

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF HUMBOLDT AMENDING CHAPTER 5 OF DIVISION 4 OF TITLE II OF
THE HUMBOLDT COUNTY CODE RELATING TO
THE PURCHASING AGENT OF HUMBOLDT COUNTY

WHEREAS, the County of Humboldt takes its stewardship over the use of its limited public resources seriously; and

WHEREAS, pursuant to Government Code sections 25500 *et seq.*, the Board of Supervisors establishes the duties and policies regarding the County Purchasing Agent.

Now therefore, the Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Chapter 5 of Division 4 of Title II of the Humboldt County Code is hereby amended as stated in Attachment 1 (deletions in ~~strikeout~~, additions in *italics*), attached hereto and incorporated herein by reference.

SECTION 2. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2020.

AYES: Supervisors--
NOES: Supervisors--
ABSENT: Supervisors--

Chair of the Board of Supervisors of the
County of Humboldt, State of California

(SEAL)

ATTEST:

Kathy Hayes, Clerk of the Board of Supervisors
County of Humboldt

Attachment 1

Amendments to Chapter 5 of Division 4 of Title II of the Humboldt County Code

CHAPTER 5
THE PURCHASING AGENT OF HUMBOLDT COUNTY

Sections:

- § 245-1. **Purchasing Agent.**
- § 245-2. **Specific Duties.**
- § 245-2.5. **Emergency Duties.**
- § 245-2.6. **Non-Binding Purchases and Contracts.**
- § 245-3. **Central Purchasing; Exceptions.**
- § 245-4. **Bidding Procedures.**
- § 245-4.5. **Deviation from Specifications.**
- § 245-5. **Availability of Funds.**
- § 245-5.5. **Purchasing Procedure.**
- § 245-6. **Surplus Property.**
- § 245-7. **Standards.**
- § 245-8. **Inspection.**
- § 245-9. **Return of Merchandise.**
- § 245-10. **Record Retention.**

245-1. Purchasing Agent.

The Purchasing Agent, who shall have the powers and duties of County purchasing agent as prescribed by law, this Code and any other resolutions and orders of the Board of Supervisors, shall be the County Administrative Officer or his/her designee. (Ord. 681, § 1, 7/1/1969; Ord. 2344, § 1, 6/7/2005; Ord. 2456, § 1, 8/23/2011)

245-2. Specific Duties.

The Purchasing Agent shall administer his or her duties, stores, funds and accounts, and, except as otherwise provided herein or by law or by specific order of the Board of Supervisors, shall: (Ord. 2344, § 1, 6/7/2005)

(a) Purchase for the County and its departments all materials, supplies, furnishings, equipment, livestock and other personal property. (Ord. 2456, § 1, 8/23/2011)

(b) Provide and maintain approved legal contractual documents for purchasing use such as purchase orders and service agreements. (Ord. _____, § 2, ___/___/2020)

~~(b)~~ (c) Rent for the County and its departments all materials, supplies, furnishings, equipment, livestock and other personal property. (Ord. 2456, § 1, 8/23/2011)

~~(e)~~ (d) Engage independent contractors to perform services for the County and its departments, including the furnishing of materials, subject to statutory limits and procedures.

~~(d)~~ (e) Sell or exchange any item of personal property declared surplus to County needs or he/she may, when purchasing personal property, accept advantageous trade-in allowances for county

personal property which has scrap value of less than ten thousand dollars (\$10,000) and which has been previously determined surplus. (Ord. 2456, § 1, 8/23/2011)

(e f) Perform the above services for special districts organized under general law within the County and governed ex officio by the Board of Supervisors.

(f g) Make purchases and dispositions of personal property for other public officers or agencies pursuant to authority of law.

(g h) Allow participation at their will by cities and other independent political subdivisions in continuing purchase contracts with the County, providing that this is permissible under the terms of said contract, and subject to such conditions as he/she deems necessary. Such necessary conditions may include the adoption by governing body and filing of a true copy with him/her of a resolution which requests the privilege of participating and provides that for the period of such participation the subdivision:

(1) Will make all purchases, for public use only; (Ord. 2344, § 1, 06/07/2005)

(2) Will be responsible for payment directly to the vendor and for tax liability and will hold the County harmless therefrom;

(3) Has not and will not have in force any other contract for like purchases;

(4) Has not obtained and does not have under consideration written bids or quotations from other vendors for like purchases. The Purchasing Agent may terminate any such participation on reasonable notice for willful violation of the terms of such resolution or other conditions, or if required to do so pursuant to the contract with the vendor.

(h i) May ~~destroy or dispose of~~ *purge* any ~~written~~ requisition received by the Purchasing Agent which is more than three years old. Such requisitions need not be photographed, reproduced, or microfilmed prior to destruction and no copy thereof need be retained. For the purposes of this section, a requisition is a formal request (written or electronic) submitted to the Purchasing Agent by the department for a product or service. (Ord. 2344, § 1, 6/7/2005; Ord. 2456, § 1, 8/23/2011; Ord. _____, § 2, ___/___/2020)

(i j) Have control over procurement of personal property by one department from another, exclusive of documents. (Ord. 2344, § 1, 6/7/2005)

(j k) Perform such other services as the Board of Supervisors requires.

245-2.5. Emergency Duties.

Pursuant to Government Code Section 25502.7, the Board of Supervisors, whenever it has proclaimed a local emergency, hereby authorizes the Purchasing Agent to engage independent contractors to perform services related to the local emergency for the County, with or without

furnishing of materials, where the aggregate cost does not exceed ~~One~~ *Two Hundred Fifty* Thousand Dollars (~~\$1250,000.~~) (Ord. 2456, § 2, 08/23/2011; Ord. ____, § 2, __/__/2020)

The Purchasing Agent shall implement policies and procedures for this section. The policy and procedures shall include provisions for informal bidding procedures to the extent that such procedures are feasible under emergency circumstances. (Ord. 2456, § 2, 8/23/2011)

245-2.6. Non-Binding Purchases and Contracts.

Except where otherwise provided by law or by the Board of Supervisors, no purchase of personal property or contract for services by any county officer or employee other than the Purchasing Agent shall bind the County or constitute a lawful charge against county funds. (Ord. 2456, § 2, 8/23/2011)

245-3. Central Purchasing; Exceptions.

No purchases as described in Section 245-2 shall be made by any county officer or department head without a purchase order or other written authority first obtained from the Purchasing Agent, except the following: (Ord. 2456, § 1, 8/23/2011)

- (a) Election supplies necessary for election day procedures pursuant to Election Code Sections ~~13000-13006~~ *and* 14100 and 14105; (Ord. 2456, § 1, 8/23/2011; Ord. ____, § 2, __/__/2020)
- (b) Legal brief printing; transcripts and the like; (Ord. 2456, § 1, 8/23/2011)
- (c) Road equipment rental that the County Road Commissioner-*Public Works Director* is authorized by law to rent pursuant to Streets and Highways Code Section 2009; (Ord. 2456, § 1, 8/23/2011; Ord. ____, § 2, __/__/2020)
- (d) Subscriptions to publications, *conference and training registration fees*; (Ord. 2456, § 1, 8/23/2011)
- (e) Public utility services and supplies including telephone or telecommunications services obtained through the County Communications Division of the County Administrative Office; (Ord. 2456, § 1, 8/23/2011)
- (f) Common carrier transportation including freight carriers and delivery services; (Ord. 2456, § 1, 8/23/2011)
- (g) Ordinary travel expense items; (Ord. 2456, § 1, 8/23/2011)
- (h) Small value purchases of goods/materials not to exceed ~~Five Hundred~~ *Three Thousand* Dollars (~~\$53000~~). *Emphasis shall be made to provide local vendors the opportunity to participate in the competitive procurement process and to be considered for small value purchases*; (Ord. 2456, § 1, 8/23/2011; Ord. ____, § 2, __/__/2020)

(i) Emergency purchases of supplies, which shall be limited to those immediately necessary for protection from substantial hazard to life or property, or occasions when the Purchasing Agent or his/her designee is not accessible and the need is unforeseeable and immediate for continued operation of a County function. Every emergency purchase shall be promptly reported to the Purchasing Agent with the facts constituting the emergency. Emergency purchases shall be subsequently approved and confirmed by the Purchasing Agent. If the Purchasing Agent refuses to confirm, the Board of Supervisors may subsequently approve and confirm the purchase. Unless purchases are approved and confirmed either by the Purchasing Agent or the Board of Supervisors, the cost is not a legal charge against the County. (Ord. 681, § 3, 7/1/1969; Ord. 2456, § 1, 8/23/2011)

(j) Professional memberships; (Ord. 2456, § 1, 8/23/2011)

(k) Items exempt by law or by specific order by the Board of Supervisors.

245-4. Bidding Procedures.

Except as required by law, the Purchasing Agent may make any purchase and/or rental of personal property or perform any other act hereunder without notice, advertisement or securing competitive bids. If the Purchasing Agent does call for competitive bids or quotations and accepts any bid or quotation other than the lowest on any individual item costing more than ~~Five Hundred~~ *Three Thousand* Dollars (\$~~53000~~), the basis for the decision shall be documented in writing and retained *in the purchase record* ~~by the Purchasing Agent~~. (Ord. 2456, § 1, 08/23/2011; Ord. _____, § 2, ___/___/2020)

In the performance of his/her functions hereunder, the Purchasing Agent shall comply with all applicable statutes, Code sections and regulations. (Ord. 681, § 4, 7/1/69; Ord. 2456, § 1, 08/23/2011)

The Purchasing Agent shall implement a policy consistent with Government Code Section 54202 governing the purchase/rental of supplies and equipment *including bidding regulations*. The policy shall set forth methods and procedures for the acquisition of supplies and equipment which in the judgment of the Purchasing Agent will secure the lowest price consistent with the quality desirable for the use intended and the needs of the County. The policy shall also establish methods and procedures for the functioning of the purchasing division in an effective and economical manner. The policy shall be adopted by the Board of Supervisors. (Ord. 2456, § 1, 8/23/2011; Ord. _____, § 2, ___/___/2020)

245-4.5. Deviation from Specifications.

The Purchasing Agent may allow an insubstantial or inconsequential deviation from prescribed specifications by the successful bidder, provided that (a) the bid substantially conforms to the request for quotations, (b) the variance cannot have affected the amount of the bid, (c) the bidder does not gain an advantage or benefit not allowed other bidders. If the Purchasing Agent allows a

deviation pursuant to this section, the basis for the decision shall be supported by written documentation and retained by the Purchasing Agent. (Ord. 2456, § 2, 8/23/2011)

245-5. Availability of Funds.

Except as to purchases initiated by him/her, the Purchasing Agent shall have no responsibility to determine that funds are budgeted or available for any purchase. This responsibility shall belong to the officer or department head initiating the purchase. (Ord. 681, § 5, 7/1/1969; Ord. 2456, § 1, 8/23/2011)

245-5.5. Purchasing Procedure.

All purchases, rentals, and contracts shall be made only on proper documentation and consistent with this Chapter and the Purchasing Policy. The head of any county office or department is authorized to initiate purchases for the office or department in accordance with current budget accounts. The department head may delegate this authority to one or more of his or her deputies, assistants or employees within the department by filing an authorization with the Purchasing Agent and Auditor. (Ord. 2456, § 2, 8/23/2011)

245-6. Surplus Property.

Any item of personal property of an estimated value of One Thousand Dollars (\$1,000) or less may be declared surplus to County needs by the Purchasing Agent. Any other item may be declared surplus by the Board of Supervisors. The Purchasing Agent shall ~~maintain a pool of~~ *make* extra equipment deemed usable ~~and shall make it~~ available to any department having a need. In disposing of surplus property, the Purchasing Agent shall use such methods and procedures as in his/her judgment will return the greatest value to the County. (Ord. 681, § 6, 7/1/69; Ord. 2456, § 1, 08/23/2011; Ord. _____, § 2, ___/___/2020)

Notices of sales of surplus property by the Purchasing Agent *or on behalf of County* shall be posted for at least five (5) business days preceding the day of sale *on the county website*, in the County Courthouse, and in the office of the Purchasing Agent. (Ord. 2456, § 1, 08/23/2011; Ord. _____, § 2, ___/___/2020)

In the disposition of surplus personal property, the Purchasing Agent may advertise the proposed sale or other disposition of the personal property pursuant to Government Code § 25507. (Ord. 2456, § 1, 8/23/2011)

245-7. Standards.

The Purchasing Agent may organize one or more committees to assist him/her in establishing standards of type, design, quality or brand of purchases. He/she shall be the chair of any such committee, which may include the heads of departments which will utilize the materials or equipment to be purchased, or their representatives, and others concerned. As to purchases for special needs or particular uses, the Purchasing Agent shall consult with and give consideration

to the recommendations of the department head initiating the purchase. (Ord. 681, § 7, 7/1/1969; Ord. 2456, § 1, 8/23/2011)

245-8. Inspection.

Upon receipt, the receiving office, department, institution or public entity shall inspect deliveries or supplies, materials and equipment or the furnishing of contractual services to insure their conformance with the specifications set forth in the purchase order or contract. (Ord. 681, § 8, 7/1/1969; Ord. 2456, § 1, 8/23/2011)

245-9. Return of Merchandise.

Except in emergencies as defined in § 245-3(i), no supplies, materials or equipment shall be returned to a vendor for trade, credit or repair, or for any other reason without the approval of the County Purchasing Agent. (Ord. 691, §9, 8/26/1969; Ord. 2456, § 1, 8/23/2011)

245-10. Record Retention.

The Purchasing Agent will maintain ~~written~~ purchase requisitions, purchase orders, *service agreements, and other contractual documents* for a period of ~~three (3)~~ *five (5)* years. ~~Purchase orders will be retained for a period of five (5) years, except those for purchases of fixed assets which will be retained for a period of ten (10) years.~~ A written record of all competitive solicitations, including bid deviations pursuant to §§ 245-4 and 245.4.5. will be maintained *in the purchase record* for a minimum of five (5) years. A written record of sales of surplus property will be maintained for a minimum of five (5) years. *The Purchasing Agent will maintain software vendor data for a period of five (5) years from the date of inactivation.* (Ord. 2456, § 2, 8/23/2011; Ord. _____, § 2, ___/___/2020)