

**SANTA CLARA VALLEY WATER DISTRICT
ORDINANCE NO. 04 - 01**

**DIRECTING THE ESTABLISHMENT OF PROCEDURES FOR THE CONTRACTING OF
PROFESSIONAL CONSULTANT SERVICES**

WHEREAS, Santa Clara Valley Water District is a local government agency that may adopt by ordinance methods and procedures for contracting for professional consultant services in accordance with California Government Code Sections 4525-4529.5; and

WHEREAS, the District encourages and promotes the use of small and local businesses in the contracting and procurement of goods and services for the District, in accordance with the Board's governance policies and executive limitations that promote values which support equal opportunity, fairness, diversity, and reinvestment of District resources in its service and benefit to the community; and

WHEREAS, the District desires to establish a Small and Local Business Outreach Program which includes a small business preference to ensure maximum participation of small business firms in the contracting for professional consultant services;

NOW THEREFORE, the Board of Directors of the Santa Clara Valley Water District (District) does hereby ordain as follows:

Section 1. Professional consultant services including architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services shall be selected on the basis of demonstrated competence and qualifications for the type of services to be performed and at fair and reasonable prices to the District. Furthermore, the selection process shall ensure maximum participation of small business firms as defined by the State's Department of General Services pursuant to Section 14837. In addition, the selection process shall specifically prohibit practices which might result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration, and shall specifically prohibit District employees from participating in the selection process when those employees have a relationship with a person or business seeking a contract.

Section 2. To ensure maximum participation of small business firms, the District shall implement a small business preference of 5 percentage points (based on a maximum scale of 100 percent) to be added to the total evaluation scores for certified small businesses in determining the award of contract. Non-small businesses who meet small business subcontracting participation goals of at least 30 percent will qualify to receive a minimum of 3 percent and up to 5 percent depending on the participation level. Preference priority will be given to microbusinesses as defined under Section 14837.

Section 3. The aforementioned sections shall be incorporated into the District's Small and Local Business Outreach Program guidelines and all other relevant administrative policies and procedures pertaining to the selection and award of professional consultant services to be effective no later than July 1, 2004.

Section 4. This ordinance is adopted pursuant to authority of California Government Code Section 4526, and is not intended to carry the criminal penalties associated with ordinances adopted pursuant to Section 9 of the District Act.

Ordinance Directing the Establishment of Procedures for the Contracting of Professional Consultant Services

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on June 15, 2004.

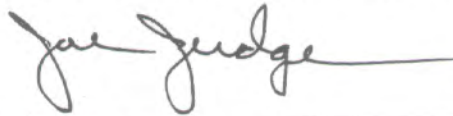
AYES: Directors: Tony Estremera, Richard Santos, Rosemary Kamei, Sig Sanchez,
Gregory Zlotnick, Larry Wilson, Joe Judge

NOES: Directors: None

ABSENT: Directors: None

ABSTAIN: Directors: None

SANTA CLARA VALLEY WATER DISTRICT



By: _____
JOE JUDGE
Chair/Board of Directors

ATTEST: LAUREN L. KELLER



Clerk/Board of Directors