

PART A - GENERAL CODE OF ORDINANCES
Title 3 - REVENUE AND FINANCE
CHAPTER 3.12. PROCUREMENT

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ORDINANCE NO. _____

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 3.12 of Title 3 of the El Dorado County Ordinance Code is hereby removed in its entirety.

Section 2. Chapter 3.12 of Title 3 of the El Dorado County Ordinance Code is hereby added as follows:

CHAPTER 3.12. PROCUREMENT

Sec. 3.12.010. Title.

This chapter shall be known and may be referred to in proceedings as the County Procurement Ordinance.

Sec. 3.12.020. Purpose.

The purpose of this chapter is to secure for the County taxpayers the advantages and economies which will result from centralized control over procurement of goods and services by the County.

This chapter is intended to comply with County Charter Section 601 which gives preference to vendors within the County of El Dorado for the purchase of goods, and Section 602 which requires a written contract for the performance of any services or function over \$10,000 and requires the identification of the county officer or employee with responsibility for administering the contract.

3.12.030 Purchasing Agent office established.

The Procurement and Contracts Division is established within the Chief Administrative Office. The Division shall be headed by the Chief Administrative Officer, or his or her designee, hereinafter referred to as "Purchasing Agent," and includes such other assistants as the Board may designate. The

Purchasing Agent shall have the powers and duties prescribed for county purchasing agents by the provisions of California Government Code sections 25500 et. seq. the California Public Contracts Code, Federal and State law, the County Charter, and County ordinances, resolutions and policies.

Sec. 3.12.040. Procurement policies and procedures.

The Board of Supervisors shall adopt comprehensive policies and procedures governing purchases of goods and services. The Purchasing Agent shall draft policy which sets forth the rules and regulations to achieve the intent of this Chapter. Upon approval and adoption by the Board of Supervisors, the rules and regulations contained in the policy shall have the same force and effect as this Chapter. The Purchasing agent shall also develop procedures to implement this Chapter and the Board adopted Policy as he or she deems necessary. These policies and procedures shall be consistent with Federal and State law and with the County's Charter and Ordinances, Policies and Resolutions of the Board of Supervisors.

3.12.050 Local vendor preference.

Pursuant to Section 601 of the El Dorado County Charter, a local preference credit for El Dorado County businesses shall be permitted when evaluating bids for goods unless otherwise prohibited by law.

For the purpose of this section, a local business qualifying for local vendor preference must meet all of the following criteria:

1. The local business shall have established a place of business within El Dorado County at least six months prior to the close of the bids.
2. If state sales tax is applicable to the purchase, the local business must possess a valid resale license from the State Franchise Tax Board evidencing the business' local address within El Dorado County.

Local businesses who wish to receive this preference shall be required to submit a statement which demonstrates compliance with the provisions of this section. The statement shall be in a format prescribed by the county procurement division and shall be signed under penalty of perjury. Any person, firm, corporation or entity intentionally submitting false information to the county in an attempt to qualify for local preference may be prohibited from bidding on El Dorado County products and services.

Sec. 3.12.060. Unauthorized purchases.

If any officer, employee, or agent of the County makes a purchase or contracts for services contrary to the provisions of this Chapter, such purchase or contract for services is voidable, and shall not constitute a lawful charge against County funds, unless ratified by the Board of Supervisors.

Sec. 3.12.070. Code of ethics for procurement.

Employees participating in a procurement process shall uphold and adhere to all Federal, State, and local laws, ordinances and regulations and dedicate themselves to the highest ideals of honesty and integrity in that process. Employees shall discourage any inappropriate contact or encroachment on one's official duties by others who seek to influence a decision and shall expose corruption whenever discovered.

No employee participating in a procurement process shall:

1. Accept any fee, compensation, gift, or payment of expenses which results in private gain in return for preferential treatment.
2. Grant any special consideration, treatment, or advantage to any person beyond that which is available to every other person in similar circumstance.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2022, by the following vote of said Board:

ATTEST

Ayes:

Kim Dawson

Clerk of the Board of Supervisors

By _____

Deputy Clerk

Noes:

Absent:

Chair, Board of Supervisors

**APPROVED AS TO FORM
DAVID LIVINGSTON
COUNTY COUNSEL**

By: _____

Title: _____