PURCHASING AND PROCUREMENT POLICY

1.0 Purpose

1.1 The purpose of the Purchasing and Procurement Policy is to provide for the efficient, economic and lawful purchase and procurement of supplies, equipment and contractual services for all County Agencies and to ensure the uniform application of the Purchasing System established by Chapter 17 of the Colusa County Code ("Chapter 17"), which is incorporated into this Policy as Appendix A.

1.2 This Policy shall be administered by the County Purchasing Agent who shall be responsible to ensure its uniform application and may issue procedural guidelines to accomplish this purpose.

1.3 This Policy may be modified by the Board of Supervisors ("Board") at any time.

2.0 Terminology/Definitions

2.1 Unless the context clearly indicates otherwise, the terms used in this Policy shall have the same meaning and shall be used consistent with the definitions and the terms used in Chapter 17.

2.2 In addition to the definitions included in Chapter 17, for the purposes of this Policy the following words and phrases are defined as follows:

2.2.1 Comparative Pricing: Comparative Pricing is the informal process by which reasonable attempts are made to determine the best available price of supplies, equipment and services when a Request for Bid/Request for Proposal is not required. Typically Comparative Pricing is used to determine the best price of off-the-shelf or low-dollar supplies, equipment or services.

2.2.2 Fixed Asset: A fixed asset is any item:

2.2.2.1 With a purchase value of seven hundred fifty dollars ($750) or more and an expected useful life exceeding three (3) years; or

2.2.2.2 Computer equipment so designated by the Purchasing Agent, regardless of purchase value.

2.2.3 Information Technology Equipment: The term "Information Technology Equipment" shall include all forms of equipment by which information, in its various forms, is created, processed, disseminated, exchanged, used, manipulated, stored and accessed electronically. Information technology includes, but is not limited to, computer systems, software, networks, telecommunications devices and visual imaging applications.

2.2.4 Motor Vehicle: A "Motor Vehicle" is any wheeled motorized vehicle which must be registered with the Department of Motor Vehicles for on or off-highway use.

2.2.5 Request for Bid: A Request for Bid ("RFB") is an invitation to contractors or equipment suppliers to submit a detailed proposal regarding a specific product or a specific service to be provided. Generally a Request for Bid is used when the specifications of the product or service requested are already known. Typically, bids are awarded to the lowest responsive and responsible bidder.

2.2.6 Request for Proposal: A Request for Proposal ("RFP") is an invitation to contractors or suppliers to make proposals regarding the provision of a product or service when the specifications of the product or the best method to provide the service are not known. The response to an RFP may include suggestions and ideas regarding how the project should be completed. Typically, the most advantageous offer is determined through an evaluation process which considers cost as just one of several criteria for making the award.

2.2.7 Sole Source Purchase: A Sole Source Purchase is the purchase of supplies, equipment or services which can only be purchased from one supplier or, the purchase of supplies, equipment or services from only one supplier when it has been determined in writing that it is the best interest of the County to purchase from only one source.

3.0 Designation of Purchasing Agent

3.1 The County Administrative Officer is hereby designated by the Board as the County Purchasing Agent.

3.2 The duties and responsibilities of the Purchasing Agent, including the authority to delegate all or portions of his/her duties, are prescribed by state law (Government Code Sections 25500-25509) and are subject to the provisions of Chapter 17 and this Policy.

3.3 The Purchasing Agent is responsible to administer the purchasing and procurement processes of the County. The Purchasing Agent shall manage the Purchasing and Procurement Section of the Central Services Department and, consistent with the provisions of Chapter 17, may delegate certain authority to the Purchasing Coordinator.

4.0 Purchases of Supplies and Equipment Without Competitive Bidding

4.1 Subject to the provisions of Chapter 17 and this Policy, County Agencies may purchase budgeted or unbudgeted supplies and equipment as follows:

4.1.1 Budgeted Supplies and Equipment: Each County Agency is authorized to purchase budgeted supplies and equipment, including fixed assets, in amounts up to one thousand five hundred dollars ($1,500).

4.1.2 Unbudgeted Supplies and Equipment: Each County Agency is authorized to purchase unbudgeted supplies and equipment in amounts up to two hundred fifty dollars ($250) if there are sufficient funds within the Agency budget to cover the entire cost of the purchase.

4.1.3 Emergency Purchases: If an Emergency, as defined in Chapter 17, Section 17-3 of the Colusa County Code, occurs at times other than regular business hours and the services of the Purchasing Agent or the Purchasing Agent's designee are not immediately available, a County Agency may purchase Supplies and Equipment or contract for services subject to the following:

4.1.3.1 Emergency purchases shall be made by written contract in the name of the County and approved by and executed on behalf of the County by the Agency. In the case of off-the-shelf purchases of commonly available Supplies and Equipment a detailed purchase receipt shall be considered a contract.

4.1.3.2 Each Emergency purchaser shall provide a written report detailing the nature of the Emergency and the reason(s) for the purchase to the Purchasing Agent as soon as possible, but in no event later than three (3) days following the purchase.

4.1.3.3 The Purchasing Agent will process Emergency purchases pursuant to the provisions of this Policy. If the purchase exceeds the Purchasing Agent's authority, it will be presented to the Board for ratification.

4.1.4 Limitations: Except as provided in Section 4.1.3, above, the purchase of both budgeted and unbudgeted supplies and equipment is subject to the restrictions described in Section 6.0 of this Policy.

4.2 Subject to the provisions of Chapter 17 and this Policy, the Purchasing Agent or designee may purchase budgeted or unbudgeted supplies and equipment as follows:

4.2.1 Budgeted Supplies and Equipment: The Purchasing Agent or designee is authorized to purchase budgeted supplies and equipment, including fixed assets, in amounts up to five thousand dollars ($5,000).

4.2.2 Unbudgeted Supplies and Equipment: The Purchasing Agent or designee is authorized to purchase unbudgeted supplies and equipment, including fixed assets, in amounts up to one thousand dollars ($1,000) if there are sufficient funds within the appropriate section of the budget to cover the entire cost of the purchase.

4.2.3 Emergency Purchases: In the case of an Emergency, as defined in Chapter 17, Section 17-3 of the Colusa County Code, the Purchasing Agent or the Purchasing Agent's designee may purchase Supplies and Equipment or contract for services subject to the following:

4.2.3.1 Emergency purchases which fall within the scope of the Purchasing Agent's authority will be made pursuant to the provisions of this Policy.

4.2.3.2 If an Emergency purchase exceeds the Purchasing Agent's authority he/she shall provide a written report detailing the nature of the Emergency and the reason(s) for the purchase to the Board as soon as possible, but in no event later than three (3) days following the purchase. The purchase will then be placed on the Board's next available agenda for ratification.

4.2.4 Limitations: Except as provided in Section 4.2.3, above, the purchase of both budgeted and unbudgeted supplies and equipment is subject to the restrictions described in Section 6.0 of this Policy.

4.3 Except as described in Section 5.1 below, purchases of supplies and equipment exceeding the amounts described in Sections 4.1 and 4.2 require the prior approval of the Board.

5.0 Purchases of Supplies and Equipment Requiring Competitive Bidding.

5.1 The Purchasing Agent is authorized to purchase budgeted supplies and equipment, including fixed assets, in amounts from five thousand dollars to ten thousand dollars ($5,000 - $10,000) following the receipt of publicly solicited bids and a subsequent award by the Purchasing Agent, except where the Purchasing Agent makes a written finding that competitive bidding would not be in the public interest.

5.2 The Board may authorize the purchase of supplies and equipment in amounts exceeding ten thousand dollars ($10,000) following the receipt of publicly solicited bids and a subsequent award by the Board, except where the Board makes a written finding that competitive bidding would not be in the public interest. The Purchasing Agent or designee shall be responsible for the execution of the Board's purchasing decisions.

5.3 All bids shall be developed, noticed and processed pursuant to Section 8.2 of this Policy.

6.0 Purchase of Supplies and Equipment – Limitations and Restrictions

6.1 The purchasing authority granted by Section 4.0 of this Policy notwithstanding, County Agencies preparing to purchase supplies and/or equipment will contact the Purchasing Coordinator before proceeding. The Purchasing Coordinator will determine whether one or more of the following provisions should apply and will notify the requesting County Agency of his/her determination.

6.1.1 When the County has entered into a contract with a vendor to supply all of the County's requirements for specific supplies and equipment, County Agencies are not authorized to separately purchase such supplies and equipment. The Purchasing Coordinator will process all purchases made pursuant to county-wide vendor contracts, will be responsible to administer such contracts and will distribute a current listing of all county-wide vendor contracts to County Agencies detailing supplies and/or equipment available.

6.1.2 Requests to purchase Information Technology Equipment will be processed by the Purchasing Coordinator who will coordinate such purchases with the Information Technology Division Manager.

6.1.3 The Purchasing Coordinator may consolidate purchase orders if consolidation would be more efficient and would reduce overall costs. For the purposes of consolidated purchases, the limitations described in Section 4.0 of this Policy will be applied on an Agency by Agency basis. A consolidated purchase will be deemed to be in compliance with this Policy if each portion of the purchase attributable to a purchasing authority meets the requirements of Section 4.0.

7.0 Procurement of Contractual Services

7.1 Requests by a County Agency for budgeted and unbudgeted Contractual Services shall be submitted to the Purchasing Agent.

7.1.1 If the services are budgeted and the contract is for ten thousand dollars ($10,000) or less, the Purchasing Agent may negotiate and execute the contract.

7.1.2 If the services are budgeted and the contract exceeds ten thousand dollars ($10,000), the contract may be tentatively negotiated by the Purchasing Agent and shall be presented to the Board for approval.

7.1.3 If the services are unbudgeted, the contract may be tentatively negotiated by the Purchasing Agent and shall be presented to the Board for approval.

7.2 The Board of Supervisors may enter into work order service contracts in aggregate amounts not to exceed current statutory limits (See Public Contract Code Section 20128.5) for any single group of related contracts addressing a specific anticipated need following competitive bidding in the manner provided for in Section 7.0 of this Policy. Such work order contracts shall not exceed twelve (12) months, will not include new construction and will conform to all relevant provisions of Chapter 17.

7.3 The provisions of Sections 7.1 and 7.2 above notwithstanding, public works and public facilities construction projects will be subject to the competitive bidding requirements of the Public Contracts Code. The Purchasing Agent shall be responsible to ensure compliance with these requirements.

7.4 All contracts awarded must be reviewed and approved as to form and legal sufficiency by County Counsel prior to execution.

7.5 Executed original contracts shall be filed with the Clerk of the Board and will be assigned a contract number.

8.0 Comparative Pricing, Requests for Bids and Requests for Proposals

8.1 Comparative Pricing.

8.1.1 When RFBs or RFPs are not required by Chapter 17 or this Policy, Comparative Pricing will be utilized to reasonably ensure that the County is taking advantage of the best available price.

8.1.2 When the use of Comparative Pricing is appropriate, every reasonable effort will be made to obtain at least three (3) quotes.

8.1.3 A County Agency may use Comparative Pricing to tentatively identify best available prices however the Agency will verify the results with the Purchasing Coordinator before making the purchase.

8.2 Requests for Bids

8.2.1 Except as provided Sections 8.2.1.1 through 8.2.1.4 below, the purchase of supplies or equipment exceeding five thousand dollars ($5,000) and the award of all work-order contracts shall be subject to the competitive bidding procedures.

8.2.1.1 If the purchase does not exceed ten thousand dollars ($10,000) and the Purchasing Agent makes a written finding that competitive bidding would not be in the public interest, compliance with the bidding process will not be required.

8.2.1.2 If the purchase exceeds ten thousand dollars ($10,000) and the Board makes a written finding that competitive bidding would not be in the public interest, compliance with the bidding process will not be required.

8.2.1.3 Under appropriate circumstances and pursuant to written findings, the Purchasing Agent may authorize Sole Source Purchases, as defined in Section 2.2.7 of this Policy, if the purchase does not exceed ten thousand dollars ($10,000). Under appropriate circumstances and following the adoption of written findings, the Board may authorize Sole Source Purchases, exceeding ten thousand dollars ($10,000).

8.2.1.4 Pursuant to the provisions of the Public Contract Code (Section 10299(a)), the Purchasing Agent may purchase supplies and equipment up to ten thousand dollars ($10,000) and the Board may authorize such purchases in excess of ten thousand dollars ($10,000) without competitive bidding if the purchases are made from vendors currently awarded relevant contracts by the state of California.

8.2.2 Agency representatives requesting the purchase of supplies and equipment which are subject to the competitive bidding process as described in Section 5.0 of this Policy shall contact the Purchasing Coordinator to initiate the bidding process. If the requesting Agency representative believes that any of the bid process exceptions described in Section 8.2.1 should apply, he/she shall so notify the Purchasing Coordinator at the time of submission.

8.2.3 The Purchasing Coordinator will develop a draft bid package and submit it to the requesting Agency for initial review and tentative approval. If the requesting Agency has asserted an exception, the Purchasing Coordinator will review the request with the Purchasing Agent before proceeding.

8.2.4 Tentatively approved bid packages will be forwarded to the Purchasing Agent who shall ensure their compliance with all applicable provisions of the Public Contract Code, Chapter 17 and this Policy. Following his/her review, the Purchasing Agent will forward bid packages to County Counsel to be reviewed and approved as to form and legal sufficiency. Upon completion of his/her review, County Counsel will return bid packages to the Purchasing Agent for appropriate action.

8.2.5 If the bid package requires Board approval, it will be placed on the Board's agenda for review and possible action. Bid packages that have been approved by the Board or the Purchasing Agent, whichever is appropriate, will be forwarded to the Purchasing Coordinator who shall initiate the bid process.

8.2.6 All Requests for Bids shall require public notice. The degree and the nature of public notice required shall be determined by the Purchasing Agent consistent with the provisions of the Public Contracts Code, Chapter 17 and this Policy. In any event, the period of public notice shall be no less than ten (10) business days. Public works and public facilities construction projects as well as all Work Order contracts shall, at a minimum, be published in a newspaper of general circulation within the County.

8.2.7 Consistent with the provisions of the Public Contracts Code, Chapter 17 and this Policy, the Purchasing Agent shall determine the method by which completed bid proposals may be submitted to the County. These methods may include: sealed bids that are delivered to the Clerk of the Board; or, bids which may be delivered to the Purchasing Coordinator by other pre-approved means such as facsimile or electronic delivery.

8.2.8 Submitted bid proposals will be reviewed and evaluated by the Purchasing Agent or designee and the requesting Agency to determine which proposals are responsive and responsible. If the purchase is for ten thousand dollars ($10,000) or less the Purchasing Agent may make an award to the lowest responsive and responsible bidder. If the purchase is for more than ten thousand dollars ($10,000) the Purchasing Agent will submit the matter to the Board for determination.

8.2.9 Nothing in this Policy shall be interpreted to limit or infringe in any manner upon the County's right to reject any or all bid proposals received.

8.3 Requests for Proposals

8.3.1 Except as provided below, RFPs will be requested, developed and awarded consistent with the provisions of Section 8.2 of this Policy.

8.3.2 Sole Source Purchases (Section 8.2.1.3) and purchases made utilizing state contracts (Section 8.2.1.4) may not be applied to situations requiring RFPs.

8.3.3 When developing the draft proposal package pursuant to Section 8.2.3, the Purchasing Coordinator will include a draft evaluation matrix. Unless clearly inappropriate to the circumstances, the evaluation matrix will include a scoring scale which may or may not weight various components of proposals differently and will be uniformly applied to all responses.

8.3.4 Responses to RFPs will be reviewed by an evaluation team which shall consist of a minimum of three individuals, at least one of which shall be from outside the requesting agency and at least one of which will be a representative of the Purchasing Agent. The outside member and the Purchasing Agent representative may be the same person. If the RFP is likely to require Board approval, up to two (2) members of the Board may be members of the evaluation team. Evaluation teams will be selected by the requesting Agency in consultation with the Purchasing Coordinator and subject to the approval of the Purchasing Agent. Evaluation teams will score responses using the evaluation matrix provided. Completed matrixes will be submitted to the Purchasing Agent representative on the evaluation team for further processing.

8.3.5 RFPs will be awarded pursuant to either Section 5.0 or Section 7.0 of this Policy, whichever is appropriate.

9.0 Purchase of Vehicles

9.1 The purchase and/or lease of new Motor Vehicles which have been budgeted shall be subject to the RFB/RFP provisions specified in Sections 8.2 and 8.3 of this Policy, including the exceptions specified in Sections 8.1.1 through 8.1.4.

9.2 The purchase of previously owned Motor Vehicles which have been budgeted will be accomplished consistent with the provisions of Sections 8.1.1 and 8.1.2 of this Policy except that a Sole Source determination may be made pursuant to Section 8.2.1.3.

9.3 The purchase of Motor Vehicles which have not been budgeted require the prior approval of the Board.

10.0 Local Bidder Preference

10.1 Whenever considering the purchase of supplies, equipment or services, the purchasing authority, in evaluating the price, bid or proposal for such supplies, equipment or services, may award a five percent (5%) preference on the price, bid or proposal submitted by a Local Bidder.

10.2 Local Bidder Preferences shall be awarded or not awarded consistent with the provisions of Chapter 17 and the state or federal statues or regulations governing such transactions.

10.3 Any person or business falsely claiming a Local Bidder Preference shall be ineligible to bid on County purchases or contracts for a period to be determined by the Board. In no case shall this period be less than one (1) year from the date of discovery.

11.0 Purchasing and Procurement Goals – Recycled Content Products

11.1 As a goal, County Agencies will make good faith attempts to ensure that at least fifty percent (50%) of all County purchases are of recycled content products.

11.1.1 With the exception of paper or steel products, recycled content products should contain at least fifty percent (50%) recycled material preferably with ten percent (10%) of that amount being postconsumer material.

11.1.2 Paper products should include at least thirty percent (30%) recycled content.

11.1.3 Steel products should include at least twenty-five percent (25%) recycled content.

11.1.4 The Purchasing Agent will issue a Recycled Content Product Category Listing each year to guide County Agencies and the Purchasing Coordinator in the purchase of recycled content supplies. This listing will include examples of recycled content products that are generally available.

11.1.5 The Purchasing Agent will issue an annual report detailing the County's progress toward the achievement of these goals which, shall be presented to the Board at its final meeting in June of each year.

12.0 Gratuities – Conflicts of Interest

12.1 The acceptance of any gratuity in the form of cash, merchandise, or any other thing of value by an official or employee of any County Agency from a vendor or contractor, or prospective vendor or contractor shall be cause for disciplinary action.

12.1.1 Section 12.1 will not be interpreted to apply to promotional offers, discounts or rewards generally distributed by vendors/contractors to other customers making similar purchases provided, however, that such promotional offers discounts or rewards accrue to the County and are reported to the Purchasing Coordinator for processing pursuant to guidelines established by the Purchasing Agent.

12.2 For the purposes of this Policy, a conflict of interest is defined as a circumstance in which a person's primary responsibility to the County may be compromised by a secondary interest. County Agency representatives who are responsible for the purchase or procurement of supplies, equipment or Contractual Services shall perform their duties in a manner that will avoid conflicts of interest, be they real or perceived.

12.2.1 Real or potential conflicts of interest will be reported to the Purchasing Agent immediately upon becoming known or suspected. If the conflict involves the Purchasing Agent, he/she shall report it to the Chair of the Board.

12.2.2 Participating in purchasing or procurement activities in violation of this Section, including the failure to report, shall be cause for disciplinary action.