

**COUNTY OF EL DORADO, CALIFORNIA  
BOARD OF SUPERVISORS POLICY**

<b>Subject:</b>  <b>PROCUREMENT POLICY</b>	<b>Policy Number</b> C-17	<b>Page Number:</b> i of 33
	<b>Date Adopted:</b> 10/11/2006	<b>Revised Date:</b> 10/22/2013

**BACKGROUND:**

Government Code Section 54202 requires the Board to adopt policies and procedures governing purchases of supplies and equipment.

**POLICY:**

The Purchasing Agent, as the County’s procurement expert, shall:

- Prepare policies and procedures governing procurement activity of the County for adoption by the Board of Supervisors.
- Review such policies and procedures on an annual basis and submit policy updates and revisions to the Board of Supervisors for adoption as necessary.
- Educate and train department staff regarding the policies and procedures
- Interpret and apply policies and procedures related to procurement of goods and services
- Monitor compliance with policies and procedures

Upon adoption by the Board of Supervisors, such procurement policies and procedures shall be attached hereto and referred to as Exhibit ‘A’.

**Primary Department:** Chief Administrative Office, Procurement and Contracts Division

**References:** Government Code 54202  
County Ordinance Code Chapter 3.12

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## COUNTY OF EL DORADO, CALIFORNIA BOARD OF SUPERVISORS POLICY C-17

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COUNTY OF EL DORADO, CALIFORNIA  
BOARD OF SUPERVISORS POLICY C-17

Exhibit 'A'

**PROCUREMENT  
POLICY AND PROCEDURE MANUAL**

**1.0 PURPOSE**

The purpose of this Policy and Procedure Manual is to set forth how procurement activities are to be conducted in El Dorado County. This Manual is intended to comply with County Ordinance Chapter 3.12 and Board Policy C-17 requiring comprehensive procurement policies and procedures.

This Manual has been compiled to assist employees in understanding their responsibilities in the purchasing process by clearly specifying the procedures to be used by County of El Dorado employees in obtaining the materials, goods and services necessary for carrying out their responsibilities to our community and its citizens.

## **2.0 INTRODUCTION**

The Procurement and Contracts Division of the Chief Administrative Office is responsible for the procurement of services, supplies, materials, goods, furnishings, equipment and other personal property for the County and its offices unless otherwise excepted by ordinance or these policies.

The Procurement and Contracts Division is responsible for providing leadership, guidance and assistance to departments in all procurement related matters, including interpreting and applying County policies and procedures related to procurement of goods and services.

### 3.0 DEFINITIONS

**“Blanket purchase order”** means the contract form used to authorize purchases of goods or services required on an as-needed basis over an extended period. Blanket purchase orders may be issued for use by an individual department, multiple departments, or all departments.

**“Competitive process”** means a procurement process whereby the County solicits bids or proposals from multiple vendors for the provision of products or services.

**“Confirming purchase order”** means a purchase order issued as confirmation of an order previously placed with a vendor.

**“Cumulative Purchases”** means the total of all purchases of a single commodity or group of like commodities countywide within a fiscal year.

**“Department”** or **“department of the County”** means any of the offices, departments or other organizational units of the County government and any special districts whose affairs and funds are under the supervision and control of the Board of Supervisors acting as its ex officio government body.

**“Department head”** means the officer in charge of the department. Where the department is a special district or has no one person in charge, the Board of Supervisors shall act by minute order as the department head for the purposes of this chapter, unless and until it appoints a person to act as department head for a specified purpose or for a specified time to carry out the provisions of this chapter.

**“Emergency purchase”** means a purchase which is immediately necessary for the preservation of life or property or for the continued operation of the office or department involved where undue delay would cause substantial loss to the County.

**“Fixed asset”** means any item of equipment belonging to one of the general classes of property considered a fixed asset in accordance with generally accepted accounting principles, or as defined by the County auditor-controller.

**“Formal bid”** means the competitive process in which the request for bid for product or services is circulated to all vendors on an established bidders list for that commodity maintained by the Purchasing Agent, posted publicly, and received sealed and in writing by a stated deadline.

**“Informal bid”** means the competitive process in which the request for bid for product or services is solicited from a minimum of three vendors on an established bidders list for that commodity maintained by the Purchasing Agent and is received by a stated deadline in writing, by fax, or by email.

**“Local vendor”** means a vendor that meets all of the following criteria:

- (a) The vendor shall have established a place of business within El Dorado County prior to publication of the call for bids.
- (b) Where sales tax will be paid for the purchase, the vendor must possess a valid seller’s permit from the State Board of Equalization evidencing the business’ local address within El Dorado County and that payment of the local share of the sales tax goes to either a city within El Dorado County or to El Dorado County. If the vendor has more than one office in the State of California, the office located in El Dorado County shall be the point of sale credit for the purpose of sales tax calculation.
- (c) The vendor, with business and/or real property tax due to the County of El Dorado, paid such tax to El Dorado County for the most recent tax year. This provision shall not apply to businesses that were not established at that time or where no taxes were due.

**“Purchase order”** means the contract form used for a one-time purchase of goods or certain designated services.

**“Request for proposal”** means the competitive selection process in which vendors are requested to submit proposals when factors in addition to price may be considered, such as varying product specifications or methodology of service.

**“Services”** means work or services, inclusive of the services, advice, education and training enumerated in Government Code section 31000, and exclusive of public works as defined in the Public Contract Code. For the purposes of this chapter, services shall not mean monthly usage agreements for refuse, wireless and other telephone services, or utility usage agreements.

**“Supplies, materials, goods, furnishings, equipment and other personal property”** means any and all items furnished to or used by any department, but excluding services, and excluding services or materials furnished “in kind” in lieu of a cash expenditure.

**“Surplus property”** means any item of personal property that is no longer needed by the office, department or institution in possession thereof.



## **4.0 PROCUREMENT – GENERAL**

### **4.1 Centralized Procurement**

It is the intent of El Dorado County to reduce the total costs associated with the acquisition and management of materials, supplies, equipment, and services by purchasing competitively and wisely and by hiring and training people skilled in and devoted to the business of purchasing. 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.

#### **4.1.1 Objectives for Centralized Procurement**

- (a) To provide increased economy in County procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds.
- (b) To provide safeguards to ensure for the maintenance of a procurement system of quality and integrity.
- (c) To ensure the fair and equitable treatment of all persons who deal with the procurement system of the County.
- (d) To buy the right material of the right quality in proper quantity at the right time from the proper source.
- (e) To reduce the overhead cost of buying and reduce the volume and streamline the flow of paperwork.
- (f) To seek values that offer the best combination of price, quality and service.
- (g) To seek savings by evaluating Countywide needs for goods or services, and where possible, consolidating intradepartmental and interdepartmental requirements in order to obtain the best possible pricing and meet the needs of County departments.
- (h) To promote standardization of products and services throughout the County in order to obtain the best possible pricing and to meet the needs of County departments.
- (i) To decentralize the sources of supply for departments by providing for direct delivery whenever practical.

### **4.2 Code of Ethics for Procurement**

Employees participating in a procurement process shall uphold and adhere to all applicable federal, state, and local laws, ordinances and regulations, and dedicate themselves to the highest ideals of honesty and integrity in that process. Employees shall discourage any inappropriate contact or encroachment on one's official duties by others who seek to influence a decision, and shall expose corruption whenever discovered.

No employee participating in a procurement process shall:

- (a) Accept any fee, compensation, gift, or payment of expenses which results in private gain in return for preferential treatment.
- (b) Grant any special consideration, treatment, or advantage to any person beyond that which is available to every other person in similar circumstance.

4.3 Budgetary Control and Appropriateness of Purchases / Purchases Over Budget Prohibited

Except as otherwise provided by state law, no purchase of supplies, materials, goods, furnishings, equipment, other personal property, or services shall be made by any department in excess of the department's appropriations for that class of expenditure in the county budget. By submitting a requisition or request for contract, a department head certifies that he or she is the official authorized to obligate those funds for the purpose stated in the requisition and that the purchase is appropriate for and consistent with the stated goals, objectives, and work programs of the department. Delegation of authority to submit requisitions does not relieve the department head from these responsibilities.

4.4 Splitting Purchase Orders or Contracts

The County is committed to a program of purchasing competitively and wisely. Departments are prohibited from artificially dividing purchase requisitions or contract requests to circumvent any provision of this policy.

4.5 Contract Term

The Purchasing Agent shall determine the appropriate term for contracts for goods or services based on the anticipated needs of the County and on the characteristics of the market. Board of Supervisors' approval shall be required for any contract term exceeding three (3) years inclusive of all any amendments and regardless of dollar amount.

Departments must obtain authorization from the Board of Supervisors, initially, and on an annual basis, to utilize any contract that does not have a stated contract term.

4.6 Business License Requirement

The Purchasing Agent, or any person with delegated authority to issue purchase orders, must confirm the contractor's compliance with County business license requirements as specified in County Ordinance Chapter 5.04 General Provisions of Title 5 Business Taxes, Licenses, and Regulations prior to executing any contract for services or purchase order.

4.7 Debarment

Any department requesting a contract for services or a purchase order is responsible for identifying and communicating any unique federal, state or other requirements regarding debarment and suspension that apply to the procurement transaction. The Purchasing Agent shall confirm that the contractor meets such requirements prior to executing any contract for services or purchase order.

4.8 Failure to Comply with Purchasing Policy

Failure of a County employee to comply with the ordinance and these policies could result in disciplinary action, up to and including termination, pursuant to section 1104 of County Personnel Management Resolution 228-84.

4.9 Elections Materials and Services

The purchase of elections materials and services are not subject to the provisions of the County Purchasing Ordinance in accordance with Elections Code section 13001. Notwithstanding the above, the Elections Official is encouraged to procure elections materials through the use of a purchase order whenever possible. The Elections Official may execute and issue purchase orders for elections materials in amounts up to \$100,000.

Although elections materials are exempt from competitive bidding pursuant County Ordinance Code Chapter 3.12.040(b), the Registrar of Voters is encouraged to use the services of the Purchasing Agent whenever possible and when doing so does not put the security or conduct of an election at risk. No provision of the Procurement Policy and Procedure Manual shall be interpreted as directing that the purchase of election materials, commodities and services must be processed through the office of the Purchasing Agent.

**5.0 PROCUREMENT OF SUPPLIES, GOODS, MATERIALS, FURNISHINGS AND OTHER PERSONAL PROPERTY**

5.1 Authority

The Purchasing Agent has the authority to purchase supplies, goods, materials, furnishings and other personal property in accordance with the County Ordinance Chapter 3.12. The table below summarizes this authority:

Amount	Authority	Competitive Process	Award	Document
\$0-\$500	Purchasing Agent	None	N/A	Direct Purchase Order optional
\$500.01-\$5,000	Purchasing Agent	None	Purchasing Agent	Purchase Order
\$5,000.01-\$25,000	Purchasing Agent	Informal Bid	Purchasing Agent	Purchase Order
\$25,000.01-\$100,000	Purchasing Agent	Formal Bid	Purchasing Agent	Purchase Order
>\$100,000	Purchasing Agent	Formal Bid	Board of Supervisors	Purchase Order

5.1.1 Delegation of Authority

At the request of an agency or department head, the Purchasing Agent, with concurrence from Chief Administrative Officer, may delegate authority to make purchases to any County agency or department head or department personnel within the limits set forth herein for purchases related to the operations of the requesting agency or department. Requests for such delegation shall be submitted to the Purchasing Agent annually in writing and on such forms as provided by the Purchasing Agent and shall include an acknowledgement by the requestor(s) that they have read and understand County purchasing policies and procedures. All purchases made under delegated authority shall comply with the Purchasing Ordinance and all County purchasing policies and procedures.

Delegated authority shall not exceed five thousand dollars (\$5,000), unless a department head requests additional authority by providing a written request to the Purchasing Agent accompanied by sufficient justification for the additional authority requested. The Purchasing Agent may grant additional authority with concurrence from the Chief Administrative Officer.

The delegation of authority to make smaller purchases is intended to facilitate the economical and orderly procurement of personal property by County departments. The privileges extended to departments under this policy are not intended as a substitute for centralized purchasing, nor are they to be used to engage in widespread purchasing without adequate analysis and competition. Departments shall not circumvent normal

procurement methods, including the use of blanket purchase orders, by splitting purchases into series of sub-purchase orders.

The Purchasing Agent, with concurrence from Chief Administrative Officer, may also rescind the delegated authorization to purchase under this section by written notice to the County department head.

The Purchasing Agent shall retain documentation of any authority delegated or rescinded under this section and shall make copies of such documentation available to departments.

#### 5.1.2 Authority for Blanket Purchase Order Releases

A blanket purchase order may be used to authorize purchases of goods required on an as-needed basis over an extended period. Blanket purchase orders may be issued for use by an individual department, multiple departments, or all departments.

Individual purchase orders must be issued to confirm/document purchases made under the authority provided by a blanket purchase order. Any department staff authorized to sign purchase orders may issue purchase orders as releases against blanket purchase orders in amounts up to the amount of the blanket purchase order.

The Purchasing Agent may limit authority for releases against certain multi-departmental or countywide blanket purchase orders at his or her discretion.

#### 5.1.3 Purchases Prohibited from Delegation of Authority

Notwithstanding Section 5.1.1, the following limitations on delegation of authority apply:

- (a) Authority to purchase fixed assets, supplies available through central stores, and supplies, materials and equipment available for purchase pursuant to a contract awarded by the Board of Supervisors or the Purchasing Agent may not be delegated to any agency or department head or department personnel.
- (b) Authority to purchase computer hardware and software may not be delegated to any agency or department head or department personnel of any department other than the Department of Information Technologies.
- (c) Authority for emergency purchases may only be delegated to agency or department heads and may not be delegated to department personnel.

## 5.2 Requisitioning Purchases or Bids

Purchase requisitions or requisitions to bid are initiated by departments to make purchases within approved budgetary appropriations. Purchase requisitions or requisitions to bid serve as a formal request to the Purchasing Agent for purchases, and provide an accounting record of purchases in process. Specific instructions for completing and submitting requisitions are available from the office of the Purchasing Agent.

Departments are responsible for:

- (a) determining that sufficient funds are available to pay for requested goods
- (b) contacting the Procurement and Contracts division early in the purchase process in order to benefit from advice and assistance on specifications, sources of supplies, price advantages, substitutions, and a determination of each department's precise needs
- (c) ensuring that requested items are necessary to operations and are used for their stated purposes
- (d) ensuring that purchase requisitions and purchase orders are completed and processed for payment satisfactorily
- (e) planning their annual requirements and making every effort to consolidate similar items into a single purchase requisition.
- (f) ensuring that Procurement is informed of annual requirements in a form and manner as requested by Procurement

### 5.2.1 Authority to Requisition

Department heads are authorized to requisition purchases and formal and informal bids. Department heads may delegate or rescind authority to requisition purchases and informal bids to key department personnel by completing forms provided by the Purchasing Agent. Department heads may not delegate authority to requisition formal bids to department staff. The Purchasing Agent shall retain copies of any authority delegated or rescinded by department heads.

### 5.2.2 Specifications

Departments must make sure specifications are non- restrictive (i.e., allow competition), clearly describe the item needed in terms of function and performance, and reference existing industrial or governmental specifications, if available. Drawings or samples should clearly describe the required item.

### 5.2.3 Requisitions Requiring Special Approval

Requisitions for computer software and computer hardware including but not limited to PC desktop applications, software tools, enterprise and departmental computer application systems, network components, personal data assistants (PDA's), and printers must be approved by the

Information Technologies Department before forwarding requisitions to the office of the Purchasing Agent (Board of Supervisors Policy A-10).

Computer Accessories as defined by Information Technologies do not require special approval.

#### 5.2.4 Consolidation of Departmental Requests

Departments shall plan their annual requirements and make every effort to consolidate similar items into a single purchase requisition. In addition, Procurement will periodically issue a schedule of planned procurement solicitations for specific common products or materials. Department requirements should be consolidated and submitted in accordance with these schedules.

Every effort should be made to order in quantities sufficient for a reasonable period and consistent with future needs and available storage space. Department procedures which result in the submittal of several purchase requisitions for the procurement of the same item or for like items for delivery to the same location often require the issuance of unnecessary purchase orders, incur additional shipping and packaging expense, eliminate or reduce the volume-purchase advantage of centralized purchasing, and cause an unfavorable impression of County business practices.

#### 5.3 Emergency Purchases

Emergency purchases, including those in excess of an individual's normal purchasing authority, may be made by the purchasing agent, or when the purchasing agent is not immediately available, by a department head. Emergency purchases made by a department head shall be reported to the purchasing agent as soon as possible, and no later than 30 days from the date of the emergency. Emergency purchases that exceed the purchasing agent's authority shall be reported to the board of supervisors by the purchasing agent as soon as possible, and no later than 30 days from the date the purchasing agent is notified of such purchase.

#### 5.4 Competitive Process Not Required

##### 5.4.1 Purchases Not Exceeding \$500

No competitive process is required for purchases of supplies, goods, materials, furnishings and other personal property at this level. Purchases of supplies, goods, materials, furnishings and other personal property not exceeding \$500 may be made by placing orders with a vendor with or without the use of a purchase order.

#### 5.4.2 Purchases Greater Than \$500 and Not Exceeding \$5,000

No competitive process is required for purchases of supplies, goods, materials, furnishings and other personal property at this level. A purchase order is not required for the purpose of placing the order with the vendor. However for purchases at this level, a direct purchase order must be recorded in the procurement system for tracking purposes. The purchase order should accurately reflect all terms and conditions of the purchase.

A copy of the purchase order shall be retained on file in the office of the Purchasing Agent.

#### 5.5 Informal Bid Process

“Informal bids” are required for purchases of supplies, materials, goods, furnishings, equipment and other personal property greater than \$5,000 and not exceeding \$25,000. "Informal bid" means the competitive process in which the request for bid for product or services is solicited from a minimum of three vendors on an established bidders list for that commodity maintained by the Purchasing Agent and the bid is received by a stated deadline in writing, by fax, or by email. Verbal quotes are not acceptable.

Nothing herein contained shall preclude the Purchasing Agent from soliciting *formal* bids if deemed in the best interest of the County to do so.

##### 5.5.1 Call for Bids

The Purchasing Agent shall solicit bids from prospective vendors. *Solicitation* of bids may be done verbally, by email, by fax or US mail and shall be documented by the Purchasing Agent.

The Purchasing Agent shall provide uniform specifications for the articles to be purchased to each prospective vendor and state the deadline for receipt of bids.

Bids shall be solicited from local vendors whenever possible.

Bids shall be documented on quotation forms provided by the Purchasing Agent. Any bids received after the deadline shall be documented as late bids and shall not be considered.

##### 5.5.2 Evaluating Bids

The Purchasing Agent shall review and evaluate the bids for the purpose of determining the lowest responsive responsible bidder. In determining the lowest responsive responsible bid, the Purchasing Agent shall consider the quality of the items offered and their conformity to the specifications, the delivery and discount terms, freight charges, any applicable County



preferences, any conditions attached to the bid, and any other information considered pertinent to the decision-making process.

#### 5.5.3 Awarding or Rejecting Bids

After evaluating the bids the Purchasing Agent may:

- (a) Award the bid to the lowest responsive responsible bidder
- (b) Waive minor bid irregularities and accept any bid
- (c) Reject any bid in the event of omissions, irregularities, or errors
- (d) Reject any bid in the event that the Purchasing Agent determines that the bidder is not responsible
- (e) Reject all bids and determine whether to repeat the bid process until a lowest responsive responsible bidder can be determined

#### 5.5.4 Executing Contract

After awarding the bid, the Purchasing Agent may thereafter execute a contract or purchase order with the successful bidder that meets all County contracting requirements.

### 5.6 Formal Bid Process

Formal bids” are required for purchases of supplies, materials, goods, furnishings, equipment and other personal property over \$25,000. "Formal bid" means the competitive process in which the request for bid for product or services is circulated to all vendors on an established bidders list for that commodity maintained by the Purchasing Agent, posted publicly, and received sealed and in writing by a stated deadline.

#### 5.6.1 Call for Bids

The Purchasing Agent shall solicit sealed bids from prospective vendors on an established bidders list, and any other interested vendors, and cause a notice of invitation to bid to be posted publicly. The notice shall include a general description of the articles to be purchased and shall state the deadline for receipt of bids and the time and place for the opening of bids.

#### 5.6.2 Opening Bids

The Purchasing Agent shall open bids received by the advertised deadline in public at the time and place stated in the bid request. Any bids received after the deadline shall be returned unopened to the respondent with the notation that the bid was not received by the stated deadline. Under no condition will late bids be accepted.

#### 5.6.3 Evaluating Bids

The Purchasing Agent shall review and evaluate the bids for the purpose of determining the lowest responsive responsible bidder. In determining the lowest responsive responsible bid, the Purchasing Agent shall consider the quality of the items offered and their conformity to the specifications,

the delivery and discount terms, applicable freight charges, any applicable County preferences, any conditions attached to the bid, and any other information considered pertinent to the decision-making process.

#### 5.6.4 Awarding or Rejecting Bids

Upon completion of bid evaluation, The Purchasing Agent (for bids not exceeding \$100,000), or the Board of Supervisors may:

- (a) Award the bid to the lowest responsive responsible bidder
- (b) Waive minor bid irregularities and accept any bid
- (c) Reject any bid in the event of omissions, irregularities, or errors
- (d) Reject any bid in the event that the Purchasing Agent determines that the bidder is not responsible
- (e) Reject all bids and determine whether to repeat the bid process until a lowest responsive responsible bidder can be determined

The Purchasing Agent shall notify the bidders of the bid results in the manner indicated on the bid solicitation and shall post the bid results for public viewing. The notice shall include the apparent low qualified bidder, a description of the goods to be provided, other pertinent bid information, and the date on which the bids will be considered for award.

#### 5.6.5 Protest Procedure

The protest procedure is an extension of the formal bid process that provides recourse to bidders that wish to protest bid results or the method by which a bid request was processed. This procedure shall be utilized only after all informal methods have failed to reach a solution. A protestor must exhaust all administrative remedies with the County of El Dorado before pursuing any civil or administrative action with any other public agency.

If a bidder wishes to protest the award, the procedure shall be as follows:

- (a) Within ten (10) business days from the date of public posting of the bid results on the procurement and contracts internet website, the protesting bidder shall submit a letter of protest to the Purchasing Agent, signed by an authorized representative of the bidder, specifically stating the reason(s) for the protest. The bidder must provide all relevant facts to support the protest, such as the law, rule, regulation or criteria on which the protest is based.
- (b) If the Purchasing Agent finds the protest has merit, the Purchasing Agent may modify the award recommendation and notify all bidders of the decision.
- (c) Where a protest has been resolved or withdrawn the contract may be awarded in accordance with the Purchasing Agent's original recommendation.

- (d) In the event protest remains unresolved, the protest shall be submitted to the Board of Supervisors for consideration as a regular agenda item. All bidders shall be notified of the date on which the matter will be heard by the Board of Supervisors. All bidders may attend the Board meeting and address the Board at that time. In its discretion, the Board of Supervisors may determine to accept or reject any or all bids, to waive any informality or irregularities in a bid, or to make an award. The decision of the Board of Supervisors shall be final.

#### 5.6.6 Executing Contract

After awarding the bid, the Purchasing Agent may thereafter execute a contract or purchase order with the successful bidder that meets all County contracting requirements.

A copy of the purchase order or contract and all bid related documents shall be retained on file in the office of the Purchasing Agent.

#### 5.6.7 Additional Purchases Made After Initial Bid

Following a bid award, the Purchasing Agent may dispense with separate bidding for additional purchases of the same item(s) from the successful bidder within a twelve (12) month period from the initial purchase date provided that the vendor agrees to provide the item(s) at the same price and under the same terms and conditions as the previous award. Notwithstanding this bidding exception, where the cumulative total of the first purchase and any subsequent purchases exceeds \$100,000, Board of Supervisors' approval is required.

### 5.7 Preferences

#### 5.7.1 Local Vendor Preference

In recognition of the sales tax that is apportioned to El Dorado County as a result of sales made by businesses located within the County, and where allowed by law, a local preference credit of five percent (5%) for El Dorado County businesses shall be applied when evaluating bids for supplies, goods, materials, furnishings and other personal property.

In order to qualify for the local preference authorized by this section, the vendor seeking such preference shall be required to submit with its bid a statement containing relevant information which demonstrates compliance with the provisions of this section. The statement shall be on a form provided by the Purchasing Agent and shall be signed under penalty of perjury. Any person, firm, corporation or entity intentionally submitting false information to the County in an attempt to qualify for local preference may be prohibited from bidding on El Dorado County products

and services for a period of one (1) year from the date of the false submittal.

5.7.2 Recycled Paper Preference

Current Board of Supervisors Policy C-13 to remain until revised and incorporated here.

5.8 Cumulative Purchases

When the cumulative purchases of a particular commodity, or group of like commodities that is not exempt from competitive processes, reach \$25,000 the Purchasing Agent shall have one hundred twenty (120) days in which to solicit formal bids for additional purchases anticipated in the remainder of the fiscal year. In the interim 120 day period, the Purchasing Agent may use the informal bid process to make additional purchases that are urgent and necessary for the efficient operation of a department or department(s).

5.9 Exemptions from Competitive Process

Competitive bidding shall not be required for items exempt from competitive bidding pursuant to resolution adopted by the Board of Supervisors or when the Purchasing Agent (for purchases not exceeding \$100,000), or the Board of Supervisors makes written findings of fact that:

- (a) competitive bidding would not be in the public's interest because of an emergency as defined in this chapter; or
- (b) the unique nature of the property or services required precludes competitive bidding; or
- (c) competitive bidding would produce no economic benefit to the county; or
- (d) all of the following requirements are met with respect to the item:
  - 1. the item may be procured from a vendor that has a contract with another public agency of this state, an alliance of this state and other states, or an alliance of local public agencies within the state for the purchase of the item; and,
  - 2. the contract was awarded utilizing a competitive bidding process substantially the same as that utilized by the county; and,
  - 3. the item and terms of the transaction are the same, or substantially the same; or
- (e) special circumstances exist such that the purchase must be made within a limited period of time in order to secure for the county an advantageous price for the item that would not be achievable through competitive bidding. Such purchases shall be reported to the Board of Supervisors at its next regularly scheduled meeting; or
- (f) it is in the best interest of the county to extend a contract award from the previous contract period for additional contract terms provided the contractor agrees to furnish such products or services at the same contract price and under the same terms and conditions as the prior contract. This finding shall be made only when one of the following conditions exists:

1. The extension is necessary to avoid the interruption of County business; or
  2. The extension makes good business sense; or
- (g) the products or services are needed by the county pending a bid award and the contractor with the most recently awarded contract for such product or services agrees to extend that contract for an interim period at the same contract price, terms, and conditions as the previous award. Such interim period contracts shall not exceed the greater of ninety (90) days, or until the conclusion of a bidder's appeal, if applicable, of the pending bid process.

A comparative market analysis shall be included in the written findings of fact for purchases made pursuant to section 5.9(d), and (e), hereinabove. Documentation of this analysis shall be maintained in the office of the Purchasing Agent, and shall be presented to the Board of Supervisors for consideration of any contracts over \$100,000.

## **6.0 DISPOSAL OF SUPPLIES, GOODS, MATERIALS, FURNISHINGS AND OTHER PERSONAL PROPERTY**

### **6.1 Surplus Property**

The Purchasing Agent is responsible for administering the County surplus property program which includes the collection and disposal of surplus equipment, materials and supplies, and the maintenance of the surplus property pool.

Departments are responsible for promptly notifying the Purchasing Agent when any personal property in their possession is no longer needed. The Purchasing Agent will determine whether the property should be transferred to the Surplus Pool or if the property is of no value.

### **6.2 Surplus Pool**

The Purchasing Agent shall provide secure storage for, and maintain an inventory of, surplus personal property. The inventory shall be made available to departments by placing it in the Surplus Pool. All items of surplus property shall remain available to County departments for a minimum of fifteen (15) business days prior to disposal or sale of same.

Whenever any office, department or institution 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, upon a properly drawn request for transfer or requisition, transfer the item to the department.

### **6.3 Surplus Property of No Value**

Items of surplus property, excluding fixed assets, shall be inspected by appropriate qualified staff for the purpose of determining operability and useful life. Those items found to be beyond economical repair or of little or no value shall, at the discretion of the Purchasing Agent, be disposed of in any manner the Purchasing Agent deems appropriate. Such determination of no value shall exempt items from placement in the surplus pool.

Specific fixed assets found by the Purchasing Agent to be beyond economic repair or of little or no value and found by the Board of Supervisors not to be required or adequate for county use may be disposed of in any manner the Purchasing Agent deems appropriate.

### **6.4 Surplus Property Sale or Transfer**

The Purchasing Agent shall sell, transfer, donate, or exchange surplus property as provided for by Government Code, County Ordinance Code, or Board of Supervisors' direction.

## 7.0 PROCUREMENT OF SERVICES

This policy applies to the procurement of services as defined in section 3.0 above. This policy does not apply to Public Projects as defined in Public Contract Code section 22002(c).

The Board of Supervisors or other awarding authority shall make the appropriate findings pursuant to County Charter section 210(b), and County Ordinance, Chapter 3.13 prior to or at the time of contracting for services.

### 7.1 Authority

The Board of Supervisors and the Purchasing Agent have the authority to engage independent contractors to perform services for the County and its offices and enter into facility rental agreements for meeting rooms, storage space, and parking spaces for the County and its offices in accordance with County Ordinance Code Chapters 3.12 and 3.13.

The Purchasing Agent may enter into contracts for services provided the total contract amount does not exceed \$50,000 or the amount allowed by Government Code 25502.3, whichever is greater. Contracts for services in excess of the Purchasing Agent's authority must be approved by the Board of Supervisors; however the board may delegate authority to execute any agreement to the Purchasing Agent. The table below summarizes the contracting authority:

<b>Amount</b>	<b>Authority</b>
<b>\$0-\$50,000*</b>	Purchasing Agent
<b>&gt;\$50,000*</b>	Board of Supervisors

*\* \$50,000 or the amount allowed by Government Code 25502.3, whichever is greater*

#### 7.1.1 Authority to Contract with Legislative Advocates

Any contract with a lobbying firm or individual contract lobbyist, as defined by Government Code 82038.5 and 82039, must be approved by the Board of Supervisors prior to execution, regardless of the amount of the contract.

#### 7.1.2 Authority for Blanket Purchase Order Releases

A blanket purchase order may be used to authorize purchases of services required on an as-needed basis over an extended period. Blanket purchase orders may be issued for use by an individual department, multiple departments, or all departments.

Individual purchase orders must be issued to confirm/document purchases made under the authority provided by a blanket purchase order. Any department staff authorized to sign purchase orders may issue purchase orders as releases against blanket purchase orders in amounts up to the amount of the blanket purchase order.

The Purchasing Agent may limit authority for releases against certain multi-departmental or countywide blanket purchase orders at his or her discretion.

## 7.2 Delegation of Authority

At the request of an agency or department head, the Purchasing Agent, with concurrence from Chief Administrative Officer, may delegate authority to contract for services to any County agency or department head or department personnel within the limits set forth herein for purchases related to the operations of the requesting agency or department. Requests for such delegation shall be submitted to the Purchasing Agent annually in writing and on such forms as provided by the Purchasing Agent and shall include an acknowledgement by the requestor(s) that they have read and understand County purchasing policies and procedures. All purchases made under delegated authority shall comply with the Purchasing Ordinance and all County purchasing policies and procedures.

Delegated authority shall not exceed ten thousand dollars (\$10,000), unless a department head requests additional authority by providing a written request to the Purchasing Agent accompanied by sufficient justification for the additional authority requested. The Purchasing Agent may grant additional authority with concurrence from the Chief Administrative Officer.

The Purchasing Agent, with concurrence from Chief Administrative Officer, may also rescind the delegated authorization to purchase under this section by written notice to the County department head.

The Purchasing Agent shall retain documentation of any authority delegated or rescinded under this section and shall make copies of such documentation available to departments.

## 7.3 Emergency Purchase of Services

Emergency purchases of services, including those in excess of an individual's normal purchasing authority, may be made by the purchasing agent, or when the purchasing agent is not immediately available, by a department head. Emergency purchases made by a department head shall be reported to the purchasing agent as soon as possible, and no later than 30 days from the date of the emergency. Emergency purchases that exceed the purchasing agent's authority shall be reported to the board of supervisors by the purchasing agent as soon as possible, and no later than 30 days from the date the purchasing agent is notified of such purchase.



#### 7.4 Written Contract Required

In accordance with County Charter section 602, all services provided to the County costing \$10,000 or more shall be procured pursuant to a written contract meeting all legal requirements of the Board of Supervisors. Written contracts for services, including purchase orders and blanket purchase orders, must be signed by the Purchasing Agent or the Board of Supervisors and the contractor.

7.4.1 Services costing less than \$10,000 may be procured through a direct payment process or through the issuance of a purchase order in lieu of a written contract. For services procured using the direct payment process, the procuring department shall retain documentation of the procurement pursuant to the same document retention policies set forth for other claims for payment. For services procured using a purchase order, the procuring department shall retain documentation of the procurement pursuant to the same document retention policies set forth for other purchase orders.

7.4.2 Notwithstanding section 7.4.1, the following services must be procured pursuant to a written contract regardless of dollar amount:

- (a) Legal services
- (b) Professional consulting services
- (c) Architectural services
- (d) Engineering services
- (e) Professional financial and accounting services
- (f) Hazardous material hauling or remediation
- (g) Security services
- (h) Services for application of chemicals such as herbicides and pesticides

##### 7.4.2.1 Exception for Expert Witness Consultation and Testimony

Expert witness consultation and testimony and other services, inclusive of those listed in section 7.4.2(a) through (h) above, that are required by the District Attorney or Public Defender in direct relation to a criminal case, which cost less than \$10,000, may be procured without a written contract.

#### 7.5 Centralized Contracting

The contracting process shall be centralized in the Procurement and Contracts Division in order to:

- (a) promote a system of standardization throughout the County;
- (b) streamline the administrative process by utilizing staff specially trained and skilled in the business of contract processing;
- (c) provide a single point of contact for County offices involved in the review and approval process for contracts.

A department head may request authority to process contracts independent of the Procurement and Contracts Division by providing a written request to the Purchasing Agent accompanied by sufficient justification for such authority. The Purchasing Agent may grant such authority with concurrence from the Chief Administrative Officer.

#### 7.5.1 Request for Contract

Departments are responsible for determining that sufficient funds are available to pay for requested services and for contacting the Procurement and Contracts Division early in the contracting process in order to benefit from advice and assistance on the scope of services and contractor selection processes.

Requests for contract shall be made by departments to the Procurement and Contracts Division in writing on such forms as provided by the Purchasing Agent. The request shall include information sufficient for the Procurement and Contracts Division to prepare the contract. Any or all of the following may be required:

- (a) scope and purpose of the contract;
- (b) description of the services to be performed;
- (c) location where the work is to be performed;
- (d) standards to be used to measure performance (for example, units of service, number and nature clients served, or target dates);
- (e) frequency and manner by which the contractor's performance will be monitored;
- (f) level of expertise that is required to perform the tasks;
- (g) cost and the method payment of the contract;
- (h) source of funding to determine any special contract provisions and any third-party contracting requirements;
- (i) types of licenses required to be held by the contractor, such as a County business license or a State contractor's license;
- (j) starting date and the contract period;
- (k) major milestones, including the due dates for all contract deliverables;
- (l) finished product or the services to be delivered;
- (m) procedures by which the County will inspect and accept contract deliverables;
- (n) a named contract administrator (pursuant to County Charter section 602);
- (o) contractor record keeping and reporting requirements; and
- (p) facts that will enable the Purchasing Agent or Board of Supervisors to determine whether such services can be "more economically and feasibly" performed by independent contractors as required by County Charter section 210b.(6) and County Ordinance Chapter 3.13.

### 7.5.2 Authority to Sign Contract Requests

The department head or designee must sign all contract requests.

### 7.6 Competitive Process Not Required

Except for architectural and engineering services which must be procured pursuant to a fair and competitive selection process, the Board of Supervisors and the Purchasing Agent may contract for services without advertising for bids or seeking proposals.

State and federal selection criteria often apply to agreements using state or federal funds. Where state or federal funding is involved, state and federal regulations must be consulted for competitive bidding requirements and for specific contract provisions that may be required.

The contractor selection method used may depend on such factors as the nature of the services, when the services are needed, estimated cost of the services, whether it is an emergency situation, or the availability of an already existing contracting source.

The contractor selection may be made by a formal process (Request for Proposals, Invitation for Bids, Request for Qualifications), by an informal process (advertising, telephone bids, quotes, interviews) or by considering only one provider.

### 7.7 Centralized Competitive Processes

Competitive processes for procurement of services shall be centralized in the Procurement and Contracts Division under the direction of the Purchasing Agent.

Centralization of competitive processes will accomplish the following:

- Provide increased economy in County procurement by better defining the service or system to be obtained.
- Reduce the overhead cost of procurement.
- Establish standards for procurement and evaluation.
- Streamline the flow of paperwork.
- Ensure fair and equitable relationships with all persons who deal with the County on matters of procurement.

Competitive processes are initiated by the Purchasing Agent when deemed in the best interest of the County to do so, or upon request by a department. Requesting departments shall submit a request for the Purchasing Agent to initiate a competitive process on such forms as provided by the Purchasing Agent.

A department head may request authority to conduct competitive processes independent of the Procurement and Contracts Division by providing a written request to the Purchasing Agent accompanied by sufficient justification for such

authority. The Purchasing Agent may grant such authority with concurrence from the Chief Administrative Officer. All competitive processes conducted under delegated authority shall be in accordance with procedures approved by the Purchasing Agent.

## 7.8 Request for Bid

A request for bid may be used for the procurement of services when the service is clearly defined by technical specification, description, or mechanical skill such as janitorial services. The guideline is “Here is exactly what we want, how much will you charge us?” The process may be formal or informal and award is made to the lowest responsive responsible bidder.

The processes for calling for and opening formal and informal bids are defined and outlined under the “Procurement of Supplies, Materials and Goods” sections 5.5 and 5.6 above.

### 7.8.1 Evaluating Bids for Services

The Purchasing Agent shall review and evaluate the bids for the purpose of determining the lowest responsive responsible bidder. In determining the lowest responsive responsible bid, the Purchasing Agent shall consider the conformity of services offered to the specifications, discount terms, any conditions attached to the bid, and any other information considered pertinent to the decision-making process.

### 7.8.2 Awarding or Rejecting Bids for Services

After evaluating the bids the Purchasing Agent (for bids not exceeding \$50,000 or the amount allowed by Government Code 25502.3, whichever is greater), or the Board of Supervisors (for bids exceeding \$50,000 or the amount allowed by Government Code 25502.3) may:

- (a) Award the bid to the lowest responsive responsible bidder
- (b) Waive minor bid irregularities and accept any bid
- (c) Reject any bid in the event of omissions, irregularities, or errors
- (d) Reject all bids and determine whether to repeat the bid process until a lowest responsive responsible bidder can be determined

For formal bids, the Purchasing Agent shall notify the bidders of the bid results in the manner indicated on the bid solicitation and shall post the bid results for public viewing. The notice shall include the apparent low qualified bidder, a description of the services to be provided, other pertinent bid information, and the date on which the award will be made.

### 7.8.3 Executing Contract

After awarding the bid, the Purchasing Agent may thereafter execute a contract with the successful bidder that meets all County contracting requirements.

## 7.9 Request for Proposal

Request for Proposal (RFP) may be used for the procurement of systems and professional services when award may be based upon criteria other than price alone.

### 7.9.1 Initial Meeting

The Purchasing Agent shall conduct an initial planning session with the requesting departments to:

- identify what the consultant is to accomplish
- identify specific questions to be answered
- designate a proposal evaluation team
- develop evaluation criteria
- develop a list of prospective consultants

### 7.9.2 Draft RFP

The Procurement and Contracts Division will produce a draft RFP for the requesting department to review and approve.

### 7.9.3 Release of RFP

The Purchasing Agent shall solicit sealed proposals from a list of prospective vendors identified in the planning process, and any other interested vendors, and cause a notice of request for proposals to be published in a newspaper of general circulation in the County. The notice shall include a general description of the project or services requested, shall state the deadline for receipt of proposals, and shall state the time and place for the opening of proposals.

### 7.9.4 Evaluating Proposals

Proposals must be received by the advertised deadline. Late proposals will be returned unopened to the respondent.

Proposals received by the advertised deadline will be initially reviewed by Procurement and Contracts Division staff to make sure all of the minimum, mandatory and administrative requirements of the RFP are met. Those proposals not meeting the minimum, mandatory and administrative requirements are rejected by formal letter from the Procurement and Contracts Division and are not further reviewed in the evaluation process.

Those proposals remaining after the initial review are then presented by the Purchasing Agent to a designated evaluation team for in-depth evaluation as set forth in the request for proposal.

#### 7.9.5 Awarding Proposal

Upon completion of the evaluation of the proposals by the evaluation team, the Purchasing Agent shall notify the proposers of the evaluation results in the manner indicated on the request for proposal and post the results for public viewing. The notice shall include the date on which the award will be made by the Purchasing Agent or the Board of Supervisors, as appropriate

The awarding authority may:

- (a) Award the proposal in accordance with the evaluation team's recommendation
- (b) Waive minor proposal irregularities and accept any proposal
- (c) Reject all proposals and determine whether to repeat the process

#### 7.9.6 Executing Contract

After awarding the bid, the Purchasing Agent may thereafter execute a contract with the successful bidder that meets all County contracting requirements.

#### 7.10 Request for Qualifications

Request for Qualification (RFQ) may be used to identify potential contractors when a department requires services where the Request for Bid or Request for Proposal process is either not appropriate or not practical.

The Purchasing Agent shall conduct an initial planning session with the requesting department(s) to:

- identify the nature of the services to be provided
- identify the desired qualifications
- designate an evaluation team
- develop evaluation criteria
- develop a list of prospective consultants

The Purchasing Agent shall then solicit written statements of qualifications from prospective vendors identified in the planning session or any other interested vendors, and cause a notice of request for statements of qualifications to be published in a newspaper of general circulation in the County. The notice shall include a general description of the desired qualifications and services requested, and shall state the deadline for receipt of the statements of qualifications.

The Purchasing Agent shall provide statements of qualifications received by the advertised deadline to a designated evaluation team for review. Any responses received after the deadline shall be returned unopened to the respondent with the notation that the response was not received by the stated deadline. Under no condition will late responses be accepted.

The evaluation team shall conduct a review of the statements of qualifications received. The evaluation team may interview the most qualified prospective vendors. Criteria such as relevant experience, qualifications of personnel assigned, and availability should be used to evaluate the statements of qualifications.

Upon completion of the evaluation of the statements of qualifications, the evaluation team may recommend one or more vendors to the requesting department(s). Requesting department(s) shall work with the Purchasing Agent to negotiate desired contract(s) with the most qualified vendor(s).

#### 7.11 Contracts over \$100,000

For any contract over \$100,000, inclusive of amendments, the contractor selection process must include a review of the scope of services and the contractor's professional qualifications. This review shall be performed by a group of individuals qualified to judge the contractor's ability to perform the services. The group must include at least one representative from outside the department requesting the services. If services are requested by a division or department of an agency, the outside representative may be an employee of another department or division within that agency. Departments are responsible for documenting compliance with this section.

Any process used for the selection of a contractor for a contract in excess of \$100,000 must have occurred within three years of the date of the proposed contract or contract amendment.

When appropriate, and with concurrence from the Chief Administrative Officer, the Purchasing Agent may waive the requirements set forth in this section.

This section is not applicable to contracts for legal services.

## **8.0 BIDDERS LIST**

### **8.1 Bidders List**

The Purchasing Agent shall maintain a list of vendors by commodity and service category. This list shall be updated on an on-going basis and utilized to notify vendors of invitations for bids and requests for proposals on various goods and services.

All vendors desiring to provide goods or services to the County shall complete and submit a bidders list application as provided by the Purchasing Agent.

In those categories in which there are no vendors on the bid list or a very limited number, the Purchasing Agent shall be responsible for researching and creating a list of potential sources.

### **8.2 Removal from Bidders List**

Removal of a vendor from the bidders list may be for:

- (a) failure to respond to more than three (3) consecutive formal invitations to bid; or
- (b) failure to respond responsibly to more than three (3) notices to bid; or
- (c) failure to perform after an award of a bid; or
- (d) other reasons that show the bidder to be a non-responsive or non-responsible bidder.

The Purchasing Agent must review and approve the removal of a vendor from the bidders list. The Purchasing Agent shall notify the vendor in writing that said vendor has been removed from the bidders list.

Vendors removed from the bidders list shall have an opportunity to request reinstatement at any time, and may submit a bid notwithstanding if they have been removed from the list. The request for reinstatement must be submitted to the Purchasing Agent on such forms as provided by the Purchasing Agent



## **9.0 REPORTING AND RECORDS REQUIREMENTS**

### 9.1 Reporting Requirements

The Purchasing Agent shall submit to the Board of Supervisors a report of procurement and contracting activity not less than annually. The content of the report shall be as directed by the Board of Supervisors.

### 9.2 Records Requirements

The Purchasing Agent shall maintain all records developed pursuant to the provisions of the County purchasing ordinance and this policy. Departments shall forward copies of all records developed under any delegated authority to the Purchasing Agent.