____

APPENDIX F - EXAMPLE OF PUBLIC CONSTRUCTION
ADVERTISEMENT FOR BIDS

Appendix F, Page 1

**NOTICE INVITING BIDS (SEALED PROPOSALS)
FOR FURNISHING AND INSTALLING THE
OWENS LAKE RECLAMATION PROJECT
FLOOD IRRIGATION TEST PIPELINE AND SPREADING SYSTEM
GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT**

Inyo County, California

NOTICE IS HEREBY GIVEN that the Board of Directors of GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT (herein called "Owner") invites and will receive sealed bids up to the hour of

10:00 a.m. on Thursday July 1, 1993,

at the office of the Owner, 157 Short Street, Bishop, CA 93514, (619) 872-8211, for furnishing to said Owner of all transportation, materials, equipment, labor, services, permits, utilities, and all other items, (except those, if any, specifically to be provided by Owner) necessary to furnish and install said Owens Lake Reclamation Project Flood Irrigation Test Pipeline and Spreading System (System). At said time bids will be publicly opened by the Air Pollution Control Officer and read aloud.

Bids shall conform to and be responsive to the contract documents heretofore approved by the Owner and any addenda thereto issued prior to date of bid opening.

Copies of the contract documents are on file and may be examined in, or obtained from, the office of the Owner. There is a fee required in the amount of \$10.00 to obtain a Bid Package.

A Pre-Bid Conference will be held at 10:00 a.m. on Thursday, June 17, 1993 at the Owner's Keeler field office in Keeler, California, to review the details of construction. A field trip to Owens Lake to inspect the location will immediately follow the office meeting. Please contact the Owner's Project Manager in the Bishop Office for directions.

Each bid shall be submitted on a form furnished as part of the contract documents and be accompanied by a cashier's check, a certified check or a bidder's bond in the amount not less than 10% of the bid amount, made payable to the Owner. In addition to the original completed Bid Form bound in the Specifications and Contract Documents, the bidder shall furnish five (5) copies of the completed Bid Form (pages 1-8 through 1-17) with the original bound copy. Each bid or proposal shall be sealed and filed with the Owner's Clerk of the Board on or before the time of bid opening. The bidder's bond or check shall be given as a guarantee that the bidder will enter into a contract with the Owner and furnish required payment and performance bonds and certificates of insurance and endorsements if awarded the work, and will be declared forfeited if the acceptable low bidder refuses to enter into said contract or furnish required bonds or certificates of insurance and

endorsements within 15 days after the Notice of Award. All bonds and certificates of insurance and endorsements shall be on forms furnished as a part of the contract documents.

The Owner reserves the right to reject any and all bids, and to waive any and all irregularity in any bid. If more than one schedule of bids is provided, the Owner reserves the right to select schedules under which the bids are compared and the contract awarded.

If the Owner, for any reason, rejects any and all bids, no bidder shall have the right to proceed against Owner for any costs incurred by the bidders in preparing for or submitting the bids.

The Owner is a public agency. All laws applicable to its contracts are to be a part of the contract to the same extent as though set forth therein. Any Contractor awarded a contract by Owner in excess of \$15,000.00 must file a payment bond with Owner.

The Director of Department of Industrial Relations has determined the general prevailing rate of per diem wages and general prevailing rate for legal holiday and overtime work in the locality in which said work is to be performed for each craft, classification or type of worker needed. Not less than the determined rates shall be paid to all workers employed in the performance of the contract.

Such Rates of Wages are on file with the Department of Industrial Relations and are available to any interested party upon request.

BY THE ORDER OF THE BOARD OF DIRECTORS
OF THE GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

Dated: _____

Board Chairman