



COUNTY OF INYO

PURCHASING AND CONTRACTING POLICY AND PROCEDURES MANUAL

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TABLE OF CONTENTS

PURCHASING POLICY

Section A

Introduction	i
--------------------	---

Section B

Definitions	ii-iii
-------------------	--------

Section C

I. Centralized Purchasing (General Provisions)	1
--	---

Section D

II. Departmental Responsibilities	2
---	---

Section E

III. Procurement of Material, Goods & Personal Property	4
A. Purchases Requiring Special Approval	4
B. Competitive Process (General)	4
C. Procurements under \$10,000	5
D. Specifications	7
E. Exceptions to Competitive Process	7
F. County Stores	8
G. Blanket Purchase Order	9

Section F

IV. Procurement of Services	10
A. Definition	10
B. Criteria	10
C. Term	10
D. Contract Changes	10
E. Independent Contractor under \$2,500	11
F. Independent Contractor \$2,501 - \$10,000	12
G. Independent Contractor over \$10,000	13
H. RFP Development	13
I. Sole Source Requests	14

Section G

V. Details of the Competitive Process	16
---	----

Section H

VI. Public Works Projects	20
A. Competitive Process for Public Works Projects	20
B. Competitive Process for Road Projects	20
C. Competitive Process for Bridge Projects	20

Section I

VII.	Special Instructions	22
------	----------------------------	----

PURCHASING PROCEDURES & SUPPORTING MATERIAL

Section J

VIII.	IFAS Procedures for Purchasing	1-37
-------	--------------------------------------	------

Section K

IX.	Exhibits	
	Computer Item Exempt from I.S. Approval Requirement	A
	How to Create a Purchase Order	B
	Receiving on a Purchase Order	C
	Updating an Open Hold Batch	D
	Requesting Computer Purchase Approval	E

Section L

X.	Miscellaneous Forms for Requesting Purchasing Services	1-8
----	--	-----

Section M

XI.	Title 6, of County Ordinance	1-20
-----	------------------------------------	------

INTRODUCTION

The purpose of this Purchasing Policy Manual, which has been approved by the Board of Supervisors, and adopted by resolution is to set forth how purchasing activities are to be conducted in Inyo County. Failure of a County employee to comply with this Manual may result in personal liability or disciplinary action as appropriate.

Specifically, this manual establishes the Policies and Procedures that govern the daily implementation of the County's Purchasing and Contracting Ordinance. It sets forth the authority and general procedures for procuring materials, goods, supplies, vehicles and other personal property, as well as the procurement of services. It deals with purchasing and contracting for public works projects; road and bridge projects; purchase, sale, transfer, lease or rental of real property; real property licenses and permits; donation of property to the county; sale and transfer of surplus county property; delegation of authority to various county officers and employees to make purchases and contracts of specified goods and services and the authority that county officers and employees have under emergency situations.

The Purchasing Services Division of the County Administrators Office, is responsible for the purchase of supplies, equipment and services for the County unless otherwise specified by ordinance, Board policy, or this manual. Furthermore, the Purchasing Division recognizes that other policies exist within the County structure. This manual was not written to supersede all policies currently in effect, but to alleviate the questionable areas of who is specifically responsible for purchases that require varying levels of approval based on cost categories.

Contained in this manual are a number of charts, tables, and statements that outline the monetary amounts approved for various levels of management, Department Heads and the Purchasing Agent. However, one factor remains constant throughout this manual, Board of Supervisor approval will be required for all purchases over \$10,000 concerning: supplies, materials, equipment or special services.

Definitions: As used in this Manual, the following words and phrases shall have the following meanings:

- (a) ***Agency or Department*** means any of the departments, offices, or other organizational units of County government, and any special district whose affairs and funds are under the supervision and control of the Board of Supervisors and for which the Board of Supervisors is the ex-officio governing body.
- (b) ***Agency head or Department Head*** means the head of an established department of County government or any of the special districts governed by the Board of Supervisors whose duties include supervision of the department's or district's day to day operations and who has either been appointed by the Board of Supervisors to his or her position or elected by the voters of the County. Agency head also includes the Chief Probation Officer, County Director of the University of California Cooperative Extension Office, and Deputy County Administrator(s).
- (c) ***Bid*** means an offer, as a price quotation, specifically given to the County upon its request or invitation to bid, usually in competition with other vendors.
- (d) ***Bidders List*** means a current file of sources of supply of articles for each category of commodities repetitively purchased for County use.
- (e) ***Contractual Services*** means any and all telephone, gas, water, electric light and power services; towel, window washing and cleaning service; the rental of equipment and machinery; and all other types of agreements under which the contractor provides services which are required by the County government but not furnished by its own employees. Provided, however, that "contractual services" shall not include legal advertising, road construction and repair and public projects. Purchases of space for legal advertising shall not be subject to the provisions of this article.
- (f) ***Emergency*** means an unforeseeable event or circumstance which results in personal injury or property damage, or the risk of personal injury or property damage, or may result in potential liability to the County if immediate action is not taken (or) an unforeseen event that threatens to disrupt the operation of an agency providing critical services directly to citizens.
- (g) ***Formal bid*** means a written bid, secured by the purchasing agent for the County by advertising, delivered to the County administrative office in a sealed envelope and opened publicly at a specified time and date, excluding public projects, and as may otherwise be stipulated by state or federal laws, regulations or policy, including, but not limited to, California Government Code Section 4525 et seq.

- (h) **Informal bid** means a bid secured by department heads or the purchasing office, such as a fax, e-mail, telephone quotation, or mail, and referred to the purchasing agent for selection.
- (i) **Irresponsible Bidder** means a bidder or prospective bidder who fails to furnish, upon written request, proof of his responsibility; who has, as a vendor or contractor with the County, repeatedly made slow or unsatisfactory deliveries; or who has violated, or attempted to violate, the contract terms, conditions of a bid, a contract, or the provisions of this article.
- (j) **Local Vendor** means a firm or individual who regularly maintains a place of business and transacts business in, and maintains an inventory or merchandise for sale in, or is licensed by, or pays business taxes to, the County of Inyo.
- (k) **Personalty** means personal property other than real estate.
- (l) **Public Project** (as defined by Section 22002 of the Public Contract Code), shall mean the construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any County owned, leased, or operated facility; and the painting or repainting of any County owned, leased, or operated facility; provided however, that “public project” shall not include maintenance work as defined in Section 22002 of the Public Contract Code.
- (m) **Responsible Bid** means an offer, submitted by a responsible bidder in written form, to furnish supplies, materials, equipment or contractual services in conformity with specifications, delivery terms and conditions, and other requirements included in the invitation for bids.
- (n) **Responsible Bidder** means a bidder who submits a responsible bid; who has furnished, when requested, information and data to prove that their financial resources, production or service facilities, service reputation and experience are adequate to make satisfactory delivery of the supplies, material, or equipment to satisfy the provisions of this article.
- (o) **Special Services** means the service of attorneys, physicians, architects, engineers, consultants, or other individuals, firms or organizations which provide specialized services as defined in Government Code Section 31000, or which provide other specialized products for which it is not possible to develop specifications so as to allow for normal competitive bidding.
- (p) **Supplies, Materials and Equipment** means any and all articles or things which shall be furnished to or used by an agency, including any and all printing, binding, or publication stationery, forms, laws, journals, and reports, but excluding services or materials furnished “in kind” in lieu of cash to indigents.

I. CENTRALIZED PURCHASING--GENERAL PROVISIONS

It is the intent of Inyo County to reduce the total costs associated with the acquisition and management of materials, supplies, equipment and services by purchasing competitively and wisely. Vendors and the general public may look to a professional, centralized purchasing staff for information and for assurance that the County's purchases are being handled properly and economically.

Objective

- To provide increased economy in County procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds.
- To provide safeguards that insure the integrity of the procurement system.
- To insure fair and equitable treatment of all persons and businesses who deal with the procurement system of the County.
- To purchase the appropriate material, quality, and quantity at the right time from the proper source.
- To reduce the overhead cost of County purchases by centralizing the process.
- To promote a system of standardization throughout the County to procure goods and services cost effectively.
- To standardize the purchase of office equipment, computer hardware and computer software.
- To facilitate small purchases outside the central process to improve efficiency.

II. DEPARTMENTAL RESPONSIBILITIES AND INFORMATION

County Departments have important responsibilities in the procurement of goods and services. This section outlines some of these responsibilities to assist departments.

A. Department Responsibilities

1. Determine that sufficient budget funds are available to pay for requested goods and services.
2. Ensure that requested items/services are necessary to operations and are used for their stated purpose.
3. Ensure that requisitions and purchase orders are completed and processed for payment satisfactorily.

B. Department Contact with Vendors

1. Departments that contact vendors for information only to price purchase requisitions or gather operational or budgetary information shall inform the vendors that the information requested is for planning purposes only and is not a request for quotations.
2. Departments that contact vendors directly to make a purchase must comply with the appropriate quote requirements and process all documents as specified herein.
3. Any equipment demonstrations arranged by a department shall be consolidated to include all interested departments whenever possible.

C. Consolidation of Departmental Requests

1. Departments shall plan their annual requirements and make every effort to consolidate similar items into a single Blanket Purchase Order. In addition, the Purchasing Division will periodically issue a schedule of planned procurement solicitations of specific common products or materials; e.g., desks, chairs, computers, and copiers. Department requirements should be consolidated and submitted in accordance with these schedules.
2. Items shall be ordered in quantities sufficient for a reasonable period and consistent with future needs and available storage space.

D. Unauthorized Purchases

A department making an unauthorized purchase more than two times in a single year, will be required to appear before the Board of Supervisors to obtain approval of such expenditures. An unauthorized purchase may include but is not limited to the following:

1. An obvious circumvention of delegated purchasing authority.
2. The purchase of items without the appropriate approvals.
3. Any purchase for personal use.
4. Dividing a single purchase by utilizing multiple P.O.'s to avoid a specific approval requirement.

E. Failure to Comply with the Purchasing Policy

Except as otherwise exempted by the Board of Supervisors and/or Purchasing Manual/Ordinance, all Department Heads and employees will be required to abide by the Board of Supervisors adopted Purchasing Manual and

Ordinance. Failure to abide by the manual and ordinance could result in disciplinary action, including being personally liable to reimburse the County for the purchase and/or other disciplinary action, pursuant to the applicable Sections of the County Code. In addition to disciplinary action, criminal prosecution could also be warranted.

F. Requisitioning Process

Purchase requisitions are initiated by departments to make purchases and to provide management and budgetary control over those purchases. They also serve as a formal requisition to the Purchasing Agent for purchases and provide an accounting record of purchases in process. To protect the integrity of the system Departments must not divide the cost of a single purchase on multiple P.O.'s to circumvent any bidding or approval authority requirements. Discovery of such a scheme will result in an investigation of the situation and the application of the maximum discipline applicable to the fact situation.

G. Authority to Sign Requisitions

Department heads are authorized to sign all requisitions and may delegate such authority to key personnel by completing a signature authorization form for such key personnel and forwarding same to the Purchasing Division. Signature authorization forms will be provided upon request by the Purchasing Division. However, such delegation will not insulate the Department Head from responsibility for compliance with all the purchasing policy and procedural requirements.

H. Out of State Vendors

Certain State of California statutes require that specific information must be provided by the vendor. When a purchase is made directly by a Department Head or their designate the responsibility for securing this data is assigned to the Department Head. At a minimum the following State requirements must be followed.

1. Out of State vendors providing professional services or labor must provide a current W-9 to be filed with the Auditor's office.
2. Out of State vendors that charge sales tax must provide a California State Board of Equalization Sales Tax Permit number.
3. Out of State vendors must fill out a California withholding tax form(s).

III. PROCUREMENT OF MATERIALS, GOODS, SUPPLIES, VEHICLES, EQUIPMENT AND OTHER PERSONAL PROPERTY.

A. Purchases Requiring Special Approval

Requests for the following items must be approved by the department or division listed before forwarding requisitions to the Purchasing Division or exercising a departmental purchase.

<u>Items/Services</u>	<u>Approving Dept./Div.</u>
Copy Machines	Purchasing
Cellular Phones	Purchasing
Data Processing Equipment, Software, Data Communications Equipment, Computers	Information Services
Fixed Assets	Board of Supervisors/County Administrator
Fixed Assets (early budget approval)	County Administrator
Special Safety Equipment (includes special ergonomic requirements for chairs)	Risk Manager
Vehicles	Motor Pool
Items attached to buildings, signs, infrastructure wiring, Room partitions, etc.	Building and Safety

B. Competitive Process (General)

1. The County is committed to a program of purchasing utilizing competitive pricing where practicable. Departments must not artificially divide purchase requisitions to circumvent any competitive bidding requirement. In addition, no department or employee shall draft or cause to be drafted any specifications in such a manner as to limit the bidding directly or indirectly to any one specific brand, product, thing, or service, except for those items that are approved as sole source purchases as provided for in this manual.
2. Except as otherwise provided for in this manual or by law, contracts and purchases in the amount of \$10,000 or more will be awarded by the Board of Supervisors and made by sealed bid procedure. Sealed bids shall be opened and read at a specific time and shall be retained in the bid file.
3. Where the dollar volume involved is less than \$10,000 the Purchasing Agent or designee as authorized in this Manual and Title 6 of the County ordinance will request informal or formal quotes as specified.
4. All persons delegated the authority to authorize purchases are approved to secure goods and services under \$1,000 without the requirement of competitive bids for the overall functional efficiency of the Purchasing system.

5. Purchasing is authorized to make purchases from other public agencies without seeking competitive bids and may use Joint Powers Agreements, Cooperative Purchasing Programs, Pooling Agreements and other recognized types of agreements used by government to combine agency requirements for purchases. The prices paid must, however, be competitive with comparable products offered in the marketplace.
6. Except as otherwise provided by law, Purchasing may reject all bids received under a request for Invitation to Bid if it is determined that the price, terms or surrounding circumstances of the bid are such that an award of such bid would not be in the best interests of the County.

C. Procurement of Materials, Goods, Supplies, Vehicles, Equipment and Other Personal Property not Exceeding \$10,000

The following categories, separated by dollar amounts, should be followed when procuring materials, goods, supplies, vehicles, equipment and personal property under \$10,000, whether by the Purchasing Agent or as delegated to Departments under Section 6.18.010 *Delegation of Authority for Purchase of Certain Types of Goods and Services* of the County Purchasing Ordinance.

1. Purchases of \$1,000 or less:

- a) Departments are authorized to make individual purchases up to \$1,000 unless otherwise not allowed per Section III. A of this manual.
- b) Departments will be responsible for obtaining the best possible price although competitive quotes will not be required.
- c) Departments will be responsible for documenting the purchase and submitting all required records to the Auditor to authorize payment.
- d) While not a requirement for purchases under this dollar amount a Department may utilize the assistance of the purchasing agent for purchases in this category.

2. Purchases over \$1,001 to and including \$2,500 (Verbal Quotes):

- a) These purchases will be made by the Purchasing Agent. However, the Purchasing Agent reserves the right to delegate this function to departments as deemed appropriate. The delegation will be done in writing by the Purchasing Officer and the Department will be required to adhere to all the requirements and procedures set forth in the Purchasing Policy Manual and Ordinance.
- b) Competitive pricing will be accomplished through informal bidding (telephone quotes). Departments will provide a record of the telephone quotation of price on the form provided for this purpose. At least 3 telephone quotes must be documented on this form. If it is not possible to procure 3 comparisons of price, an explanation as to why this requirement could not be met must be provided on the form and signed by the Department Head.
- c) It is the responsibility of the Department to secure the proper approvals from other County Departments/Divisions as necessary per Section III. A above.
- d) The Purchasing Agent is available to perform these functions for any Department. However, priority will be established on purchases in this category on a first come, first serve basis after the Purchasing Agent has satisfied the more formal processes in higher dollar categories or other priorities of a time critical nature.

3. Purchases over \$2,500 to and including \$7,500 (Informal Quotes):

- a) These purchases will be made by the Purchasing Agent.
- b) The Purchasing Agent will solicit quotes from at least three vendors.
- c) Quotes will be solicited via fax, e-mail, or U.S. Mail. Responses by the vendor may be received in any of those formats. A hard copy of these responses will be included as back up to the Purchase Order.
- d) Departments creating a purchase requisition for commodities in this expense category must provide the following information at a minimum:
 - 1. Brand/Model/Style of items
 - 2. Unique descriptions of special specifications
 - 3. Quantity required
 - 4. Ship to address
 - 5. Secure the proper approval in Section III. A above.

4. Purchases over \$7,500 to and including \$10,000 (Formal Quotes):

- a) These purchases will be made by the Purchasing Agent.
- b) Departments will provide: (a) the specifications for the commodity, fixed asset etc., being requested for purchase and must be written as described under Section III.D. below; and (b) whenever possible submit a list of possible vendors to the Purchasing Agent.
- c) It is the responsibility of the Department to develop the specifications and coordinate the proper input from other County Departments/Divisions as necessary per Section III.A. of this Purchasing Manual.
- d) The Purchasing Agent will seek formal written quotes(bids).
- e) In addition to soliciting from any vendor list, at a minimum, bids must be advertised in the County's General Newspaper of Circulation (Inyo Register) and at least 2 weeks must be given for vendors to respond to the request. Where applicable advertisement can be conducted outside of the County, if in the opinion of the Department Head and/or Purchasing Agent, it would enhance the competitive process.
- f) The process followed in this dollar amount range will be the same formal bid process utilized for purchases over \$10,000, but will not require Board of Supervisors approval.

5. Purchases over \$10,000 (Board of Supervisors Approval Required)

- a) These purchases will be made by the Purchasing Agent.
- b) Departments will provide: (a) the specifications for the commodity, fixed asset etc., being requested for purchase and must be written as described under Section III.D. below; and (b) whenever possible submit a list of possible vendors to the Purchasing Agent.
- c) It is the responsibility of the Department to develop the specifications and coordinate the proper input from other County Departments/Divisions as necessary per Section III.A. above, of this Purchasing Manual.
- d) The Purchasing Agent will seek formal written quotes or request sole source approval by the Board of Supervisors where appropriate.

- e) In addition to soliciting from any vendor list, at a minimum bids must be advertised in the County's General Newspaper of Circulation (Inyo Register) and at least 2 weeks must be given for vendors to respond to the request. Where applicable advertisement can be conducted outside of the County if in the opinion of the Department Head and/or Purchasing Agent it would enhance the competitive process.
- f) The Purchasing Agent will provide a complete package including the recommended vendor to Departments who will prepare the Agenda item to place before the Board of Supervisors for approval. It will be the Department Heads' responsibility to present and justify the purchase to the Board of Supervisors.

D. Specifications

1. Departments must make sure specifications are non-restrictive, clearly describe the item needed in terms of performance, and reference existing industrial or governmental specifications whenever applicable. Drawings or samples should clearly describe the required item. If a brand name or model is specified on the requisition, the Purchasing Division will assume that "equal" items are acceptable.
2. If a department believes that only a specific make and model will meet its needs, the department shall provide an objectively written explanation, in the Purchasing Requisition Form which calls out the unique features of a sole source item (as specified in Section E below) and which states why these features are required. If other brands and models have been tested or used previously, the department shall specify the brands and models used, and why they were unacceptable. Similarly, prior unsatisfactory performance may be used for future bid award evaluations. Keep in mind that the County must be able to demonstrate a clear reason for any restrictive specifications.
3. The Purchasing Division will return the Purchasing Requisition Form to the Department Head for additional justification for a specific brand which appears to be unreasonably restrictive, luxurious or otherwise inappropriate for the normal use of the product.

E. Exceptions to the Competitive Process/Sole Source

Departments should always strive to purchase competitively; however, except as otherwise directed by law, or as directed by the Board of Supervisors or the County Administrator, competitive bidding is not required for the following purchases.

1. Goods or services under \$1,000.
2. Property or services the price of which is fixed by law.
3. Sole source procurement, defined as an award for commodity or service, which can only be purchased from one supplier, usually because of its specific technological requirements, availability or unique patented manufacture.
4. Poor quality from specific vendor(s).
5. Wherever State law expressly authorizes execution of professional services contracts without competitive bidding.
6. Emergency purchases necessary when unforeseen circumstances require an immediate purchase in order to avoid a substantial hazard to life or property or serious interruption of the operation of a County department, or the necessary emergency repair of County equipment or heavy equipment required for the operation of a County department.

7. Personal property or services obtainable;

- a) From any other governmental agency and owned or provided by such other governmental agency, or
- b) From any other governmental agency which has a contract with a vendor which allows such other governmental agency to acquire such property or services and resell them to other governmental agencies (i.e., cooperative purchasing agreements).

[NOTE: Requests for Sole Source exemptions should be made to the CAO for items over \$1,000 but under \$10,000 and to the Board of Supervisors for items over \$10,000].

8. Further exceptions to the Competitive Process:

Inyo Mono Transit
Inyo Motor Pool
Solid Waste Department
Road Department

The organizations listed above share a common impediment to their efficient operation. They frequently suffer motor vehicle and heavy machinery breakdowns that may impact their operation and safety as they conduct business. When motor vehicles or heavy machinery undergo scheduled maintenance or planned discretionary repairs, the organization responsible for obtaining the work will follow all of the purchasing guidelines described in this manual. The Departments will be expected to comply with the requirements for competitive bids within the monetary limits as prescribed.

However, when vehicles unexpectedly breakdown, and no replacement vehicle is available, returning the vehicle to service becomes an overriding priority. Two examples are provided to illustrate why the priority shifts to “return to service”.

- a) When a vehicle is inoperable it is not cost efficient nor effective to tow that vehicle to at least three repair shops and incur tow charges and mechanic charges for each garage to diagnose the repairs needed. Then to tow the vehicle to the low bidder for repair. Excessive cost and time delays make this method of costing equipment failure repair cost prohibitive.
- b) In some cases a vehicle may not be in Inyo County when the breakdown occurs. The result may be a delay in returning an employee(s) to their primary duties within Inyo County. Coupled with the fact that the stranded employee(s) may have no expertise in procuring vehicle repairs.

The above examples certainly are not exhaustive of the situations that arise around vehicle or heavy equipment breakdowns. They should merely reinforce for the readers why “returning the unit to service” is often both an operational and safety priority. As a consequence, unscheduled and unanticipated repairs, necessary to return a motor vehicle or heavy machinery to service will be exempt from the purchasing policies established in this manual. Instead the County will rely on experience and judgment of the responsible Manager to obtain the most economical repair available considering the exigency of the situation.

F. County Stores

The County Purchasing Agent shall establish and maintain a stores account for the purchase and maintenance of a stock of general supplies and materials for County departmental use. A Stores Product List can be obtained from the Purchasing Agent. This list will be updated from time to time as the inventory changes. Stores will maintain miscellaneous office supplies common to all departments. There is a rebuttable presumption that stores is the most cost effective source for all items carried in inventory.

Stores Requisition Process:

1. Department Heads will identify the employee(s) within their departments who shall have acquisition authority for County Stores by submitting the County Stores Authorization memorandum (forms section) to the Purchasing Agent. Department Heads shall apprise the Purchasing Agent of any addition/deletion within a timely manner as the need arises.
2. The designated employee(s) shall complete the Stores Requisition Form (Forms section) and forward it to the Purchasing Agent.
3. The Purchasing Agent shall fill the order based on the current Stores inventory. If there is insufficient inventory to fill an order, the item(s) will be backordered and issued to the department upon receipt of additional inventory into Stores.
4. The Purchasing Agent shall debit departmental budgets for items that are issued via on-line journal entry batches, with notification to the departments at the time.
5. Department Heads that purchase items inventoried in stores from another source do so at their own risk. If items routinely carried in Stores are purchased from other sources at a higher cost to the County, the Purchasing Agent will review the situation with the Board of Supervisors.

Inventory and Accounting: The Purchasing Agent shall replenish items in County Stores inventory based upon usage and future trends and shall update the Stores Product List as needed.

A perpetual inventory system of County Stores that shows the quantitative amounts of the County Stores inventory shall be maintained in the manner prescribed by the Purchasing Agent. Further, a balance sheet which reflects the status of the Purchasing Revolving fund shall be prepared, at least once at the end of each fiscal year, a copy of which shall be forwarded to the Inyo County Auditor-Controller.

G. Blanket Purchase Orders

With the additional delegation of purchase authority to Department Heads, it is anticipated that repetitive purchases may still be most appropriately handled by establishing blanket purchase orders with specific vendors.

1. All blanket purchase orders over \$2,500 require Board of Supervisor approval.
2. When the same vendor is used repetitively for similar service, the requesting department may be required to initiate a blanket purchase order. Such requests may be initiated by the Purchasing Agent or the Auditor as the regular use is monitored.

IV. PROCUREMENT OF SERVICES (SERVICE CONTRACTS--INDEPENDENT CONTRACTORS)

The following procedures shall be used to procure the services of Independent Contractors as delegated to Departments under Section 6.18.010 A. of the Purchasing and Contracting Ordinance.

A. Definition

Service contracts are provided by an individual or group in order to obtain professional or technical services, which would not be handled by a County employee(s).

B. Contract Criteria

A service contract may be used by a Department only if one or more of the following conditions exist:

1. Urgency which cannot be met by County employees;
2. Temporary, intermittent, or irregular services which cannot effectively be performed by County employees;
3. Special or highly technical skills which cannot be secured through County employees;
4. Need for an independent opinion, appraisal, audit, or similar service;
5. Lack of sufficient personnel to accomplish the work in the required time frame;
6. Meets the restrictions of Government Code 31000, which authorizes the Board of Supervisors to contract for special services.

C. Criteria Regarding Length of Contract Term

1. Except for contracts that are based on the completion of a specified project, no original contract term shall be for more than one year unless specifically authorized by the Board of Supervisors
2. The length of contract term may be projected using the following criteria:
 - a) Project schedule;
 - b) Contract rate;
 - c) Project need for service;
 - d) State or Federal contract requirements.

D. Contract Extensions, Increases and/or Decreases

1. *Extension:* Upon written justification by the Department and only if needed to finish the service, the County Administrator may extend the contract for up to six months. Additional extensions must be approved by the Board of Supervisors.
2. *Increases:* Upon written justification by a Department and only if needed to finish the service, the County Administrator may increase the contract amount by up to \$5,000. Larger increases must be approved by the Board of Supervisors.
3. *Decreases:* Contracts may be decreased by the County Administrator without direction of the Board of Supervisors at the request of the Department after review by County Counsel.

E. Procurement of Services by Independent Contractor Not Exceeding \$2,500

1. Whenever possible at least three bids will be solicited.
2. The request-for-bids must contain a:
 - a) Detailed scope of work/service being requested;
 - b) Copy of the most applicable Standard Contract (per County Counsels Contract Manual);
 - c) Brief description of the evaluation criteria.
3. Bidders must be given a minimum of fifteen (15) working days to submit a proposal.
4. Proposals submitted must be received in writing and signed by the prospective contractor.
5. If more than one bid is received, the award should always go to the lowest bidder that best meets the scope of work/services being requested, unless otherwise exempted under section 31000 of the Government Code. A successful bidder is one that has demonstrably met the following criteria in the solicitation:
 - a) *Capacity to Perform:*
 - Fiscal
 - Service
 - Experience
 - Schedule
 - Previous County experience
 - b) *Ability to comply with the applicable standard contract provisions including:*
 - Licenses
 - Insurance
6. In the event that the department finds that the lowest bidder does not warrant the contract, then it is required of the department to clearly delineate the reasons why the contract should be awarded to the next lowest bidder.
7. Once the department has agreed on a contract with the recommended bidder, all the appropriate documentation and contract signed by the successful bidder, must be submitted to County Counsel for review and signature and the Auditor-Controller, Risk Manager and Personnel for signature as appropriate.
8. Once all the required signatures are obtained, the Department Head can then proceed to sign the contract.
9. If a dispute arises between the Department Head and any of the other County departments required to sign the contract, the issues and concerns should be brought before the County Administrator who will attempt to resolve the matter or refer to the Board of Supervisors for final determination.

F. Procurement of Services by Independent Contractor between \$2,501 and \$10,000
(Contracts in this category will be processed by the Purchasing Agent and approved by the CAO).

1. Whenever possible at least three bids must be solicited.
2. The request-for-bids must contain a:
 - a) Detailed scope of work/service being requested;
 - b) Copy of the most applicable Standard Contract (per County Counsel's Contract Manual);
 - c) Brief description of the evaluation criteria
3. Bidders must be given a minimum of twenty-one (21) working days to submit a proposal.
4. Proposals must be received in writing and signed by the prospective contractor.
5. If more than one bid is received, the award should always go to the lowest bidder that best meets the scope of work/services being requested unless otherwise exempted under section 31000 of the California Government Code. A successful bidder is one that has demonstrably met the following criteria in the solicitation:
 - a) *Capacity to Perform:*
 - Fiscal
 - Service
 - Experience
 - Schedule
 - Previous County experience
 - a) *Ability to comply with the applicable standard contract provisions including:*
 - Licenses
 - Insurance
6. In the event that the department finds that the lowest bidder does not warrant the contract, then it is incumbent and required of the department to clearly delineate the reasons why the contract should be awarded to a higher bidder.
7. Once the department has agreed on a contract with the recommended bidder all the appropriate documentation and contract signed by the successful bidder, must be submitted to County Counsel for review and signature and the Auditor-Controller and Risk Management for signature as appropriate.
8. If a dispute arises between the Department Head and any of the other County departments required to sign the contract, the issues and concerns should be brought before the County Administrator who will attempt to resolve the matter or refer to the Board of Supervisors for final determination.
9. Once all the required signatures are obtained, the Department Head can then proceed to present the contract packet and contract to the County Administrator or his/her designee for signature, unless approval authority is specifically delegated to the Department Head in Section 6.18.010.

G. Procurement of Services by Independent Contractor over \$10,000

1. A Request for Proposal (RFP) must be used.
2. Contracts in excess of \$10,000 can only be awarded by the Board of Supervisors and must be presented through the Agenda Process.
3. The Departments must prepare the RFPs and present them to County Counsel for legal review and the County Administrator for policy and budget review before advertising for award.
4. The Department must prepare an ARF and present this package to the Board of Supervisors for their approval of the contract. Department Heads are responsible for presentation and justification of the Agenda Request Form (ARF).

H. Request for Proposals (RFP)

1. The RFP shall contain the following elements:
 - a. Requirement Statement shall state the requirements clearly and concisely. All information presented shall be technically correct and easily understood. The proposal's specifications shall establish standards of quality, quantity, and any other measures necessary for acceptable performance. All services to be delivered under the proposed contract shall be stated, including any acceptance criteria. The requirements statement shall also include descriptions, numbers and formats for oral and/or written reports, as well as the expected period of performance.
 - b. Responsibility Criteria This section may include references, financial statements, licenses, bonding and reference to the applicable Standard County Contract (provided as an attachment).
 - c. Information Regarding Submission of the RFP Responses This section may include such information as:
 - Date and time of proposal conference (if applicable);
 - Procedure for questions;
 - Closing date and time of solicitation period;
 - Where and to whom proposals are to be submitted;
 - Contacts for information during the solicitation period;
 - Required signatures on proposal;
 - The number of proposals to be submitted;
 - Cost/price submission instructions;
 - Actual format for the response;
 - Calendar of milestone events;
2. Evaluation Criteria. The RFP shall state the criteria on which the proposal will be evaluated and may include weighted criteria. These criteria shall be to the extent possible quantitative, not subjective, and shall be related to the specifications set forth in the requirements statement.
3. Late Proposals. Proposals are to be received at the time and place specified in the RFP and must be date-stamped upon receipt. Late proposals will only be considered when it has been determined to be in the best interest of the County to do so and may only be accepted within 24 hours after the scheduled closing.
4. Confidentiality of Proposals. Proposals are to be maintained as confidential working papers until officially placed on the Board of Supervisors meeting agenda.

5. Review of Proposals. Based on the evaluation criteria provided in the RFP, all the proposals must be evaluated thoroughly and scored objectively. If necessary and to provide more information the top bidders may be invited to interviews.
6. Selection of Proposals for Interviews. When applicable, the top bidders may be invited and scheduled for interviews to narrow down the field further. Bidders selected for interviews would have already been screened and evaluated based on the selection criteria provided in the RFP document. Interviews are to be held to further explain proposals and all bidders are to be asked the same questions and be given the same opportunity to provide any additional information requested.
7. Recommendation to Award. Based on the evaluation criteria and interviews (where applicable), the recommendation for award should be made to the bidder/vendor that best meets the evaluation and interview criteria (scores highest), which may or may-not include the lowest bidder.
8. Synopsis of Proposals. A brief synopsis of the evaluation of proposals received shall be prepared for all actions requiring selection/approval by the Board of Supervisors and must be included within the Agenda Item.
9. Notification of Bidders. All unsuccessful bidders must be notified in writing and thanked for submitting proposals to the County and informed of when the award will be scheduled with the Board of Supervisors. The successful bidder will be notified after the Board of Supervisors awards the contract.

I. Sole Source Requests for Independent Contractors

1. *Sole source justification* is unnecessary during contract renewal/continuation periods expressly provided for by an RFP. Justification is necessary for continuation of services beyond such periods. Prior to commencing contract negotiations with a sole source provider, the department must submit justification and obtain approval from:

As delegated in Section 6.18.010

OR

The County Administrator for contracts of \$10,000 and under.

OR

The Board of Supervisors for contracts over \$10,000.

2. *Justification for Requesting Sole Source:*

The following represents factors that might justify sole source when soliciting independent contractors, which need to be clearly delineated by the Department when requesting a sole source:

- a) Capability of proposed contractor that is critical to the specific effort and makes the contractor clearly unique compared to other contractors in the same general field.
- b) Prior experience of a highly specialized nature that contractor has that is vital to the proposed effort.
- c) Facilities, staffing, and/or equipment that the proposed contractor has that are specialized and vital to the services being requested.
- d) Proposed contractor has a substantial investment that would have to be duplicated at the County's expense by another contractor entering the field.
- e) A critical proposed schedule for the service and/or project being requested that only this contractor can meet.

- f) Preclusion of competition because of the existence of patent rights, copyrights, secret processes, and/or location.
- g) Request for sole source authority must be in written form and clearly delineate the justifications for the sole source.

V. DETAILS OF COMPETITIVE BID PROCESS (EXCLUDING PUBLIC WORKS AND ROAD PROJECTS)

A. Quotation (Oral or Written)/Bid Commodity Specifications

When defining procurement specifications, department heads (designees) must clearly describe the goods and supplies or services needed in terms of performance, referencing existing industrial or governmental specifications whenever applicable. Specifications are to be non-restrictive to facilitate the competitive process. For example, if a brand name or model is to be included in the specifications, any quotation or bid solicited from a vendor shall contain the phrase “or equal” to permit vendors to bid on alternate or other makes, brands or types. A decision by a department head to define restrictive procurement specifications must be processed through the sole source request and approved by the appropriate authority level. .

B. Quotation Packages

Prior to soliciting any quotation, department heads shall obtain all appropriate authorizations.

1. Oral Quotations – Requirements

- a) A minimum of three vendors should be contacted by the Quotation Issuing Authority (Purchasing Agent/Department Head)
- b) The procurement specifications defined by the department head (designee) need to be stated in the same manner to each vendor contacted. In addition, the time frame for responding to the request for an oral quotation needs to be verbalized.
- c) Contacts with possible vendors by the Quotation Issuing Authority should be noted on an Oral Quotation Log (Forms section). This log contains the vendor (firm) name, the name of the individual providing the quotation, date of the request, the ship to location, quantity, brief description of the item, total amount for the item, freight charges if applicable, and any additional delivery requirements (e.g., inside delivery), time of delivery by the vendor, the valid date for the quoted price and discount terms.
- d) Vendor names and all information related to any pending quotation are to remain confidential.
- e) Following the deadline to accept responses from vendors, the successful vendor is determined by the Quotation Award Authority.
- f) The Quotation Award Authority directs staff to initiate the ordering process.
- g) The Quotation Issuing Authority shall retain the Oral Quotation Log for a minimum of one year.

2. Informal - Written (facsimile, e-mail or mail) Quotations – Requirements:

- a) A minimum of three vendors should be contacted by the Quotation Issuing Authority. The Quotation Issuing Authority is responsible for providing justification for using less than three vendors. Department heads shall submit possible vendor names and addresses to the Purchasing Agent as requested.
- b) The procurement specifications defined by the department head (designee) shall be submitted to each vendor by the Quotation Issuing Authority via the Inyo County Request for Quotation form (Forms section).
- c) This form can be either mailed, e-mailed or Fax'd to each vendor. Quotation packages should be sent to any vendor who makes a request for any pending quotation. It is recommended that vendors are allowed at least ten (10) working days from the issuance date of the quotation to respond to a mailed request for quotation; and at least five (5) days, for a Fax or e-mail.
- d) Vendor names and addresses are to remain confidential for any pending quotation.
- e) Vendor responses, either mailed, e-mailed or Fax'd, shall be accepted by the Quotation Issuing Authority up to the date and time indicated on the Request for Quotation form.

- f) Following the deadline to accept responses from vendors, the successful vendor is determined by the Quotation Award Authority.
- g) The Quotation Award Authority directs staff to initiate the ordering process. If the quotations have been obtained by the department head, copies of the justification for using less than three vendors, the written quotations received and a recap of the quotations shall be forwarded to the Purchasing Agent prior to Purchase Order approval.
- h) For each written quotation, the Quotation Issuing Authority shall retain the pertinent procurement specifications, list of vendors who were sent the Request for Quotation form, and all vendor responses for a minimum of one year.

3. Formal Quotations – Requirements

- a) The procurement specifications defined by the department head (designee) shall be submitted to the Purchasing Officer. Department heads should also include vendor names and addresses whenever possible.
- b) The Purchasing Officer reviews and clarifies the specifications submitted by the department head, finalizing them via an Inyo County Formal Request for Quotation package.
- c) The Purchasing Officer shall solicit quotations via U.S. mail from a minimum of three vendors whenever possible and provide justification to the file when less than three vendors are used. The Inyo County Formal Request for Quotation package shall contain the following:
 - Instructions to the vendor that have been developed by the Purchasing Agent, which defines vendor obligations and conditions, as well as an Inyo County Standard contract as appropriate.
 - A formal quotation number set by the Purchasing Agent.
 - The date, time and place for the opening of the sealed responses to the formal quotation. This date may vary depending on the commodity or service; however, it is usually two weeks from the date of formal quotation issuance.
 - A self-addressed formal quotation return envelope for vendor use, which will have indicated thereon the commodity or service to be purchased and the date and time for opening of the responses.
- d) At a minimum, the Purchasing Officer shall cause a notice for such formal quotation to be published in two successive issues of a newspaper of general circulation printed and circulated in the County of Inyo, State of California. The advertising notice shall include a general description of the goods and supplies or services to be purchased, shall state where the formal quotation package may be secured and shall specify the date, time and place for opening of the responses. Advertising may be conducted beyond the County borders if, in the opinion of the Purchasing Agent/department head, it would enhance the competitive process. All pending formal quotation notices shall also be available in the Office of Purchasing Agent.
- e) All formal quotation responses shall be sealed and submitted to the quotation receiving department [see Table No. 1 or Tables No. 2-4 (Public Works, Road & Bridge Projects)] prior to the date and time specified for the opening of the responses. If required by the instructions to vendors, each bid shall be accompanied by surety in the form of a certified or cashier's check or bid bond in such amount as prescribed in the Inyo County Formal Quotation package.
- f) Following the deadline to accept responses from vendors, the successful vendor is determined by the Purchasing Officer [see Table No. 1 or Tables No. 2-3 (Public Works, Road & Bridge Projects)].
- g) Following award to the successful vendor(s), staff may initiate the ordering process. See section V(C) for requisition entry.
- h) For each formal quotation, the Purchasing Officer shall retain the pertinent procurement specifications, justification for using less than three vendors, the list of vendors who were sent the Inyo County Formal Request for Quotation package, and all vendor responses for a minimum of one year.

C. Receipt of Quotation Responses and Award

The Quotation Receiving Department shall be as set forth in the sections and tables below. In determining the vendor submitting the lowest responsible quotation, the awarding authority shall take into consideration the quality of the goods and supplies or services offered, conformity with the specifications, the delivery and discount terms and conditions of the quotation, the service reputation of the vendor, and other information and data required to prove the vendor's responsibility. However, price and quality being equal, preference may be given to a responsible local vendor. Where price is not equal, up to a 3% credit may be given to a local vendor to allow them to be the successful low cost vendor. The Board of Supervisors recognizes the value to the local economy to give a limited preference to local vendors when other terms and conditions of performance can be met.

If price and quality are deemed equal between two or more responsible vendors by the awarding authority, a "tie" exists; and the successful vendor shall be determined by the awarding authority by awarding to a local vendor, who has submitted a quotation, or pursuant to a drawing of lots.

1. Oral Quotations

- a) As indicated in Section B.1. above that deals with oral quotations, the Oral Quotation Log serves both functions of receiving and tabulating vendor responses. These tabulations shall be open for public inspection during regular business hours for a period of not less than thirty calendar days following the closing date of the request.

2. Informal Written (facsimile, e-mail or mail) Quotations

- a) Signed vendor responses to written quotations may be received by the Quotation Issuing Authority up to the date, time and place indicated on the Request for Quotation form as noted in Section B.2. above. Vendor responses may be opened publicly and read following the designated date and time.
- b) Vendor responses should be summarized by the Quotation Issuing Authority on a tabulation sheet, which should contain, at a minimum, the vendor name, unit price, subtotal of all units, applicable freight charges, discount terms, sales tax, and a grand total. The summary should include vendors who submitted a "no bid" response, as well as vendors who did not respond.
- c) These tabulations shall be open for public inspection during regular business hours for a period of not less than thirty calendar days following the closing date of the request.

3. Formal Quotations

- a) Sealed vendor responses to formal quotations shall be received by the quotation receiving authority up to the date, time and place indicated in the Formal Quotation package. Vendor responses shall be opened publicly and read following the designated date and time.
- b) Vendor responses should be summarized by the Purchasing Officer on a tabulation sheet that conforms to the quotation specifications, but which shall contain, at a minimum, the vendor name, unit price, subtotal of all units, applicable freight charges and sales tax, and a grand total. The summary should include vendors who submitted a "no bid" response, as well as vendors who did not respond.
- c) The Purchasing Officer shall review the tabulation sheet and determine the successful vendor or submit the tabulation summary and recommendation to the Board of Supervisors for selection of the successful vendor.
- d) These tabulations shall be open for public inspection during regular business hours for a period of not less than thirty calendar days following the closing date of the request.

D. Rejection of Quotations

1. Oral Quotations — The rejection authority may reject any vendor response for the following reasons: (1) if the vendor has not responded to the oral quotation within the timeframe specified; or (2) if the lowest (monetary) vendor response does not meet the specifications.

2. Informal Quotations — The rejection authority may reject any vendor response for the following reasons: (1) if the vendor has failed to complete the Request for Quotation form; (2) if the vendor fails to provide all data requested in the quotation; or (3) if the lowest (monetary) vendor response does not meet the specifications. Any vendor response to a Request for Quotation that is received after the date and time specified in the quotation shall not be considered for award.

3. Formal Quotations — The rejection authority (upon recommendation of staff) may reject any vendor response for the following reasons: (1) if the vendor has failed to complete and sign the Formal Quotation; (2) if the vendor fails to provide all data requested in the quotation; (3) if the lowest (monetary) vendor response does not meet the specifications; or (4) if the lowest (monetary) response exceeds the estimate to provide the goods, supplies or services.

Any vendor response to a Formal Quotation that is received after the date and time specified in the quotation shall not be considered for award and shall be returned to the vendor by the quotation receiving department with a notification that the response was received after the date and time specified in the quotation.

VI. PUBLIC WORKS PROJECTS

A. Details of Competitive Process for Public Works Projects

The competitive process for Public Works projects as defined in the Purchasing and Contracting Ordinance is in compliance with the Policy and Procedures Manual, or as required by Article 3.6, Part 3, Division 2 of the Public Contract Code, beginning with §20150, et seq.

Table No. 1
SUMMARY OF QUOTATION AMOUNTS AND AUTHORITIES
FOR PUBLIC WORKS PROJECTS

Type of Quotation	Dollar Amounts	Issuing Authority	Quotation Receiving Department	Applicable Regulations	Sole Source/Award or Rejection Authority
None	< \$1,000	Public Works Director	Public Works	Purchasing & Contracting Manual + other	Public Works Director
Informal	> \$1,000 but < \$4,000	Public Works Director	Public Works	Purchasing & Contracting Manual	Purchasing Agent in conjunction with Public Works Director
Informal	> \$4,000 but < \$10,000	Public Works Director	Public Works	Public Contract Code -- Art. 3.6, Part 3, Division 2; Purchasing Manual	Public Works Director in conjunction with Purchasing Agent
Formal	> \$10,000	Public Works Director	Clerk to the Board of Supervisors	Public Contract Code -- Art. 3.6, Part 3, Division 2; Purchasing Manual	Board of Supervisors

B. Details of Competitive Process for Road Projects

The competitive process for County highway projects as defined in the Purchasing and Contracting Ordinance is in compliance with the Policy and Procedures Manual, with the exception of the noticing requirement for a formal quotation, or as required by Article 25, Part 3, Division 2 of the Public Contract Code, beginning with §20390, et seq.

Table No. 2
SUMMARY OF QUOTATION AMOUNTS AND AUTHORITIES
FOR ROAD PROJECTS

Type of Quotation	Dollar Amounts	Quotation Issuing Authority	Quotation Receiving Department	Noticing Regulations	Sole Source/Award or Rejection Authority
Oral/Written	<\$20,000	Road Commissioner in conjunction with the Purchasing Agent	Road	No requirement	Road Commissioner in conjunction with the Purchasing Agent
Formal	> \$20,000	Upon Board finding – Road Commissioner	Clerk to the Board of Supervisors	§ 6066 of the Calif. Government Code	Board of Supervisors

C. Details of Competitive Process for Bridge Projects

The competitive process for County bridge or subway projects as defined in the Purchasing and Contracting Ordinance is in compliance with the Policy and Procedures Manual, with the exception of the noticing requirement for a formal quotation, or as required by Article 26, Part 3, Division 2 of the Public Contract Code, beginning with §20400, et seq.

Table No. 3
SUMMARY OF QUOTATION AMOUNTS AND AUTHORITIES
FOR BRIDGE PROJECTS

Type of Quotation	Dollar Amounts	Issuing Authority	Quotation Receiving Department	Applicable Regulations	Sole Source/Award or Rejection Authority
None	< \$2,000	Director of Public Works	Road	Purchasing manual + Art. 26, Div. 2 of Part 3 of Streets & Highways Code	Director of Public Works / Purchasing Agent
Oral/Written	> \$2,000 but < \$10,000	Upon Board finding – Director of Public Works / Purchasing Agent	Road	Purchasing manual + Art. 26, Div. 2 of Part 3 of Streets & Highways Code	Director of Public Works / Purchasing Agent
Formal	>\$10,000	Upon Board finding – Road Commissioner	Clerk to the Board of Supervisors	Purchasing manual + Art. 26, Div. 2 of Part 3 of Streets & Highways Code	Board of Supervisors

VII. SPECIAL INSTRUCTIONS

A. Emergency Purchase Policy

Departmental Emergency.--A departmental emergency exists when a breakdown in machinery or interruption of an essential service occurs or when unforeseen circumstances arise, including delays by contractors, delays in transportation and unanticipated volume of work. (Reminder: If an emergency repair is necessary for a County facility, contact the Maintenance, Buildings & Grounds division of the Public Works Department first. Public Works staff will take the appropriate actions.)

If such an emergency occurs during regular business hours, the department head or his/her designee shall immediately notify the Purchasing Agent (or designee) who shall either purchase the required commodity or service or authorize the department head to do so. If an emergency occurs at times other than regular business hours, the department head may purchase the commodity or service required directly. The department head shall then provide written notification to the Purchasing Agent within one working day of the emergency, stating the circumstances and any purchase(s) made in excess of \$1,000. Subsequently, for items acquired in excess of \$10,000, the Purchasing Agent shall submit an informational item to the Board of Supervisors at the next regularly scheduled meeting.

Local Disaster.--Please refer to Chapter 6.22 of the Purchasing and Contracting Ordinance for emergency purchases made during a proclaimed local emergency.

B. Gratuities

1. The acceptance of any gratuity in the form of cash, merchandise or any other thing of value by an official or employee of the County from any vendor or contractor is a violation of Inyo County Purchasing and Contracting Policies and is cause for disciplinary action.

2. The offer of any such gratuity to any official or employee of the County by a vendor or contractor, or prospective vendor or contractor, is cause for declaring such individual or firm to be an irresponsible bidder and for debarring him from bidding, as provided in this manual.

C. Vendor Lists

The Purchasing Agent shall maintain a vendor list, which departments may add to if they desire. Requests from vendors to be added to the vendor list should be directed to contact the Purchasing Agent.

D. Vendor Responsibilities

1. General Information - Generally speaking, the process for purchasing goods, supplies and services for County offices is a competitive one that includes defining product or service specifications, publicly noticing a need to acquire the product or service, receiving quotations from vendors, recapping the quotations received and making an offer to buy from the lowest, qualified vendor. Since a competitive bid process is used, the following information is offered to vendors that respond to formal and informal quotation packages distributed by the County of Inyo.

Uniform bidding shall be discouraged by every possible means and the Quotation Issuing Authority will endeavor to obtain as full and open competition as possible on all purchases and sales. If the Quotation Issuing Authority becomes aware of vendor collusion with regard to price fixing or disclosure/ acquisition of the terms or conditions contained in a competitive quotation prior to the opening of the bids, the bid proceedings are rendered void and shall require re-initiation of the quotation process. The affected vendors would be deemed irresponsible bidders and subject to debarment. Additionally, the offer of any gratuity to any official or employee of the County

by a vendor or contractor, or prospective vendor or contractor, is cause for declaring such individual or firm to be an irresponsible bidder and for debarring the firm from bidding, as provided in §IV, B of this manual.

If the successful vendor does not enter into a standard Inyo County contract within ten days after mailing of the notice of award of contract, the vendor may forfeit in cash an amount equivalent to the amount of any surety, which accompanied the bid, unless the County is responsible for the delay. A vendor may also be held liable for any cost in excess of the bid price which the County incurs in purchasing the commodities or services elsewhere.

E. Departmental Responsibilities and Information

County Departments have important responsibilities in the procurement of goods and services. This section outlines some of these responsibilities, policies, and procedures.

1. Department Responsibilities
 - a) Working knowledge of procurement limitations as defined in Chapter 6.18 of the Purchasing and Contracting Ordinance, as well as those in this manual.
 - b) Ensure that requested goods and supplies/services are necessary to operations and are used for their stated purpose.
 - c) Determine the proper procurement process – warrant request v. purchase order v. contract.
 - d) Obtain oral, informal or formal quotations as defined in this manual and retain such documentation for same as required in this manual.
 - e) Ensure that sufficient funds are available in the budget unit to pay for requested goods and supplies/services.
 - f) Obtain all appropriate authorizations as defined in this manual prior to ordering goods and supplies or services.
 - g) When appropriate, provide the Purchasing Agent with detailed specifications for goods and supplies/services to be purchased.
 - h) Ensure that vendor invoices are completed and processed for payment satisfactorily.
 - i) Request from Information Services log-on accesses and deletions, as necessary, to the on-line purchasing module.
 - j) Maintain confidentiality with regard to vendor names on any pending quotation or bid package.

F. Requisitioning Process

On-line purchase requisitions can be initiated by departments after access is established by Information Services. The requisitions provide management and budgetary controls, a record of purchases in process, as well as formal notification to the Purchasing Agent to proceed with procurement. For data entry detail, see IFAS Procedures for Purchasing and the Exhibit sections.

G. Consolidation of Departmental Requests

1. Departments shall make every effort to consolidate similar goods and supplies into a single purchase requisition. In addition, the purchasing division/department may periodically issue a schedule of planned procurement solicitations for specific common products or materials. Department requests should be consolidated and submitted in accordance with these schedules.
2. Goods and supplies shall be ordered in quantities sufficient for a reasonable period and consistent with future needs and available storage space.

H. Failure to Comply with the Purchasing Policy Manual

Except as otherwise exempted by the Board of Supervisors and/or the Purchasing Manual/Ordinance, all Department Heads and employees will be required to abide by the Purchasing and Contracting Ordinance and the Inyo County Purchasing and Contracting Policy and Procedures Manual. Failure to abide by the manual and ordinance could result in disciplinary action up to and including termination in accordance with the Personnel Rules and Regulations of the County of Inyo. In addition to disciplinary action, criminal prosecution may also be warranted.

I. Fixed Asset Policy

It is the responsibility of the Auditor-Controller to determine what constitutes a “fixed asset” acquisition, to define and distribute the procedures for assigning asset tag numbers, as well as the preparation of the inventory of all County property as prescribed by law.

J. Surplus of Personal Property

The Auditor-Controller shall be responsible for maintaining a secured area for the storage of all personal property that has been identified by a department head as “surplus”.

K. Donations of Property to the County

The acceptance, accounting for, and disposition of donations of real and personal property shall be in accordance with Chapter 6.26 of the Inyo County Purchasing and Contracting Ordinance.

RESOLUTION NO. 2007- 09

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO,
STATE OF CALIFORNIA, ADOPTING THE "INYO COUNTY PURCHASING AND
CONTRACTING POLICY AND PROCEDURES MANUAL"**

WHEREAS, this Board of Supervisors has adopted Title 6 of the Inyo County Code entitled Purchasing and Contracting; and

WHEREAS, section 6.04.020 of the Inyo County Code states that the Purchasing Agent shall develop a comprehensive set of procedures for purchasing and contracting; and

WHEREAS, the Purchasing Agent has developed such procedures which are attached hereto and are entitled the "Inyo County Purchasing and Contracting Policy and Procedures Manual" (Manual); and

WHEREAS, section 6.04.020 of the Inyo County Code requires that the Manual be adopted by resolution of this Board of Supervisors; and

WHEREAS, section V(C) of the Manual allows a three percent advantage to local vendors supplying certain goods and services to the County and such a preference may only be given if there exists a substantial reason for doing so and the preference advances the County's legitimate objectives; and

WHEREAS, with the small population in the County and its isolation from major markets, it is difficult for goods and service providers located in the County to maintain enough sales volume to continue operations and this has led to a diminished variety of services and goods providers in the County; and

WHEREAS, it is beneficial to the citizens of the County and the business community of the County to have a variety of businesses operating within the County; and

WHEREAS, benefits from the presence in the County of local businesses include: more responsive services; more competition among businesses; less transportation and delivery time for goods and services; increased demand for additional goods and services providers; healthier employment conditions which beget increased economic activity; and, a more vibrant economy which creates the conditions for further economic growth in the County; and

WHEREAS, County government is a comparatively large consumer of goods and services in the County and the purchasing policies of the County can encourage or discourage business activities within the County and thereby affect the economic well-being of the County; and

WHEREAS, there are many contracts awarded by the County which are not required by statute to be awarded to the lowest bidder; and

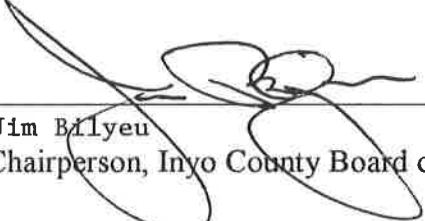
WHEREAS, this Board has determined that a 3% advantage to County businesses bidding to provide goods and services to the County will boost the local business economy and provide benefits to the citizenry of the County that outweigh the additional cost of goods and services to County government and any disadvantage to out-of-county vendors; and

WHEREAS, this Board has reviewed the attached "Inyo County Purchasing and Contracting Policy and Procedures Manual" and has determined that it is appropriate policy for the County.

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors finds that there is substantial justification for giving preference to local vendors by including section V(C) in the "Inyo County Purchasing and Contracting Policy and Procedures Manual" and doing so addresses unique economic and development needs of the County.

BE IT FURTHER RESOLVED that this Board of Supervisors hereby adopts the "Inyo County Purchasing and Contracting Policy and Procedures Manual" as the policy of the County and directs all County officers, agents, and employees to fully comply with the manual in making, letting, or administering any contract or purchase to which Title 6 of the Inyo County Code applies.

PASSED AND ADOPTED this 9th day of January, 2007 by the following vote of the Inyo County Board of Supervisors:

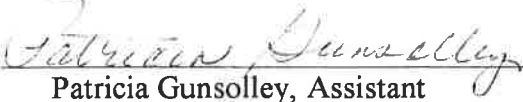


Jim Bilyeu
Chairperson, Inyo County Board of Supervisors

AYES: Supervisors Arcularius, Cash, Brown, Bilyeu and Cervantes
NOES: -0-
ABSTAIN: -0-
ABSENT: -0-

ATTEST:

Ron Juliff, Clerk

By: 

Patricia Gunsolley, Assistant

ORDINANCE NO. 1124

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, REPEALING CHAPTER 3.08 OF THE INYO COUNTY CODE, MODIFYING SECTION 7.60.120 OF THE INYO COUNTY CODE, AND ADDING TITLE 6 TO THE INYO COUNTY CODE

The Board of Supervisors of the County of Inyo, State of California, do ordain as follows:

SECTION 1: PURPOSE AND AUTHORITY

The purpose of this Ordinance is to secure for the county taxpayers the advantages and economies which will result from centralized control over the expenditures of county funds for supplies, materials, equipment and contractual services, from the application of modern, businesslike methods to such expenditures, and from better utilization of the articles procured at public expense. This Ordinance is enacted pursuant to the authority given the Board of Supervisors by section 7 of article XI of the California Constitution and by Title 3, Division 2, Chapter 5 of the California Government Code.

SECTION 2: INYO COUNTY CODE CHAPTER 3.08 REPEALED

Chapter 3.08 of Title 3 of the Inyo County Code is hereby repealed.

SECTION 3: INYO COUNTY CODE SECTION 7.60.120 MODIFIED

Inyo County Code Section 7.60.120(B) is modified by the deletion of the phrase "(Sections 3.08.010 through 3.08.220)".

SECTION 4: TITLE 6 ADDED TO INYO COUNTY CODE

Title 6 is added to the Inyo County Code, to read as follows:

**Title 6
PURCHASING AND CONTRACTING**

Chapters:

- 6.04 General Provisions.**
- 6.08 Purchasing Agent.**
- 6.10 Procurement of Materials, Goods, Supplies, Vehicles, Equipment and Other Personal Property.**
- 6.12 Procurement of Services.**
- 6.14 Public Works Projects.**
- 6.16 Road and Bridge Projects.**
- 6.18 Delegation of Authority to Purchase and Contract.**
- 6.20 Reserved.**

- 6.22 Emergency Purchasing and Contracting.**
- 6.24 Purchase, Sale, Transfer, Lease or Rental of Real Property; Licenses and Permits.**
- 6.26 Donation of Property to the County.**
- 6.28 Sale and Transfer of Surplus County Property.**

Chapter 6.04

GENERAL PROVISIONS

Sections:

- 6.04.010 Application of Title 6.**
- 6.04.020 Purchasing and Contracting Policy and Procedures -- Established.**
- 6.04.030 Compliance With Law.**
- 6.04.040 Sufficient Appropriated Funds Required.**
- 6.04.050 Unlawful Purchases**

6.04.010 Application of Title 6.

The provisions of Title 6 of this Code apply to all purchases and contracts made by any County officer, agent or employee in his or her official capacity or on behalf of the County or any of its departments, agencies or organizations, or on behalf of any Special District organized under general law within the County and governed ex-officio by, or under the control of, the Board of Supervisors.

6.04.020 Purchasing and Contracting Policy and Procedures -- Established.

The Purchasing Agent shall develop and enforce a comprehensive policy and set of procedures for purchasing and contracting which shall be consistent with applicable state and federal law, this Title, and the resolutions and directives of the Board of Supervisors. Such policy and procedures shall be entitled the "Inyo County Purchasing and Contracting Policy and Procedures Manual" and shall be approved by resolution of the Board of Supervisors. All County officers, agents, and employees shall fully comply with such manual in making, letting, or administering any contract or purchase to which this Title applies.

6.04.030 Compliance With Law.

Notwithstanding anything in this Title to the contrary, the County, its officers, agents, and employees will employ purchasing and contracting procedures which comply with all applicable provisions of state law, and if required, federal law, as such laws may be enacted, amended, or repealed by legislative act or interpreted by a court of competent jurisdiction.

6.04.040 Sufficient Appropriated Funds Required.

Except as otherwise provided by law, neither the Board of Supervisors nor any other County officer, agent, or employee shall make any purchase, or let any contract in an amount in

excess of the appropriations for such expenses provided for in the current fiscal year County budget as originally adopted or as thereafter revised.

6.04.050 Unlawful Purchases

Any purchases or contracts for supplies, materials, equipment or contractual services made contrary to the provisions of this article shall be void and of no effect. The person approving such purchase order or contract may be held personally responsible for its payment. If the amount of such purchase order or contract has already been paid out of County funds, the amount thereof may be recovered in the name of the County in an appropriate action.

Further, it shall be unlawful for any agency to split its requirements for supplies, materials, equipment, personal and contractual services in order to evade the provisions of Title 6 Purchasing and Contracting.

Chapter 6.08

PURCHASING AGENT

Sections:

- 6.08.010 Purchasing Agent -- Established.**
- 6.08.020 Duties and Authority.**
- 6.08.030 Reporting Requirements.**
- 6.08.040 Destruction of Requisitions.**
- 6.08.050 Purchasing Services Agreements.**

6.08.010 Purchasing Agent -- Established.

Pursuant to the authority of Section 25500 of the Government Code, the position of Purchasing Agent is hereby established. The Board of Supervisors shall appoint the Purchasing Agent and provide such assistants as are necessary.

6.08.020 Duties and Authority.

The Purchasing Agent shall have the duties and authority set forth in the laws of the State of California relating to County Purchasing Agent, this Title, the Board of Supervisors' appointing resolution, and the Inyo County Purchasing and Contracting Policy and Procedures Manual.

6.08.030 Reporting Requirements.

The Purchasing Agent shall furnish the Board of Supervisors reports on the work of the Purchasing Agent in carrying out the provisions of Title 6 of the Inyo County Code and such other information as said Board of Supervisors may from time to time require.

6.08.040 Destruction of Requisitions.

The Purchasing Agent is authorized to destroy and dispose of any written requisition received by the Purchasing Agent which is more than three years old as allowed by Government Code Section 25501.5

6.08.050 Purchasing Services Agreements.

The Purchasing Agent may enter into and utilize Purchasing Services Agreements with any city, county or special district within California, whereby the Purchasing Agent may purchase materials, supplies, furnishings, equipment, livestock, vehicles, and other personal property through such city, county or special district provided the following conditions are met:

- A. The Purchasing Services Agreement is approved as to form and legality by the Inyo County Counsel;
- B. Purchases under the Agreement do not exceed the authority of the Inyo County Purchasing Agent;
- C. Purchases under the Agreement are in accordance with all laws, rules, and regulations applicable to such purchase for either Inyo County or the other governmental entity that is a party to the Agreement;
- D. The total cost of the purchase is equal to, or lower than, that which can be obtained by the Purchasing Agent from other sources.

Chapter 6.10

PROCUREMENT OF MATERIALS, GOODS, SUPPLIES, VEHICLES, EQUIPMENT AND OTHER PERSONAL PROPERTY

Sections:

6.10.010 Procurements Not Exceeding \$10,000.

6.10.020 Procurements Exceeding \$10,000.

6.10.010 Procurements Not Exceeding \$10,000.

Except as otherwise provided by law or Chapters 6.12 through 6.22, inclusive, of this Title, the Purchasing Agent upon proper written requisition shall make all purchases, rentals, or leases of materials, supplies, furnishings, goods, vehicles, equipment, livestock, and all other personal property for use by the County, its officers, agents, and employees, when the aggregate cost of such purchase does not exceed \$10,000. Such procurements shall comply with the Inyo County Purchasing and Contracting Policy and Procedures Manual and other applicable law.

6.10.020 Procurements Exceeding \$10,000.

Except as otherwise provided by law or Chapter 6.12 through 6.22, inclusive, of this Title, the Board of Supervisors upon proper written requisition shall make all purchases, rentals, or leases of materials, supplies, furnishings, goods, vehicles, equipment, livestock, and all other personal property for use by the County, its officers, agents, and employees, when the aggregate

cost of such purchase exceeds \$10,000. Such procurements shall comply with the Inyo County Purchasing and Contracting Policy and Procedures Manual and other applicable law. The Purchasing Agent shall administer such procurements in compliance with this section.

Chapter 6.12

PROCUREMENT OF SERVICES

Sections:

- 6.12.010 Procurement of Services of Independent Contractor Not Exceeding \$10,000.**
- 6.12.020 Procurement of Services of Independent Contractor Exceeding \$10,000.**
- 6.12.030 Procurement of Services of County Contract Employee Not Exceeding \$10,000.**
- 6.12.040 Procurement of Services of County Contract Employee Exceeding \$10,000.**
- 6.12.050 Procurement of Services of Appointed County Officers.**
- 6.12.060 Procurement of Other Services.**

6.12.010 Procurement of Services of Independent Contractor Not Exceeding \$10,000.

Except as otherwise provided by law or Chapters 6.14 through 6.22, inclusive, of this Title, the Purchasing Agent upon proper written requisition, shall let all contracts to engage independent contractors to perform services for the County or County officers, with or without the furnishing of material, when the aggregate cost of such services and materials, if any, does not exceed \$10,000. Such contracts shall be let in compliance with the Inyo County Purchasing and Contracting Policy and Procedures Manual and other applicable law.

6.12.020 Procurement of Services of Independent Contractor Exceeding \$10,000.

Except as otherwise provided by law or Chapters 6.14 through 6.22, inclusive, of this Title, the Board of Supervisors shall contract to engage independent contractors to perform services for the County or County officers, with or without the furnishing of material, when the aggregate cost of such services and materials, if any, exceeds \$10,000. Such contracts shall be let in compliance with the Inyo County Purchasing and Contracting Policy and Procedures Manual and other applicable law. The Purchasing agent shall administer the letting of such contracts in compliance with this section.

6.12.030 Procurement of Services of County Contract Employee Not Exceeding \$10,000.

The Purchasing Agent, upon proper written requisition, shall let all contracts to engage persons to perform specific duties as County contract employees when all of the following terms and conditions exist:

- A. The person is not engaged to perform the duties of any elected County office, or of any position or office filled by appointment of the Board of Supervisors; and
- B. The term of the contract does not exceed one (1) fiscal year; and

- C. The total aggregate hours authorized to be worked by such person in any position or capacity as an employee of the County, does not exceed 999 hours in any single fiscal year; and
- D. The total aggregate consideration to be paid to any person under any contract or contracts let under the provisions of this section does not exceed \$10,000 per fiscal year. Such contracts shall be let in compliance with the Inyo County Purchasing and Contracting Policy and Procedures Manual and other applicable law. The Director of Personnel shall administer the letting of such contracts in compliance with this section.

6.12.040 Procurement of Services of County Contract Employee Exceeding \$10,000.

The Board of Supervisors, upon proper written requisition, shall let all contracts to engage persons to perform specific duties as County contract employees when all of the following terms and conditions exist:

- A. The person is not engaged to perform the duties of any elected County office, or any position or office filled by appointment of the Board of Supervisors; and
- B. The term of the contract does not exceed eighteen (18) months; and
- C. The total aggregate hours authorized to be worked by such person in any position or capacity as an employee of the County, does not exceed 999 hours in any single fiscal year; and
- D. The total aggregate consideration to be paid to any person under any contract or contracts let under this section or section 6.12.030, exceeds \$10,000 per fiscal year. Such contracts shall be let in compliance with the Inyo County Purchasing and Contracting Policy and Procedures Manual and other applicable law. The Director of Personnel shall administer the letting of such contracts in compliance with this section.

6.12.050 Procurement of Services of Appointed County Officers.

The Board of Supervisors shall let all contracts to engage persons to perform the duties of any County position or County office, except elected office, which is filled by appointment of the Board of Supervisors. Such contracts shall be let in compliance with applicable law. The Director of Personnel shall administer the letting of such contracts in compliance with this section.

6.12.060 Procurement of Other Services.

Except as otherwise expressly provided in sections 6.12.010 through 6.12.050, inclusive, and Chapters 6.18 and 6.22 of this Title, and except for elected County officers, all other services performed for the County or County offices shall be by County employees appointed and engaged to perform duties in accordance with the Personnel Rules and Regulations of the County of Inyo and other applicable law. The Director of Personnel shall administer the appointment and engagement of such employees in compliance with this section.

Chapter 6.14

PUBLIC WORKS PROJECTS

Sections:

- 6.14.010 Public Works Projects Definition.**
- 6.14.020 Public Works Project Costs Definition.**
- 6.14.030 Public Works Projects Costing Less Than \$4,000.**
- 6.14.040 Public Works Projects Costing \$4,000 or More, But Less Than \$10,000.**
- 6.14.050 Public Works Projects Costing \$10,000 or More.**

6.14.010 Public Works Projects Definition.

“Public Works Projects” consist of the construction, improvement, alteration, painting or repair of any public building or facility identified in Public Contract Code section 20121 or 20150.2. Public Works Projects do not include grading, drainage, laying of pipe, fencing, landscaping, instrument installation and similar construction and repair work necessary to maintain day-to-day landfill operations (Public Contract Code 20121.1). Public Works Projects do not include road or bridge projects.

6.14.020 Public Works Project Cost Definition.

Public Works Project costs include the costs of all construction, improvement, alteration, painting or repairs as well as the cost of all furnishings, materials, or supplies used or incorporated into the project; but excludes required plans, specifications, engineering, advertising, and other costs identified in Public Contract Code Section 20150.3.

6.14.030 Public Works Projects Costing Less Than \$4,000.

The Purchasing Agent may purchase furnishings, materials, supplies, and employ state licensed independent contractors, as may be necessary, for Public Works Projects costing less than \$4,000. Such purchases and employment may be made without the formality of obtaining bids, letting contracts, preparing specifications or the other things required by Articles 3.5 and 3.6 of Part 3, Division 2 of the Public Contract Code, but shall comply with the Inyo County Purchasing and Contracting Policy and Procedures Manual and other applicable law. The Director of Public Works shall administer the letting of such contracts in compliance with this section.

6.14.040 Public Works Projects Costing \$4,000 or More, But Less than \$10,000.

The Purchasing Agent shall let to contract all Public Works Projects costing \$4,000 or more, but less than \$10,000, by the informal bidding procedure set forth in Article 3.6 of Part 3, Division 2 of the Public Contract Code, and in compliance with the Inyo County Purchasing and Contracting Policy and Procedures Manual, and other applicable law. The Director of Public Works shall administer the letting of such contracts in compliance with this section.

6.14.050 Public Works Projects Costing \$10,000 or More.

The Board of Supervisors shall let to contract all Public Works Projects costing \$10,000 or more by the formal bidding procedure set forth in Article 3.6 of Part 3, Division 2 of the Public Contract Code, and in compliance with the Inyo County Purchasing and Contracting Policy and Procedures Manual and other applicable law. The Director of Public Works shall administer the letting of such contracts in compliance with this section.

Chapter 6.16

ROAD AND BRIDGE PROJECTS

Sections:

- 6.16.010 Road Projects Definition.**
- 6.16.020 Bridge Projects Definition.**
- 6.16.030 Road Projects Costing \$25,000 or Less.**
- 6.16.040 Road Projects Costing More Than \$25,000, But Not More Than \$50,000**
- 6.16.050 Road Projects Costing More Than \$50,000**
- 6.16.060 Authorization For Director of Public Works To Have Road Projects Done Under Supervision and Direction.**
- 6.16.070 Bridge Projects Costing \$2,000 or Less.**
- 6.16.080 Bridge Projects Costing More Than \$2,000, But Less than \$10,000**
- 6.16.090 Bridge Projects Costing More Than \$10,000**
- 6.16.100 Authorization for Director of Public Works to Have Bridge Projects Done Under Supervision and Direction.**

6.16.010 Road Projects Definition.

“Road Projects” consist of construction, repair or maintenance of a county highway as defined in Sections 25 and 941 of the Streets and Highways Code. A “Road Project” is not a Public Works Project.

6.16.020 Bridge Projects Definition.

“Bridge Projects” consist of construction, repair and maintenance of a county bridge or subway as defined in Sections 1320, 1321, 1390-1404, 1430-1436 of Streets and Highways Code. A “Bridge Project” is not a Public Works Project.

6.16.030 Road Projects Costing \$25,000 or Less.

Whenever the Board of Supervisors finds that the estimated expense of a Road Project is \$25,000 or less, the Purchasing Agent may let a contract covering both work and material, or purchase the material and let a contract for doing the work, or purchase the materials and have the work done by day labor. Such contracts may be let without calling for bids as required by Article 25, of Part 3 of Division 2 of the Public Contract Code, but shall comply with the Inyo County Purchasing and Contracting Policy and Procedures Manual and other applicable law.

The Director of Public Works shall administer the letting of such contracts in compliance with this section.

6.16.040 Road Projects Costing More Than \$25,000, But Not More Than \$50,000.

Whenever the Director of Public Works finds that the estimated expense of a Road project is more than \$25,000, but not more than \$50,000, the Director of Public Works may let a contract for such project. Such contract shall be let in compliance with Section 20394.5 of the Public Contract Code, the Inyo County Purchasing and Contracting Policy and Procedures Manual, and other applicable law.

6.16.050 Road Projects Costing More Than \$50,000.

Whenever the Board of Supervisors finds that the estimated expenses of a Road Project are more than \$50,000, the Board of Supervisors may let a contract for such project. Such contract shall be let in compliance with Sections 20391 through 20393 and 20398 of the Public Contract Code, the Inyo County Purchasing and Contracting Policy and Procedures Manual, and other applicable law. The Director of Public Works shall administer the letting of such contract in compliance with this section.

6.16.060 Authorization for Director of Public Works to Have Road Projects Done Under Supervision and Direction.

The Director of Public Works as the County Road Commissioner is authorized to have Road Projects done under his or her supervision and direction as allowed by Public Contract Code Section 20395(a) through (d). Any contract for both materials and work, or work only, shall be let as provided in Article 25, Division 2, of Part 3 of the Streets and Highways Code, and in compliance with sections 6.16.030, 6.16.040, and 6.16.050 above, the Inyo County Purchasing and Contracting Policy and Procedures Manual, and other applicable law. Any contract for materials only shall be let as follows:

- A. By the Purchasing Agent if the cost of the materials is \$10,000 or less;
- B. By the Purchasing Agent if the Board of Supervisors finds that the estimated expense of the Road Project is \$25,000 or less;
- C. By the Board of Supervisors in all other cases not provided for in A. and B. above; and
- D. In compliance with the Inyo County Purchasing and Contracting Policy and Procedures Manual and other applicable law.

The Director of Public Works shall administer the letting of all contracts allowed by Public Contract Code Sections 20395(a) through (d), in compliance with this section.

6.16.070 Bridge Projects Costing \$2,000 or Less.

Whenever the Director of Public Works finds that the estimated expense of a Bridge Project is \$2,000 or less, the Purchasing Agent may let a contract covering both work and material, or purchase the material and let a contract for doing the work, or purchase the material and have the work done by day labor. Such contracts may be let without calling for bids as required by Public Contract Code Section 20405; but shall be let in compliance with the Inyo

County Purchasing and Contracting Policy and Procedures Manual and other applicable law. The Director of Public Works shall administer the letting of such contracts in compliance with this section.

6.16.080 Bridge Projects Costing More Than \$2,000 But Less Than \$10,000.

Whenever the Board of Supervisors finds that the estimated expense of a Bridge Project is more than \$2,000, but less than \$10,000, the Purchasing Agent may let a contract covering both work and materials, or purchase the materials and let a contract for doing the work without calling for bids as required by Public Contract Code Section 20405. Such contracts shall be let in compliance with the Inyo County Purchasing and Contracting Policy and Procedures Manual and other applicable law. The Director of Public Works shall administer the letting of such contracts in compliance with this section.

6.16.090 Bridge Projects Costing More Than \$10,000.

Whenever the Board of Supervisors finds that the estimated expense of a Bridge Project is more than \$10,000, the Board of Supervisors may let a contract for such project. Such contract shall be let in compliance with Sections 20404, 20405 and 20406 of the Public Contract Code, the Inyo County Purchasing and Contracting Policy and Procedures Manual, and other applicable law. The Director of Public Works shall administer the letting of such contract in compliance with this section.

6.16.100 Authorization for Director of Public Works to Have Bridge Projects Done Under Supervision and Direction.

The Director of Public Works as the County Road Commissioner is authorized to have Bridge Projects done by County employees under his or her supervision and direction as allowed by Public Contract Code Section 20409. The Purchasing Agent is authorized to purchase such materials, equipment, tools, and appliances as are needed for such projects when the cost of such purchase is \$10,000 or less. The Board of Supervisors shall let a contract for the purchase of all such materials, equipment, tools, and appliances as are needed for such projects when the cost of such purchase exceeds \$10,000. Purchases of such materials, equipment, tools, and appliances may be made without adopting plans and specifications, or working details, and without advertising for bids as required by Section 20404 of the Public Contract Code; but shall be made in compliance with the Inyo County Purchasing and Contracting Policy and Procedures Manual and other applicable law. The Director of Public Works shall administer such purchases in compliance with this section.

Chapter 6.18

DELEGATION OF AUTHORITY TO PURCHASE AND CONTRACT

Sections:

- 6.18.010** Delegation of Authority for Purchase of Certain Types of Goods and Services
- 6.18.020** Delegation of Authority to Execute Specific Contracts and Agreements
- 6.18.030** Delegation of Authority to Purchase Supplies and to Preserve Public Safety and Property
- 6.18.010** Delegation of Authority for Purchase of Certain Types of Goods and Services.

A. Subject to suspension as provided in paragraph D. below, the following county officers and employees are hereby authorized to procure the goods and independent contractor services set forth below:

Goods/Services	Authorized Officer or Employee	Limit of Authority
1. Advertising and Legal Notices	Department Heads*	\$1,000 per publication order
2. All other goods, materials, supplies and equipment not otherwise specifically listed in Section 6.18.010 A.	Department Heads	\$2,500 per purchase
3. All other independent contractor services not otherwise specifically listed in Section 6.18.010 A.	Department Heads	\$1,000 per purchase
4. Care and treatment of a person for whom the County is required to provide and pay for such care and treatment.	Chief Probation Officer, Director of Health and Human Services	\$5,000 per contract
5. Care and treatment of an arrestee, not in custody at the County jail, for an emergency medical condition for which the County is required to provide and pay for such care and treatment.	Sheriff, Director of Health and Human Services	Usual and customary charges
6. Care and treatment of an injured	Sheriff	\$2,500 per animal

* The Deputy County Administrators will be considered Department Heads for purposes of Section 6.18.010.

or neglected animal for which the County is required to provide and pay for such care and treatment.		
7. Consultants providing specialized and expert services:		
A) Accountant, Auditor	Auditor/Controller, Treasurer/Tax Collector, Assessor, County Administrator	\$5,000 per contract
B) Administrative and Management Services	County Administrator	\$10,000 per contract
C) Appraiser	Assessor	\$5,000 per contract
D) Computer Services	County Administrator	\$10,000 per contract
E) Engineering	Director of Public Works Director of Solid Waste	\$5,000 per contract
F) Environmental Analysis/Planning	Planning Director	\$5,000 per contract
G) Expert Witness including independent medical examiner	County Counsel, District Attorney, Risk Manager	\$5,000 per contract
H) Instructor, Trainer	Department Heads	\$2,500 per contract
I) Medical doctor, dentists, R.N., F.N.P., psychologists, LCSW, LFMC, therapists, dietitian	Director of Health and Human Services	\$5,000 per contract
J) Pathologists and identification experts	Coroner	\$5,000 per contract
8. Deposit and Custodial Agreements with financial institutions	Treasurer	Usual and customary fees and charges
9. Disaster Services/Supplies	Director of Emergency Services	\$10,000 per contract
10. Election Supplies	County Clerk	\$10,000 per vendor per election

11. Food and housekeeping supplies for County Jail	Sheriff	\$10,000 per contract
12. Food and housekeeping supplies for Juvenile Facility	Chief Probation Officer	\$5,000 per contract
13. Food and housekeeping supplies for Progress House	Director of Health and Human Services	\$5,000 per contract
14. Food and housekeeping supplies for Senior Program	Director of Senior Program	\$5,000 per contract
15. Insurance for County Property and Operations		
A) New policy or additional endorsement	Risk Manager	\$10,000 per policy or endorsement
B) Renewal of existing policy or endorsement	Risk Manager	Amount specifically appropriated for in County Budget
16. Laboratory Services	Director of Health and Human Services, Director of Environmental Health, Sheriff, District Attorney, Chief Probation Officer, Coroner	\$5,000 per contract
17. Legal and Litigation related services, including investigators, court reporters, process server, printers, photo copy services, messengers, records production services, witnesses and filing fees and related services and charges; but excluding attorneys	County Counsel, District Attorney, Risk Manager	Customary and usual costs not to exceed \$5,000 per service
18. Parts, supplies and labor for repair of motor pool vehicles	Motor Pool Manager Deputy County Administrator	\$2,500 per purchase
19. Subscriptions to publications, books, journals		
A) Legal	County Counsel District Attorney	\$2,500 per subscription
B) Non-Legal	Departmental Heads	\$1,000 per subscription
20. Transportation by common carriers and employee travel expenses	Department Heads	Amount allowed by County travel policy

B. Procurement of goods and independent contractor services by county officers and employees authorized above shall be limited to those goods and services specifically identified above, within the limits set forth above, and made in compliance with the Inyo County Purchasing and Contracting Policy and Procedure Manual and other applicable law.

C. The county officers and employees to whom authority is delegated by this section, may not delegate that authority to anyone else.

D. The Purchasing Agent shall be responsible for monitoring procurements by county officers and employees to whom authority has been delegated by this section. Upon good cause the Purchasing Agent may suspend the authority delegated to any county officer or employee by this section. Such suspension shall be in writing, served upon the officer or employee involved, the Clerk of the Board of Supervisors, Auditor/Controller and County Counsel. Upon good cause, the delegated authority may be restored by the Purchasing Agent or the Board of Supervisors.

6.18.020 Delegation of Authority to Execute Specific Contracts and Agreements.

The Inyo County Board of Supervisors may by ordinance delegate the authority to execute, on behalf of the County, specific types of contracts, and agreements, to certain county officers and employees upon certain terms and conditions. Such ordinances shall be codified in the Inyo County Code within the appropriate title.

6.18.030 Delegation of Authority to Purchase Supplies and to Preserve Public Safety and Property

Department Heads are designated as Assistant Purchasing agents for the procurement of supplies under \$2,500 to expedite department operations. Additionally, Department Heads are authorized to purchase goods and services in the maximum amount allowed by statute where immediately necessary for the preservation of public safety or property or to continue County operations necessary for the preservation of public safety or property.

When exercising the duties delegated by Chapter 6.18, all those performing purchase and contract duties shall comply with all regulations specified in this ordinance, as well as with the policies and procedures enumerated in the "Inyo County Purchasing and Contracting Policy and Procedures Manual." Any failure to do so shall constitute an unlawful purchase.

Chapter 6.22

EMERGENCY PURCHASING AND CONTRACTING

Sections:

- | | |
|-----------------|--|
| 6.22.010 | Emergency Purchasing and Contracting |
| 6.22.020 | Emergency Repair or Replacement of Public Works |
| 6.22.030 | Emergency Road Projects |
| 6.22.040 | Emergency Bridge Projects |

6.22.010 Emergency Purchasing and Contracting.

Notwithstanding Sections 6.10.010, 6.10.020, 6.12.010, and 6.12.020 of this Title, the Board of Supervisors, hereby authorizes the Purchasing Agent, whenever the Board has proclaimed a local emergency pursuant to Government Code Section 8630, to engage independent contractors to perform services related to the local emergency for the county and officers thereof, with or without the furnishing of materials, when the aggregate cost of any single purchase or contract does not exceed \$50,000.00. Such contracts shall be let in compliance with the Inyo County Purchasing and Contracting Policy and Procedure Manual and other applicable law.

6.22.020 Emergency Repair or Replacement of Public Works.

Notwithstanding the provisions of Chapter 6.14 of this Title, the Board of Supervisors may proceed as authorized by Public Contract Code Section 20134, to repair or replace public works in compliance with that section. The Director of Public Works shall administer the repair or replacement of such public works in accordance with the Board's direction, Public Contract Code Section 20134, and other applicable law.

6.22.030 Emergency Road Projects.

Notwithstanding the provisions of Chapter 6.16 of this Title, the Board of Supervisors may let contracts as authorized by Public Contract Code Section 20395(e) for the purchase of materials, for work, or for materials and work, for emergency road projects. The Director of Public Works shall administer such emergency road projects in accordance with the Board's direction, Public Contract Code Section 20395(e), and other applicable law.

6.22.040 Emergency Bridge Projects.

Notwithstanding the provisions of Chapter 6.16 of this Title, the Board of Supervisors may proceed as authorized by Public Contract Code Section 20407 to repair or replace bridges. The Director of Public Works shall administer the repair or replacement of such bridges in accordance with the Board's direction, Public Contract Code Section 20407, and other applicable law.

Chapter 6.24

PURCHASE, SALE, TRANSFER, LEASE OR RENTAL OF REAL PROPERTY; LICENSES AND PERMITS

Sections:

- | | |
|-----------------|---|
| 6.24.010 | Purchase, Sale and Transfer of Real Property |
| 6.24.020 | Lease or Rental of Real Property for Use by County |
| 6.24.030 | Lease or Rental of Real Property Belonging to the County |
| 6.24.040 | Licenses and Permits |

6.24.010 Purchase, Sale and Transfer of Real Property.

Except as otherwise provided in Sections 6.24.020 through 6.24.040 below, the Board of Supervisors shall make all purchases, sales, or transfers of any interest in real property owned or acquired by the County. Such transactions shall be made in compliance with applicable law. The County Administrator shall administer all such transactions in accordance with the Board's direction, this section and applicable law.

6.24.020 Lease or Rental of Real Property for Use by the County.

- A. The Board of Supervisors hereby authorizes the Purchasing Agent to do the following:
- 1) Lease or rent real property for use by the County upon the following conditions:
 - a) The duration of the lease or rental agreement shall not exceed three (3) years;
 - b) The actual monthly lease payment or rental shall not exceed \$3,000 per month;
 - c) Notice of intention to lease shall be posted as required by Government Code Section 25350.51;
 - d) The lease or rental agreement is approved as to form and legality by County Counsel.
 - 2) Amend a lease or rental agreement for improvements or alterations, or both, upon the following conditions:
 - a) The amendment does not extend the term of the lease;
 - b) The total cost of the amendment does not exceed \$3,000.00;
 - c) Not more than two amendments, not to exceed \$3,000.00 each, are made within a 12 month period;
 - d) The amendment is approved as to form and legality by County Counsel.
 - 3) The Purchasing Agent shall make all leases, rental agreements and amendments thereto in compliance with this section, the Inyo County Purchasing and Contracting Policy and Procedure Manual, and other applicable law.
- B. Except as otherwise provided for in paragraph A above, the Board of Supervisors shall make all other leases or rentals of real property for use by the County. Such transactions shall be made in compliance with applicable law. The County Administrator shall administer all such transactions in accordance with the Board's direction, this section, and applicable law.

6.24.030 Lease or Rental of Real Property Belonging to the County.

- A. The Board of Supervisors hereby authorizes the Purchasing Agent to lease or rent real property belonging to, or leased by, the County upon the following conditions:
- 1) The duration of the lease or rental agreement shall not exceed 10 years;
 - 2) The actual monthly lease payment or rental shall not exceed \$5,000.00 per month;
 - 3) The lease shall not be renewable;
 - 4) The lease or rental agreement is approved as to form and legality by County Counsel;
 - 5) The lease or rental agreement is approved as to risk and insurance by the Risk Manager;

- 6) Notice as required by Government Code Section 25537(b) and (c) shall be given;
- 7) The lease or rental is made in compliance with this section, the Inyo County Purchasing and Contracting Policy and Procedure Manual and other applicable law.

B. The Inyo County Board of Supervisors may by ordinance delegate the authority to execute, on behalf of the County, specific types of leases and rentals of real property belonging to, or leased by, the County, to certain County officers and employees upon certain terms and conditions. Such ordinances shall be codified in the Inyo County Code within the appropriate title.

C. Except as otherwise provided for in paragraphs A and B above, the Board of Supervisors shall make all other leases or rentals of property belonging to the County. Such transactions shall be made in compliance with applicable law. The County Administrator shall administer all such transactions in accordance with the Board's direction, this section, and applicable law.

6.24.040 Licenses or Permits.

A. The following County officers and employees are hereby authorized to execute on behalf of the County, the permits and licenses for use of County real property as set forth below:

<u>Permit/License</u>	<u>Authorized Officer or Employee</u>	<u>Limit of Authority</u>
Road Encroachment Permit	Director of Public Works	State or County Standard Form Encroachment Permit

B. Except as otherwise provided for in paragraph A above, the Board of Supervisors shall execute all other licenses or permits for use of County real property. Such licenses and permits shall be made in compliance with applicable law. The County Administrator shall administer letting of such licenses or permits in accordance with the Board's direction, this section, and applicable law.

Chapter 6.26

DONATION OF PROPERTY TO THE COUNTY

Sections:

- 6.26.010 Acceptance of Real Property Donated to the County**
- 6.26.020 Acceptance of Personal Property, Including Money, Donated to the County**
- 6.26.030 Accounting for Donated Property and Money**
- 6.26.040 Disposition of Donated Property and Money**

6.26.010 Acceptance of Real Property Donated to the County.

All gifts, bequests, or devises or real property, or any interest therein, made to or in favor of the County, or to or in favor of the Board of Supervisors in trust for any purpose, may be accepted or rejected only by the Board of Supervisors.

6.26.020 Acceptance of Personal Property, Including Money, Donated to the County.

A. The Purchasing Agent is hereby delegated the authority to accept any gift, bequest, or devise of personal property, including money, made to or in favor of the County provided all of the following conditions are met:

1. The value of such gift, bequest, or devise does not exceed \$10,000; and
2. There is no restriction imposed by such gift, bequest, or devise upon how the County may use the personal property or money.

B. All other gifts, bequests, or devises made to or in favor of the County, or to or in favor of the Board in trust for any public purpose, may be accepted or rejected only by the Board of Supervisors.

6.26.030 Accounting for Donated Property and Money.

In accounting for, or inventorying, gifts, bequests, or devises, the appropriate procedures contained in the State Controller's manual entitled "Accounting Standards and Procedures For Counties," shall be followed. In addition, the Purchasing Agent shall file with the Board, at the end of each quarter, a report which describes the source and value of each gift valued in excess of \$1,000 which was accepted on behalf of the County in that quarter. No report need be filed if no gifts valued in excess of \$1,000 were accepted during that quarter.

6.26.040 Disposition of Donated Property and Money.

All real property, including any interest therein, personal property, including money, and the income and increases thereof, accepted by the County as a gift, bequest or devise, shall be held by the Board of Supervisors and be disposed of for those lawful uses and purposes as are prescribed in the terms of the gift, bequest or devise, and in accordance with applicable law.

Chapter 6.28

SALE AND TRANSFER OF SURPLUS COUNTY PROPERTY

Sections:

- | | |
|-----------------|--|
| 6.28.010 | Sale and Transfer of Surplus Real Property |
| 6.28.020 | Intra-County Use of Surplus Personal Property |
| 6.28.030 | Trade-In of Surplus Property |
| 6.28.040 | Sale of Surplus Personal Property |
| 6.28.050 | Proceeds from the Sale of Surplus Personal Property |

6.28.010 Sale and Transfer of Surplus Real Property.

Except as otherwise provided in sections 6.24.020 and 6.24.030, the Board of Supervisors shall make all sales and transfers of any interest in real property owned by the County which is determined by the Board of Supervisors to be surplus to the County's needs. Such transactions shall be made in compliance with the applicable law. The County Administrator shall administer all such transactions in accordance with the Board's direction, this section, and applicable law.

6.28.020 Intra-County Use of Surplus Personal Property.

When any item of personal property is no longer needed by an office or department of the County, such fact will be reported to the Purchasing Agent who may declare the item or items as surplus and place such item or items in a surplus pool. Whenever any office or department is in need of an item which has been placed in the surplus pool or has requisitioned the purchase of a similar item, the Purchasing Agent may transfer the item to such office or department with the prior approval of that department head.

6.28.030 Trade-In of Surplus Property.

When purchasing personal property for which the cost does not exceed \$10,000, the Purchasing Agent is authorized to solicit and accept advantageous trade-in allowances for personal property which is no longer required for public use by the County, providing that the surplus value of such property is less than \$10,000. All other trade-in allowances for surplus County personal property must be approved by the Board of Supervisors.

6.28.040 Sale of Surplus Personal Property.

A. Purchasing Agent is hereby authorized to make a determination that personal property owned by the County in the surplus pool is no longer required for public use upon the following conditions:

1. The personal property has been placed into the County's surplus personal property pool and has remained there unused for a period of at least three (3) consecutive months;
2. The personal property is not collateral or subject to a creditor's lien as a result of any financing or lease-purchase agreement entered into by the County;
3. The surplus value of the property does not exceed \$10,000;
4. The County has no reasonably foreseeable need for the property;
5. Applicable provisions of law, rules, regulations, or grant requirements do not prohibit the County from disposing of the property as surplus.

B. Except as expressly delegated to the Purchasing Agent above, the Board of Supervisors shall make all other determinations that personal property belonging to the County is no longer required for public use.

C. The Purchasing Agent shall sell all personal property belonging to the County which has been determined no longer required for public use. Such sale shall be in accordance with the Inyo County Purchasing and Contracting Policy and Procedures Manual and applicable law.

6.28.050 Proceeds from the Sale of Surplus Personal Property.

Except as otherwise provided by law, proceeds from the sale of surplus County personal property shall be paid into the County treasury for County use.

SECTION 5: SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the remaining portion of this Ordinance. This Board of Supervisors hereby declares that it would have enacted this Ordinance and every section, subsection, sentence, clause, or phrase hereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or otherwise invalid.

SECTION 6: EFFECTIVE DATE

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption hereof, this Ordinance shall be published as required by Government Code Section 25124. The Clerk of the Board is hereby instructed and ordered to so publish this Ordinance together with the names of the Board members voting for and against same.

PASSED AND ADOPTED this 12th day of December, 2006,
by the following vote:

AYES: Supervisors Arcularius, Cash, Williams, Bilyeu and Cervantes

NOES: -0-

ABSENT: -0-

ABSTAIN: -0-



Susan Cash, Chair

INYO COUNTY BOARD OF SUPERVISORS

ATTEST: Ronald J. Juliff
Clerk of the Board

BY:


Patricia Gunsolley, Assistant Clerk