

## **CONTRACTING AND PROCUREMENT POLICY**

**Adopted 10/25/2023**

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*This document is adopted in place of the previously accepted "Contractor Selection and Bid Policy," last approved January 19, 2019, and the previously accepted "Demolition Policy," last approved July 25, 2014.*

Clark County Land Reutilization Corporation, also known as "Land Bank" or "CCLRC", shall use this policy to subject all contracted services and/or procurement to the following procedures and requirements.

### **SECTION I: ADMINISTRATION**

#### **A. Authorization**

1. Executive Director of the Land Bank ("Director") or Board Chair ("Board Chair") shall have authority to sign and execute all contracts that have been approved or awarded.
2. Authorize to Sign Amounts
  - i. Director shall be able to authorize and execute contracts, purchases, or procurements up to \$12,500.
  - ii. Director and Board Chair shall be able to authorize and execute contracts, purchases, or procurements up to \$20,000 with approval by the Chair.
  - iii. All contracts, purchases, or procurements above these authorized amounts must be presented to the Board of Directors for approval.

### **SECTION II: CONTRACTOR REQUIREMENTS**

#### **A. Required Documents**

1. All Contractors must have the following paperwork submitted prior to the beginning of any services or project
  - i. Bureau of Workers Compensation Certificate
  - ii. Conflict of Interest Disclosure
  - iii. Delinquent Tax Affidavit
  - iv. Drug Free Work Place Policy
  - v. Equal Employment Opportunity Statement
  - vi. Certificate of Liability Insurance (To contract standards)
  - vii. W-9 Tax Form
2. Failure to Maintain Coverage
  - i. The Contractor's failure to maintain current insurance certificates at any time during the duration of the contract shall be deemed a breach of the contract. In the event of such breach, the Land Bank shall have the right to withhold any

further payment(s) due and to terminate the contract immediately without liability for any such payment(s).

- ii. In lieu of termination, the Land Bank may, at its option, choose to withhold any further payment(s) due until the Contractor presents current certificates. In the event that the Contractor fails to present current certificates to the Land Bank's satisfaction, the Land Bank may exercise its right to terminate the contract in accordance with the above paragraph.

**B. Anti-Nepotism**

1. A Land Bank employee or Board Member, or an immediate family member of a Land Bank employee or Board member, or any business entity in which such an individual holds an ownership interest, or any other similarly related party, may not be awarded work from the Land Bank, regardless of whether that individual has otherwise complied with this Policy. This policy may be liberally construed in order to avoid an actual or perceived conflict of interest that could jeopardize trust in the Land Bank.

**SECTION III: DEMOLITION PROJECTS**

**A. Bidding and Award Procedure**

**1. Bidding Method**

- i. All demolition services exceeding \$75,000, shall be bid through a formal competitive bidding process.
- ii. All demolition services at or below \$75,000, but above the Authorize to Sign Amount (depicted in Section I: A-2, points i. and ii. of this policy), may be bid through an informal bidding process.
- iii. All demolition services at or below the Authorize to Sign Amount (depicted in Section I: A-2, points i. and ii. of this policy), may be obtained and approved at the discretion of the Director.
- iv. Nothing in this policy prohibits or limits the ability of the Land Bank to use a formal competitive bidding process to procure demolition services.
  1. For the purposes of this policy, "formal competitive bidding" means a process where Land Bank staff shall put forth a request for proposals to be submitted by potential providers through sealed bids.

**2. Bid Packet**

- i. Land Bank or its agent shall prepare detailed bid specifications for demolition. Properties may be bundled for bid purposes.
- ii. Property Inspection
  1. Prior to acquisition, the Land Bank will engage a property inspector or internal staff who will evaluate the current condition of any structures on the property.



2. Following inspection, the Land Bank shall coordinate its resources to make a final decision regarding demolition of the property.
  - iii. Asbestos Survey
    1. Land Bank shall order an asbestos survey from a qualified asbestos consultant on properties requiring survey.
    2. All requirements from federal, state, and EPA guidelines for asbestos abatement must be followed.
  - iv. Bid Notification
    1. Bid Advertisement shall be made public on the Land Bank website.
    2. Land Bank shall compile a list of qualified demolition contractors. At the time of the Bid Advertisement, Land Bank staff shall send out an email to all contractors listed as an additional notification.
    3. All Bid Packets shall be added to the Land Bank website for access.
  - v. Bid Selection – Based on the following criteria in order to determine the lowest and best bid to include, but not limited to:
    1. Ability to complete the project
    2. Completeness of Bid and requirements prior to Notice of Award
    3. Estimated timeline
    4. Previous project history
    5. Bid Price
  - vi. Land Bank reserves all rights to reject all bids.
3. Contract
- i. Following Bid Selection, a Notice of Award shall be issued to the selected contractor. Once the Notice of Award is issued, the contractor has 10 business days to finalize any necessary documents and enter into a contract with the Land Bank.
    1. If the contract is not entered into by the end of this period, the Contractor shall forfeit their award and the Land Bank shall move to the next qualified bid.
    2. Land Bank reserves the right to extend the timeline for extraordinary circumstances.
  - ii. Other contract requirements may be included as necessary.
- B. Demolition
1. Contractor must:
    - i. Meet all requirements in Section I of this document.
    - ii. Execute all necessary permitting.
    - iii. Comply with all environmental regulations, including necessary documentation
    - iv. Adhere to all requirements and regulations depicted in the bid packet.

2. If additional or unexpected items arise, the contractor may request a Change Order from the Land Bank, but must be reviewed and approved by Land Bank staff prior to start of work.
3. Deconstruction of the structure may be permitted to recover important historic materials or architectural details. A nonprofit or community group with experience in deconstruction may contact the Land Bank regarding a specific property scheduled for demolition. Where health and safety concerns or timely coordination of the demolition make deconstruction impractical, a request may be denied.
4. Post-demolition
  - i. Property must be inspected to ensure that contractor has fulfilled all contract requirements prior to release of final payment.

#### **SECTION IV: NEW CONSTRUCTION – SITE BUILD PROJECTS**

##### **A. Definition**

1. Projects for Site Build (also known as “Stick-Built”) shall be defined as new construction of a permanently sited structure built solely on-site.
  - i. *Permanently sited Manufactured or Modular structures are not qualified under Site Builds, and shall be classified under Section V: Procurement, for the purposes of this policy, due to the nature of build.*

##### **B. Bid Procedure**

1. All structures constructed under the definition of part A. of this section, shall have services bid out in a sealed bid.
2. Bid Notification
  - i. Bid Advertisement shall be made public on the Land Bank website.
  - ii. Land Bank shall compile a list of qualified contractors. At the time of the Bid Advertisement, Land Bank staff shall send out an email to all contractors listed as an additional notification.
  - iii. All Bid Packets shall be added to the Land Bank website for access.
3. Bids shall be selected and awarded based on the criteria set for each individual Site Build project and noted in the Bid Packet.

#### **SECTION V: PROCUREMENT**

##### **A. Definition**

1. Procurement is obtaining or purchasing goods or services; excluding demolition services or Site Built construction services, depicted in Section III and IV of this policy respectively.

##### **B. Informal Competitive Bidding**

1. All procured goods and services over Director and Board Chair’s Authorize to Sign amount shall be acquired through “informal competitive bidding”.



- i. All procured goods and services obtained through “informal competitive bidding” shall be presented to the Board of Directors for approval.
  2. For the purposes of this policy, “informal competitive bidding” means a process where Land Bank staff obtains, in writing, at least three proposals from various providers on the cost of the applicable goods or services being procured.
    - i. If Land Bank staff in good faith cannot obtain at least three written proposals from prospective providers, and in the Director’s sole discretion the prospective provider is the only provider that made their services available or at least two proposals represent fair, market-based costs for such goods or services, the Director may decide to present the Board of Directors one proposal for approval.
  3. Nothing in this policy prohibits or limits the ability of the Land Bank to use a “formal competitive bidding” process to procure goods or services.
    - i. For the purposes of this policy, “formal competitive bidding” means a process where Land Bank staff shall put forth a request for proposals to be submitted by potential providers through sealed bids.
- C. Procurement of Grant Funded Goods or Services
  1. If procurement is obtained through grant funding that requires competitive bidding or stricter guidelines than provided in this policy, the more restrictive policies or guidelines shall be adhered to.