



# COUNTY OF EL DORADO, CALIFORNIA

## BOARD OF SUPERVISORS POLICY

|                                                                         |                                                      |                                      |
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### PURPOSE

~~The purpose of this~~This policy ~~is to establish~~establishes guidelines for authorization, solicitation, and the appropriate conduct of procurement activities related to ~~the acquisition of approved~~ goods and services for El Dorado County. This policy is intended to provide a transparent, competitive, fair, and impartial process for conducting business with El Dorado County.

~~All purchases must be made in accordance with this policy, other County policies and procedures, all applicable laws, and are subject to audit at any time. Failure to comply with this policy may result in disciplinary action.~~

This Policy does not apply to ~~Public Projects, which are governed by El Dorado County Ordinance Code Title 3, Chapter 3.14~~Funding Agreements, Revenue Contracts, or MOUs with compensation between County departments. For non-financial agreements, refer to Board Policy C-18.

### POLICY

For ease of reference, the Procurement Policy is presented in the following sections:

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### 1.0 RESPONSIBILITIES

#### 1.1 Purchasing Agent

The El Dorado County Board of Supervisors has established a centralized purchasing office and designated the Procurement and Contracts Division of the Chief Administrative Office, headed by the Chief Administrative Officer, or his or her designees, hereinafter referred to as "Purchasing Agent" to be responsible for the administration of the procurement policy. ~~The Purchasing Agent is responsible for the procurement of goods and services for the County and its offices.~~

The Procurement and Contracts Division provides leadership, guidance, and assistance to departments in all procurement related matters, including interpreting and applying County policies and procedures related to the procurement of goods and services, and public projects.

Under that authority, and except when otherwise provided by State and Federal law, the Purchasing Agent, or designee, as the County's procurement expert, shall:

1. Prepare policies and procedures governing the procurement activity of the County for adoption by the Board of Supervisors.
2. Review such policies and procedures on an annual basis and submit policy updates and revisions to the Board of Supervisors for adoption as necessary.
3. Educate and train department staff regarding the policies and procedures.
4. Interpret and apply policies and procedures related to the procurement of goods, services, and public projects.
5. Monitor compliance with policies and procedures.
6. Purchase, rent or lease goods for the County.
7. Enter into facility rental agreements for, such as meeting rooms, storage space, community event booths, boat slips, and parking spaces for the County and its offices.
8. Engage independent contractors to perform services for the County pursuant to this chapter Policy and award informally bid public works project contracts pursuant to Ordinance Code Title 3, Chapter 3.14.
9. Sell Execute retroactive contracts and purchase orders less than \$10,000.
- 9-10. Upon approval by the Chief Administrative Officer, or designee, sell or dispose of any personal property identified as fixed assets belonging to the County and found by the Board of Supervisors not to be no longer required for public use, pursuant to Government Code section 25504.
11. Upon approval by the Chief Administrative Officer, or designees, process the sale of service weapons, and related accessories that may be affixed to the weapon, to retiring peace officers in the same manner allowed to state peace officers under Public Contract Code section 10334(b).
- 10-12. Accept trade-in allowances for personal property not further identified as fixed assets no longer required for public use when purchasing additional goods for public use.



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11.13. Maintain records developed pursuant to this ~~Chapter~~Policy.

- ~~1. Prepare and maintain the procedures to implement the Procurement Policy.~~
- ~~2. Perform such other services as the Board of Supervisors may require.~~

FINAL DRAFT



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### 1.2 Departments

Department Heads, or designees, shall:

1. Ensure that all purchases are made for official County business and make appropriate use of County of El Dorado funds.
2. Submit requests for the acquisition of goods and services in a manner suitable to the type of solicitation required.
3. ~~Assure~~**Ensure** all requests are properly budgeted and sufficient funds are available to pay for requested services.
4. Contact the Procurement and Contracts Division early in the contracting and requisition processes to benefit from advice and assistance on the scope of services and contractor selection processes.

## 2.0 GENERAL PROCUREMENT

### 2.1 Centralized Solicitation

Formal solicitations for the procurement of goods and services shall be centralized in the Procurement and Contracts Division under the direction of the Purchasing Agent. Public Projects, with the exception of those handled by the Department of Transportation, shall be centralized in the Procurement and Contracts Division under the direction of the Purchasing Agent. Requesting departments shall submit a request for the Purchasing Agent to initiate a competitive process on such forms as provided by the Purchasing Agent.

### 2.2 Budgetary Control and Appropriateness of Purchases

Except as otherwise provided by state law, no purchase of goods or services shall be made by any department in excess of the department's appropriations for that class of expenditure in the County budget. By submitting a requisition or request for a contract, a department head certifies that he or she is the official authorized to obligate those funds for the purpose stated in the requisition and that the purchase is appropriate for and consistent with the stated goals, objectives, and work programs of the department. Delegation of authority to submit requisitions does not relieve the department head from these responsibilities.

### 2.3 Purchase Contract

A simple form contract that allows for custom entry of terms and conditions and must be signed by both parties. Purchase contracts may be issued for use by an individual department or multiple departments. A purchase contract is not a purchase order and does not originate as a requisition.

### 2.4 Splitting Purchase Orders or Contracts

The County is committed to a program of purchasing competitively and wisely. Departments are prohibited from artificially dividing purchase requisitions or contract requests to circumvent any competitive process or signature authority limitation. (Also referenced in Section 3.1 Thresholds)



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### **2.3 — 5 Contract Term**

The Purchasing Agent shall determine the appropriate term for contracts for goods or services based on the anticipated needs of the County and on the characteristics of the market. Board of Supervisors' approval shall be required for any contract term exceeding three (3) years, inclusive of all amendments, and regardless of contracts that meet the requirements for perpetual contracts within the Purchasing Agent authority, in accordance with section 2.6 of dollar amount this policy, do not require Board of Supervisors' approval for a Term that exceeds three years.

### **2.4 Perpetual Agreements**



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~~A perpetual agreement is a contract that does~~Departments cannot use a series of on-call or as-needed contracts with terms shorter than three years to circumvent approval limits or competitive thresholds.

### 2.5.1 Retroactive Contracts and Contract Amendments

A retroactive contract is a contract or purchase order for goods or services that have been delivered or performed, fully or in part, prior to the completion of the contract approval process or the execution of the contract occurs after the beginning of the contract term. A retroactive contract amendment is one that applies to transactions that were completed in the past. The Purchasing Agent is authorized to execute retroactive contracts and purchase orders less than \$10,000. All retroactive contracts, contract amendments, and purchase orders greater than \$10,000 must be approved by the Board of Supervisors.

Annual software license renewals, when renewed with the existing vendor for the same service, are not subject to the retroactive contract definition. If the vendor changes or the software is a new purchase, the applicable competitive processes and purchasing authority thresholds apply.

### 2.6 Perpetual Contracts

Perpetual contracts do not have a stated term. In many cases, they renew automatically until terminated. The Purchasing Agent is authorized to sign perpetual ~~agreements~~contracts where the dollar amount does not exceed the Purchasing Agent's authority, as defined in this paragraph. Departments must obtain authorization from the Board of Supervisors, initially, and ~~on an annual basis~~every 3 years, to utilize any contract that does not have a stated contract term and exceeds the Purchasing Agent authority, as defined in this paragraph. The Purchasing Agent authority shall be determined initially and annually based on the dollar amount to be expended within the ~~first~~next thirty-six (36) months of the contract.

### ~~2.5~~ 7 Business License Requirement

The Purchasing Agent, or any person with delegated authority to issue purchase orders, must confirm the contractor's compliance with County business license requirements as specified in County Ordinance Code Title 5, Chapter 5.04 prior to executing any contract for services or purchase order.

### ~~2.6~~ 8 Debarment

Any department requesting a contract ~~for services or a~~ purchase order is responsible for identifying and communicating any unique federal, state, or other requirements regarding debarment and suspension that apply to the procurement transaction. The Purchasing Agent shall confirm that the contractor meets such requirements prior to executing any contract ~~for services or~~ purchase order.



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### **2.7—~~Purchasing~~9 Procurement Policy Compliance**

Failure of a County employee to comply with the County Procurement Ordinance and this policy could result in disciplinary action, up to and including termination, pursuant to the current Board adopted County ~~personnel Management Resolution~~Personnel Rules.

### **2.8—~~10~~ Information Technology Purchases**

~~Except for purchases for the District Attorney and the Sheriff, all~~All computer hardware and software purchases must be reviewed and approved by the County Information Technologies Department, ~~with the exception of the District Attorney and the Sheriff's Office. While the District Attorney and the Sheriff's Office are exempt from this approval requirement, notification to the Chief Information Officer shall be made during the purchasing process to support collaboration, strategic planning, and organizational awareness.~~

### **2.911 Procurement Emergency Purchases-**

An Emergency ~~is defined~~, as related to this Section 2.11, means an unexpected and pressing situation ~~which that~~ requires swift and immediate procurement action precluding regular procurement policy and is essential to protect life, public life, health, safety, or improved property of the County. Emergency contracts are governed by the provisions of Public Contract Code sections 1102 and 22050.

- A. Department Level Emergency – In the event of an emergency which requires immediate action at the department level and limits the ability of the County to conduct a competitive solicitation, ~~Emergency~~emergency purchases, including those in excess of an individual's normal purchasing authority, may be made by the Purchasing Agent, or when the Purchasing Agent is not immediately available, by any department head. If the purchase exceeds Purchasing Agent authority, such purchases shall be reported as soon as possible, but in no event later than 30 days from the date of the emergency to the Board of ~~supervisors~~Supervisors at a regularly scheduled meeting.
- B. Local Emergency – In the event of a local emergency proclamation, procurement action necessary to acquire goods and services required to address an immediate threat to life, public health, or safety, or to eliminate/reduce an immediate threat of significant damage to improved public and private property through cost-effective measures may be performed outside of the existing policy requirements. The Purchasing Agent is authorized to make purchases outside of the normal policies and procedures, and within the amounts established by the Board of Supervisors. The Purchasing Agent shall use informal bidding during the local emergency, to the extent it is feasible. All contracts for goods or services ~~entered into~~executed during the local emergency that ~~are valued in excess of \$100,000~~exceed Purchasing Agent authority shall be brought to the Board of Supervisors at the earliest feasible opportunity, but in no event more than 30 days from the date of the emergency.

### **2.1012 Local Vendor Preference**



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In recognition of the sales tax that is apportioned to El Dorado County as a result of sales made by businesses located within the County, a local vendor preference credit of five percent (5%) up to a maximum credit of \$5,000 ~~for El Dorado County businesses~~ shall be applied when evaluating bids for goods ~~from vendors located within the County~~ or services. Contracts that utilize Federal funds are not subject to Local Vendor Preference.

### 3.0 COMPETITIVE PROCUREMENT

It is the policy of El Dorado County to make use of County funds and promote transparency using open and full competition to the maximum extent possible. Contracts and Purchase Orders ~~for the purchase of goods and services~~ shall be awarded as the result of a competitive process, except as otherwise provided for in this policy or by law. Any procurement that involves state and/or federal funds may be subject to additional requirements.

#### **3.1 Centralized Solicitation**

##### **Solicitations for the 3.1 Thresholds**

The following thresholds apply to procurement of goods and services of goods activities and services identify when competitive solicitation is required.

| <b><u>Goods and Services Thresholds</u></b> |                           |                                |
|---------------------------------------------|---------------------------|--------------------------------|
| <u>Goods – Equal to or less than</u>        | <u>\$5,000</u>            | <u>No Competition Required</u> |
| <u>Goods</u>                                | <u>\$5,001 - \$25,000</u> | <u>Informal Solicitation</u>   |
| <u>Goods – Greater than</u>                 | <u>\$25,000</u>           | <u>Formal Bid</u>              |
| <u>Services – Greater than</u>              | <u>\$100,000</u>          | <u>Formal (RFP, RFQ)</u>       |

Purchases shall not be centralized artificially divided to circumvent any competitive solicitation requirement. In addition, no department or employee shall draft, or cause to be drafted, any specifications in such a manner as to limit the competition directly or indirectly to any one specific vendor, or any specific brand, product or service, except for those items that are standardized for a particular purpose, are approved as exempt from competitive bidding requirements, or are approved as sole source purchases.

Before a contract is amended to exceed the Procurement threshold for competitive solicitation, a competitive solicitation or exemption is required.

~~and Contracts Division under the direction of the Purchasing Agent. Requesting departments shall submit a request for the Purchasing Agent to initiate a competitive process on such forms as provided by the Purchasing Agent.~~

#### **3.2 Informal Solicitation**



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Informal solicitation means the competitive process in which the request for quotes for goods, greater than \$5,000 and less than \$25,000, including tax and shipping, is solicited from a minimum of three vendors and the quote is received by a stated deadline in writing or by email to determine the lowest responsive and responsible ~~vendervendor~~.

Verbal quotes are not acceptable. Informal solicitations may be handled either by the department or Procurement and Contracts.

The Purchasing Agent, ~~or designee~~, may require that a formal solicitation process be used if, in the Purchasing ~~Agent or designee's judgement~~, aAgent's judgment, formal solicitation is in the best interest of the County.

### 3.3 Formal Solicitation

Formal Solicitation means the County obtains competitive sealed solicitations for goods or services, which include, but are not limited to, Invitations for Bids (~~3.3.1~~IFB), Requests for Proposals (~~3.3.2~~RFP), and Requests for Qualifications (~~3.3.3~~RFQ).

#### 3.3.1 Invitation for Bids

~~Invitation for Bids (IFB) are used to solicit competitive sealed bid responses when price is the primary basis for award. The IFB will include the criteria by which the bid responses will be evaluated.~~

##### ~~A. Release IFB~~

~~The Purchasing Agent shall solicit sealed bids from prospective vendors on an established bidders list, and any other interested vendors. A notice shall be posted in a public forum. The notice shall include a general description of the procurement and shall state the deadline for receipt of bids and the time and place for the opening of the bids.~~

##### ~~B. Addenda~~

~~Addenda shall be distributed to all firms known to have received bid documents. Addenda which are issued within four (4) County working days of the bid due date shall also include an extension of the due date. The extension shall be not less than four (4) County working days from the date the addendum is issued. Addenda which cancel a bid in its entirety may be issued at any time prior to the bid's posted due date.~~

##### ~~C. Bid Opening~~

~~Vendors shall respond in the manner set forth in the Invitation for bids (IFB). Late responses shall not be accepted. Bids shall be received via a secure method which prevents anyone from viewing the bids until after the deadline specified in the IFB.~~



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~~All responses shall be opened in the presence of one or more witnesses and in a public forum, at the time and place designated in the IFB, and shall be administered by the Purchasing Agent, or designee.~~

### ~~D. Bid Evaluation~~

~~The Purchasing Agent shall review and evaluate the bids for the purpose of determining the award. In determining the award, the Purchasing Agent shall evaluate the bids based on the criteria set forth in the IFB.~~

### ~~E. Awarding or Rejecting Bids~~

~~Awards will be made as specified in the IFB.~~

### Protest Procedure

The protest procedure is an extension of the formal bidsolicitation process that provides recourse to bidders ~~that~~who wish to protest bid results or the method by which a bid request was processed. This procedure shall be utilized only after all informal methods have failed to reach a solution. A ~~protestor~~bid protester must exhaust all administrative remedies with the County before pursuing any civil action.

~~If a bidder wishes to protest the award, the following procedure shall be as follows~~applies to bid protests:

- ~~The Purchasing Agent will review the bids and notify the bidders in writing, using the contact information in the bid, of the recommendation for award or rejection of any or all of the bids.~~ Within ten (10) business days from the date of the notification by the Purchasing Agent of their recommended bid award, the protesting bidder shall submit a letter of protest to the Purchasing Agent, signed by an authorized representative of the bidder, specifically stating the reason(s) for the protest. The bidder must provide all relevant facts to support the protest, such as the law, rule, regulation, or criteria on which the protest is based.
- The Purchasing Agent shall issue a decision within seven (7) business days after receipt of the protest. The Purchasing Agent's decision shall respond to each ground raised in the protest. The decision of the Purchasing Agent shall be final.
- In the event of a timely and properly filed protest, the County shall not proceed with the recommended award until the protest is responded to by the Purchasing Agent, unless the Purchasing Agent determines that the award of the contract without delay is necessary to protect a ~~the~~ substantial interest of the County.



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### ~~G. Contracts~~

~~Following the bid award, the Purchasing Agent or Board of Supervisors may execute a contract or purchase order with the successful bidder that meets all County contracting requirements.~~

### **3.5 Additional Purchases**

Following a bid award, the Purchasing Agent may dispense with separate bidding for additional purchases of the same item(s) from the successful bidder within a twelve (12) month period from the initial purchase date, provided that the vendor agrees to provide the item(s) at the same price and under the same terms and conditions as the previous award. Notwithstanding this bidding exception, where the cumulative total of the first purchase and any subsequent purchases exceeds \$100,000, Board of Supervisors' approval is required.

#### ~~3.3.2 Request for Proposals~~

~~Request for Proposal (RFP) may be used~~6 Exceptions ~~to solicit proposals from potential providers (proposers) for goods and services when price is not the primary evaluation factor.~~

#### ~~A. Release RFP~~

~~The Purchasing Agent shall solicit sealed proposals from prospective vendors and post a notice in a public forum.~~

#### ~~B. Evaluating Proposals~~

~~Proposals must be received by the advertised deadline. Late proposals will be returned unopened to the respondent.~~

~~Proposals received by the advertised deadline will be initially reviewed by Competitive Procurement and Contracts Division staff to verify all of the minimum, mandatory and administrative requirements of the RFP are met. Those proposals not meeting the minimum, mandatory and administrative requirements are rejected by formal letter from the Procurement and Contracts Division and are not further reviewed in the evaluation process.~~

#### ~~C. Awarding Proposal~~

~~Upon completion of the evaluation of the proposals by the evaluation team, the Purchasing Agent shall notify the proposers of the evaluation results in the manner indicated on the request for proposal and post the results for public viewing. The notice of intent to award shall include the date on which the award will be made by the Purchasing Agent or the Board of Supervisors, as appropriate.~~

~~The awarding authority may:~~



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- (a) ~~Award the proposal in accordance with the evaluation team's recommendation~~
- (b) ~~Waive minor proposal irregularities and accept any proposal~~
- (c) ~~Reject all proposals and determine whether to repeat the process~~

### ~~D. Executing Contract~~

~~Following the award, the Purchasing Agent or Board of Supervisors may execute a contract with the successful proposer that meets all County contracting requirements.~~

### ~~3.3.3 Request for Qualifications~~

~~Request for Qualifications (RFQ) is a qualifications-based selection process used to create a qualified vendor list to be used for future contract negotiations or to create a pre-qualified list of vendors to receive a targeted RFP.~~

#### ~~A. Release of RFQ~~

~~The Purchasing Agent shall solicit written statements of qualifications from prospective vendors and post a notice in a public forum.~~

#### ~~B. Evaluating Statement of Qualifications~~

~~The Purchasing Agent shall provide statements of qualifications received by the advertised deadline to a designated evaluation team for review. Any responses received after the deadline shall be returned unopened to the respondent with the notation that the response was not received by the stated deadline. Under no condition will late responses be accepted.~~

~~The evaluation team shall conduct a review of the statements of qualifications received. The evaluation team may interview the most qualified prospective vendors. Criteria such as relevant experience, qualifications of personnel assigned, and availability should be used to evaluate the statements of qualifications.~~

~~Upon completion of the evaluation of the statements of qualifications, the evaluation team may recommend one or more vendors to the requesting department(s). Requesting department(s) shall work with the Purchasing Agent to negotiate desired contract(s) with the most qualified vendor(s) or create a qualified vendor list for future contract negotiation.~~

### ~~3.4 Exemptions from Competitive Bidding~~

~~Services \$100,000 or less, excluding architectural and engineering services, are exempt from competitive bidding. Legal services, regardless of amount, are exempt for competitive bidding. Where state and~~The use of a competitive solicitation process is required unless there is an authorized basis for an exception, as defined below or as permitted by law. Where state and/or federal funding is



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involved, state and federal regulations must be consulted for competitive solicitation requirements.

~~Competitive bidding~~The following are exceptions to competitive procurement:

- A. Services \$100,000 or less, excluding architectural, landscape architectural, engineering, land surveying, and construction management services (Government Code section 4526). Architectural, landscape architectural, engineering, land surveying, and construction management services must always be competitively procured.
- B. Emergency purchases as defined in Section 2.11 Procurement Emergency.
- C. When a specific provider or competitive process is directed by the Court or as mandated by the state, federal, or other relevant authority.
- D. Services are provided by another government entity.
- E. A competitively procured piggyback contract can be leveraged, and all the following requirements are met:
  1. The good or service may be procured from a vendor that has a contract with another public agency, JPA, or cooperative purchasing agreement, for the purchase;
  2. The Purchasing Agent has verified that the contract was awarded utilizing a competitive process substantially the same as that utilized by the County; and
  3. The terms and conditions of the transaction are substantially the same.
- A.F. The Purchasing Agent determines that it is in the best interest of the County to extend or renew a competitively procured contract for additional contract terms provided the contractor agrees to continue to furnish the goods or services shall not be required when the awarding authority at the same contract rates or bid prices and under the same terms and conditions to avoid the interruption of County business and it makes written findings of fact that: good business sense.
1. Competitive bidding would not be in the public's interest because of an emergency as defined in Section 2.9 Emergency Purchases; or
- G. The purchase meets the requirements of **Sole Source/Single Source**—A. It is the policy of the County to solicit the maximum number of bids for a good or service and to select vendors or providers on a competitive basis. There are certain purchases, however, that can only be obtained from a sole source purchase due to the uniqueness of the good or service, unique knowledge of the County's business practices, or lack of other providers. Sole source purchases must be justified in sufficient detail to explain the basis for suspending the usual competitive procurement process. Requesting departments shall submit a request for the Purchasing Agent to approve a sole source exemption on such forms as provided by the Purchasing Agent.



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The following may be used to identify the nature of the sole source and must be documented and described on the request:

1. There is only one where there is only one vendor provider capable of providing an item or service the product or service that satisfies the department's operational requirements, because of a technological, specialized, or unique character, or proprietary nature, and therefore it is not possible to obtain competitive bids. A single source purchase is one where there are multiple sources of supply, but for specific reasons the item must be purchased from a specified vendor because (a) of a technological, specialized, unique character of the good; (b) competition is precluded because of the
2. The existence of patent rights, copyrights, secret processes, control of the basis raw material(s), or similar circumstances, and no equivalent good or service is available; (c) the.
3. The procurement is for parts or component components for equipment, and no information or data is available to ensure that the parts or components obtained from another supplier will perform the same function in the same equipment or that the parts or components could compromise the safety or reliability of the product or would void or invalidate a manufacturer's warranty or guarantee; (d) a.
4. A distributor has an exclusive franchise or operating agreement with the supplier of goods to be purchased or maintained, and no other person or entity may provide, install, service, or maintain the goods in the County's jurisdiction; (e) the.
5. The procurement is for goods where standardization is beneficial for reasons including maintenance, repair, training, and interoperability; (f) the.
- 2.6. The procurement is for goods or services where the continuity of providers will provide efficiency or critical knowledge, and other providers of the goods or services cannot provide similar efficiencies or critical knowledge; and (g) when so directed by the Court, the funding source, as mandated by the state, or other relevant authority; or.
2. Competitive bidding would produce no economic benefit to the county; or
3. A piggyback contract is available, and all of the The following requirements table describes goods and services that are met with respect to the procurement:-
  - a) The good may be procured exempt from a vendor that has a contract with another public agency, JPA, or cooperative purchasing agreement, for the purchase of the item; and
  - b) The contract was awarded utilizing a competitive bidding process substantially the same as that utilized by the county; and
  - c) The terms of the transaction are the same, or substantially the same; or



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- ~~4. It is in the best interest of the County to extend a contract award from the previous contract period for additional contract terms provided the contractor agrees to continue to furnish the goods or services at the same contract price and under the same terms and conditions as the prior contract. This procurement processes based on the corresponding finding shall be made only when one of the following conditions exists:~~
- ~~a) The extension is necessary to avoid the interruption of County business; or~~
  - ~~b) The extension makes good business sense; or~~
- ~~5. The goods or services are needed by the County pending a competitive solicitation award and the contractor with the most recently awarded contract agrees to extend the contract for an interim period at the same contract price, terms, and conditions as the previous award. Such interim period contract shall not exceed the greater of ninety (90) days, or until the conclusion of a bidder or proposer's appeal, if applicable, of the pending solicitation process.~~
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### 3.5 Specific Exemptions and Written Findings of Fact

**B.H. Findings** ~~Findings~~ of fact for Specific Exemptions: ~~are based on criteria in section 3.4 Exemptions from Competitive Bidding or law:~~

| Exemption                                                                          | Findings of Fact                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Advertising                                                                        | Limited by geographic area and media requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Automotive and heavy equipment repair parts/labor                                  | Vehicles and heavy equipment requiring repair must be immediately taken out of service for safety purposes. Parts unique to individual manufacturers are available only through regional authorized dealers. After-market parts vary widely in quality; therefore, <del>they</del> must be individually selected from specific distributors in order to obtain the lowest life-cycle cost.                                                                                                                                             |
| <u>Behavioral Health Service Act Services</u>                                      | <u>As required by the State, the Behavioral Health Services Act (BHSA) Integrated Plan (IP) requires community engagement in the Community Planning Process. The Community Planning Process serves as a collaborative request for qualifications process for contracts included in the BHSA IP. If BHSA IP services include other state and federal funding, the County will ensure adherence to state and federal procurement requirements.</u>                                                                                       |
| Books                                                                              | Publishers distribute exclusively by subject, construction, or format (media).                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <u>Developer Paid Public Notice Printing</u>                                       | <u>The County is required to distribute public notices for development projects on the Applicant's behalf per State and County public noticing guidelines. Noticing costs are borne by the Applicant at their own expense, reimbursed through fees paid to the County for the processing of the Applicant's project. However, the informal bid process often imposes tight time constraints, making it difficult for applicants to meet statutory posting requirements, potentially jeopardizing compliance and project timelines.</u> |
| <u>Drugs/Pharmaceuticals (proprietary and medical supplies (human and animal))</u> | <u>Categories of drugs, and related medical (testing) supplies, must are required to be procured on an emergency basis in the interest of public health, administered per state requirements and penal codes. Specific pharmaceuticals (no substitutions) and related supplies are sole-source commodities.</u>                                                                                                                                                                                                                        |



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| Exemption                                                                                  | Findings of Fact                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Election materials and services</u>                                                     | <u>In accordance with Elections Code section 13001</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Food                                                                                       | Several County departments purchase food products and kitchen supplies to fulfill their missions. Their facilities range in size and requirements for the population served. Food for some facilities must be purchased in much smaller quantities to avoid spoilage and to provide menu variety.<br><br>Because of the diversity in specific needs, the competitive bid process has not yielded results that meet all affected departments' needs. Therefore, competitive processes for food purchases would not produce an economic benefit to the County. |
| Heavy equipment rental                                                                     | Snow removal and road construction affect public safety. In the event of <u>an</u> unforeseen equipment breakdown, <del>sources and the</del> availability of temporary replacements <del>are</del> <u>is</u> limited within <del>geographical</del> <u>geographic</u> areas.                                                                                                                                                                                                                                                                                |
| <del>Insurance</del> <u>Elections materials and services</u>                               | <u>Certain types of insurance must be procured on an emergency basis to minimize exposure to immediate risk. Other coverages must be individually negotiated to meet declaration, insuring agreement, conditions, and exclusion requirements.</u> <del>In accordance with Elections Code section 13001</del>                                                                                                                                                                                                                                                 |
| <u>Legal Services</u> <del>Insurance</del>                                                 | <u>Certain types of insurance must be procured on an emergency basis in order to minimize exposure to immediate risk. Legal services, regardless of amount, are exempt. Government Code sections 31000 &amp; 53060.</u> <del>Other coverages must be individually negotiated to meet declaration, insuring agreement, conditions, and exclusion requirements.</del>                                                                                                                                                                                          |
| Lumber and building materials, <del>Plumbing</del> <u>plumbing</u> and electrical supplies | There are limited sources of supply within the County, and it is not possible to estimate the annual needs for a competitive bid; the expense of formal bidding or acquiring outside of the County exceeds expected savings.                                                                                                                                                                                                                                                                                                                                 |
| Postage/Postage Meters                                                                     | The postage of stamps, metering postage and the rental of postage meters are only available through the United States Postage Service.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <u>Specialty Mental Health, Residential, Substance Use</u>                                 | <u>The County is mandated as the Mental Health Plan and through its Drug Medi-Cal Organized Delivery System contract with the State</u>                                                                                                                                                                                                                                                                                                                                                                                                                      |



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| Exemption                                                               | Findings of Fact                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Disorder, and Inpatient Psychiatric Behavioral Health Services</u>   | <u>of CA to meet “network adequacy requirements” for all levels of care in its substance use disorder and mental health continuum of care; therefore, the County contracts with as many licensed residential and rehabilitation providers in good standing for youth and adult treatment throughout the state.</u> |
| Software (proprietary)                                                  | Proprietary software is software that is licensed, copyrighted, or patented that only one vendor provides.                                                                                                                                                                                                         |
| Subscriptions                                                           | Specialty publications are procured from licensed sources.                                                                                                                                                                                                                                                         |
| <del>Telecommunications equipment (Telephone switching equipment)</del> | <del>County owned telephone switches require the use of replacement parts and equipment, available only from certified distributors.</del>                                                                                                                                                                         |
| Training seminars/classes                                               | Vendors offer training seminars on subjects of interest at specific dates, <del>times</del> , and locations. Consultants who conduct on-site classes are selected on the basis of competency in a specific subject on timely needs.                                                                                |
| Travel Expenses                                                         | Travel prices fluctuate <del>on a frequent basis</del> <b>frequently</b> , depending on season and competition. Advance notice for reservation, number of passengers, destination (including accommodations) and length of stay all <del>affect</del> <b>effect</b> cost.                                          |
| Utilities                                                               | Utilities such as refuse, wireless and other telephone services, or utility usage agreements. Limited by geographic area and service providers.                                                                                                                                                                    |
| Video recordings                                                        | Production companies vary widely in expertise, capabilities, flexibility, and quality of product to meet specific needs.                                                                                                                                                                                           |
| Weatherization materials                                                | Products vary widely for each facility project; pricing <b>is</b> extremely volatile. Specifications are subject to change without notice (Federal contract reimbursements depend on meeting exact commodity and installation specifications).                                                                     |

### 4.0 PROCUREMENT OF GOODS

Goods are items, including supplies, materials, furnishings, equipment, and other personal property furnished to or used by any department. It is the policy of El Dorado County to make appropriate use of County funds and promote transparency ~~through the use of~~**using** open and full competition to the maximum extent possible. The purchase of goods shall be awarded as the result of a competitive process,



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except as otherwise provided for in this policy or by law.

### 4.1 Authority

The following authority applies to the purchase of goods required by County departments and agencies.

| Amount        | Authority                         | Document                    |
|---------------|-----------------------------------|-----------------------------|
| \$0 - \$5,000 | Departments /<br>Purchasing Agent | Direct purchase<br>optional |

|                                      |                                 |                                                          |                                    |                |
|--------------------------------------|---------------------------------|----------------------------------------------------------|------------------------------------|----------------|
| <del>\$5,001—\$25,000</del>          | <del>Purchasing Agent</del>     | <del>Informal Solicitation<br/>(3 quotes required)</del> | <del>Purchase Order/Contract</del> | <del>3-2</del> |
| <del>\$255,001 -<br/>\$100,000</del> | <del>Purchasing Agent</del>     | <del>Purchase Order</del>                                | <del>Contract</del>                | <del>✓</del>   |
| <del>&gt;\$100,000</del>             | <del>Board of Supervisors</del> | <del>Purchase Order</del>                                | <del>Contract</del>                | <del>✓</del>   |

### 4.2 Delegation of Authority

A ~~department head~~Department Head may delegate authority to make purchases to additional department personnel within the limits set forth herein. Such delegation shall be in writing and shall include an acknowledgement by the delegee that they have read and understand County purchasing policies and procedures. All purchases made under delegated authority shall comply with the Purchasing Ordinance and all County purchasing policies and procedures.

A ~~department head~~Department Head may also rescind the delegated authorization to purchase under this section.

The Department shall retain documentation of any authority delegated or rescinded under this section and shall provide copies of such documentation to the Auditor-Controller upon request.

#### 4.2.1 Procurement Emergency Purchases

Authority for procurement emergency purchases as defined in section 2.11, may only be delegated to agency or ~~department heads~~Department Heads and may not be delegated to department personnel.

### 4.3 Direct Purchases

Department ~~heads~~Heads, or designees, and the Purchasing Agent are authorized to make direct



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purchases of goods up to \$5,000, including tax, installation, and freight, without the issuance of a purchase order or a competitive process.

The authority to make direct purchases is intended to facilitate the economical and orderly procurement of goods by County departments. It is not intended to be a substitute for centralized purchasing, or to be used to engage in repetitive purchasing without adequate analysis and competition. Departments shall not circumvent normal procurement methods by splitting purchases into a series of small purchases.

If goods are available for immediate purchase pursuant to a contract awarded by the Purchasing Agent, or the Board of Supervisors, and the contract provides for the exclusive purchase of a good from that vendor, purchases are not authorized outside of the awarded contract.

### 4.3.1 Direct Purchases Not Authorized

Terms and Conditions must be reviewed and approved by County Counsel. As a result, purchases that include vendor Terms and Conditions are not authorized for direct purchase.

## 5.0 PROCUREMENT OF SERVICES

In accordance with Government Code section 31000, the Board may enter into contracts for special services. Such contracts shall be with persons specially trained, experienced, expert, and competent to perform the special services. The special services shall consist of services, advice, education or training for such public entities or the employees thereof. The special services shall be in financial, economic, accounting (including the preparation and issuance of payroll checks or warrants), engineering, legal, medical, therapeutic, administrative, architectural, airport or building security matters, and laundry services or linen services. Additionally, they may include maintenance or custodial matters if the Board finds that the site is remote from available county employee resources and that the county's economic interests are better served by such a contract rather than by paying additional travel and subsistence expenses to existing county employees.

The Board of Supervisors may, by ordinance, direct the Purchasing Agent to enter into contracts authorized by this section within the monetary limit specified in Government Code section 25502.5 and that do not apply to public projects as defined in the Public Contract Code section 22002(c). In addition, for section 25502.3. For the purposes of this policy, services shall not mean monthly usage agreements for refuse, wireless and other telephone services, or utility usage agreements.

The Board of Supervisors shall make the appropriate finding pursuant to County Charter section 210(b)(1) and County Ordinance, Chapter 3.13 prior to, or at the time of, contracting for services.

### 5.1 Authority



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The Board of Supervisors and the Purchasing Agent have the authority to engage independent contractors to perform services for the County and its offices ~~and enter into facility rental agreements for meeting rooms, storage space, and parking spaces for the County and its offices~~ in accordance with County Ordinance Code Chapters 3.12 and 3.13.

The Purchasing Agent may enter into contracts for services, provided the total contract amount does not exceed the amount allowed by Government Code section 25502.3. The Purchasing Agent authority is updated annually and posted on the Procurement and Contracts website. Contracts ~~in excess of greater than~~ the Purchasing Agent's authority shall be executed and amended by the Board of Supervisors.

### 5.2 Competitive ~~Process Not Required~~Solicitation for Services ~~\$100,000 or Less~~

~~— Except for architectural and engineering services which must be procured pursuant to a fair and competitive selection process in accordance with Government Code, Chapter 10, section 4526, the Board of Supervisors, and the Purchasing Agent may contract for services \$100,000 or less without advertising for bids or seeking proposals. Contracts for services greater than \$100,000 require a competitive selection process.~~

Purchases of Services (excluding public projects, and those exempt services described above in 3.6) with an estimated total cost greater than \$100,000 shall be made in accordance with the applicable procedures for Formal Solicitations and this section, which set forth the requirements for competitive sealed solicitations, including but not limited to Requests for Proposals, Requests for Qualifications, Requests for Information, and any other formal solicitation method. Architectural, landscape architectural, engineering, land surveying, and construction management services always require competitive solicitation, regardless of contract amount. (Government Code §section 4526)

State and federal selection criteria often apply to ~~agreements~~contracts using state or federal funds. ~~Where~~When state or federal funding is involved, state and federal regulations must be consulted for competitive bidding requirements and for specific contract provisions that may be required.

The contractor selection method used may depend on such factors as the nature of the services, when the services are needed, the estimated cost of the services, whether it is an emergency, or the availability of an already existing contracting source.

~~Solicitations~~Competitive solicitations for services may be initiated by the Purchasing Agent, ~~or designee~~, when deemed in the best interest of the County to do so, or upon request by a department.

### 5.3 Written Contract Required

In accordance with County Charter section 602, all services provided to the County costing \$10,000 or more, ~~in the aggregate~~, shall be procured pursuant to a written contract meeting all legal



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requirements of the Board of Supervisors. Written contracts for services, including purchase orders and purchase contracts, must be signed by the Purchasing Agent or the Board of Supervisors and the vendor with the exception of Software as a Service (SaaS) contracts. ~~Software-as-a-Service~~SaaS contracts do not need to be signed by the vendor.

### 5.3.1 Services less than \$10,000

Services costing less than \$10,000 may be procured through a direct payment process or through the issuance of a ~~purchase order~~Purchase Order in lieu of a written contract.

Departments should assess the liability associated with these services, and if there is a potential risk to the County, the ~~Department~~department should move forward with a written contract regardless of the dollar amount. Examples include psychological evaluations related to a child welfare case or services that involve sensitive data or services that require the vendor to adhere to County Policies.

### 5.3.2 Written contract required regardless of ~~amount~~Amount

The following services must be procured pursuant to a written contract regardless of dollar amount:

- (a) Legal services
- (b) Professional consulting services
- (c) Architectural services
- (d) Engineering services
- (e) Professional financial and accounting services
- (f) Hazardous material hauling or remediation
- (g) Security services
- (h) Services for application of chemicals such as herbicides and pesticides

### 5.3.3 Authority to Contract with Legislative Advocates

Any contract with a lobbying firm or individual contract lobbyist, as defined by Government Code sections 82038.5 and 82039, must be approved by the Board of Supervisors prior to execution, regardless of the amount of the contract.

### 5.3.4 Exceptions

Expert witness consultation and testimony and other services, inclusive of those listed in section 5.3.2(a) through (h) above, that are required by the District Attorney, Public Defender, or Alternate Public Defender in direct relation to a criminal case, which cost less than \$10,000, may be procured without a written contract.



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### 6.0 SURPLUS PROPERTY

The Purchasing Agent is responsible for administering the County surplus property program, which includes the collection and disposal of surplus equipment, materials, and supplies, and the maintenance of the surplus property pool.

Departments are responsible for promptly notifying the Purchasing Agent when any personal property in their possession is no longer needed. The Purchasing Agent will determine whether the property should be transferred to the Surplus Pool or if the property is of no value.

#### 6.1 Surplus Pool

The Purchasing Agent shall provide secure storage and maintain an inventory of ~~the~~ surplus property. The inventory shall be made available to departments by placing it in the surplus pool. All items of surplus property shall remain available to County departments for a minimum of fifteen (15) business days prior to disposal or sale ~~of same~~.

Whenever a department needs an item which has been placed in the surplus pool, the Purchasing Agent may, upon a properly drawn request for transfer or requisition, transfer the item to the department.

#### 6.2 Surplus Property of No Value

Items of surplus property, excluding fixed assets, shall be inspected by appropriate qualified staff for the purpose of determining operability and useful life. Those items found to be beyond ~~economical~~ economic repair or of little or no value shall, at the discretion of the Purchasing Agent, be disposed of in any manner the Purchasing Agent deems appropriate. Such determination of no value shall exempt items from placement in the surplus pool.

Specific fixed assets found by the Purchasing Agent to be beyond economic repair or of little or no value and found by the ~~Board of Supervisors~~ Chief Administrative Officer, or designees, not to be required or adequate for County use, may be disposed of in any manner the Purchasing Agent deems appropriate.

#### 6.3 Surplus Property Sale or Transfer

~~The~~ Upon approval by the Chief Administrative Officer, the Purchasing Agent shall sell, transfer, donate, or exchange surplus property ~~as provided for by Government Code, County Ordinance Code, or Board of Supervisors' direction.~~



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### 6.4 ~~Vehicle Registration~~Surplus Vehicles

Procurement and Contracts is responsible for all administrative actions required for the disposal, transfer, or sale of all County-owned vehicles and heavy equipment, except as otherwise provided by law. This provision includes authorization for the Purchasing Agent to sign associated Department of Motor ~~Vehicle~~Vehicles documents.

#### RESPONSIBLE DEPARTMENT

Chief Administrative Office

#### DATES ISSUED AND REVISED; SUNSET DATE

|                            |                   |                     |                   |
|----------------------------|-------------------|---------------------|-------------------|
| <u>Originally Adopted:</u> | <u>10/11/2006</u> |                     |                   |
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