

Contra Costa County: Best Value Procurement Policy (PCC 20155)

1. Purpose and Authority

Pursuant to Public Contract Code 20155, Contra Costa County hereby adopts this Best Value Procurement Policy for the selection of contractors for public works projects over \$1,000,000. The County may award contracts based on "Best Value"—a combination of price and qualifications—rather than to the lowest responsible bidder alone.

2. Project Selection and Findings

Prior to using the Best Value method for any specific project, the Public Works Department must obtain the Board of Supervisors' approval. The board must make written findings that the use of Best Value for that project will likely achieve one or more of the following objectives:

- Reduced overall project cost
- Expedited project completion
- Provisions or features not achievable through awarding the contract on basis of the lowest bid price.

Board approval and project-specific findings must be obtained prior to the issuance of Request for Statement of Qualification (RFSOQ) documents for that project.

3. Two-Step Selection Process

To ensure a fair and objective evaluation, the County shall utilize a two-step procurement process:

- Step 1: Prequalification (RFSOQ): The County shall issue a Request for Statements of Qualification to prequalify and rank bidders based on responsibility and general experience.
- Step 2: Request for Proposal (RFP): Prequalified bidders shall be invited to submit a sealed price bid and, at County's discretion, a project-specific technical proposal. If a technical proposal is required by the County, Prequalified bidders shall submit two separate, sealed packages: (1) a Project-Specific Technical Proposal and (2) a Price Bid.

4. Prequalification Requirements (PCC 20101)

All bidders for a Best Value contract must be prequalified in accordance with PCC 20101. The prequalification process shall include a standard questionnaire and require a financial statement. In accordance with PCC 20155.3(c), all information provided in the RFSOQ must be verified under oath by the bidder. The specific point values, categories, weighing, and the maximum number of firms to be selected as prequalified shall be defined within the specific solicitation documents for each project.

5. Mandatory RFSOQ Evaluation Criteria

In accordance with PCC 20155.1(h), all Best Value solicitations shall evaluate bidders during the RFSOQ phase based on the following categories at a minimum:

- **Financial Condition:** Capacity to provide required bonding and insurance.
- **Relevant Experience:** Past performance on projects of similar size, scope, and complexity.
- **Management Competency:** Qualifications of the proposed project team.
- **Labor Compliance:** The bidder's history of compliance with state and federal labor laws.
- **Safety Record:** The bidder's Experience Modification Rate (EMR) and safety history.

6. Award Formula and Methodology:

The County shall award the contract for the projects using the Best Value method to the responsive and responsible bidder with the highest **“Total Best Value Score (T)”** calculated as follows:

$$T = \left(\frac{\text{Lowest Bid Price}}{\text{Bidder's Price}} \times \text{Price Weight} \right) + \left(\frac{\text{Earned Quality Score}}{\text{Maximum Possible Score}} \times \text{Quality Weight} \right)$$

7. Determination of Qualifications Score:

To provide maximum flexibility for varying project complexities, the Public Works Department shall determine the following for each project prior to the issuance of the RFP:

- **Scoring Weights:** The relative weight of Quality versus Price (e.g., 60/40, 70/30, or 80/20).
- **Scoring Path:** Whether to use Method 1 or Method 2.
 - **Method 1: Qualifications-Based Scoring**
The committee scores the bidders' general qualifications during Step 1. These points become the final Earned Quality Score for the award

formula. Bidders submit a single sealed price bid package in Step 2. No additional technical proposal is required.

- **Method 2: Technical-Based Scoring**

The RFSOQ (Step 1) is used only to select the prequalified bidders for a given project. The prequalified bidders shall then submit two separate sealed packages - a project-specific Technical Proposal along with a price bid (Step 2). The score from this Technical Proposal becomes the final Earned Quality Score.

8. Evaluation Committee and Rules of Conduct

To satisfy PCC 20155.5, Public Works shall establish a selection committee and "Rules of Conduct":

- **Composition:** A minimum of three members.
- **Separate Submissions:** Technical Proposals and Price Bids must be submitted in two separate, sealed envelopes to ensure price remains hidden during the quality evaluation.
- **Blind Scoring:** The committee must score all "Quality" proposals before the Price bids are opened.
- **No Conflicts:** Members must sign a non-disclosure and conflict-of-interest statement for every project.

9. Skilled and Trained Workforce Requirement

The "enforceable commitment" to use a skilled and trained workforce required by PCC 20155.4 is satisfied by the contractor's execution of a Letter of Assent to the Contra Costa County Project Labor Agreement (PLA). Participation in the PLA constitutes full compliance with workforce requirements and, where applicable, exempts the project from the monthly reporting requirements of PCC 2602.

10. The "Three-Bid Minimum" Rule

In accordance with PCC 20155.5(b), the County shall not award a contract if the solicitation results in fewer than three responsive bids. If the County receives fewer than three responsive proposals, the County must either re-bid the project or utilize a traditional low-bid procurement method.

11. Transparency, Public Disclosure, and Protest

- **Public Announcement:** Upon determination of the prequalified bidders (Step 1) and the final best value awardee (Step 2), the County shall publicly announce the results, identifying the scores of all responsive bidders.
- **RFSOQ Appeals:** In accordance with PCC 20101, the County shall provide a formal process for bidders to appeal a "not prequalified" determination. This appeal must be resolved before the County proceeds to Step 2.
- **RFP Protests:** Upon determination of the best value awardee, the County shall issue a Notice of Intent to Award. Unsuccessful bidders shall have a designated period to submit a formal written protest of the award determination prior to final execution.
- **Waiver of Rights:** The failure of a bidder to file a timely protest regarding the RFSOQ results or the prequalification process shall constitute a total waiver of any right to protest the final contract award on those specific grounds.