

GENERAL ORDINANCES
OF THE
DISTRICT BOARD
OF
THE METROPOLITAN DISTRICT



This Compilation has been Published
by the Office of the District Clerk of
THE METROPOLITAN DISTRICT
and Contains all Revisions Through January 1, 2012

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Any reference to the District Manager shall be construed as referring to the Chief Executive Officer, as provided in Section B2d of the By-Laws of the District Board of The Metropolitan District, as approved on September 11, 2000.

The Metropolitan District's Ordinances are divided into three categories – General, Sewerage, and Water Supply – and are published separately.

TABLE OF CONTENTS

<u>SECTION</u>	<u>TITLE</u>
G-1	RETIREMENT SYSTEM FOR EMPLOYEES
G-2	DEBT EXPENSE FUND
G-3	ASSESSABLE SEWER CONSTRUCTION FUND
G-4	INSURANCE RESERVE FUND
G-5	CONTRACTOR EVALUATION
G-6	PROFESSIONAL SERVICES PROCUREMENT
G-7	WORK ON NON-DISTRICT FACILITIES
G-8	PROCUREMENT POLICIES

G-1 RETIREMENT SYSTEM FOR EMPLOYEES

PART 1, GENERAL ORDINANCES

<u>Section</u>	<u>Section Title</u>
G1a	General
G1b	Management of Retirement System
G1c	Continuous Service
G1d	Disability Payments
G1e	Normal Retirement Age and Extension Thereto
G1f	Involuntary Retirement
G1g	Retirement before Normal Retirement Age
G1h	Determination of Annual Allowance
G1i	Contribution by Employees
G1j	Termination of Service before Retirement
G1k	Procedure upon Death of Employee before Retirement
G1l	Procedure upon Death of Employee after Retirement
G1m	Election of Reduced Allowance with Provision for Beneficiary
G1n	Assignment of Allowances and Claims of Creditors
G1o	Election of Social Security Adjustment Option
G1p	Vested Pension

SEC. G1a GENERAL

There shall be in The Metropolitan District a retirement system for all permanent District employees.

Changes in the retirement system for those employees in a bargaining unit are subject to collective bargaining pursuant to the Municipal Employee Relations Act while changes for non-bargaining unit employees are not. Therefore, the District may change retirement system provisions to include or exclude bargaining unit or non-bargaining unit employees as the case may be.

(Adopted October 17, 1984)

(Effective October 27, 1984)

SEC. G1b MANAGEMENT OF RETIREMENT SYSTEM

The management of the retirement system shall be vested in a committee, to be known as the Personnel, Pension and Insurance Committee. Said committee, in addition to other powers specified by By-Law, shall have full charge of all fringe benefit insurance for District employees, and each bureau, commission, committee and officer having any transactions involving employee insurance shall refer these to the Personnel, Pension and Insurance Committee as to the form and amount of insurance. Said committee is authorized and empowered to name brokers, agents, advisors and consultants to handle this employee fringe benefit insurance as well as other District insurance. The Personnel, Pension and Insurance Committee shall have power to make reasonable rules and regulations for carrying out the provisions of this ordinance. The heads of the several functions of the District shall supply promptly to said committee such information as said committee may require.

Any District employee desiring to be retired under the voluntary or normal retirement provisions of these ordinances shall make written application on the approved forms for retirement to the Director of Human Resources who shall process such application, authorizing retirement and report same to the Personnel, Pension and Insurance Committee on a quarterly basis.

Any District employee desiring to receive an allowance by reason of disability shall make written application for disability payments together with medical documentation to said Director of Human Resources. The District reserves the right to review and confirm the medical documentation as a part of their consideration of the disability request.

(Adopted December 6, 1999)

(Effective December 16, 1999)

SEC. G1c CONTINUOUS SERVICE

All service credited for pensions shall be continuous service unless otherwise approved by the Personnel, Pension and Insurance Committee.

Continuity of service shall not be considered interrupted by the following:

1. Periods of absence of not more than ninety (90) days in any one year.
2. Periods of absence of more than ninety (90) days by reason of disability of an employee or any member of his or her immediate family necessitating the regular attendance of a physician, unless such requirement be waived if such attendance is declared unnecessary by medical authority satisfactory to the Personnel, Pension and Insurance Committee.
3. Periods of absence for reasons which in the opinion of the Personnel, Pension and Insurance Committee are beyond the control of the employee.
4. Periods for which leaves of absence without pay have been granted to an employee for any purpose deemed by the Personnel, Pension and Insurance Committee to be to the advantage of the District.
5. Periods of absence, not in excess of five (5) years, upon approval by the Personnel, Pension and Insurance Committee, provided that prior to such absence the employee had not less than two (2) years of continuous employment.

No such period of absence in excess of ninety (90) consecutive days shall be included in the period of service in determining the amount of the retirement allowance. The period of employment prior to such absence may be included in the period of service in determining the retirement allowance provided the employee elects to pay any amount due as employee contributions for such period.

(Adopted February 4, 1985)

(Effective February 14, 1985)

SEC. G1d DISABILITY PAYMENTS

Any District employee who shall have completed at least ten (10) years of continuous service shall receive disability payments in the event that such employee has become permanently disabled from engaging in any gainful occupation or employment, such allowance to continue during the period of such disability. The existence and continuance of such disability shall be determined by the District Manager after such

medical examination as shall be required. Such allowance shall not be paid in any case which shall come within the terms of the Workers' Compensation Act, except when payments under said law shall be less than the allowance provided by the terms hereof, in which event the difference between such allowance and such compensation benefits shall be paid, or except when such payments shall have terminated.

(Adopted October 17, 1984)

(Effective October 27, 1984)

SEC. G1e NORMAL RETIREMENT AGE AND EXTENSION THERETO

The normal retirement age for all District employees shall be sixty-five (65) years and he or she may retire from active service and receive a retirement allowance as stipulated in Section G1h. Any employee who desires to continue work beyond the normal retirement age may do so. Anyone staying beyond normal retirement age may be required to undergo an annual physical at the employer's expense. Employee contributions shall continue to be made. Retirement credit will be received for such service beyond normal retirement age to the extent provided for in Section G1h.

(Adopted January 4, 1988)

(Effective January 14, 1988)

SEC. G1f INVOLUNTARY RETIREMENT

Any district employee who has completed ten (10) years of service may be retired at the discretion of the Personnel, Pension and Insurance Committee on an involuntary basis, except for malfeasance or misfeasance in office and shall receive a retirement allowance as approved by the Personnel, Pension and Insurance Committee, but in no case shall such retirement allowance be greater than the allowance provided for in Section G1h 1.

(Adopted April 3, 1989)

(Effective April 13, 1989)

SEC. G1g RETIREMENT BEFORE NORMAL RETIREMENT AGE

In addition to what is hereinabove provided, in Sections G1d and G1f any District employee may retire from active service before the normal retirement age and receive a retirement allowance as stipulated in Sec. G1h who:

1. has completed ten (10) years of continuous service and attained the age of fifty-five (55) years; or

2. has attained an age and continuous service in years and full months equal to or exceeding eighty-five (85) years.

(Adopted December 6, 1999)

(Effective December 16, 1999)

SEC. G1h DETERMINATION OF ANNUAL ALLOWANCE

After retirement in accordance with the provisions hereof, any District employee shall receive, in lieu of any other compensation, an annual allowance payable monthly, for the term of such employee's natural life, based on completed service and earnings before retirement as follows:

1. For such employees:

- (a) Who have attained normal retirement age;
- (b) Whose age and length of continuous service in years and full months equals or exceeds eighty-five (85);
- (c) Who receive a disability allowance under the provisions of Section G1d;
- (d) Who receive an involuntary retirement allowance under the provisions of Section G1f;

a pension based on two percent (2%) for each year and seventeen one-hundredths of one percent (0.17%) for each month of completed service not to exceed sixty-four percent (64%), times the average earnings of the three (3) years which give the highest average out of the last ten (10) years before retirement. Up to 30 days of accrued sick leave and/or vacation time, if available, shall be included in the average earnings. Effective July 1, 1999 said 30 days maximum shall be increased to 50 days. No allowance for earnings received for overtime work after December 31, 1983 for non-bargaining unit employees and May 31, 1984 for bargaining unit employees will be included in yearly earnings.

2. For such employees

- (a) Who have attained age fifty-five (55) and completed ten (10) years of continuous service; or

- b) Who have terminated their service prior to becoming eligible for a pension and have completed ten (10) years or more of continuous service and elected to vest their pension, pursuant to Section G1j;

a pension based on two percent (2%) for each year and seventeen one-hundredths of one percent (0.17%) for each month of completed service, not to exceed sixty-four percent (64%), times the average earnings of the three (3) years which give the highest average out of the last ten (10) years before retirement pursuant to subsection 2(a) hereof, or termination pursuant to subsection 2(b) hereof, reduced by five percent (5%) for each complete year and forty-two one-hundredths of one percent (0.42%) for each month or fraction thereof that termination precedes normal retirement. No allowance for earnings received for overtime work after December 31, 1983 for non-bargaining unit employees and May 31, 1984 for bargaining unit employees will be included in yearly earnings.

(Adopted December 6, 1999)

(Effective December 16, 1999)

SEC. G1i CONTRIBUTION BY EMPLOYEES

Each District employee shall contribute five percent (5%) of his or her earnings, exclusive of any amounts attributable to overtime, toward the cost of the benefits provided hereunder and the remainder of said cost shall be paid by the District. All employee contributions shall be nondiscretionary and shall be deducted from each payroll. Such contributions shall be applied toward the cost of the retirement allowances provided for by the terms of this ordinance in compliance with Section 414(h)(2) of the Internal Revenue code.

(Adopted April 3, 1989)

(Effective April 13, 1989)

SEC. G1j TERMINATION OF SERVICE BEFORE RETIREMENT

Any District employee whose service is terminated before retirement shall be paid the total amount of his or her contributions plus compound interest at the rate of two percent (2%) per annum until January 1, 1984 and five percent (5%) per annum thereafter calculated on contributions from the end of the year in which it was paid to the beginning of the month in which termination of service shall occur. No employee shall withdraw his or her contributions during his or her period of service with the District or during any periods of absence referred to in section G1c. In lieu of said payment provided for in this section, any employee whose service is terminated for any reason except malfeasance or misfeasance in office and has rendered at least ten (10) years of continuous service - may elect to vest his or her

pension by allowing his or her contributions to remain in the pension fund. Any employee who elects to vest his or her pension shall receive a pension allowance as stated in Sec. G1h (2) commencing at age fifty-five (55) or thereafter as elected by the employee.

(Adopted October 17, 1984)

(Effective October 27, 1984)

SEC. G1k PROCEDURE UPON DEATH OF EMPLOYEE BEFORE RETIREMENT

If a District employee shall die before retirement from active service the total amount of the employee's contributions plus compound interest at the rate of two percent (2%) per annum until January 1, 1971 and three and one-half per cent (3 1/2%) per annum until January 1, 1984 and five per cent (5%) per annum thereafter, calculated on contributions from the end of the year in which it was paid to the beginning of the month in which death occurs, shall be paid to the beneficiary designated by the employee. If no designated beneficiary shall survive the employee said amount shall be paid to the surviving widow or widower, and if there shall be no surviving widow or widower, in equal shares to the employee's surviving children and, if there be no surviving children, the employee's surviving parents or parent and, if there be no surviving parent, in equal shares to the employee's surviving brothers and sisters and, if there be no such survivors, to the employee's executor or administrator, but if such an employee shall die before retirement from active service and the employee has attained age forty (40) and has completed ten (10) years of continuous service, and if the employee has been married to his or her present spouse for at least one (1) year, and if he or she has named the spouse as his or her sole primary beneficiary to receive the death benefit under the basic plan, the widow or widower shall receive an allowance of two percent (2%) for each year and seventeen one-hundredths of one percent (0.17%) for each month of completed service not to exceed sixty-four percent (64%) times the average earnings of the three (3) years which give the highest average out of the last ten (10) years. Up to 30 days of accrued sick leave and/or vacation time, if available, shall be included in the average earnings. Effective July 1, 1999 said 30 days maximum shall be increased to 50 days. The allowance shall be reduced by two percent (2%) for each complete year and seventeen one-hundredths of one percent (0.17%) for each month that death precedes normal retirement age or age and continuous service in years and full months equal to eighty-five (85), whichever shall result in the lesser reduction. The amount shall be an actuarially determined allowance payable monthly during the term of his or her natural life, but if he or she dies before receiving an amount equal to the death benefit, the balance will be paid to his or her designated beneficiary.

(Adopted December 6, 1999)

(Effective December 16, 1999)

SEC. G1I PROCEDURE UPON DEATH OF EMPLOYEE AFTER RETIREMENT

If a District employee shall die after retirement from active service and before he or she has received payments on account of his or her retirement allowance at least equal to the total amount of his or her contributions plus compound interest as provided in Section G1j, the difference between said payments and said contributions plus such interest shall be paid to the beneficiary designated by him or her. If no designated beneficiary shall survive the employee said amount shall be paid as provided in section G1k. However, if an employee does not elect the reduced retirement allowance with provision for a beneficiary as provided in Section G1m, and he or she dies before receiving payments for at least five (5) years, his or her beneficiary will continue to receive the same monthly pension payment for the remainder of the five-year period from the date of his or her retirement. However, if an employee does not elect the reduced retirement allowance as provided in section G1m, he or she may elect an additional five (5) years Certain and Continuous option. Under this option, he or she will receive an actuarially reduced pension as defined in the plan, and if he or she dies before receiving payment for at least ten (10) years, his or her beneficiary will continue to receive the same monthly pension for the remainder of the ten (10) year period from the date of his or her retirement.

(Adopted October 17, 1984)

(Effective October 27, 1984)

SEC. G1m ELECTION OF REDUCED ALLOWANCE WITH PROVISION FOR BENEFICIARY

In lieu of the retirement allowance to which a District employee may be entitled to hereunder, a District employee may elect to receive an actuarially reduced allowance as defined in the plan, payable during the term of the employee's natural life and, if such employee shall die after retirement, payable to a dependent designated by the employee during the life of such dependent provided such employee shall submit evidence as to such employee's good health satisfactory to the Personnel, Pension and Insurance Committee unless such employee shall make such election more than three (3) months before the date of said retirement. After such election shall have been made, it shall not be subject to revocation or alteration in any way without the consent of the Personnel, Pension and Insurance Committee. If such employee or such designated dependent shall die before the retirement of such employee, such election shall be inoperative.

The employee may elect the adjustment annuity option which will further reduce said retirement allowance as specified above in this section. Such election will cause the reduced pension to revert to the original pension of the employee should the spouse predecease the employee after retirement.

(Adopted February 4, 1985)

(Effective February 14, 1985)

SEC. G1n ASSIGNMENT OF ALLOWANCES AND CLAIMS OF CREDITORS

No employee, dependent or beneficiary shall assign any part of the allowance payable under the terms of this ordinance. All such allowances shall be exempt from the claims of creditors of the employee, the dependents and the beneficiaries, provided if the provisions of this section shall be contrary to the laws governing a particular set of circumstances, as to that set of circumstances any allowance payable hereunder shall be exempt to the maximum extent permitted by law. The only exceptions to this rule are IRS tax liens and approved domestic relations orders.

(Adopted December 6, 1999)

(Effective December 16, 1999)

SEC. G1o ELECTION OF SOCIAL SECURITY ADJUSTMENT OPTION

An employee who is eligible to retire before his or her normal retirement date as provided for in Section G1g and elects to do so, may further elect the Social Security adjustment option. This option shall provide increased retirement allowance payments before the first day of the month coinciding with or next following either: (1) the employee's sixty-fifth birthday or (2) the attainment of the earliest age at which the retiring employee wishes to become entitled to receive his or her Social Security benefits and actuarially decreased retirement allowance payments thereafter.

(Adopted October 17, 1984)

(Effective October 27, 1984)

SEC. G1p VESTED PENSION

An employee who elects to vest his or her pension and elects to receive retirement benefits will receive the benefit as herein above provided in the applicable retirement ordinance at the time of election to vest. Employees who elect to vest their pension will not be eligible for medical benefits that are provided to employees retiring from active service directly to pension status.

(Adopted October 17, 1984)

(Effective October 27, 1984)

G-2 DEBT EXPENSE FUND

PART 2, GENERAL ORDINANCES

<u>Section</u>	<u>Section Title</u>
G2a	Debt Service Fund - Sewer
G2b	Debt Service Fund - Assessable Sewer

SEC. G2a DEBT SERVICE FUND - SEWER

For the purpose of paying principal and interest on debt obligations of the District funded through sewer revenues, the Treasurer shall maintain a fund with a separate bank account known as the Debt Service Fund - Sewer. Monies held in the fund may be invested, from time to time, by the Treasurer in a manner similar to other funds of the District as may be permissible by law. In the Debt Service Fund - Sewer, the following shall be deposited:

- a. All budget appropriations and budget transfers funded through sewer revenues as may be recommended by the Board of Finance and approved by the District Board, or in the absence of such recommendation by a vote of the District Board.
- b. All income from the investment of monies in the fund and any premiums and accrued interest on the issuance of debt obligations funded through sewer revenues.
- c. The unexpended balance of special appropriations or program appropriations as may be recommended by the Board of Finance and approved by the District Board, or in the absence of such recommendation by a vote of the District Board.
- d. The transfer of all or any part of the Sewer Revenue Fund surplus as may be recommended by the Board of Finance and approved by the District Board, or in the absence of such recommendation by a vote of the District Board.

All or part of any surplus which may occur in the Debt Service Fund - Sewer may be transferred to that portion of the General Fund funded through sewer revenues as may be recommended by the Board of Finance and approved by the District Board, or in the absence of such recommendation by a vote of the District Board.

(Adopted June 2, 1986)

(Effective June 12, 1986)

SEC. G2b DEBT SERVICE FUND - ASSESSABLE SEWER

For the purpose of paying principal and interest on debt obligations of the District funded through the sewer assessment revenues of the Assessable Sewer Construction Fund, or special appropriations as recommended by the Board of Finance and approved by the District Board, or in the absence of such recommendation by a vote of the District Board, the Treasurer shall maintain a fund with a separate bank account known as the Debt Service Fund - Assessable Sewer. Monies held in the fund may be invested, from time to time, by the Treasurer in a manner similar to other funds of the District as may be permissible by law. In the Debt Service Fund - Assessable Sewer, the following shall be deposited:

- a. The total amount required to meet the annual debt obligation of the Assessable Sewer Construction Fund.
- b. All income from the investment of monies in the fund and any premiums and accrued interest on the issuance of debt obligations funded through the Assessable Sewer Construction Fund.
- c. The unexpended balance of special appropriations or program appropriations as may be recommended by the Board of Finance and approved by the District Board, or in the absence of such recommendation by a vote of the District Board.
- d. The transfer of all or any part of the Assessable Sewer Construction Fund surplus as may be recommended by the Board of Finance and approved by the District Board, or in the absence of such recommendation by a vote of the District Board.

All or part of any surplus which may occur in the Debt Service Fund - Assessable Sewer may be transferred to the Assessable Sewer Construction Fund as may be recommended by the Board of Finance and approved by the District Board, or in the absence of such recommendation by a vote of the District Board.

(Adopted June 2, 1986)

(Effective June 12, 1986)

G-3 ASSESSABLE SEWER CONSTRUCTION FUND

PART 3, GENERAL ORDINANCES

<u>Section</u>	<u>Section Title</u>
G3a	Establishment of Fund
G3b	Monies Deposited in the Fund
G3c	Expenditures from the Fund
G3d	Surplus of the Fund
G3e	Authorization to Borrow

SEC. G3a ESTABLISHMENT OF FUND

There shall be a fund to be known as the Assessable Sewer Construction Fund, and the Treasurer shall maintain within said fund an accounting of:

- I. Sewer projects the cost of which is to be paid in whole by assessment of benefits or in part by assessment of benefits and in part by Federal, or State grants, or by bond funds or budget appropriations, or other income.
- II. Sewer projects where separate accounting and financing are required by State or Federal regulations.

(Adopted June 2, 1986)

(Effective June 12, 1986)

SEC. G3b MONIES DEPOSITED IN THE FUND

The Treasurer shall deposit in said fund

- a. All collections from assessments
- b. All payments for outlet and connection charges
- c. Portions of Federal or State grants as specified
- d. Authorized transfers from other funds
- e. Other income resulting from operations of the fund

(Adopted June 2, 1986)

(Effective June 12, 1986)

SEC. G3c EXPENDITURES FROM THE FUND

The Treasurer shall make expenditures from said fund upon proper authorization for:

- a. Construction and related costs of sewers as defined in Sec. S10e.
- b. The transfer of monies to the Debt Service Fund - Assessable Sewer for the purpose of paying principal and interest on debt obligations.
- c. Awards by court or approved settlements in connection with appeals on assessments.
- d. Transfers to other accounts of unexpended portions of monies deposited in the fund from such other accounts.

(Adopted June 2, 1986)

(Effective June 12, 1986)

SEC. G3d SURPLUS OF THE FUND

Any surplus accumulated in the fund, except for surplus resulting from the layout and assessment of sewers, may be used to defray assessable sewer construction fund costs not collectible by assessment, or said surplus upon proper authorization may be transferred to revenue surplus of the General Fund or the Debt Service Fund - Assessable Sewer as may be recommended by the Board of Finance and approved by the District Board, or in the absence of such recommendation by a vote of the District Board.

(Adopted June 2, 1986)

(Effective June 12, 1986)

SEC. G3e AUTHORIZATION TO BORROW

The Treasurer may, upon proper authorization, borrow such sums as may be necessary to finance authorized expenditures from the fund.

(Adopted Nov. 14, 1966)

(Effective Jan. 1, 1967)

G-4 INSURANCE RESERVE FUND

PART 4, GENERAL ORDINANCES

<u>Section</u>	<u>Section Title</u>
G4a	Authorization of Fund, Purpose
G4b	Fund Revenues
G4c	Fund Balance
G4d	Fund Expenditures

SEC. G4a AUTHORIZATION OF FUND, PURPOSE

The Metropolitan District is authorized to establish and maintain an Insurance Reserve Fund. Such fund is authorized for the purpose of providing for necessary expenditures arising from claims against the District and losses to the District which are not covered by insurance and/or are not part of the usual cost of obtaining insurance coverage.

(Adopted April 7, 1986)

(Effective April 17, 1986)

SEC. G4b FUND REVENUES

Revenues of the Fund may be derived from the following:

- 1) Transfers from the existing Workers Compensation Reserve budget account.
- 2) Appropriations in the annual budget and any special appropriations as may be recommended by the Board of Finance and approved by the District Board.
- 3) Insurance premium and reserve rebates due the District as a result of retrospective insurance adjustments or the settlement of claims.
- 4) Interest income from the investment of monies in the Fund.
- 5) Reparations to the District from parties responsible for losses to District property and/or their insurers.
- 6) Disaster aid funds from the State or the Federal governments made in compensation for the District's property losses related to a disaster.

(Adopted April 7, 1986)

(Effective April 17, 1986)

SEC. G4c FUND BALANCE

The Insurance Reserve Fund balance shall not lapse at the end of any given fiscal period, and the fund balance shall be invested in a manner similar to other funds of the District as may be deemed financially prudent and as is permissible by law. Interest earned on the investment of monies in the Fund, as provided for in section (b) 4, shall accrue to and be made part of the Fund. The use of monies in the fund balance for purposes other than those stated in section (d) of this ordinance, including transfer from the fund balance to other funds is not authorized and shall require a revision to this ordinance.

(Adopted April 7, 1986)

(Effective April 17, 1986)

SEC. G4d FUND EXPENDITURES

Expenditures from the Insurance Reserve Fund shall be made in accordance with the District Charter. Fund expenditures are permissible for the following purposes:

- 1) The settlement of uninsured claims against the District or judgements in excess of insurance.
- 2) The establishment of reserves for claims or potential claims against the District.
- 3) The payment of retrospective adjustments or experience rated premiums in excess of the usual cost of obtaining insurance coverage as determined by the Personnel, Pension and Insurance Committee.
- 4) The payment of the deductible portion of insured claims.
- 5) To pay for the cost of replacing or repairing the District's property which may become lost, damaged or destroyed including that which is lost, damaged or destroyed by persons who may be responsible for reparations received or to be received pursuant to subsection (b) 5 herein.

The expenditure of monies held in the Insurance Reserve Fund of less than \$5,000.00 for the purposes stated in this section of the ordinances of the District shall require the approval of District Counsel or his designee. The expenditure of monies held in the Insurance Reserve Fund of more than \$5,000.00 for the purposes stated in this section of the ordinances of the District shall be recommended by the Personnel, Pension and Insurance Committee to the Board of Finance for approval by the District Board.

(Adopted April 7, 1986)

(Effective April 17, 1986)

G-5 CONTRACTOR EVALUATION

PART 5, GENERAL ORDINANCES

<u>Section</u>	<u>Section Title</u>
G5a	General
G5b	Project-In-Progress Evaluation
G5c	Project-End Evaluation
G5d	Appeal Process
G5e	Evaluation Ratings; Consequences Thereof
G5f	Evaluation Criteria

SEC. G5a GENERAL

The Metropolitan District ("District") shall institute a process by which individual contractors performing construction work for the District shall be evaluated on job performance. Evaluations shall be performed on those projects going out to bid on or after the effective date of this ordinance and notice of the same shall appear in the Request for Proposal/Invitation to Bid documents. Said evaluations shall be performed in accordance with the provisions of this Chapter G-5.

(Adopted March 2, 1992)

(Effective March 12, 1992)

SEC. G5b PROJECT-IN-PROGRESS EVALUATION

The District shall perform an evaluation of the contractor's performance at such time as approximately fifty percent (50%) of the project is completed as measured by the accrued amount of payment requisitions. The evaluation shall be performed using the same criteria as used in the Project-End evaluation. Upon completion of the Project-in-Progress evaluation, the results thereof shall be communicated to the contractor in summary form together with suggestions for areas in need of improvement. The Project-in-Progress evaluation shall be an informal process and, at the request of the contractor, District staff shall meet with the contractor to discuss the results of the evaluation.

(Adopted March 2, 1992)

(Effective March 12, 1992)

SEC. G5c PROJECT-END EVALUATION

Upon substantial completion of a project, the District shall perform a Project-End evaluation of the contractor's performance on the project. The areas in which the contractor will be evaluated are listed in Section G5f. Upon completion of the evaluation review and prior to a final determination of the rating by the Function Director, the proposed Project-End evaluation rating together with copies of all documentation supporting such rating shall be supplied to the contractor. If the contractor disputes such rating, it shall give notice of the same to the Function Director within five (5) days of receipt of the proposed rating. The contractor shall have a fifteen (15) day period from the date of receipt of the proposed rating to submit to the Function Director such documentation and other materials that the contractor deems supports its position. The Function Director shall then review all materials and determine within fifteen (15) days of either the date of receipt of the contractor's materials or the date by when such materials are required to be filed whichever is sooner, whether or not the proposed Project-End evaluation rating shall become final. The final Project-End evaluation rating shall be sent to the contractor within five (5) days of the date it is made. If the contractor does not dispute the proposed Project-End evaluation rating, it shall be deemed to be the final Project-

End evaluation rating and shall become effective as of the sixteenth (16th) day after notice of the proposed rating is received by the contractor. No Project-End evaluation rating shall be final unless and until signed by the District Manager. For the purposes of this ordinance, receipt shall be the date of actual receipt or refusal, if refused.

(Adopted March 2, 1992)

(Effective March 12, 1992)

SEC. G5d APPEAL PROCESS

If the contractor disputes the final Project-End evaluation rating, it shall have the right to appeal such decision. Such appeal shall be allowed, however, only if the contractor disputed the proposed Project-End evaluation rating through the process set forth in Section G5c. Any appeal shall be filed with the District Clerk no later than ten (10) days after the date of receipt by the contractor of the final Project-End evaluation rating. Such appeal shall set forth the specific basis for the contractor's dispute and shall contain such supplementary documentation as may be necessary or helpful in supporting the contractor's position. The appeal shall be heard by the District Manager. The appeal shall be heard in a timely manner and in no case shall it commence later than thirty (30) days after the submittal of such appeal. At the appeal, the contractor and the Function Director each shall have the right to present documentation, materials and witnesses in support of its respective position and to cross examine the witnesses of the other. The procedure for conducting such hearings shall be as established and published by the District Manager.

(Adopted March 2, 1992)

(Effective March 12, 1992)

SEC. G5e EVALUATION RATINGS; CONSEQUENCES THEREOF

The performance rating for each contractor evaluated shall fall into one of two categories: (a) Acceptable; and (b) Unacceptable. If a contractor receives a rating of Acceptable, then the District shall continue to accept and consider future bid proposals from the contractor, provided other bid requirements are met. If the contractor receives a rating of Unacceptable, then bids from the contractor shall not be accepted or considered by the District for a period of either: (a) two (2) years from the date of the final Project-End evaluation rating if the contract amount of the project for which the contractor was rated Unacceptable was less than \$2,000,000.00; or (b) four (4) years from the date of the final Project-End evaluation rating if the contract amount of the project for which the contractor was rated Unacceptable was equal to or greater than \$2,000,000.00.

(Adopted March 2, 1992)

(Effective March 12, 1992)

SEC. G5f EVALUATION CRITERIA

The contractor shall be rated on a variety of criteria deemed by the District to be critical in effective performance of its construction projects. These criteria shall include, but shall not be limited to, the following: (a) competence; (b) workmanship; (c) diligent prosecution and timely completion of work; (d) cooperation; (e) relations with public and local officials; (f) management of job site conditions; (g) organization and management of resources; (h) legitimacy of claims for extra charges; and (i) maintenance of financial and management capacity. The District staff shall prepare, from time to time, a standard evaluation form. Such form shall set forth the specific criteria being evaluated and the relative weighting of each criteria. Such form shall be included in every request for proposals or invitations to bid, for which the project contractor shall be evaluated, or shall otherwise be made available to contractors.

(Adopted March 2, 1992)

(Effective March 12, 1992)

G-6 PROFESSIONAL SERVICES PROCUREMENT

PART 6, GENERAL ORDINANCES

<u>Section</u>	<u>Section Title</u>
G6a	General
G6b	Request for Qualifications
G6c	Review of Qualifications
G6d	Request for Proposals
G6e	Review of Proposals
G6f	Final Selection
G6g	Quality Based Selection
G6h	Indefinite-Delivery/Indefinite-Quantity Selection

SEC. G6a GENERAL

With the exception of those contracts for professional services of an architectural or engineering nature awarded pursuant to Section G6g and G6h below, all contracts for professional services in excess of the amount set forth in the Charter shall be awarded pursuant to the process set forth herein. For the purposes of this Chapter G6, "professional services" shall include engineering, architectural and environmental services, management studies and advice, project management, construction management, automation and computer systems analysis and design

(Adopted June 6, 2011)

(Effective June 16, 2011)

SEC. G6b REQUEST FOR QUALIFICATIONS

Said process shall commence with the issuance of a request for qualifications ("RFQ") in which providers of the desired professional services will be invited to submit statements of their qualifications to perform the task or project for which the District needs assistance. Such RFQ shall be in such form as may be developed, from time to time, by District staff and shall be published in accordance with the requirements of the Charter.

(Adopted March 2, 1992)

(Effective March 12, 1992)

SEC. G6c REVIEW OF QUALIFICATIONS

All responses to an RFQ which meet the submission requirements of such RFQ shall be reviewed by a selection panel consisting of not less than three (3) people who are employees of the District and who are selected by the District Manager. The selection panel shall review and evaluate all responses on the following bases:

- a. prior experience in projects similar to the task to be undertaken;
- b. past performance on similar projects, both for the District and other public and private entities;
- c. qualifications of personnel and proposed subcontractors and consultants; and
- d. financial capabilities and status.

Such review may consist of, but shall not be limited to, verification of references, on site review of projects offered in reference, visitations to the offices and facilities of the respondents, review of financial status and confirmation of other material furnished in the statement of qualifications.

Upon completion of such review, the selection panel shall develop a list of those respondents whose qualifications such panel deems best meet the District's need and expectations with respect to the foregoing criteria (the "short list"). Upon completion of the short list, all persons or entities submitting statements of qualifications shall be notified of the results thereof.

(Adopted March 2, 1992)

(Effective March 12, 1992)

SEC. G6d REQUEST FOR PROPOSALS

Those respondents on the short list shall be entitled to submit proposals addressing the task to be undertaken and shall be furnished with a request for proposals ("RFP") containing terms and conditions to which they must respond. Proposals shall be submitted in two (2) parts each contained in a separate sealed envelope. One envelope shall contain only the fee or price proposal of the respondent ("fee envelope"); the other envelope shall contain other information pertinent to the response to the RFP ("proposal envelope").

(Adopted March 2, 1992)

(Effective March 12, 1992)

SEC. G6e REVIEW OF PROPOSALS

Proposal envelopes shall be opened at a common date and time. Fee envelopes shall be kept unopened by the District Clerk until those of the respondents who are on the list of finalists are opened pursuant to SEC. G6f.

All responses to the RFP which meet the submission requirements of such RFP shall be reviewed by the selection panel. The selection panel shall, at this stage, review and evaluate proposals on the following bases:

- a. responsiveness of proposal to requirements of the RFP;
- b. quality of the technical approach proposed;
- c. level of effort offered as indicated by professional time committed;
- d. such other criteria as the District Manager deems are relevant to the specific project to be undertaken.

Such review may consist of, but shall not be limited to, interviews with the principals and staff of the submitting entities, review of technical information, requests for additional information, and confirmation of other material provided in the proposal.

After conducting the review of proposals, the selection panel shall prepare a list of the finalists, consisting of a predetermined number, containing those respondents to the RFP whose proposals best meet the District's expectations with respect to the foregoing criteria, which list may or may not contain all of those listed on the short list.

(Adopted March 2, 1992)

(Effective March 12, 1992)

SEC. G6f FINAL SELECTION

Upon selection of the finalists, the fee envelopes submitted by the finalists shall be opened by the District Clerk or designee and the contract shall be awarded to the finalist having the lowest fee proposal; provided, however, that if the District Manager determines that the proposal of a finalist not having the lowest fee proposal offers a specific benefit to the District, such as decreasing construction and/or operating costs, increasing capacity and/or productivity, accessing state-of-the-art and exclusive technology or other similar benefit, the contract may be awarded to such finalist notwithstanding the fact that its fee proposal is not lowest. The fee envelopes of entities that were not included on the list of finalists shall be returned unopened.

(Adopted March 2, 1992)

(Effective March 12, 1992)

SEC. G6g QUALITY BASED SELECTION

Pursuant to the authority granted to the District under Section 1(g) of Special Act 08-9 (Regular Session 2008), and upon a determination by the Chief Executive Officer ("CEO") that the interests of the District would be best served by the procurement of architectural or engineering professional services through a quality based selection process as set forth in the Federal Acquisition Regulations ("the FAR"), as codified in the FAR Subpart 36.6, the District may solicit and award such architectural and engineering professional services to the most technically qualified architect or engineer, at a fair and reasonable price determined through direct negotiations. The procedure for selection and award by way of quality based selection shall include: 1) adequate public notice of invitations to respond; 2) determination of selection criteria, prior to the issuance of the invitation to respond, consistent with the specific needs of the District and requirements of the project(s); 3) formation of an objective, qualified selection panel to review responsive proposals and make recommendations to the CEO; 4) standards and parameters for negotiations between the District and the recommended firm; and 5) standard contractual provisions, all of the foregoing being consistent with the FAR.

District staff shall establish specific implementation protocols incorporating those provisions of the FAR necessary to implement a quality based selection process as set forth above, and subject to the provisions of any applicable federal or state law or regulation. The CEO may delegate to appropriate District staff such authority as may be necessary to conduct the procurement procedures established by this ordinance as he or she may determine.

(June 9, 2010)

(Effective June 19, 2010)

G6h INDEFINITE-DELIVERY/INDEFINITE-QUANTITY SELECTION

Pursuant to the authority granted to the District under Section 1(g) of Special Act 08-9 (Regular Session 2008), and upon a determination by the Chief Executive Officer ("CEO") that the interests of the District would be best served by the procurement of engineering services through an indefinite-quantity as set forth in the Federal Acquisition Regulations ("the FAR"), as codified in the FAR Subparts 16.504 and 16.505, the District may solicit and award such engineering services when the District cannot predetermine, above a specified minimum, the precise quantities of engineering services it requires during a specific contract period, and it is inadvisable for the District to enter into a contract for more than the minimum quantity, and a recurring need for such services, from whatever source, is anticipated. The procedure for an award of an indefinite-quantity contract shall include: 1) a stated minimum value and quantity of services; 2) a request for qualifications procedure to establish a list of qualified engineers eligible to participate in the selection process, to include qualification and selection criteria; 3) a procedure to amend or supplement the list of qualified engineers on an ongoing basis through the request for qualification process; 4) standards and parameters for negotiations between the District and the engineer selected from the list of qualified engineers for a particular indefinite-quantity task; and 5) standard contractual provisions, all of the foregoing being consistent with the FAR.

(June 6, 2011)

(Effective June 16, 2011)

G-7 WORK ON NON-DISTRICT FACILITIES

PART 7, GENERAL ORDINANCES

<u>Section</u>	<u>Section Title</u>
G7a	General
G7b	Emergency Repairs
G7c	Indemnification
G7d	Charges
G7e	Written Agreement

SEC. G7a GENERAL

The Metropolitan District (the "District") shall not perform repair work on sewer and/or water facilities owned by others except as set forth in this ordinance.

(Adopted March 2, 1992)

(Effective March 12, 1992)

SEC. G7b EMERGENCY REPAIRS

The District shall perform emergency repairs of non-District facilities if: (a) the District Manager or his designee determines that delay in repair will cause unreasonable hardship to third parties; and (b) the chief executive officer or health officer of the municipality in which the facility is located, the state health authority or, if the facility is owned by another public utility, an authorized representative of the utility requests, either orally or in writing, that the District repair the facility.

(Adopted March 2, 1992)

(Effective March 12, 1992)

SEC. G7c INDEMNIFICATION

The person or entity requesting the District's services shall indemnify the District from all claims for damages from the malfunction of non-District facilities and from all claims that may be made against the District by virtue of its entering onto private property to perform the requested repair work.

(Adopted March 2, 1992)

(Effective March 12, 1992)

SEC. G7d CHARGES

All services performed by the District pursuant to a request made by a person listed in Section G7c shall be charged to the entity requesting the service. Work performed shall be billed at the District charges and rates in effect at the time the work is performed and invoices shall be sent to the entity upon completion of the work. Payment must be made within thirty (30) days of the date of the invoice. All charges not paid within the thirty (30) day period shall accrue interest at a rate of one and one half percent (1½%) per month.

(Adopted March 2, 1992)

(Effective March 12, 1992)

SEC. G7e WRITTEN AGREEMENT

Prior to performing any requested repairs, the District may require the requesting entity to sign an agreement acknowledging its acceptance of the indemnification and payment obligations of this ordinance. Failure to do so, however, shall not abrogate the entity's responsibility for such obligations or the District's rights thereunder.

(Adopted March 2, 1992)

(Effective March 12, 1992)

G-8 PROCUREMENT POLICIES

PART 8, GENERAL ORDINANCES

<u>Section</u>	<u>Section Title</u>
G8a	Supplies and Services
G8b	Electronic Bidding and Procurement Policy
G8c	Small Local Business Enterprise Program
G8d	Emergency Acquisition of Supplies and Services
G8e	Construction Management Services

SEC. G8a SUPPLIES AND SERVICES

With the exception of the procurement of supplies and services pursuant to Section G-8b below when an unusual and compelling urgency exists, supplies and services which must be purchased following public bids, pursuant to Section 2-16 of the Charter of The Metropolitan District, if the expenditure for such supplies and services exceeds twenty-five thousand dollars, shall be the same types of supplies and services which must be purchased following competitive bids by the State of Connecticut pursuant to Section 4a-57(a) of the Connecticut General Statutes.

(Adopted June 6, 2011)

(Effective June 16, 2011)

SEC. G8b ELECTRONIC BIDDING AND PROCUREMENT POLICY

In addition to, but not as a substitute for, the public notice, advertising, and contract award criteria set forth in Section 2-16 of the District Charter, the District Clerk is authorized to solicit and award contracts for work and supplies, as defined in said Charter Section, through electronic media, to include the Internet. Pursuant to this authorization, the District Clerk shall develop policies for the use of electronic media for contract solicitation and procurement consistent with competitive bidding, and shall publish said policies, and any subsequent amendment(s) as modification(s) thereto, in a daily newspaper in said District, no less than fifteen (15) days prior to the effective date of said policies, or any subsequent amendment(s) or modification(s) thereto.

(Adopted April 5, 2010)

(Effective April 22, 2010)

SEC. G8c SMALL LOCAL BUSINESS ENTERPRISE PROGRAM

Pursuant to the authority granted to the District under Section 1(g) of Special Act 08-9 (Regular Session), and consistent with the policy and processes which provide contracting opportunities for small local business as set forth in the Federal Acquisition Regulations (the "FAR"), as codified in the FAR Part 19, Subparts 19.5 and 19.7, there is established a "Small Local Business Enterprise Program" (the "SLBE") within the District's policies relating to the procurement of goods and services.

District staff shall establish specific policies and procedures for the SLBE, as provided by the FAR and subject to the provisions of any applicable federal or state law or regulation. Said policies and procedures shall include: 1) specific eligibility requirements defining "small business" and limiting the application of the SLBE to businesses located within the District's eight member towns; 2) the creation of a committee to determine, on an annual basis, the goals for participation in the SLBE, both in terms of set-aside amounts for individual and classes of District purchases and contracts and the percentage of subcontractor awards to eligible businesses under contracts between the District and its prime contractor; 3) designation by the Chief Executive Officer of such District staff as may be necessary to administer the SLBE; 4)

penalties for fraudulently misrepresentation of any facts necessary to determine eligibility for the SLBE or failure to comply with subcontracting requirements, including, but not limited to, the imposition of fines as otherwise provided in the District Charter, suspension from participation in the SLBE or debarment from contracting with the District, or termination of the prime contract; and 5) procedures for appeal of any such penalty.

The CEO may delegate such authority to appropriate District staff as may be necessary to implement or administer the SLBE Program established by this ordinance as he or she may determine.

The CEO shall provide an annual report to the District Board which includes: 1) the number and dollar value of all prime and subcontractor awards and actual payments made to SLBE contractors and subcontractors; 2) an evaluation of whether the specific goals of the SLBE for the previous year were met; and 3) an analysis of the District's progress in achieving overall program objectives.

(Adopted July 7, 2010)

(Effective July 17, 2010)

G8d EMERGENCY ACQUISITION OF SUPPLIES AND SERVICES

Pursuant to the authority granted to the District under Section 1(g) of Special Act 08-9 (Regular Session 2008), and upon a determination by the Chief Executive Officer ("CEO") or his or her designee that an emergency exists, full and open competitive bidding shall not be required and the District shall be allowed to limit the number of sources from which it solicits bids or proposals for work, materials or supplies needed to respond to the declared emergency, as permitted by the Federal Acquisition Regulations ("the FAR"), and as codified in the FAR Subparts 6.302-2 and 18.104.

An "emergency" shall exist: (i) if the delay in the award of a contract: (A) may threaten the public's safety; or (B) may place lives, health or property at risk; (ii) when services or supplies are necessary to respond to a natural disaster; or (iii) may cause serious injury, financial or otherwise, to the District. Contract awards made pursuant to this section shall be supported by written justifications and applicable written approvals. The District shall request offers from as many potential sources as is practicable under the circumstances.

The initial authorization to proceed with the authorized work shall be limited to the sum of one million dollars. Thereafter, District Board approval shall be required prior to any further contract award. Regardless of the amount of anticipated expenditures, the CEO shall notify the District Board of a determination of an emergency and the action taken in response thereto, no later than seven days from such determination.

District staff shall establish specific implementation protocols incorporating those provisions of the FAR necessary to implement an emergency acquisition process as set

forth above, and subject to the provisions of any applicable federal or state law or regulation. The CEO may delegate to appropriate District staff such authority as may be necessary to conduct the procurement procedures established by this ordinance as he or she may determine.

(Adopted June 6, 2011)

(Effective June 16, 2011)

G8e CONSTRUCTION MANAGEMENT SERVICES

Notwithstanding the provisions of Section G-8a above, and pursuant to the authority granted to the District under Section 1(g) of Special Act 08-9 (Regular Session 2008), upon a determination by the Chief Executive Officer (“CEO”) that the interests of the District would be best served by the procurement of construction management services through a best value selection process as set forth in the Federal Acquisition Regulations (“the FAR”), as codified in FAR Part 15, the District may solicit and award such construction management services using such methods as the FAR permits for a best value based selection for a reasonable price as determined by a competitive bidding process and/or negotiations. “Construction management services” shall be defined as services relating to construction planning and implementation, project estimating, assistance in procurement, construction administration support, commissioning and startup assistance, payment review, claims assistance and submittal control on major projects.

The procedure for selection and award shall include:

- 1) Adequate public notice of the invitations for qualifications and response as set forth in sections G6b through e;
- 2) A determination of selection criteria prior to the issuance of the invitation to respond, consistent with the specific needs of the District and requirements of the project(s);
- 3) Formation of an objective, qualified selection panel to review responsive proposals and make recommendations to the CEO;
- 4) Standards and parameters for the negotiation of the contract with the best proposers; and
- 5) Standard contractual provisions, all of the foregoing being consistent with the FAR

District staff shall establish specific implementation protocols incorporating those provisions of the FAR necessary to implement a best value selection process as set forth above, and subject to the provision of any applicable federal or state law or regulation. The CEO may delegate to appropriate District staff such authority as may be necessary to conduct the procurement procedures established by this ordinance as he or she may determine.

(Adopted June 6, 2011)

(Effective June 16, 2011)