



SSFHA
South San Francisco
Housing Authority

350 C Street South San Francisco CA

Office: 650-583-7631

AGENDA
Regular Meeting
Monday December 9, 2024 at 6:00pm

Pledge of Allegiance

- I. Roll Call and Declaration of Quorum
- II. Public Comment (Comments are limited to 3 minutes)
- III. Previous Minutes: Regular Meeting November 12, 2024
- IV. Old Business:
 - A. Board Approval of Final Edits Revised Procurement Policy: Presentation by Mary Wagner, Legal Counsel with Burke, Williams & Sorenson LLP and Procurement Policy Committee Members
***Public Comment**
- V. Executive Director Report:
 - A. Commissioner Training
***Public Comment**
 - B. Website/Social Media Creation and Upgrades
***Public Comment**
 - C. South San Francisco Housing Authority Emergency Disaster Training
 - D. South San Francisco Housing Authority Emergency Disaster Policy Status
 - E. Upcoming NAHRO Washington conference March 10–12, 2025
- VI. Approval of Disbursements:
Management Vouchers #2570 to #2590 in the amount of \$50,438.38 and ACH Payments from 11-01-2024 to 11-27-2024 in the amount of \$67,851.92 for a total of \$118,290.30 for the month of November 2024.
- VII. New Business:
 - A. Award Ceremony for Tenant Leaders
- VIII. Comments from Commissioners
- IX. Adjournment: **Next Regular Meeting Monday January 13, 2025**



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Public Participation Notice

The South San Francisco Housing Authority Board of Commissioners, welcomes all members of the public to attend the monthly board meetings in person or remotely. The public can also submit written comments to be presented at any regular or special meeting.

To attend in person:

Next Meeting: Monday December 9, 2024

@6:00pm

South San Francisco Housing Authority

350 C Street, South San Francisco, CA 94080

To attend remotely public access:

South San Francisco Housing Authority Board Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/83540145074?pwd=QMDw3YKrSsEDMxG46PolwANyY3sIj.1>

Meeting ID: 835 4014 5074

Passcode: 288603

How to Submit Written Public Comment: Members of the public not wishing to participate remotely or in person are encouraged to submit public comments in writing in advance of the meeting by 12:00 p.m. on Monday December 9, 2024. Public comments provided in advance should identify the Agenda Item Number in the SUBJECT Line of the email. The comments will be read into the record, with a maximum allowance of 3 minutes per individual comment, subject to the Chairperson’s discretion.

All emailed comments should be a maximum of 500 words, which corresponds to approximately 3 minutes of speaking time. If a comment is received after the agenda item is heard but before the close of the meeting, the comment will still be included as a part of the record of the meeting and read into the record. Comments that are not in compliance with the Housing Authority’s rules of decorum may be summarized for the record rather than read verbatim. We value your input and participation, if you cannot attend by zoom, please send us your 3-minute comments as follows: Email: sosfha@sbcglobal.net

**MINUTES OF THE REGULAR MEETING OF
THE HOUSING AUTHORITY OF THE CITY OF SOUTH SAN FRANCISCO
HELD ON:**

November 12, 2024

DRAFT

The meeting was called to order at 6:05 pm by Chair A. Sharma followed by the pledge of allegiance. Present were as follows and a quorum was declared:

PRESENT:

Commissioners A. Sharma, M. Rashid, N. Nunez, L Mercado and D. Vong-Spillan

ABSENT:

Commissioner T. Powell and Commissioner J. Rivas

PUBLIC COMMENT:

No public comment during this item on the agenda.

PREVIOUS MINUTES:

Previous minutes of October 15, 2024 were reviewed. A request for correction was stated by Commissioner N. Nunez as two zeros after the amount of Grant. Motion was made by Commissioner D. Vong-Spillan and seconded by Commissioner L. Mercado to approve the minutes of October 15, 2024 with corrections stated. Motion passed by Commissioners present.

NEW BUSINESS:

- A. Board Approval of Revised Procurement Policy, Presentation by Mary Wagner, Legal Counsel with Burke, Williams & Sorenson LLP and Procurement Policy Committee Members. After thorough review the board of Commissioners approved conceptionally but agreed to allow Commissioner N. Nunez's request to provide a list of grammatical errors to be corrected. Board members expressed concern that only grammatical errors should be allowed and no other changes should be made to the Procurement Policy. Commissioner N. Nunez was instructed to only send the list of grammatical errors to the Chair who will pass it on to Legal Counsel for review and correction. Once the grammatical errors are corrected the Board will review for final approval at the next Board Mtg in December.

- B. Ethics Training was presented by Legal Counsel Mary Wagner.

EXECUTIVE DIRECTOR REPORT:

- A. Housing Related Hazards Grant and Lead Paint Hazard Next Steps: It was reported that there will be an Environmental Impact Report completed to begin the project.
- B. Board Retreat Feedback: A few Commissioners requested that next year's retreat should be held locally to eliminate lodging expenses.

APPROVAL OF DISBURSEMENTS:

Motion was made by Commissioner D. Vong-Spillan and seconded by Vice-Chair M. Rashid to approve Management Vouchers #2534 to #2569 in the amount of \$81,768.51 and ACH payments for the period of 10-03-24 to 10-31-24 in the amount of \$68,078.94 for a grand total of \$149,847.45 Motion passed unanimously by Commissioners present.

COMMENTS FROM COMMISSIONERS:

Chair A. Sharma thanked all Commissioners for their participation and thanked the Community for their continued support.

Meeting was adjourned at 7:18 pm

Seal

Chairperson

Attest

Secretary

RESOLUTION NO. 1145

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF SOUTH SAN FRANCISCO APPROVING REVISIONS TO THE PROCUREMENT POLICY

WHEREAS, the Authority has previously adopted the Procurement Policy which presently governs all procurement related matters.

WHEREAS, existing procurement rules and needs require updating to reflect changes in both California and federal laws regarding procurement-related matters as well as to reflect desired procurement practices.

WHEREAS, the Authority has caused to be prepared a comprehensive, revised set of procurement rules and policies, with the intent that such rules and policies replace existing rules or policies except as provided in this Resolution.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of South San Francisco hereby rescinds the previous Procurement Policy and replaces them with the revised Procurement Policy attached to this Resolution as Exhibit A.

* * * * *

I, Leah Taylor, hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Housing Authority of the City of South San Francisco at a scheduled meeting thereof held on the 9th day of December 2024 by the following vote:

AYES, BOARDMEMBERS: _____

NOES, BOARDMEMBERS: _____

ABSTAINED BOARDMEMBERS: _____

APPROVED: _____
Clerk of the Authority

APPROVED: _____
Chair of the Board

SOUTH SAN FRANCISCO HOUSING AUTHORITY (SSFHA) PROCUREMENT POLICY

Adoption and Revision History

[Adopted: 12/9/2024](#)

~~Initial Adoption:~~

~~Revised:—~~

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1. PURPOSE

1.1 General

The purpose of this Procurement Policy (or this “Policy”) is to comply with and implement: (a) the Annual Contributions Contract (ACC) between the South San Francisco Housing Authority (SSFHA) and the U.S. Department of Housing and Urban Development (HUD); (b) the Federal Procurement Standards set forth in the Code of Federal Regulations at **2 CFR §200.317 – §200.326**; (c) the procurement standards of the Procurement Handbook for Public Housing Agencies (PHAs), HUD Handbook 7460.8, Rev 2; and (d) applicable State and ~~Local~~local laws.

1.2 Legal Compliance

Any procurement must comply with this Procurement Policy, including the documents cited in Section 1.1, above; ~~2-CFR~~ § 200.322, Domestic preferences for procurements; ~~2-CFR~~ § 200.323, Procurement of recovered materials; ~~2-CFR~~ § 200.324, Contract cost and price; 2 CFR § 200.325, Federal awarding agency or pass-through entity review; 2 CFR § 200.326, Bonding requirements; and 2 CFR § 200.327, Contract provisions. (2 CFR § 200.317.) In the event of any conflict between City, ~~state~~State, or ~~federal~~Federal requirements, the most stringent requirement must be used. (See ~~2-CFR~~ § 200.318.) SSFHA employees must comply with funding agency requests for review of technical specifications or procurement documents as provided in 2 CFR § 200.325. The Federal Procurement Standards are occasionally updated—be sure to check the currently applicable regulations using the provided references.

2. GENERAL PROVISIONS

2.1 General

SSFHA shall provide for a procurement system of quality and integrity; provide for the fair and equitable treatment of all persons or firms involved in purchasing; ensure that supplies and services (including construction) are procured efficiently, effectively, and at the most favorable prices available to the SSFHA; promote competition in contracting; and assure that the SSFHA purchasing actions are in full compliance with applicable Federal standards, HUD regulations, State, and local laws.

2.2 Application

This Procurement Policy applies to all procurement actions of the SSFHA, regardless of the source of funds, except as noted under “exclusions,” (Sec. 2.2) below. However, nothing in this Policy shall prevent the SSFHA from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with the law. When both HUD and Non-Federal grant funds are used for a project, the work to be paid for by such ~~accomplished with the~~ funds should be

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separately identified prior to procurement so that appropriate requirements can be applied, if necessary. If it is not possible to separate the funds, HUD procurement regulations shall be applied to the total project. If funds and work can be separated and work can be completed by a new contract, then regulations applicable to the source of funding may be followed.

2.3 Definition

The term “procurement,” as used in this Policy, includes the procuring, purchasing, leasing, or renting of: (1) goods, supplies, equipment, and materials; (2) construction and maintenance consultant services; (3) Architectural and Engineering (A/E) services, (4) Social Services; and (5) other services.

2.4 Exclusions

This policy does not govern administrative fees earned under the Housing Choice Voucher (“HCV” and also known as Section “(8) program, the award of vouchers under the HCV program, the execution of landlord Housing Assistance Payments contracts under that program, or non-program income, e.g., fee-for-service revenue under **24 CFR Part §990**. These excluded areas are subject to applicable State and local [regulations requirement](#).

2.5 Changes in Laws and Regulations

In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with these Policies, automatically supersede these Policies.

2.6 Public Access to Procurement Information

As a general rule, all records of procurement information is a “public record,” and SSFHA has an obligation to retain and provide access to public records upon request in accordance with the California Public Records Act (California Government Code Sections 7920.000 *et seq.*) and the Freedom of Information Act (5 U.S.C. 552). There are limited exceptions to the definition of “public record,” such as some proprietary financial information submitted to SSFHA in confidence, or temporary restrictions on proposals while SSFHA is conducting its “deliberative process” and prior to making a procurement decision. SSFHA will consider any claimed exception from the obligation to publicly disclose procurement information; however, SSFHA will comply with its legal obligations to publicly disclose all required public records.

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3. ETHICS IN PUBLIC CONTRACTING

3.1 General

The SSFHA hereby establishes this code of conduct regarding procurement issues and actions and shall implement a system of sanctions for violations. This code of conduct, etc., is consistent with applicable Federal, State, or local law.

3.2 Conflicts of Interest

No employee, officer, Board member, or agent of the SSFHA shall participate directly or indirectly in the selection, award, or administration of any contract if he or she has a conflict of interest, either real or apparent. (see 2 CFR § 200.318(c); and California Government Code Sections 87100, *et seq.*; and 1090, *et seq.*) An employee, officer, Board member, or agent of SSFHA has a conflict of interest if he or she (or any of the persons ~~people~~ or entities identified below) has a financial or other interest in or a tangible personal benefit from a firm being considered by SSFHA for a contract:

- A. His/her relatives (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister);
- B. His/her partner; or
- C. An organization with which he/she is employed or is negotiating to be employed, or he/she has an arrangement concerning prospective employment.

When a Board member has a potential conflict of interest he/she ~~they~~ must notify the Executive Director and the Board Chair. The Executive Director will consult with legal counsel and determine whether the Board member is disqualified from the decision. At the meeting of the Board, the member must publicly announce the economic interest and explain whether it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interest of the Board member. If the Board member is disqualified from a decision, the member must leave the room during any discussion or deliberations on the matter in question and may not participate or be counted for purposes of a quorum. If a Board member is teleconferencing, he/she ~~they~~ will turn off video and audio connections for the duration of the item for which he/she ~~they~~ are disqualified. A disqualified Board member ~~Disqualified Board members~~ may be legally required to participate and be counted for purposes of a quorum if an insufficient number of Board members remain to constitute a quorum.

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3.3 Gratuities, Kickbacks, and Use of Confidential Information

No officer, employee, Board member, or agent shall solicit or accept gratuities, favors, or items of more than nominal value (e.g., inexpensive hat [with w/logo](#)) from any contractor, potential contractor, or party to any subcontract. No officer, employee, Board member, or agent shall knowingly use confidential information for actual or anticipated personal gain. Contractors wanting to do business with the SSFHA must not hire a person to solicit or secure a contract for a commission, percentage, brokerage, or contingent fee.

4. PROCUREMENT ADMINISTRATION AND PLANNING

4.1 Administration

The SSFHA Board of Commissioners hereby delegates authority to the Executive Director to take all actions necessary to implement this Policy. The Executive Director may delegate authority to Contracting Officers or others to perform responsibilities in accordance with this Policy on behalf of SSFHA.

4.2 Administration

Planning is essential to managing the procurement function properly. Hence, the SSFHA will periodically review its record of prior purchases, as well as future needs, to: find patterns of procurement actions that could be performed more efficiently or economically; maximize competition and competitive pricing among contracts and decrease the SSFHA's procurement costs; reduce the SSFHA administrative costs; ensure that supplies and services are obtained without any need for re-procurement, e.g., resolving bid protests; and minimize errors that occur when there is inadequate lead time. Consideration should be given to storage, security, and handling requirements when planning the most appropriate purchasing actions.

5. PURCHASING METHODS

5.1 Petty Cash Purchases

Purchases under \$500 may be handled through the use of a petty cash ~~account~~ [funds](#). Petty Cash Accounts may be established in an amount sufficient to cover small purchases made during a reasonable period, e.g., one month. For all Petty Cash Accounts, the SSFHA shall ensure that security is maintained and only authorized individuals have access to the account. These accounts should be reconciled and replenished periodically.

5.2 Micro Purchases

For purchases of less than \$10,000, also known as Micro Purchases, only one quote is required, provided the quote is considered reasonable.

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5.3 Small Purchase Procedures

For any amounts above the Micro Purchase ceiling (~~less than~~ \$10,000 or more, but not exceeding \$100,000) , the SSFHA may use small purchase procedures. Under small purchase procedures, the SSFHA shall solicit three quotes. To the greatest extent feasible, and to promote competition, small purchases should be distributed among qualified sources. Invitation for Quotes (IFQ) may be obtained orally (either in person or by phone), by fax, in writing, or through e-procurement. Award shall be made to the qualified vendor that provides the best value to the SSFHA. If award is to be made for reasons other than lowest price, documentation shall be provided in the contract file. The SSFHA shall not break down requirements aggregating more than the small purchase threshold (or the Micro Purchase threshold) into several purchases that are less than the applicable threshold merely to: (1) permit use of the small purchase procedures; or (2) avoid any requirements that apply to purchases that exceed the Micro Purchase threshold.

Sealed bidding shall be used for all contracts that exceed the small purchase threshold and that are not competitive proposals or non-competitive proposals, as these terms are defined in this document. Under sealed bids, the SSFHA publicly solicits bids and awards a firm fixed-price contract (lump sum or unit price) to the responsible bidder whose bid, conforming with all the material terms and conditions of the IFB, is the lowest reasonable price.

Sealed bidding is the preferred method for procuring construction, supply, and non-complex service contracts that are expected to exceed \$100,000.

- A. Conditions for Using Sealed Bids. The SSFHA shall use the sealed bid method if the following conditions are present: a complete, adequate, and realistic statement of work, specification, or purchase description is available; two or more responsible bidders are willing and able to compete effectively for the work; the contract can be awarded based on a firm fixed price; and the selection of the successful bidder can be made principally on the lowest price.
- B. Solicitation and Receipt of Bids. An Invitation for Bid (IFB) is issued which includes the specifications and all contractual terms and conditions applicable to the procurement, and a statement that award will be made to the lowest responsible and responsive bidder whose bid meets the requirements of the solicitation. The IFB must state the time and place for both receiving the bids and the public bid opening. All bids received will be date- and time-stamped and stored unopened in a secure place until the public bid opening. A bidder may withdraw the bid at any time prior to the bid opening.
- C. Bid Opening and Award. Bids shall be opened publicly. All bids received shall be recorded on an abstract (tabulation) of bids, and then

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made available for public inspection. If equal low bids are received from responsible bidders, selection shall be made by drawing lots or other similar random method. The method for doing this shall be stated in the IFB. If only one responsive bid is received from a responsible bidder, award shall not be made unless the price can be determined to be reasonable, based on a cost or price analysis.

- D. **Mistakes in Bids.** Correction or withdrawal of bids may be permitted, where appropriate, before bid opening by written or **electronic telegraphic** notice received in the office designated in the IFB prior to the time set for bid opening. After bid opening, no corrections in bids may be permitted, however, a bidder may be relieved of its bid only if the bidder can show by clear and convincing evidence that the correction is authorized under California Public Contract Code Sections 5100 – 5110. In general, the bidder must document that the mistake was made in filling out the bid and not due to error in judgment or carelessness in inspecting the site of the work, or reading the contract requirements, and that mistake caused the bid to be materially different than the bidder intended. All decisions to allow correction or withdrawal of a bid shall be supported by a written determination signed by the Contracting Officer.

5.4 Competitive Proposals

Unlike sealed bidding, the competitive proposal method permits consideration of technical factors other than price; discussion with offerors concerning offers submitted; negotiation of contract price or estimated cost and other contract terms and conditions; revision of proposals before the final contractor selection; and the withdrawal of an offer at any time up until the point of award. Award is normally made on the basis of the proposal that represents the best overall value to SSFHA, considering price and other factors, e.g., technical expertise, past experience, quality of proposed staffing, etc., set forth in the solicitation and not solely the lowest price.

- A. **Conditions for Use.** Where conditions are not appropriate for the use of sealed bidding, competitive proposals may be used. Competitive proposals are the preferred method for procuring professional services that will exceed the small purchase threshold.
- B. **Form of Solicitation.** Other than A/E services, developer-related services and energy performance contracting, competitive proposals shall be solicited through the issuance of a Request for Proposal (RFP). The RFP shall clearly identify the importance and relative value of each of the evaluation factors as well as any sub factors and price. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the contents

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of ~~such their~~ proposals until the time of award. SSFHA may assign price a specific weight in the evaluation criteria or may consider price in conjunction with technical factors; in either case, the method for evaluating price shall be established in the RFP.

- C. **Evaluation.** The proposals shall be evaluated only on the criteria stated in the RFP. Where not apparent from the evaluation criteria, the SSFHA shall establish an Evaluation Plan for each RFP. Generally, the Executive Director may appoint an Evaluation Committee to evaluate all proposals and advise the Executive Director regarding each proposal's compliance with the requirements and criteria of the RFP. Members of the Evaluation Committee shall be required to disclose any potential conflicts of interest and to sign a Non-Disclosure statement. An Evaluation Report, summarizing the results of the evaluation, shall be prepared prior to award of a contract.
- D. **Negotiations.** Negotiations may be conducted with any offeror who submits a proposal which SSFHA determines may have a reasonable chance of being selected for award. Negotiations are not required. Every offeror shall be treated fairly and equally with respect to any opportunity for negotiation and revision of ~~its their~~ proposal. During SSFHA's deliberative process, and prior to proposals being made available to the general public, no offeror shall be given any information about any other offeror's proposal, and no offeror shall be assisted by SSFHA in bringing its proposal up to the level of any other proposal. A common deadline shall be established for receipt of proposal revisions based on negotiations. Negotiations are exchanges (in either competitive or sole source environment) between the SSFHA and offerors that are undertaken with the intent of allowing the offeror to revise its proposal. These negotiations may include bargaining. Bargaining includes persuasion, alteration of assumptions and positions, give-and-take, and may apply to price, schedule, technical requirements, type of contract or other terms of a proposed contract. When negotiations are conducted in a competitive acquisition, they take place after establishment of the competitive range and are called discussions.
- E. **Discussions.** Discussions are tailored to each offeror's proposal, and shall be conducted by the Contracting Officer with each offeror within the competitive range. The primary object of discussions is to maximize the SSFHA's ability to obtain best value, based on the requirements and the evaluation factors set forth in the solicitation. The Contracting Officer shall indicate to, or discuss with, each offeror still being considered for award, significant weaknesses, deficiencies, and other aspects of its proposal (such as cost, price, technical approach, past performance, and terms and conditions) that could, in the opinion of

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the Contracting Officer, be altered or explained to enhance materially the offeror's proposer's potential for award. The scope and extent of discussions are a matter of the Contracting Officer's judgment. The Contracting Officer may inform an offeror that its price is considered by the SSFHA to be too high, or too low, and reveal the results of the analysis supporting that conclusion. It is also permissible to indicate to all offerors the cost or price that the government's price analysis, market research, and other reviews have identified as reasonable. "Auctioning" (revealing one offeror's price in an attempt to get another offeror to lower its their price) is prohibited.

- F. **Award.** After evaluation of the revised proposals, if any, SSFHA may award the contract to the responsible offeror firm whose technical approach to the project, qualifications, price and/or any other factors considered, are most advantageous to the SSFHA provided that the price is within the maximum total project budgeted amount established for the specific property or activity.
- G. **Architectural and Engineering (A/E) Services.** The SSFHA shall use a Request for Qualifications (RFQ) for A/E professional services utilizing "Qualifications Based Solicitation (QBS)" procedures. Sealed bidding shall not be used for A/E solicitations. Under QBS procedures, competitors' qualifications are evaluated and the most qualified competitors are ranked and negotiations are held with the top ranked competitor with intentions to reach agreement on a fair and reasonable price. If negotiations are not successful, then negotiations are terminated with the first 1st ranked competitor firm and further negotiations are held with the next -highest ranked competitor until a price determined to be fair and reasonable to both parties is obtained. Once negotiations have been terminated with a competitor, no further negotiations may be conducted with such the competitor. QBS procedures shall not be used to purchase other types of services, other than energy performance contracting and developer services, though A/E firms are potential sources. Note, the competitive proposal process may also be used for the selection of A/E sServices to the extent allowed by State law.

5.5 Noncompetitive Proposals

- A. **Conditions for Use.** Procurement by noncompetitive proposals (sole-source) may be used ONLY when the award of a contract is not feasible using small purchase procedures, sealed bids, cooperative purchasing, or competitive proposals, AND if one of the following applies:

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1. The item is available only from a single source, based on a good faith review of available sources;
2. An emergency exists that seriously threatens the public health, welfare, or safety, or endangers property, or would otherwise cause serious injury to the SSFHA, as may arise by reason of a flood, earthquake, epidemic, riot, equipment failure, or similar event. In such cases, there must be an immediate and serious need for supplies, services, or construction such that the need cannot be met through any of the other procurement methods, and the emergency procurement shall be limited to those supplies, services, or construction necessary simply to meet the emergency;
3. HUD authorizes the use of noncompetitive proposals; or
4. After solicitation of a number of sources, competition is determined inadequate.

B. **Justification.** Each procurement based on noncompetitive proposals shall be supported by a written justification for the selection of this method. The justification shall be approved in writing by the responsible Contracting Officer. Poor planning or lack of planning is not justification for emergency or sole-source procurements. The justification, to be included in the procurement file, should include the following information:

1. Description of the requirement;
2. History of prior purchases and their nature (competitive vs. noncompetitive);
3. The specific exception in **2 CFR §200.320(c)(1)-(5)** which applies:
 - (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;
 - (2) The item is available only from a single source;
 - (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
 - (4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in

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response to a written request from the non-Federal entity;
or

- (5) After solicitation of a number of sources, competition is determined inadequate.
4. Statement as to the unique circumstances that require award by noncompetitive proposals;
5. Description of the efforts made to find competitive sources (advertisement in trade journals or local publications, phone calls to local suppliers, issuance of a written solicitation, etc.);
6. Statement as to efforts that will be taken in the future to promote competition for the requirement.
7. Signature by the Contracting Officer's supervisor (or someone above the level of the Contracting Officer); and
8. Price Reasonableness. The reasonableness of the price for all procurements based on noncompetitive proposals shall be determined by performing a cost analysis, as described in this Policy.

5.6 Cooperative Purchasing/Intergovernmental Agreements

The SSFHA may enter into State and/or local cooperative or intergovernmental agreements to purchase or use common supplies, equipment, or services. The decision to use an interagency agreement instead of conducting a direct procurement shall be based on economy and efficiency. If used, the interagency agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment, and other relevant terms and conditions. The SSFHA may use Federal or State excess and surplus property instead of purchasing new equipment and property if feasible and if it will result in a reduction of project costs. The goods and services obtained under a cooperative purchasing agreement must have been procured in accordance with 2 CFR §200.317 – §200.326.

6. INDEPENDENT COST ESTIMATE (ICE)

For all purchases above the Micro Purchase threshold, the SSFHA shall prepare an ICE prior to solicitation. The level of detail shall be commensurate with the cost and complexity of the item to be purchased.

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7. COST AND PRICE ANALYSIS (CPA)

The SSFHA shall require assurance that, before entering into a contract, the price is reasonable, in accordance with the following instructions.

7.1 Petty Cash and Micro Purchase

No formal cost or price analysis is required. Rather, the execution of a contract by the Contracting Officer (through a Purchase Order or other means) shall serve as the Contracting Officer's determination that the price obtained is reasonable, which may be based on the Contracting Officer's prior experience or other factors.

7.2 Small Purchases

A comparison with other offers shall generally be sufficient determination of the reasonableness of price and no further analysis is required. If a reasonable number of quotes is not obtained to establish reasonableness through price competition, the Contracting Officer shall document price reasonableness through other means, such as prior purchases of this nature, catalog prices, the Contracting Officer's personal knowledge at the time of purchase, comparison to the ICE, or any other reasonable basis.

7.3 Sealed Bids

The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient bids are not received, and when the bid~~s~~ received is substantially ~~higher~~ ~~more~~ than the ICE, and where the SSFHA cannot reasonably determine price reasonableness, the SSFHA must conduct a cost analysis, consistent with guidelines in the [SSFHA Procurement Procedures](#) ~~SSFHA Procurement Procedures~~, to ensure that the price paid is reasonable.

7.4 Competitive Proposals

The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient bids are not received, the SSFHA must compare the price with the ICE. For competitive proposals where prices cannot be easily compared among offerors, where there is not adequate competition, or where the price is substantially greater than the ICE, the SSFHA must conduct a cost analysis, consistent with guidelines in the [SSFHA Procurement Procedures](#) ~~SSFHA Procurement Procedures~~, to ensure that the price paid is reasonable.

7.5 Contract Modifications

A cost analysis, consistent with guidelines in the [SSFHA Procurement Procedures](#) ~~Procurement Procedures~~, shall be conducted for all contract modifications for projects that were procured through Sealed Bids, Competitive Proposals, or Non-Competitive Proposals, or for projects originally procured through small purchase

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procedures and the amount of the contract modification will result in a total contract price in excess of \$100,000.

8. SOLICITATION AND ADVERTISING

8.1 Method of Solicitation

- A. **Petty Cash and Micro Purchases.** The SSFHA may contact only one source if the price is considered reasonable.
- B. **Small Purchases.** Quotes may be solicited orally, via the internet via the e-procurement-based portal, through fax, or by any other reasonable method.
- C. **Sealed Bids and Competitive Proposals.** Solicitation must be done publicly. The SSFHA must use one or more of the following solicitation methods, provided that the method employed provides for meaningful competition.
 - 1. Advertising in newspapers of other print media of local or general circulations.
 - 2. Advertising on the SSFHA's internet website or other websites approved by the Contracting Officer.
 - 3. Advertising in various trade journals or publications (for construction).
 - 4. E-Procurement. The SSFHA may conduct its public procurements through the internet using e-procurement systems. However, all e-procurement portals must have been procured in compliance with 2 CFR §200.317 – §200.326, State and local requirements, and [this Policy](#) ~~the SSFHA's procurement policy~~.

8.2 Time Frame

For purchases of more than \$100,000, the public notice should run not less than once each week for two consecutive weeks.

8.3 Form

Notices/advertisements should state, at a minimum, the place, date, and time that the bids or proposals are due, the solicitation number, a SSFHA contact person who can provide a copy of, and information about, the solicitation, and a brief description of the needed item(s).

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8.4 Time Frame for Submission of Bids

A minimum of 21-30 days shall generally be provided for preparation and submission of sealed bids and 15 days for competitive proposals. However, the Executive Director may allow for a shorter period when in the best interest of the SSFHA.

8.5 Cancellation of Solicitations

A. An IFB, RFP, or other solicitation may be cancelled before bids/offers are due if the Executive Director determines it is in the best interests of SSFHA, ~~and~~ ~~the~~ bases for that determination may include but are not limited to:

1. The supplies, services or construction ~~are~~ ~~is~~ no longer required;
2. The funds are no longer available;
3. Proposed amendments to the solicitation are of such magnitude that a new solicitation would be in the best interest of the SSFHA; or
4. Other similar reasons.

B. A solicitation may be cancelled and all bids or proposals that have already been received may be rejected if the Executive Director ~~or~~ ~~of~~ the SSFHA Board determines it is in the best interests of SSFHA, ~~and~~ ~~the~~ bases for that determination may include but are not limited to::

1. The supplies or services (including construction) are no longer required;
2. Ambiguous or otherwise inadequate specifications were part of the solicitation;
3. All factors of significance to the SSFHA were not addressed;
4. Prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;
5. There is reasonable doubt regarding the fairness or openness of the procurement process; or
6. For good cause of a similar nature when it is in the best interest of the SSFHA.

C. The reasons for cancellation shall be documented in the procurement file and the reasons for cancellation and/or rejection shall be provided upon request.

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- D. A notice of cancellation shall be sent to all bidders/offerors solicited and, if appropriate, shall explain that they will be given an opportunity to compete on any re-solicitation or future procurement of similar items.
- E. If all otherwise acceptable bids received in response to an IFB are at unreasonable prices an analysis should be conducted to see if there is a problem in either the specifications or the SSFHA's cost estimate. If both are determined adequate and if only one bid is received and the price is unreasonable, the Contracting Officer may cancel the solicitation and either:
 - 1. Re-solicit using an RFP; or
 - 2. Complete the procurement by using the competitive proposal method. The Contracting Officer must determine, in writing, that such action is appropriate, must inform all bidders of the SSFHA's intent to negotiate, and must give each bidder a reasonable opportunity to negotiate.
- F. If problems are found with the specifications, the SSFHA can cancel the solicitation, revise the specifications and re-solicit using an IFB.

8.6 Credit (or Purchasing) Cards

Credit card usage should follow the rules for all other small purchases. For example, the Contracting Officer may use a credit card for Micro Purchases without obtaining additional quotes provided the price is considered reasonable. However, for amounts above the Micro Purchase level, the Contracting Officer would generally need to have obtained a reasonable number of quotes before purchasing via a credit card.

When using credit cards, the SSFHA should adopt reasonable safeguards to assure that they are used only for intended purposes (for instance, limiting the types of purchases or the amount of purchases that are permitted with credit cards).

9. BONDING REQUIREMENTS

The standards under this section apply to construction contracts that exceed \$25,000. (see **2 CFR 200.326**.) There are no bonding requirements for small purchases or for competitive proposals that are less than \$25,000. However, the SSFHA may require bonds in these latter circumstances when deemed appropriate; however, non-construction contracts do not generally require bid bonds.

- A. Bid Bonds. For construction contracts exceeding \$25,000, offerors shall be required to submit a bid guarantee from each bidder equivalent to 5% of the bid price.

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- B. Payment and Performance Bonds. For construction contracts exceeding \$25,000, the successful bidder shall furnish a performance bond to guarantee completion and a payment bond to protect payment to laborers, suppliers, and subcontractors. This assurance may be any one of the following four forms:
 - 1. A performance bond and payment bond in a penal sum of 100% of the contract price for each bond; or
 - 2. A 20% cash escrow; or
 - 3. A 25% irrevocable letter of credit.
- C. These bonds must be obtained from guarantee or surety companies acceptable to the U. S. Government and authorized to do business in the State of California. Individual sureties shall not be considered. U. S. Treasury Circular Number 570 lists companies approved to act as sureties on bonds securing Government contracts, the maximum underwriting limits on each contract bonded, and the States in which the company is licensed to do business. Use of companies on this circular is mandatory.

10. CONTRACTOR QUALIFICATIONS AND DUTIES

10.1 Contractor Responsibility

The SSFHA shall not award any contract until the prospective contractor, i.e., low responsive bidder, or successful offeror, has been determined to be responsible. A responsible bidder/offeror must:

- A. Have adequate financial resources to perform the contract, or the ability to obtain them;
- B. Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all the bidder's/offeror's existing commercial and governmental business commitments;
- C. Have a satisfactory performance record;
- D. Have a satisfactory record of integrity and business ethics;
- E. Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them;
- F. Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and,

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- G. Be otherwise qualified and eligible to receive an award under applicable laws and regulations, including not being suspended, debarred or [or otherwise sanctioned under a HUD Limited Denial of Participation \(LDP\)](#) ~~under a HUD imposed LDP.~~
- H. Contractors that have performed unsatisfactorily in previous contracts with the SSFHA shall not be eligible for contract award. Unsatisfactory performance must be sufficiently documented and approved by the Contracting Officer. If a prospective contractor is found to be non-responsible, a written determination of non-responsibility shall be prepared and included in the official contract file, and the prospective contractor shall be advised of the reasons for the determination.

10.2 Suspension and Debarment

Contracts shall not be awarded to debarred, suspended, or ineligible contractors. Contractors may be suspended, debarred, or determined to be ineligible by HUD in accordance with HUD regulations (**2 CFR §200.317 – §200.326**) or by other Federal agencies, e.g., Dept. of Labor for violation of labor regulations, when necessary to protect housing authorities in their business dealings. Prior to issuance of a contract, the SSFHA staff will, as detailed within Section 10.2.H.1 and 10.2.H.2 of HUD Procurement Handbook 7460.8 Rev 2, conduct the required searches within the HUD Limited Denial of Participation (LDP) system and the U.S. General Services Administration System for Award Management (SAM) and place within the applicable contract file a copy of the results of each such search.

10.3 Vendor Lists

All interested businesses will be included on a vendor mailing list upon request. Any lists of persons, firms, or products which are used in the purchase of supplies and services (including construction) shall be kept current and open for inclusion of all businesses at any given time. The Vendor list should include enough sources to ensure competition. No pre-qualification list of business can exclude any business from participating in an the SSFHA procurement process.

11. CONTRACT PRICING ARRANGEMENTS

11.1 Contract Types

All contracts shall be on SSFHA standard form contracts unless another form of contract is agreed upon by the Executive Director and legal counsel in which case any type of contract which is appropriate to the procurement and which will promote the best interests of the SSFHA may be used, provided the cost-plus-a-percentage-of-cost and percentage-of-construction-cost methods are not used. All solicitations and contracts shall include the clauses and provisions necessary to define the rights and responsibilities of both the contractor and the SSFHA. For all cost reimbursement contracts, the SSFHA must include a written determination as to why

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no other contract type is suitable. Further, the contract must include a ceiling price that the contractor exceeds at its own risk.

11.2 Options

Options for additional quantities or performance periods may be included in contracts, provided that:

- A. The option is contained in the solicitation;
- B. The option is a unilateral right of the [SSFHA Authority](#);
- C. The contract states a limit on the additional quantities and the overall term of the contract;
- D. The options are evaluated as part of the initial competition;
- E. The contract states the period [during within](#) which the options may be exercised;
- F. The options may be exercised only at the price specified in or reasonably determinable from the contract; and,
- G. The options may be exercised only if determined to be more advantageous to the SSFHA than conducting a new procurement.

12. CONTRACT CLAUSES

12.1 Contract Pricing Arrangement

All contracts should identify the contract pricing arrangement as well as other pertinent terms and conditions, as determined by the SSFHA.

12.2 Required Forms

Additionally, the forms HUD-5369, 5369-A; 5369-B; 5369; 5370; 5370-C; 51915; and 51915-A, which contain all HUD-required clauses and certifications for contracts of more than \$100,000, as well as any forms/clauses as required by HUD for small purchases (Table 5.1 Procurement Handbook No. 7460.8 Rev 2), shall be used in all corresponding solicitations and contracts issued by the SSFHA. SSFHA shall use the most updated versions of the relevant required forms, in accordance with federal procurement standards ([2 CFR 200.317 – 200.327](#) 2 CFR 200.317 – 200.327).

12.3 Required Contract Clauses

The agency shall ensure that each applicable contract executed by the Agency contains the required contract clauses detailed within [2 CFR Part 200](#) 2 CFR Part 200, particularly including Appendix II).

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13. CONTRACT ADMINISTRATION

The SSFHA shall maintain a system of contract administration designed to ensure that contractors perform in accordance with their contracts. These systems shall provide for inspection of supplies, services, or construction, as well as monitoring contractor performance, status reporting on major projects including construction contracts, and similar matters. For cost-reimbursement contracts, costs are allowable only to the extent that they are consistent with the cost principles in HUD Handbook 2210.18.

14. SPECIFICATIONS

14.1 General

All specifications shall be drafted so as to promote overall economy for the purpose intended and to encourage competition in satisfying the SSFHA's needs ~~SSFHA needs~~. Specifications shall be reviewed prior to issuing any solicitation to ensure that they are not unduly restrictive or represent unnecessary or duplicative items. Function or performance specifications are preferred. Detailed product specifications shall be avoided whenever possible. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. For equipment purchases, a lease versus purchase analysis should be performed to determine the most economical form of procurement.

14.2 Limitation

The following types of specifications shall be avoided:

- A. Geographic restrictions not mandated or encouraged by applicable Federal law (except for A/E contracts, which may include geographic location as a selection factor if adequate competition is available);
- B. Brand name specifications (unless the specifications list the minimum essential characteristics and standards to which the item must conform to satisfy its intended use). Nothing in this procurement policy shall preempt any State licensing laws. Specifications shall be reviewed to ensure that organizational conflicts of interest do not occur.

15. APPEALS AND REMEDIES

15.1 General

It is the SSFHA policy to resolve all contractual issues informally and without litigation. Disputes will not be referred to HUD unless all administrative remedies have been exhausted. When appropriate, a mediator may be used to help resolve differences.

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15.2 Informal Appeals Procedure

The SSFHA shall adopt an informal bid protest/appeal procedure for contracts of \$100,000 or less. Under these procedures, the bidder/contractor may request to meet with the appropriate Contract Officer.

15.3 Formal Appeals Procedure

A formal appeals procedure shall be established for solicitations/contracts of more than \$100,000.

- A. **Bid Protest.** Protests of contract solicitations and awards are permissible but must strictly comply with the SSFHA's Protest Procedures for Solicitation Protests, as amended from time to time.
- B. **Contractor Claims.** All claims by a contractor relating to performance of a contract shall be submitted in writing to the Contracting Officer for a written decision. The contractor may request a conference on the claim. The Contracting Officer's decision shall inform the contractor of its appeal rights to the next higher level of authority in the SSFHA. Contractor claims shall be governed by the Changes clause in the form HUD-5370.

16. ASSISTANCE TO SECTION 3, SMALL AND OTHER BUSINESSES

16.1 Required Efforts

Consistent with Presidential Executive Orders 11625, 12138, and 12432, and Section 3 of the HUD Act of 1968, and in accordance with [2 CFR 200.321\(b\)](#) ~~2-CFR 200.321(b)~~, all feasible efforts shall be made to ensure that small and minority-owned businesses, [women-owned](#) ~~women's business~~ enterprises, Section 3 Business Enterprises, and other individuals or firms located in or owned in substantial part by persons residing in the area of the SSFHA project are used when possible. Such efforts shall include, but shall not be limited to:

- A. Including such firms, when qualified, on solicitation mailing lists;
- B. Encouraging their participation through direct solicitation of bids or proposals whenever they are potential sources;
- C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms;
- D. Establishing delivery schedules, where the requirement permits, which encourage participation by such firms;

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- E. Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce;
- F. Including in contracts, to the greatest extent feasible, a clause requiring contractors, to provide opportunities for training and employment for lower income residents of the project area and to award subcontracts for work in connection with the project to business concerns which provide opportunities to low-income residents, as described in [24 CFR §135](#) ~~24 CFR §135~~ (so-called Section 3 businesses); and,
- G. Requiring prime contractors, when subcontracting is anticipated, to take the positive steps listed above.

16.2 Goals

Goals shall be established periodically for participation by small businesses, minority-owned businesses, women-owned business enterprises, labor surplus area businesses, and Section 3 business concerns in the SSFHA prime contracts and subcontracting opportunities.

16.3 Definitions

- A small business is defined as a business that is: independently owned; not dominant in its field of operation; and not an affiliate or subsidiary of a business dominant in its field of operation. The size standards in **13 CFR §121** should be used to determine business size.
- A minority-owned business is defined as a business which is at least 51% owned by one or more minority group members; or, in the case of a publicly-owned business, one in which at least 51% of its voting stock is owned by one or more minority group members, and whose management and daily business operations are controlled by one or more such individuals. Minority group members include, but are not limited to Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans, and Hasidic Jewish Americans.
- A [women-owned](#) ~~women's business~~ enterprise is defined as a business that is at least 51% owned by a woman or women who are U.S. citizens and who control and operate the business.
- A "Section 3 business concern" is as defined under **24 CFR §135**.
- A labor surplus area business is defined as a business which, together with its immediate subcontractors, will incur more than 50% of the cost of performing the contract in an area of concentrated unemployment or underemployment, as defined by the ~~DO-~~ [Department of Labor](#) in **20 CFR §654**, Subpart A, and

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in the list of labor surplus areas published by the Employment and Training Administration.

17. BOARD APPROVAL OF PROCUREMENT ACTIONS

The Board of Commissioners has approved this Procurement Policy. All procurement actions below the Micro Purchase threshold (\$10,000) do not require Board approval. Approval by the Board of Commissioners is required for any procurement action of \$10,000 or more. It is the responsibility of the Executive Director to ensure that all procurement actions are conducted in accordance with the policies contained herein.

18. DELEGATION OF CONTRACTING AUTHORITY

The Executive Director has been delegated authorization by the Board to approve Change Orders up to 10% of ~~the~~ a contract amount [it previously approved](#) without further Board action.

While the Executive Director is responsible for ensuring that the SSFHA's procurements comply with this Policy, the Executive Director may delegate all procurement authority as is necessary and appropriate to conduct the business of the Agency.

Further, and in accordance with this delegation of authority, the Executive Director shall, where necessary, establish operational procedures (such as a procurement manual or standard operating procedures) to implement this Policy. The Executive Director shall also establish a system of sanctions for violations of the ethical standards described herein (Ethics in Public Contracting), consistent with Federal, State, or local law.

19. DOCUMENTATION

The SSFHA must maintain records sufficient to detail the significant history of each procurement action. These records shall include, but shall not necessarily be limited to, the following:

- A. Rationale for the method of procurement (if not self-evident);
- B. Rationale of contract pricing arrangement (i.e. firm-fixed, cost reimbursement, turn-key, etc.) (also if not self-evident);
- C. Reason for accepting or rejecting the bids or offers;
- D. Basis for the contract price (as prescribed in this Policy);
- E. A copy of the contract documents awarded or issued and signed by the Contracting Officer;

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- F. Basis for contract modifications; and
- G. Related contract administration actions.

The level of documentation should be commensurate with the value of the procurement. Records are to be retained for a period of three years or in compliance with the records retention schedule, after final payment and all matters pertaining to the contract are closed.

20. DISPOSITION OF SURPLUS PROPERTY

Property no longer necessary for the SSFHA's purposes (non-real estate property) shall be transferred, sold, or disposed of in accordance with applicable Federal, [State](#), and local laws and regulations.

If the SSFHA chooses to sell dispositioned equipment, the items will be offered for bid for a specified period of time. Items not sold within the specified time period may be donated equitably among [st](#) non-profit entities. Employees are not eligible to bid on items purchased with Federal funds.

21. FUNDING AVAILABILITY

Before initiating any contract, the SSFHA shall ensure that there are sufficient funds available to cover the anticipated cost of the contract or modification.

22. SELF-CERTIFICATION

The SSFHA self-certifies that this Procurement Policy, and the SSFHA's procurement system, [complies](#) with all [current](#) applicable Federal regulations and, as such, the SSFHA is exempt from prior HUD review and approval of individual procurement action. Further, the SSFHA may also submit this procurement Policy to the HUD Field office for approval per the provisions of (**2 CFR §200.317 – §200.326**), regarding HUD approval of a Agency's "procurement system" to ensure that this Procurement Policy meets with HUD's certification standards.