ORDINANCE NO. 509

AN ORDINANCE ESTABLISHING A PURCHASING AND SUPPLY SYSTEM FOR THE COUNTY OF SOLANO

THE BOARD OF SUPERVISORS OF THE COUNTY OF SOLANO, STATE OF CALIFORNIA, DO ORDAIN
AS FOLLOWS:

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "Purchasing Ordinance of the County of Solano."

SECTION 2. Purpose. The purpose of this ordinance is to establish the office of Purchasing Agent in accordance with Section 2550 of the Government Code and to set forth the purchasing policies of the County of Solano as required by Sections 54202 and 54203 of the Government Code. It is the general policy of the County of Solano to secure for its taxpayers the advantages and economies which result from centralized purchasing.

SECTION 3. Creation of Purchasing Department of Purchasing Agent. The Purchasing Department is hereby established and shall be a part of the County Administrator's Office. The County Administrator shall be the Purchasing Agent and hereafter in this ordinance shall be referred to as the Purchasing Agent with respect to purchasing functions. He shall be the head of the Purchasing Department of the County and shall appoint such deputies, assistants and other employees therein as shall from time to time be authorized in the current Salary Ordinance or by Resolution of the Board of Supervisors of the County of Solano. He shall establish methods and procedures necessary for the proper functioning of the Purchasing Department in an efficient and economical manner.

SECTION 4. Responsibility and Authority of Purchasing Agent. The Purchasing Agent shall have the duties and powers prescribed by laws of the State of California relating to County purchasing agents, this ordinance and implementing resolutions of the Board of Supervisors which may be adopted from time to time pursuant to this ordinance. Except as may be permitted pursuant to this ordinance, no purchase by any person other than the Purchasing Agent or his designated deputies or assistants shall be binding upon the County or constitute a lawful charge against any County funds. The Purchasing Agent shall:

A. Purchase on behalf of the County and its offices all materials, supplies furnishing, livestock, equipment and other personal property of whatever kind and nature except as may be limited by this ordinance and state statute. Supplies otherwise excluded by law and services and materials furnished "in kind" in lieu of cash to indigents are hereby specifically excluded.

B. Rent on behalf of the County furnishings, equipment, livestock and other personal property, excepting however, road equipment which the Road Commissioner is authorized by law to rent.

C. Negotiate and execute in the name of the County all equipment service contracts and lease purchase agreements of personal property.

D. Negotiate and execute in the name of the County as lessee, all rentals of real property as the Board of Supervisors may authorize and direct.

E. Sell any personal property belonging to the County and found by the Board of Supervisors not to be required for public use; or when purchasing personal property or contracting for services, accept advantageous trade-in allowances for such property not further required.

F. Store, repair, re-issue surplus material, supplies and equipment of one department which may be used advantageously by other departments.

G. Engage independent contractors to perform contractual services for the County and the offices thereof, with or without the furnishing of material, which are required by the County Government but not furnished by its own employees where the aggregate cost does not exceed Two Thousand Dollars ($2,000.00). Provided, however, this shall not apply to contracts to do work upon the public roads of the County, contracts to print legal briefs or legal notices, contracts for reporters' services or transcripts, contracts for expert services to be rendered the offices of the District Attorney, County Counsel or Sheriff, contracts for appraisers' services, contracts for consultants and other experts employed directly by the Board of Supervisors, contracts for other services which by law some other officer or body is specifically charged with obtaining, or contracts for personal service by attorneys, physicians, architects, engineers, consultants or other individuals or organizations possessing a high degree of technicskill.
H. Operate a central store as the Board of Supervisors may hereafter establish for commonly used supplies as required to take advantage of quantity purchases.

I. Administer such central services in the Purchasing Department as the Board of Supervisors may hereafter establish and coordinate central services offered by other departments as directed by the Board of Supervisors.

J. Establish and maintain a bidder list consisting of prospective bidders who are sources of supply for the various categories of commodities repetitively purchased for county use.

K. Furnish the Board of Supervisors with such reports and information as the Board may from time to time require.

SECTION 5. Requisitions and Estimates.

A. All departments or other organizational units of the County of Solano shall submit to the Purchasing Agent requisitions for the supplies, materials, equipment and contractual services as required for their operations and for the purposes and within the limits of funds appropriated therefor. The Purchasing Agent, after reviewing any such requisition, may require from the head of the requesting department a justification of the quantity or quality requisitioned.

Purchasing Agent shall not be responsible for, nor obligated to ascertain, the limits of making of expenditures or the incurring of liabilities to the amount of the appropriations allowed by the budget for such requisitioning departments or other organizational units of the County of Solano; Sections 29140 and 29141 of the Government Code of the State of California shall apply thereto.

B. The Purchasing Agent shall not issue purchase orders for material, supplies, equipment and services of all types in excess of requisitions of the various departments related thereto and the unencumbered amount of Purchasing Agent's Store account.

C. All departments and other organizational units shall file with the Purchasing Agent estimates of their requirements for supplies, materials, equipment and contractual services in such form, at such time, and for such future periods as the Purchasing Agent may require.

SECTION 6. Competitive Bidding. It is the policy of the County of Solano that wherever feasible purchases of and contracts for supplies, equipment, and other items of personal property shall be based on competitive bids or quotations.

If the amount of any purchase would exceed an estimated $2,000.00 or if bids are solicited on a term basis, formal sealed bids shall be awarded by the Board of Supervisors.

Purchases anticipated to cost less than $2,000.00 may be made on the basis of informal bids or quotations which shall be solicited from at least three bidders whenever practicable unless in the opinion of the Purchasing Agent no savings will be effected thereby. Bids shall be awarded to the lowest responsible bidder, provided however, that quality offered, delivery terms, and service reputation may be taken into consideration in determining the lowest responsible bid. Further, price, quality, service and other criteria being equal, preference shall be given to a responsible local bidder who regularly maintains an inventory of merchandise for sale in the County of Solano.

The Board of Supervisors or the Purchasing Agent, as the case may be, may reject any or all bids in whole or in part and may waive any irregularities in any bid when the public interest will be served thereby.

Nothing herein contained shall prevent the Board of Supervisors from by resolution, limiting the area from which competitive bids will be sought and accepted when the area so established will offer sufficient competition with regard to the item or items sought to be purchased by the County of Solano.

SECTION 7. Exemptions from Competitive Bidding.

A. If limitations on the source of supply, necessary restrictions in specifications, necessary standardization, quality consideration, or other valid reasons for waiving competition appears, then purchases may be made without recourse to the competitive bidding provisions of this ordinance. In the event that such prospective purchase is estimated to
exceed $2,000.00, then approval of the Board of Supervisors must be obtained prior to the purchase.

B. The Purchasing Agent may engage independent contractors to perform services with or without the furnishing of material, within the limits provided by law, without recourse to the competitive bidding provisions of this ordinance, provided that prospective bidders are given full opportunity to submit their qualifications and estimates of cost to render the desired service. In the event that a prospective contract is estimated to exceed $2,000.00 then the prior approval of the Board of Supervisors must be obtained prior to any contract being made.

SECTION 8. Bidding Procedures. The Purchasing Agent shall solicit bids from responsible prospective suppliers who have requested in writing that their names be placed on the bidders list and whose names have not been removed pursuant to Section 11. Notices inviting sealed bids may be advertised. Such notices shall include a general description of the articles to be purchased or sold, state where bid forms and specifications may be secured and the time and place for the opening of bids. Bids shall be submitted to the Purchasing Agent and shall be opened publicly at the time and place stated in the newspaper notice or bid form or as soon thereafter as reasonably possible. The bids themselves or the full details of each bid together with the name of the successful bidder shall be kept available for public inspection for 30 days after award of bid.

SECTION 9. Exemptions from Centralized Purchasing. The Purchasing Agent may authorize in writing any department to purchase or contract for certain specified classes of supplies, materials, equipment, or contractual services where purchases are subject to master purchase agreement or contracts, or where purchases can be made more expeditiously than by requisition to the Purchasing Agent, but such purchases or contracts shall be made in conformity with the applicable provisions of this ordinance. The Purchasing Agent may also rescind such authorization to purchase independently, by written notice to the department or departments concerned.

SECTION 10. Emergency Purchases. Emergency purchases may be made by the Purchasing Agent or by a Department Head if the Purchasing Agent or any of his assistants authorized to make purchases is not immediately available and the item or items to be purchased are immediately necessary for the continued operation of the department or for the preservation of life and property. Such emergency purchases shall be subsequently approved and confirmed by the Purchasing Agent. If he refuses such confirmation, the Board of Supervisors may subsequently approve and confirm such purchase. Unless such purchases are so approved and confirmed by either the Purchasing Agent or the Board of Supervisors, the costs thereof shall not constitute a legal charge against the County. The Purchasing Agent may make emergency purchases free of the provisions of this ordinance upon a showing by any department or officer that such purchase is required for the health, safety and welfare of the people or for the protection of property and that there is a present, immediate and existing emergency which could not reasonably be foreseen. The Purchasing Agent shall submit monthly to the Board of Supervisors a list of all emergency purchases made by or confirmed by him in excess of Five Hundred Dollars ($500.00) made during the preceding month with an explanation of the circumstances of each.

SECTION 11. Qualifications of Bidders.

A. A Bidder who does not respond to not less than four consecutive solicitations to furnish commodities of a type furnished by him may be removed from the bidders list.

B. A Bidder who has repeatedly made slow or unsatisfactory deliveries or otherwise has failed to perform in accordance with previous bid terms shall be removed from the bidders list.

C. It is the intent of this section that a bidder removed from the bidder list as in A and B above may appeal such removal to the Board of Supervisors within 30 days. Further, such a bidder may seek to be reinstated after 6 months upon a showing of intent to respond or of ability to satisfactorily perform his obligations.

D. A Bidder who fails, neglects or refuses to furnish, when requested, information as may be required to determine his responsibility as a bidder and his ability to satisfy the requirements of the contemplated purchase contract shall have his bid made invalid.
SECTION 12. Petty Cash Fund. There is hereby established from the unappropriated funds of the County the Petty Cash Fund in such amount as the Board of Supervisors may from time to time by resolution establish. The Auditor-Controller shall draw a warrant to reimburse said Petty Cash Fund upon presentation of a statement with paid invoices attached of disbursements by the Purchasing Agent from such Petty Cash Fund.

SECTION 13. Purchasing Agent's Stores Account. There shall be established by separate ordinance, from the unappropriated funds of the County, a Purchasing Agent's Stores Account, all pursuant to Section 25509 of the Government Code of the State of California.

SECTION 14. Surplus Pool. Whenever any item of personal property is no longer needed by the office, department or institution in possession thereof, such fact shall be reported to the Purchasing Agent who may, subject to the approval of the Board of Supervisors, transfer such item to a surplus pool to be maintained under the supervision of the Purchasing Agent. Whenever any office, department or institution is in need of an article which has been placed in such surplus pool or has requisitioned the purchase of a similar article, the Purchasing Agent may, upon a properly drawn request for transfer approved by the Board of Supervisors, transfer the article to such department.

SECTION 15. Disposition of Surplus Property. Surplus property shall be disposed of in accordance with the provisions of the Government Code of the State of California.

SECTION 16. Standards Committees. The Purchasing Agent may organize "Standards Committees" as needed to establish standards with respect to the type, design, quality or brand of a certain article or group of related articles or services purchased by the County. The membership of the committee shall be the Purchasing Agent, or Assistant Purchasing Agent, who shall be chairman, and the heads of each County office, department or institution that is a primary user of the item or group of items for which the committee is appointed. Any member of the committee may act through a representative appointed by him.

SECTION 17. This Ordinance shall be published once in The Daily Republic a newspaper of general circulation printed, published and circulated in the County of Solano, before the expiration of fifteen (15) days after its passage and shall take effect July 1, 1962.

I, LEWIS MORRILL, County Clerk of the County of Solano, do hereby certify that the above and foregoing Ordinance was regularly introduced, passed and adopted at a regular meeting of said Board held on the 10th day of April, 1962, by the following vote:

AYES: SUPERVISORS Bradley, Lopes, and Mowers

ABSENT: SUPERVISORS Church and Kilby

WITNESS my hand and the Seal of said Board this 10th day of April, 1962.