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To: CCRPC and Basin 5 Water Quality Council

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Re Draft Requirements for Procurement of Subcontractors

DEC has indicated the need for a slight revision to CCRPC's procurement policy related to CWSP operations (see #8 below). Additionally, I believe it would be useful to compile these requirements in one "Requirements for Procurement of Subcontractors" document as follows:

Subgrantees and Clean Water Service Provider (CWSP) must abide by the following:

1. efforts to contract for professional *services* (eg from subcontractors such as engineers, designers, etc.) must include soliciting proposals from at least three potential firms, either from pre-qualified CWSP contractors or the business community;
2. purchasing of *goods* shall require the solicitation of at least two different quotations, except when purchasing items valued at \$1,000.00 or less;
3. records related to the procurement of services shall be retained for the term of the contract plus three years;
4. records related to the procurement of goods shall be retained for one year after the audit covering the period of purchase of those goods;
5. procurement of a *good* or category of goods totaling \$15,000.00 or greater from one vendor in one year shall be by written contract;
6. equipment and other durable assets purchased shall be maintained.
7. when a subgrantee or a CWSP solicits bids for construction services (to install/implement a water quality project), the subgrantee or CWSP must competitively procure consistent with DEC Guidance.
8. a contractor may continue to work for a subgrantee or a CWSP on future phases (e.g., through Final Design, Construction/Implementation, etc. of a clean water project) but only under a strict set of circumstances. The circumstances are if the initial solicitation for contractor services mentions the need for both:
 - a. a cost quote and a detailed Scope of Work on the 'current' solicited phase, and
 - b. a cost range estimate (staff, equipment, etc.) and a general description of potential/anticipated work tasks on future phases, and

Thus, unless a subgrantee can show that a solicitation was sought from three or more firms for all, applicable proposed current and future phases of a project (e.g., Preliminary Design, Final Design, Construction Oversight, Operations/Management and/or Inspection/Verification), a subgrantee would need to repeat the procurement process at each step.

The non-compliant language in our procurement (to be remedied by #8 above) currently reads:

After selection, that contractor may continue to work for the SUBGRANTEE on further phases through construction/implementation of that clean water project provided that their costs are generally consistent with standard costs (as may be adjusted by inflation and market conditions) as identified by the Secretary of the Agency of Natural Resources as noted in Act 76 and as long as the CCRPC and/or its Subgrantee who is managing the project is satisfied with their work.

The change in #8 would also be incorporated into the template for the Master Agreement between CCRPC and its subgrantees.