



## Legislation Details (With Text)

**File #:** 22-0977      **Version:** 3

**Type:** Agenda Item      **Status:** Approved

**File created:** 5/20/2022      **In control:** Board of Supervisors

**On agenda:** 9/20/2022      **Final action:** 9/20/2022

**Title:** Chief Administrative Office, Procurement and Contracts, recommending the Board Approve the Final Passage (Second Reading) of Ordinance 5166 repealing Ordinance 4981 and 5001 Chapter 3.12 of Title 3 of the El Dorado County Ordinance Code (Procurement) and adding a new Chapter 3.12 of Title 3 to said Code for the revised County Procurement Ordinance. (Cont. 9/13/2022, Item 28)

FUNDING: N/A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Draft Ordinance 3.12, 2. B - Chapter 3.12 - RED Line with comments, 3. C - Final Draft C-17, 4. D - County Counsel Approval, 5. Executed Ordinance 5166

Date	Ver.	Action By	Action	Result
9/20/2022	3	Board of Supervisors	Approved	Pass
9/13/2022	2	Board of Supervisors	Continued	Pass
6/14/2022	1	Board of Supervisors	Approved	Pass

Chief Administrative Office, Procurement and Contracts, recommending the Board Approve the **Final Passage** (Second Reading) of Ordinance **5166** repealing Ordinance 4981 and 5001 Chapter 3.12 of Title 3 of the El Dorado County Ordinance Code (Procurement) and adding a new Chapter 3.12 of Title 3 to said Code for the revised County Procurement Ordinance. (Cont. 9/13/2022, Item 28)

**FUNDING:** N/A

### DISCUSSION / BACKGROUND

On September 13, 2022, the Board continued Ordinance 5166 (Item 28) to September 20, 2022 for Final Passage (Second Reading).

The Board of Supervisors adopted the current Procurement Ordinance and Policy C-17, Procurement, in 2006. The policy was further amended in the Spring of 2007 and again in the Fall of 2012. The Procurement Ordinance was also revised in October 2013 in accordance with the County Charter to specify alternate procedures for procuring services less than \$10,000 without a contract.

As procurement industry standards, methods and terminology have changed over the last ten years, and staff has interpreted and implemented both the ordinance and the policy, opportunities for updates to both the ordinance and the policy have been identified. Updates ensure that the ordinance and the policy provide consistent direction and that they are clear and easy to interpret as administrative procedures for implementation are developed.

The proposed revised ordinance and policy, with changes to the ordinance red-line marked, are attached. The Ordinance has been simplified as there was a significant amount of duplication

between the ordinance and the policy. One of the primary goals of the new streamlined ordinance is to allow future changes to be made in the policy vs. having to bring forward a revised ordinance.

Since the update to the purchasing policy was significant, including an overall change to the structure of the policy, a red lined version was not able to be created. A clean draft of the proposed new policy is included as Attachment C. The policy does not include step-by-step instructions for all types of County procurement. The policy is intended to be a guiding document. A step-by-step Procurement Procedure Guide will be developed by the Procurement and Contracts division if the revised Purchasing Policy is approved.

In order to provide one central reference to guide most general procurement activities, duplicate information was removed from the ordinance and updated in the policy. This will centralize the policy as the "go to" reference. Formal definitions sections were removed from both the ordinance and the policy and definitions were provided in the context of discussion in each document.

The significant changes to the policy include the following:

- 1) A requirement for competitive solicitation for services in excess of \$100,000 is added (C-17, Section 5.2). Competitive solicitation for services is a common industry practice.
- 2) A change to the requirement for Board of Supervisors approval of perpetual agreements. The proposed change to the policy allows the Purchasing Agent to approve perpetual agreements that do not exceed Purchasing Agent authority based on the anticipated expenditure within the first 36 months of the contract. This saves time for the execution of small subscription contracts such as contracts for access to legal references, software as a service, and survey/data gathering utilities. (C-17, Section 2.4)
- 3) Terminology updates. Both documents now refer to "goods and services" as they refer to purchase types.
- 4) Resolutions adopted since the last update to the ordinance and the policy have been included in the policy.

## **ALTERNATIVES**

The Board could choose to not make any changes to the existing Procurement Ordinance and/or Procurement Policy.

## **PRIOR BOARD ACTION**

12-0920 - Introduction, hearings and adoption of Ordinance 5001 to repeal Chapter 3.12 of Title 3 for the revised Procurement Ordinance and Procurement Policy

22-0977 - Version 1, 6/14/2022 - Conceptual approval to amend Chapter 3.12 of Title 3 of the County of El Dorado Ordinance Code and submit draft changes to the Ordinance and Policy C-17

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

## **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

None

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

None

**STRATEGIC PLAN COMPONENT**

Good Governance

**CONTACT**

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