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CHAPTER 1. Authority Procurement Policy Statement

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1.1 Introduction

This Procurement Manual is issued by the General Manager at the direction of the Board of Directors. This Manual is designed to guide staff in implementing the District of Columbia Water and Sewer Authority (the Authority's) Procurement Regulations, which require fair and ethical procurement practices for the cost-effective acquisition of all goods and services, including construction services. This Procurement Manual applies to all the Authority's procurements except to the extent its provisions are waived by the General Manager. Procurements funded with federal, state, or local funds, shall be guided by the Procurement Manual except as necessary to conform to the requirements of the funding source, provided that such conformance does not violate the terms and conditions of other applicable federal, state, or local laws. Neither the provisions of this Manual nor any deviation from them is intended to nor shall they create any rights in third parties, including but not limited to the Authority's bidders, proposers, contractors, suppliers or service providers.

1.2 Mission

In support of the Authority's mission to provide safe and reliable drinking water, sewage collection, and wastewater treatment to its customers in an efficient and economical manner, the procurement process is intended to deliver goods and services, including construction services, in a timely, economical and effective manner.

The procurement process includes supporting departments in forecasting their procurement needs. The planning phase of the procurement process includes an overall assessment of the Authority's needs and the planning of procurement actions accordingly. This process is fundamental for ensuring that procurements meet the Authority's needs efficiently. The process includes support of each office and department in defining its needs under each planned contract, participation in the selection process and in the administration of the contract.

1.3 General Policy

This Procurement Manual provides guidelines for the efficient implementation the Authority's Procurement Regulations. These guidelines are designed to assist responsible Authority staff to ensure that all procurements:

1. Are made in an ethical manner that is impartial and above reproach, with preferential treatment for none.
2. Are made efficiently and economically.
3. Are made within a Contract Management System. This Contract Management System ensures, at a minimum, that:
 - a. Solicitations and contracts are properly issued.
 - b. The methods of contractor selection and contract type are appropriate to the procurement and represent the Authority's best interest.
 - c. Bonding and security are obtained when appropriate.
 - d. Contractors have the necessary insurance to protect the Authority's interests.
 - e. Liquidated damages, when appropriate, are included in contracts.
 - f. Contractors perform in accordance with the terms and conditions of their contracts.
 - g. Payments are made only for goods and services, including construction services, received and authorized in the contract.



4. Are made only to responsible contractors.
5. Are made only to contractors selected in accordance with the stated evaluation criteria.
6. Are made without restrictive specifications that limit or inhibit full and open competition.
7. Are made on a sole-source or limited competition basis only after justification in writing.
8. Include reasonable efforts to increase the opportunity for participation business enterprises eligible under the Authority's business development program.
9. Are approved at the proper level.
10. Have approved funding.

1.4 Contracting Officer Authority

The General Manager is designated as the Authority's Chief Contracting Officer. The General Manager is authorized to enter into, administer, terminate, and otherwise manage contracts subject to any approval thresholds that may be established by the Board. The General Manager may delegate contracting authority in writing to one or more other Contracting Officers and/or Contracting Officer Representatives (COR). Contracting Officers and CORs have only such authority as delegated to them by the General Manager. In connection with any Authority procurement and in his or her discretion, the General Manager may waive proceeding in accordance with any guideline contained in this Manual, provided however that the General Manager may not waive compliance with any applicable provision in the Authority's Regulations.

Contracting Officers have the authority to determine the method of procurement, project delivery, and type of contract to use for each requirement, unless this function is excluded from the delegation of the contracting authority.

1.5 Full and Open Competition

Procurements shall be conducted using full and open competition, except as otherwise provided for in this Procurement Manual.

1.6 Organizational Conflicts of Interest

Organizational conflicts of interest provide an offeror or a contractor (prime contractor or subcontractor) with an unfair competitive advantage or render the offeror or contractor unable, or potentially unable, to provide impartial assistance or advice to the Authority. Organizational conflicts of interest are more likely to occur in contracts involving management support services, design, consultant or other professional services, contractor performance of or assistance in technical evaluations, or systems engineering and technical direction work. Contracting Officers shall analyze planned procurements in order to identify and evaluate potential organizational conflicts of interest as early in the procurement process as possible and to avoid, neutralize, or mitigate significant potential conflicts before contract award.

Where appropriate, solicitations shall notify offerors that performance of the proposed contract may raise a conflict of interest in providing one or more future contracts. For example, determining the feasibility of a major improvement to fixed assets may raise a conflict of interest in a prospective contract to plan or design the improvements once they are determined to be feasible. The feasibility study offeror might be biased toward recommending feasibility in anticipation of the prospective future design contract, and/or may have an unfair advantage in competing for the prospective design contract. A separate basis of conflict could arise from the offeror's other clients if any such clients had a significant interest in the feasibility determination.



Contracts shall not be awarded unless the organizational conflicts of interest are removed or mitigated to the Contracting Officer's satisfaction.

1.7 Exceptions

The General Manager may grant exceptions to the Procurement Manual when necessary to meet the Authority's specific needs and requirements. The Contracting Officer must document the justification and General Manager's approval in the contract file.