



## Legislation Details (With Text)

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**On agenda:** 10/22/2013      **Final action:** 10/22/2013

**Title:** Consider final passage (Second Reading) of Ordinance 5001 repealing Chapter 3.12 of Title 3 of the El Dorado County Ordinance Code (Procurement) thereby adding a new Chapter 3.12 of Title 3 to said Code for the revised County Purchasing Ordinance and Procurement Policy. (Cont. 10/8/13, Item 22)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 3A - Summary Ordinance Chpt 3.12 10-8-13.pdf, 2. 3B - Full Ordinance Chpt 3.12 10-8-13.pdf, 3. 3C Purchasing Ordinance Markup for BOS 10-8-13.pdf, 4. 3D Policy C-17 Clean for BOS 10-8-13.pdf, 5. 3E Policy C-17 Markup for BOS 10-8-13.pdf, 6. A - Executed Summary Ordinance 4981.pdf, 7. B - Proposed Ordinance with Tracked Changes 8-21-12.pdf, 8. C - C-17 Revision SH 2012 Track Changes 8-21-12.pdf, 9. D - Proof of Publication 12-0920 8-21-12.pdf, 10. E - Executed Ordinance 4981.pdf, 11. 2nd Proof of Publication - att'd 9/27/12, 12. Fully executed Ordinance 5001.pdf

| Date       | Ver. | Action By            | Action   | Result |
|------------|------|----------------------|----------|--------|
| 10/22/2013 | 4    | Board of Supervisors | Approved | Pass   |
| 10/8/2013  | 3    | Board of Supervisors | Approved | Pass   |
| 9/11/2012  | 2    | Board of Supervisors | Adopted  | Pass   |
| 8/21/2012  | 1    | Board of Supervisors | Approved | Pass   |

Consider final passage (Second Reading) of Ordinance **5001** repealing Chapter 3.12 of Title 3 of the El Dorado County Ordinance Code (Procurement) thereby adding a new Chapter 3.12 of Title 3 to said Code for the revised County Purchasing Ordinance and Procurement Policy. (Cont. 10/8/13, Item 22)

**Fiscal Impact/Change to Net County Cost**  
None

### Background/Reason for Recommendation

The Board of Supervisors adopted the current Purchasing 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. On June 5, 2012, the voters of El Dorado County approved Measure C, which amended Section 602 of the County Charter to allow for the procurement of services costing less than \$10,000 without a written contract. The measure requires the Board to adopt an ordinance specifying "alternate procedures" for processing and documenting such purchases. In order to comply with the charter, it is necessary to revise section 3.12.230 of the Purchasing Ordinance and Section 7 of Board of Supervisors Policy C-17. There are also a couple of minor changes related to contract requests and contracts over \$100,000 that are detailed below.

The proposed revised ordinance and policy, with changes marked, are attached. The following is a summary of the proposed changes:

1. Ordinance sections 3.12.050, 3.12.140 and 3.12.150; Policy section 5.1.3

These sections have been revised to clarify that the Purchasing Agent may delegate full authority to approve purchases and execute purchase orders, rather than simply delegating signature authority. This reflects the current practice. For purchases within the limits of section 3.12.140, departments are fully responsible for the purchase and there is no Purchasing Agent review or authorization of the purchases before they are made. The definition of services is revised to exclude cable and satellite television and internet services in addition to phone, refuse, and utility services.

2. Ordinance section 3.12.250; Policy sections 7.1 and 7.2

Section 3.12.250 is added to provide authority for the Purchasing Agent to delegate authority to contract for services to department heads. Policy sections 7.1 and 7.2 are revised to reflect the ordinance change.

3. Ordinance Section 3.12.260; Policy Section 7.4

Ordinance section 3.12.260 is added, which authorizes the purchase of services without a written contract pursuant to the County Charter and states that the procedures for such purchases will be specified in the Procurement Policy C-17. Section 7.4 of the policy provides a list of types of services that may not be procured without a contract. An exception to these limitations is provided for expert witness consultation and testimony that are needed by the Public Defender and District attorney and are directly related to a criminal case.

4. Policy Section 7.5.1(formerly 7.4.1)

This section describes the process for departments to request the Procurement and Contracts Division to process contracts on their behalf. It includes a list of information to be included in the request. The current policy language makes the inclusion of items (a) through (p) mandatory. This revision provides flexibility for the Procurement and Contracts Division to require only what is necessary from departments, rather than requiring departments to complete forms with information that doesn't apply to a particular contract.

5. Policy Section 7.11 (formerly 7.10)

As currently written, for a contract over \$100,000, a department must have the scope of services and contractor's qualifications reviewed by an individual outside of the requesting department. At the request of Health and Human Services Agency staff, this section is being revised to allow for the outside review to be conducted by staff within an agency but outside of the requesting division. For example, Social Services staff may provide outside review for a contract contemplated by Public Health staff. The revisions to this section also make it clear that conducting and documenting this review is the responsibility of the department.

### **Action(s) to be taken following Board approval**

Ordinance will be scheduled for second reading on October 8, 2013, along with final adoption of revised Policy C-17

### **Contact**

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**Concurrences**  
County Counsel