

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

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PROCESSING OF eBIDS AND eSIGNATURES	Effective Date February 26, 2016		

1. PURPOSE

- 1.1. This Administrative Regulation (A.R.) describes the process by which the City of San Diego (City) may use electronic transmission, including electronic signatures, to send and receive bids, proposals, contracts, and other documents related to the award and administration of contracts.

2. SCOPE

- 2.1. The Public Works Department, through its Public Works Contracts Division (PWC), and the Department of Purchasing and Contracting (P&C), are responsible for the solicitation and award of City contracts.

3. DEFINITIONS

- 3.1. eBid – A bid, proposal, or other document related to the award and administration of contracts transmitted to the City by Internet, or by other electronic means.
- 3.2. Electronic Bidding System or eBidding System – An online or electronic system utilized by the City to accept eBids.
- 3.3. Digital ID – A unique Personal Identification Number (PIN) assigned to each person or firm registering in the eBidding System.
- 3.4. Bid Bonds Verifier – A third party or an online surety bond processing service used by City to verify the validity of a bidder's bonding capacity.
- 3.5. Supporting Materials – Supporting materials are identified in solicitations as required submittals and include, but are not limited to, bid bonds, bidder identification, insurance certificates, certifications, and affirmations.

(New Administrative Regulation 25.85, Issue 1, effective February 26, 2016)

Authorized

[Signature on File]

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CHIEF OPERATING OFFICER

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4. POLICY

4.1. BACKGROUND

- 4.1.1. The adoption of the Uniform Electronic Transactions Act (UETA) in California and the passage of the federal Electronic Signatures in Global and National Commerce Act (ESIGN), solidified the legal landscape for the use of electronic signatures. Under the UETA and ESIGN, electronic signatures carry the same weight and legal effect as traditional handwritten (wet) signatures.
- 4.1.2. In keeping with changes in technology, and to expedite the solicitation and award process, the City may use electronic transmission, including electronic signatures, to send and receive bids, proposals, contracts, and other documents related to the award and administration of contracts.
- 4.1.3. The technology used for electronic signature must be acceptable for use by the State of California pursuant to Title 2 of the California Code of Regulations, Sections 22000 through 222005.

4.2. eBids

- 4.2.1. The City will post all solicitations to its *Electronic Bidding System* and advertise in the appropriate publications as required.
- 4.2.2. In addition to an *eBid*, City staff may require the bidder to submit their bid or proposal on paper.
- 4.2.3. *eBid* postings will detail the project name, number, type of solicitation, bid submission type (paper or electronic or both), and bid due date and time.
- 4.2.4. The *eBidding System* will also serve as a repository of all bid documents including the bid terms and conditions, requirements, specifications/scope of work, plans, drawings, and addenda.
- 4.2.5. Bidders shall be registered with the City's *eBidding system* and will be assigned a *Digital ID* in order to submit *eBids*.
- 4.2.6. Persons or firms wishing to submit bids, proposals, or other document to the City seeking award of a contract must first register online through the City's Vendor Portal by creating a profile, a *Digital ID*, and a password in accordance with the California Government Code Section 16.5 guidelines for digital signatures.

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- 4.2.7. Bidders must enter their user name, password, and *Digital ID* in order to submit their *eBids*. The City's *e-bidding system* will automatically track information submitted to the site including IP addresses, browsers being used, and the URLs from which information was submitted. In addition, the City's *eBidding System* will keep a history of every login instance including the time of login, the area of login and information about the user's computer configuration such as the operating system, browser type, version, and more. Vendors who disable their browsers' cookies will not be able to log in and use the City's *e-Bidding System*.
- 4.2.8. Bidders respond to solicitations electronically through the City's *e-Bidding System*. Bidders log on using their assigned PIN, search for the solicitation of their choice, and follow the prompts. The *e-Bidding System* performs bid tabulations. Upon the bidder's entry of their bid, the system ensures that the bidding amounts are properly posted, totaled, and complete. The *e-Bidding System* includes a *Bid Bonds Verifier*, which validates the bidders' bond. City staff will enable the "Bid Bond" form option when creating the *eBid*. Bidders will then be required to submit their bid bonds with their final bid. The system will not accept a bid for which any required information is missing. This includes all necessary pricing as well as essential documentation and any *Supporting Materials*.
- 4.2.9. Upon the submission to the City of an *eBid*, the City's *e-Bidding System* provides a printable receipt with a confirmation number and a time-stamp, a copy of which is also sent to the bidder's e-mail address. Bidders may log back in to the City's *e-Bidding System Vendor Portal* to edit or withdraw their submitted bid up until the date and time of bid closing. The aforementioned process is carried out after each bid submission by the bidder.
- 4.2.10. *eBids* are transmitted to the City's *e-Bidding System* via hypertext transfer protocol secure (https) mechanism using SSL 128-256 bit security certificates issued from Verisign/Thawte which encrypts data being transferred from client to server.
- a. At the database level, columns which contain sensitive data such as pricing, passwords, and tax IDs are encrypted using server and database level master keys to ensure maximum level of security and performance.
  - b. At the application level, only partial information about bidders is revealed to the City and the City's *e-bidding System* staff prior to bid closing date and time. This information includes the electronic bid ID numbers generated by the system, the bidders' names, and times of submittal.
  - c. After the bid deadline has passed, no further submissions are accepted into

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the system. Bidders and City staff are able to immediately see the results online. The City staff can now begin reviewing for responsiveness, Equal Contracting Opportunities Program's (EOCP) compliance, and other issues. City staff will then have the capability of editing the system and noting bidders' standings regarding responsiveness.

- d. Bid results may be viewed and copied directly from the City's *eBidding System* or by contacting the City staff listed on the solicitation document. The name and contact information for each solicitation can be found on its cover page.

4.3. e-SIGNATURES

4.3.1. After a bidder is selected for award and contract documents are ready for signature, City staff will use the City's document signing service in lieu of mailing hard copy documents via overnight delivery service.

- a. City Staff will upload Microsoft Word or PDF document formats from their computer to the document signing service web-site.
- b. City Staff will insert the appropriate tags to indicate where signatures, initials or dates are required. The service will then email a link to recipients where they can access the document and sign it electronically. After the document is complete it is stored securely for easy retrieval.

5. RESPONSIBILITY

5.1. Public Works Department

5.1.1. Tasked with the City's procurement and contracting processes related to Public Work's Construction and Architectural & Engineering (A&E) professional services related to the City's Capital Improvement Program.

5.2. Purchasing and Contracting Department

5.2.1. City department tasked with the responsibility of the procurement and contracting processes for the City related to goods, services and non A&E professional services.

5.3. City Personnel

5.3.1. Any City staff responsible for the solicitation and award of City contracts are

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responsible for being aware of and fully complying with this Administrative Regulation at all times.

5.4. Department/Division Head

- 5.4.1. Ensure the department properly approved the proposed solicitation and has executed the appropriate Service Level Agreement or Project Charter with the Public Works Department.

APPENDIX

Legal References

San Diego Municipal Code, Chap. 02 Art. 02 Div. 03, Contract Definitions and Procedures  
Title 2 of the California Code of Regulations, sections 22000-22005

Subject Index

Contracts Procedures  
eSignature

Administering Department

Public Works  
Purchasing and Contracting