

On this matter, 2/4/2014 BOS Agenda Item 9, proposed action #1, I do not believe your Board can make the finding that:

"...pursuant to **Ordinance Code 3.13.030** that there are special skills and qualifications required for the work performed under this Agreement that are not expressly identified in County job classifications and that the ongoing aggregate of the work to be performed is not sufficient to warrant the addition of permanent staff."

El Dorado County Code of Ordinances

**Chapter 3.13
CONTRACTING OUT**

3.13.010 Title.

This chapter shall be known and may be referred to in all proceedings as the county contracting out ordinance.

3.13.020 Purpose.

This chapter is intended to comply with **El Dorado County Charter section 210b.(6)** which provides that the Board may, "When it finds that work can more economically and feasibly be performed by independent contractors, enter into contracts for the performance of such work. The board of supervisors shall adopt an ordinance specifying criteria for entering into such contracts, and specifying when competitive bidding procedures for the award of such contracts shall be required."

3.13.030 Procedure.

All contracts with independent contractors shall be accompanied by facts to enable the board to determine whether such contacts can be "more economically and feasibly" performed by independent contractors. The following criteria shall be considered when reviewing contracts with independent contractors:

- A. Comparative cost analysis;
- B. Special skills and qualifications involved in the performance of the work;
- C. Availability of qualified county employees to perform the work;
- D. Time frames and schedules in which to perform the work and the ability to satisfy

these time frames and schedules;

E. Legislative authority or other mandates that the service be performed by independent contractors;

F. Legislative, administrative or legal goals and purposes that cannot be accomplished through the use of persons other than independent contractors;

G. Contracts necessary to protect against a conflict of interest or to ensure independent and unbiased findings where there is a need for an outside perspective; for example, contracts relating to litigation or potential litigation may require independent contractors;

H. The nature of the work involves temporary, occasional, urgent or emergency services;

I. The contractor will provide equipment, materials, facilities, administration or support services related to providing work that may not be feasibly provided by the county.

3.13.040 Board Adoption of Findings.

All persons who have legal authority in writing to sign contracts for the county without additional board approval such as provided by county charter, ordinances and resolutions, shall determine whether such contracts can be "more economically and feasibly" performed by the independent contractors pursuant to the criteria outlined above. Written findings that the work can be performed "more economically and feasibly" are required to enter into such contracts and these findings shall be deemed adopted by the board.

3.13.050 Competitive Bidding.

Competitive bidding procedures for contracts shall be governed by general law. (Ord. 4369, 1995)

El Dorado County Charter 210b (6)

(6) Enter into contracts for the performance of work when the Board of Supervisors, or other awarding authority designated in accordance with statutory authority, finds that independent contractors can more economically and feasibly perform work than County employees, or that specially skills are not expressly identified in County classifications, or that the ongoing aggregate of work to be performed is not sufficient to warrant addition of permanent staff.

Notwithstanding the provisions of this section, the County may enter into any contract or agreement in cases of emergency; or with or among any other governmental entities or agencies; or contracts which, by legislative authority, mandate the service be performed by independent contractors; or contracts necessary to protect against conflicts or interest or ensure independent, unbiased findings.

The Board of Supervisors shall adopt an ordinance specifying criteria for entering into such contracts, and specify when competitive bidding procedures for the award of such contracts shall be required.