

## ARTICLE I. GENERAL PROVISIONS

### Sec. 22-10. Application of Chapter

The provisions of this chapter shall apply to the County of Solano and to all using agencies as defined in this chapter.

(Ord. No. 1483, §1)

### Sec. 22-11. Purchasing agent

Pursuant to Government Code sections 25500 et seq., there is created the office of purchasing agent. The purchasing agent in this county shall be the County Administrator. The purchasing agent shall be vested with such powers, duties and responsibilities as are prescribed by state law and this chapter. The County Administrator may delegate all or a portion of the duties to his/her designee.

(Ord. No. 1483, §1; Ord. No. 1650, §1)

### Sec. 22-12. Definitions

As used in this chapter, the following terms shall be ascribed the following meanings:

(a) **Emergency** means an unforeseen circumstance in which an immediate purchase is necessary in order to avoid a substantial hazard to life, health or property, or a serious interruption of the operation of a department of the county or the operation of a using agency.

(b) **Patented or proprietary items** mean supplies, materials or equipment produced by one manufacturer or is available from one source, or services which are available from one provider.

(c) **Personal property** means materials, supplies, machinery, furnishings, equipment and any other tangible article required for the conduct of business of the county or using agency.

(d) **Personal services** mean any labor of a specialized or short-term or intermittent nature required in the conduct of operations of the county or using agency which may lawfully be performed by contract with private parties, who have an expertise sought by the county, and which contracts exclude the following:

(1) The work of constructing, altering or improving buildings, roads, sewer and drainage facilities and other public works type projects; and

(2) Any labor pursuant to any other contracting authority or limitation.

(e) **Purchase or purchases** mean any contractual arrangement or transaction involving payment:

- (1) for the acquisition of title to personal property;
- (2) for the use by rental, lease, or otherwise of personal property;
- (3) for the provision of services by independent contract or otherwise; or
- (4) any combination of the foregoing.

(f) **Using agency** means any of the following entities which requests the services of the purchasing agent as provided in section 22-16: any public district created under laws of the state; any municipal corporation whose territory lies in the county; or any board, commission, or joint powers agency to which the county or any such district is a party.

(Ord. No. 1483, §1)

**Sec. 22-13. Authority to purchase**

Except as otherwise provided by law or this chapter, all purchases, regardless of the source of funding or revenue, shall be made in the name of the county, by written contract approved by and executed on behalf of either the board of supervisors or the purchasing agent.

If an emergency occurs at times other than regular business hours and the services of the purchasing agent are not immediately available, emergency purchases may be made by the department heads or employees authorized by them to make such purchases. Any such purchase shall be made by written contract in the name of the county and approved by and executed on behalf of the department head or authorized employee. Each such emergency purchase shall be reported in writing to the purchasing agent as soon as possible, but in no event later than five (5) calendar days following the date on which the purchase is made, and such report shall include a detailed explanation of the nature of the emergency, as well as the reasons necessitating the purchase.

(Ord. No. 1483, §1)

**Sec. 22-14. Persons authorized to requisition**

Authority to direct requisitions to the purchasing agent for purchases is vested in the heads of the offices, departments and institutions of the county. Such head may delegate this authority to any of that person's deputies, officers or employees by filing written authorization with the purchasing agent. Each head authorizing such a requisition does so with the representation that there are sufficient funds available in that office, department or agency's budget to support that purchase, and if funds are not available, that they may be held personally liable for the budget shortage.

(Ord. No. 1483, §1)

**Sec. 22-15. Purchasing procedures**

The Purchasing Agent shall establish methods and procedures for the functioning of the purchasing division.

(a) The Purchasing Agent shall prepare a purchasing procedures manual which sets forth the rules and regulations for the administration of this chapter. Upon approval by the board of supervisors and filing a copy of the procedures manual with the clerk to the board, by and through the Purchasing Agent, the rules and regulations contained in the manual shall have the same force and effect as the provisions of this chapter.

The purchasing procedures manual shall include such rules and regulations as are necessary to implement the provisions of this chapter, including, but not limited to the following:

1. Procedures under which purchases without competitive bidding will be considered, approved and authorized;
2. Procedures for the identification and approval, without competitive bidding, of purchases of patented or proprietary items.
3. Procedures for the competitive bidding of personal property obtained in two or more equally satisfactory and competitive makes, brands or types;
4. Procedures for the standardization of personal property common to the needs of, and required by two or more county departments or using agencies.
5. Procedures for the establishment and maintenance of lists of bidders, pre-qualified or otherwise.
6. Procedures for providing reasonable notice soliciting bid proposals.
7. Procedures for the award of bid.
8. Procedures for the implementation of joint purchasing policies and procedures with other agencies.

All provisions of the manual shall be subject to modification by the board of supervisors through the adoption of a resolution. Any modification to the manual by the board shall take effect immediately. Purchasing Agent may make technical corrections without Board approval.

(b) The purchasing agent shall develop and maintain standard purchasing forms, conditions of invitations to bid, purchase orders, and purchase contracts, with approval as to form and legal sufficiency the county counsel.

(Ord. No. 1483, §1; Ord. No. 1650, §2)

**Sec. 22-16. Using agencies**

The purchasing agent shall perform any or all of the services provided for in this chapter on behalf of using agencies, upon their request, and subject to the following provisions:

(a) A resolution which requests the purchasing agent to make purchases for or on behalf of the using agency shall be adopted by the governing body of the using agency and filed with the purchasing agent. The resolution shall:

(1) set forth the competitive bidding limits, advertising requirements and any other restrictions or requirements specified by state law governing purchases by the using agency; and

(2) provide that for the period of participation, the using agency shall:

(A) make all purchases in its own name, for that agency only.

(B) be responsible for payment directly to the vendor and for tax liability, and will not hold the county harmless.

(C) not have and will not have in force any other contract for like purchases.

(D) not have obtained and does not have under consideration written bids or quotations from other vendors for like purchases.

(b) Unless otherwise authorized by law, when making purchases in behalf of a using agency, the purchasing agent shall follow the limits and requirements set forth in state statutes, this chapter, and the purchasing procedures manual.

(c) The board of supervisors may, in its sole discretion, terminate such participation at any time after then (10) days advance written notice mailed to the using agency.

(d) A charge may be made for the services performed under this section.

(Ord. No. 1295, §3; Ord. No. 1483, §1)

**Sec. 22-17. Energy conservation considerations**

Prior to the purchase of all new equipment, except in the case of an emergency, the purchasing agent or any other county officer or employee authorized to purchase such equipment shall evaluate and consider the energy consumption level and the anticipated operating costs over the useful life of the new equipment in addition to the initial cost of such equipment, whenever practical and feasible.

(Ord. No. 1310, §1; Ord. No. 1483, §1)