



GOLF COURSE LIVING, CLOSE TO EVERYTHING

**Pine Creek Village Association (PCVA)  
Policy For  
Contract Management for Procurement of Services and Materials**

**For:** All Members of the Pine Creek Village Association  
PCVA Community Manager

**Effective Date:** March 1, 2020

**Purpose:** This Pine Creek Village Association (PCVA) **Policy For Contract Management for Procurement of Services and Materials** is approved by the Board of Directors.

**Authority:** Under Colorado Law, The Board of Directors has the legal and fiduciary responsibility and authority to issue policy statements to clarify and describe the conduct of PCVA business in accordance with By-Laws Article 3.25 (Right to Contract); and with Declaration of Covenants, Conditions, and Restrictions (CC&R) Articles including Article 3 (Membership), Article 4 (Rights and Obligations of the Association), and Article 5 (Maintenance). If any conflict is discovered between the By-Laws and/or the CC&Rs and this Charter, the direction given in the By-Laws/CC&Rs shall prevail.

**Amendments and Deviations:** The Board of Directors may amend or deviate from the direction set forth in this policy if the Board, in its sole discretion, determines such amendment or deviation is necessary and/or appropriate under the circumstances.

**Signatures: IN WITNESS,** the undersigned certifies that this Charter was adopted by the Board of Directors of the Pine Creek Village Association effective March 1st 2020.

*Printed Name and Signature:*

Handwritten signature of Sharyn McWhorter in cursive, written over a horizontal line.

Handwritten signature of Sharyn McWhorter in cursive, written over a horizontal line.  
**President, PCVA**

Handwritten signature of Daniel H. Bloor in cursive, written over a horizontal line.

Handwritten signature of Daniel H. Bloor in cursive, written over a horizontal line.  
**Secretary, PCVA**



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## A. Background.

1. Pine Creek Village is a 900-acre upscale residential community in north Colorado Springs oriented to golf course and open space amenities. The golf course, common areas, parks and trails link a variety of housing types including custom and semi-custom homes, production single-family homes, town homes and apartments. Architecture and landscape are key elements of the Pine Creek Village theme and identity. Landscaping, walls, lighting and other streetscape elements have been selected and are maintained to provide continuity throughout the community.
2. Pine Creek Village is a “**Covenant Community**” meaning that all 1,424 homeowner members that have agreed to abide by the governing documents of the Pine Creek Village Association (PCVA). PCVA Governing documents include:
  - a) Declaration of Covenants, Conditions and Restrictions (CC&R);
  - b) By-Laws;
  - c) Community Guidelines; and
  - d) Policies.
3. The purpose of PCVA is to ensure a continuing quality neighborhood environment from the design and maintenance of the homes to the quality of life of its residents, and to ensure the highest possible property values. (ref CC&R Article 4, para 4.1, Function of the Association; and Article 5, para 5.1 Association's Responsibility).

## B. Roles and Responsibilities.

1. The **PCVA Board of Directors** is the only lawful representative of “*the Association*”...and”...*may, in its sole discretion, provide the requested services*” (ref CC&Rs para 3.4; and CC&R, para 4.4 on Implied Rights: Board Authority). The Board possesses the sole (Fiduciary) responsibility and authority to receive and validate PCVA requirements, and then identify and deliver solutions to meet needs,



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including any obligation of funds and any necessary procurement of materials and services contracts.

The PCVA Board of Directors possesses Fiduciary duty as the primary duty of the Board—meaning each member of the elected Board of Directors is lawfully bound to perform the “Duty of Care” including:

- a) Act in good faith\*;
- b) Act with the care of an ordinary prudent person in a like position would exercise under similar circumstances; and
- c) Act in a manner the director reasonably believes to be in the Association’s best interests.

\* See the PCVA policy on Director Conflict of Interest at [pcva.org](http://pcva.org)

2. A **Community Association Manager (CAM)** operates under guidance and direction of the Board to manage and administer the Association’s business including all contracts and financial matters in full compliance with Colorado Law, PCVA CC&Rs, PCVA Community Guidelines and Policies. The CAM is licensed by the Colorado Division of Regulatory Agencies (DORA) and provided under contractual agreement between the PCVA Board of Directors and a Managing Agent.
3. **Homeowners and Neighborhood Representatives** can contribute time and expertise in support of the Board’s Contract Management—principally in the formulation of written Requirements and development of Draft Requests for Proposal (RFP).
  - a) Homeowners and neighborhood representatives are not responsible for, and generally should not be involved in contract management matters including the development, coordination and release an RFP or solicitation of bids, nor are they responsible for receiving, processing and evaluation of vendor bids, or the award of a contract for services or materials.
  - b) The Board of Directors, “*in its sole discretion*,” may invite a homeowner with specialized skills or expertise to assist the Board in various phases of contract management.
4. **Grounds Committee Review.** Many PCVA contracts are directly related to maintaining our common area landscaping and infrastructure. The Grounds Committee (GC) is established to advise and assist the PCVA Board and Community Manager to provide effective oversight, maintenance, sustainment and



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development of PCVA neighborhood common areas. (Reference the 2018 PCVA Committee Charter policy statement located at [pcva.org](http://pcva.org) ). The Board welcomes the advice of the PCVA Grounds Committee and routinely seeks the committee's review of any RFP or vendors bids and accepts any advice committee can offer to the Board. The following process is to be followed:

- a) The GC will prepare draft Requests for Approval (RFP) and prepare costs data if available.
  - b) The draft RFP will be forwarded from the GC to the CAM and PCVA Board for review and approval. Any changes or clarification to the RFP required by the Board will be discussed with the GC Chairman. Once finalized, the PCVA President will determine if the RFP will require legal review and will contact the PCVA Attorney, if necessary.
  - c) The final RFP approved by the PCVA Board will direct the CAM to provide the RFP to qualified contractors for bid. A package will be provided to the contractor including a cover letter that will reflect the closing date of contract bid submission, the RFP, where to be sent, and to ensure their bid is sealed. If a walk-thru is required the CAM will be contacted to set-up the date and time.
  - d) The submissions will be opened by the CAM with the Board Member and GC in attendance. This should be accomplished as soon as is practical.
  - e) The GC, Board Representative, and CAM will review the contractor proposals and present a recommended Contractor, and cost for the contract to the PCVA Board with justification. The PCVA Board will then vote to approve or deny. If consensus is not agreed upon by the parties mentioned above, the PCVA Board will select the contractor.
  - f) The PCVA Board will execute all contracts. The execution of the contract will be monitored by the GC, with monthly reports to the PCVA Board and recommendations for payment.
5. **PCVA vendors and industry partners** rely on PCVA Board of Directors and the PCVA Community Manager to protect proprietary information in bids submitted for consideration of contract award. This means that in most situations, homeowners and neighborhood representatives will not be privy to cost and price data contained vendor bids.

### **C. Policy on Contract Management for Procurement of Services and Materials.**



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1. **Competition is strongly desired.** In general, most routine contracts for materials and services required to operate and maintain Pine Creek Village should be competed based on a formal RFP issued to multiple vendors.
  - a) The Board is always a good steward of all PCVA resources, including all of the Association's operating and reserve funds. As such, the Board seeks competition whenever possible to minimize or reduce costs of contracted requirements.
  - b) If the Board enters into an agreement with a General Contractor, the Board relies on the General Contractor to achieve cost efficiencies by competing sub-contractor bids for materials and services needed to complete the work for PCVA.
  
2. **Value versus Lowest Price.** The Board may award a contract based on best value and may decide not to award a contract based solely on lowest price. Experience in PCVA contracts over time has shown that cost is a variable and is not the sole factor in the Board's decision on contract award. Many factors are taken into account by the Board in deciding on contract award. The Board considers, for example, a vendor's past performance and demonstrated ability to complete similar contracts on time and within budget.
  
3. **PCVA may implement Rapid, Efficient Contract Award.** There are occasions where the Board awards a contract based on time and efficiency to meet the needs of the Association.
  - a) In accordance with the PCVA governing documents CC&Rs, the Board may act unilaterally "...*In its sole discretion*" to satisfy PCVA service requirements.
  - b) This rapid, efficient approach may be appropriate when time is a factor or if the Board deems that it is in the best interest of The Association to achieve a faster or more cost-effective solution.
  
4. **Legal Review.** The Board will determine if legal review by the Association's Lawyers of all contracts or agreements prior to contract award and Board signature is necessary.
  
5. **Communication.** Throughout the lifecycle of most contract actions, there are certain details and sensitive proprietary information that the Board cannot reveal to homeowners. However, the Board will make every effort to keep the Association members informed of pending and approved contract management actions. Contract management actions are discussed at monthly Board Meetings, and Board decision are recorded in the Board Meeting Minutes for the PCVA record of business.

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