


POLICY NUMBER: 20-002	<b><u>PURCHASING POLICY</u></b>	
ORIGINAL ISSUE DATE: March 18, 2014		
REVISION DATE: August 12, 2025	POLICY CONTACTS: CAO – Purchasing & Disposition Team	
RELATED DOCUMENTS: <a href="#">Purchasing Procedures</a> <a href="#">Capital Asset Policy</a> <a href="#">Local Business Preference Policy</a> <a href="#">CAL-Card Policy</a>	RELATED POLICIES: Includes prior policies or ordinances this version overrides, or sections of the county code that are modified as a result of adoption of this Policy	

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**DEFINITIONS**

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**Americans with Disabilities Act (ADA):** Civil rights law protecting people with disabilities from discrimination, as detailed under Title II of the Americans with Disabilities Act of 1990.

**Capital Asset:** An asset, tangible or intangible, of significant value that provides benefit beyond the budget year in which the asset was acquired. Various thresholds apply.

**Consumer Price Index (CPI):** means the measurement of average price changes for goods and services as maintained by the US Bureau of Labor Statistics.

**Cooperative Purchase:** The sharing of purchasing contracts and aggregate buying power between agencies.

**Invitation To Bid (ITB):** A formal request for vendors to submit bids.

**Large Value Professional Services:** Professional services from a vendor over the Standard Purchasing Threshold per contract per department.

**Request For Information (RFI):** A formal request to gather information from potential suppliers of goods and/or services.

**Request For Qualifications (RFQ):** A formal request for vendors to provide details of their background and experience providing a specific good and/or service.

**Request for Quotation:** An informal request for an estimate of cost from a vendor.

**Sole Source:** There is only one supplier capable of providing a product or service.

**Small Value Goods Purchase:** Purchase of goods up to \$3,000.

**Small Value Professional Services:** Professional services from a vendor per fiscal year at or below the micro-purchase threshold as defined under [48 CFR Part 2 Subpart 2.1](#) shall be

considered Small Value Professional Services. This threshold begins at \$10,000 and any increases will take effect on July 1st of the following year.

**Standard Goods Purchase:** Purchases of goods greater than \$3,000.

**Standard Professional Services:** Professional services from a vendor greater than the Small Value Professional Services threshold per fiscal year.

**Standard Purchasing Threshold:** An amount equivalent to \$50,000 increasing by CPI annually beginning July 1, 2013.

## **PURPOSE**

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1. The purpose of this Policy is to ensure that county expenditures are legally and adequately executed with a clear and auditable trail, and to warrant timely payment. This Policy establishes guidelines for the purchase of goods and services to ensure accountability for the expenditure of taxpayer funds for county departments. The methods used to procure goods and services should provide the best value for the county using an open and fair process for vendors.
2. This Policy encourages responsible and transparent use of public funds to procure goods and services from responsive vendors in support of county operations. The county shall not conduct business at the expense of a vendor, within the confines of this Policy, and strives to treat vendors with fairness and impartiality.
3. Grant-funded purchases must be processed in accordance with this Policy and within the presiding grant requirements. This Policy does not apply to the administration of grant funds to other agencies or businesses.
4. This Policy is not all inclusive. For circumstances that may arise outside the scope of this Policy please contact your department head and/or their designee, or the Purchasing Coordinator. The Purchasing Team maintains Humboldt County Purchasing Procedure documents that address specifics related to this Policy. These documents are available on HumNet (employee intranet) and can be obtained by contacting the Purchasing Team.
5. This Policy emphasizes that approving officials review all proposed purchases prior to submitting requisitions and invoices. Department heads and/or designees shall ensure authorized personnel are sufficiently knowledgeable about the Purchasing Policy and their responsibilities to review submissions to ensure compliance with this Policy.
6. 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.

## **SECTION 1 – GENERAL PROVISIONS**

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### **A. Purchasing Agent Authority**

Counties have the authority to make contracts as may be necessary to the proper exercise of their powers (Government Code §23004(c)). A county may exercise its contract powers only through the Board of Supervisors or through agents and officers acting under authority of the Board or authority conferred by law (Government Code §23005).

Pursuant to Government Code §25500 et seq., the Humboldt County Board of Supervisors employs a 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” (Humboldt County Code §245-1).

1. The County Administrative Officer has designated signatory authority to the Purchasing Coordinator.
2. The County Administrative Officer has designated the Purchasing Team to make or facilitate the purchases of goods and services required by any county department. The Purchasing Team is under the direction of the County Administrative Officer.
3. Except as otherwise provided by law or by action of the Humboldt County Board of Supervisors, all purchases of goods and services required by any department shall be made on behalf of the County by or under the direction of the Purchasing Agent in accordance with this Policy.
4. No other persons are authorized to act as the County’s Purchasing Agent, and vendors should protect themselves by asking for written confirmation of orders and awards.

### **B. Compliance with Laws**

1. County employees shall comply with all applicable federal and state laws, including the Americans with Disabilities Act (ADA), county code and county policies.
2. If federal or state laws, regulations, grants or other requirements vary from this Policy, such laws, regulations, grants or other requirements shall be followed. Should there be any conflict between this Policy and county ordinance, the county ordinance will govern.

3. Any ordinance revision amending a statement made within this Policy will govern until which time the Policy is so revised.
4. In cases where this Policy does not address a particular situation, county code and state law, including but not limited to, Government Code should be consulted.

### **C. Purchasing Policy Goals**

The goals for making county purchases include:

1. maintain the integrity of the county's purchasing system,
2. maximize the purchasing power of county funds,
3. participate in standardization recommendations whenever feasible,
4. provide, train and follow a uniform, county-wide purchasing system,
5. assure fair and equitable treatment of people who interact with the county's purchasing system,
6. provide a business-friendly environment for county vendors in order to continue providing services to the county and its residents,
7. dispose of surplus county property in accordance with this Policy, state and county laws.

### **D. Purchasing Ethics**

County employees shall promote the county's reputation of courtesy, fairness, impartiality, integrity, service, progressiveness, economy and government by law.

All purchases by and for the county shall be made in accordance with the following principles:

1. Give first consideration to the objectives and policies of the county,
2. Obtain the maximum value for each dollar of expenditure,
3. Conduct all activities in such a manner as to develop and maintain good public, vendor and internal relationships,

4. Encourage fair and open competition by legitimate means, granting all competitive suppliers equal consideration insofar as federal, state and county regulations permit,
5. Be free of any conflict of interest,
6. Keep free from any personal obligations to vendors,
7. Respect the authority given to county employees to expend county funds at all times and not use it for private advantage or gain,
8. Ensure payment to vendors is a top priority and shall not be delayed for processes not materially affecting the determination of a justifiable charge or amount due, and
9. Promote the goodwill of the county at all times.

#### **E. Standardized Purchases**

The county has standardized many products, such as ergonomic furniture, personal computers, ADA-approved furnishings and equipment and the ADA Effective Communication-approved vendor list. Standards are subject to continuous review and are changed as conditions warrant. Suggestions for changes to existing standards, and suggestions for establishment of new standards are encouraged, and should be submitted to the Purchasing Team.

1. County employees should consider product standardization and service consolidation where feasible.
2. The Purchasing Agent may organize one or more committees to assist in establishing standards of type, design, quality or brand of purchases.
3. The Purchasing Agent or designee 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 (Humboldt County Code §245-7).

#### **F. Availability of Funds**

Each Department Head or their designee is responsible to determine that funds are budgeted or available by approving the proper documentation to initiate the purchase



under the procedures detailed in Humboldt County Code §245-5.5. Planned expenditures are submitted to and adopted by the Board of Supervisors during the annual budget process and will follow a purchasing process.

Capital asset purchases that are not included in the Board approved annual budget require separate Board approval of an agenda item to establish funds in a capital asset budget account line.

The Purchasing Agent has no responsibility to determine that funds are budgeted or available for any purchase for a county department or officer.

#### **G. Policy Revisions**

The Purchasing Team shall be responsible for accurate maintenance and distribution of approved Policy revisions.

1. The Purchasing Team, in its sole discretion, shall be authorized to issue procedures and updates thereof necessary to implement this Policy and/or any revisions to the Policy.
2. Any addition, deletion or revision to this Policy shall require Board of Supervisor approval.

## **SECTION 2 – DUTIES OF PURCHASING AGENT FOR COUNTY DEPARTMENTS**

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#### **A. General Duties for Purchasing Agent**

(Humboldt County Code § 245-2) (Ord. 2643, §2, 6/2/2020)

The Purchasing Agent shall:

1. Purchase for the county and its departments all materials, supplies, furnishings, equipment, livestock and other personal property.
2. Provide and maintain approved legal contractual documents for purchasing use such as Purchase Orders and service agreements.
3. Rent for the county and its departments all materials, supplies, furnishings, equipment, livestock and other personal property.

4. Engage independent contractors to perform services for the county and its departments, including the furnishing of materials, subject to statutory limits and procedures.
  - a. Government Code Sections 31000 and 25502.3 authorize the Purchasing Agent to engage independent contractors to perform services for the county when the annual aggregate cost does not exceed \$50,000 plus any annual increase in the Consumer Price Index (Government Code §25502.3).
  - b. All references in this Purchasing Policy to this \$50,000 threshold shall incorporate this CPI adjustment.
  - c. The \$50,000 base begins July 1, 2013.
  - d. The adjusted CPI rate will be provided annually to all departments.
  - e. Additional details on CPI adjustments and notification are found in Purchasing Procedure documents posted on the county intranet.
5. Sell or exchange any item of personal property declared surplus to county needs or, when purchasing personal property, accept advantageous trade-in allowances for county personal property which has salvage value of less than \$10,000 and which has been previously determined surplus. (County Code 245-2(e))
6. Perform the above services for special districts organized under general law within the county and governed ex officio by the Board of Supervisors.
7. Make purchases and dispositions of personal property for other public officers or agencies pursuant to authority of law. This allows special districts to utilize county purchasing contracts.
8. Allow participation at their will by cities and other independent political subdivisions in continuing purchase contracts, commonly called piggybacking, with the county, provided that this is permissible under the terms of said contract, and subject to such conditions as deemed necessary by the Purchasing Agent.
  - a. Such necessary conditions may include the adoption by governing body and filing of a true copy with the Purchasing Agent of a resolution which requests the privilege of participating and provides that for the period of such participation the subdivision:
    - i. will make all purchases, for public use only,
    - ii. will be responsible for payment directly to the vendor and for tax liability and will hold the county harmless therefrom,

- iii. has not and will not have in force any other contract for like purchases,
    - iv. has not obtained and does not have under consideration written bids or quotations from other vendors for like purchases.
  - b. 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.
9. Have control over procurement of personal property by one department from another, exclusive of documents.
10. Procure client support services implemented by county staff for clients.
- a. Items classified as client support services will follow the classification terminology for Support and Care of Persons in the California State Controllers Accounting Standards and Procedures for Counties.
  - b. Such purchases will be entered on behalf of a client and will not require an agreement as the service does not relate to the function of the county, does not represent a risk to the county and are a benefit in support of care for the client.
11. Perform such other services as the Board of Supervisors requires.

## **B. Emergency Duties**

Pursuant to Government Code §25502.7; Humboldt County Code §245-2.5; and Humboldt County Ordinance No. 2643, whenever the Board of Supervisors has proclaimed a local emergency, the Purchasing Agent is authorized to purchase goods and services for the county where the aggregate cost does not exceed \$250,000 for an individual vendor. See Section 3.I for additional information on emergency expenditures.

1. The Purchasing Agent may purchase goods and services related to the support and care of persons, including sheltering costs as funds are available.
  - a. All other purchases where the aggregate amount payable to an individual vendor in excess of \$250,000 requires Board approval.

- b. The Purchasing Agent spending limits detailed in this section are refreshed at the beginning of each fiscal year, in the event the emergency crosses multiple years.
- 2. County departments will follow the informal bidding method Requests for Quotation (Section 8.G) to the extent that such is feasible under emergency circumstances.

### **SECTION 3 – PURCHASING EXCEPTIONS**

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The Board of Supervisors has determined that the goods and/or services listed below may be purchased by a county officer, department head and/or their designee directly without authorization from the Purchasing Agent (Humboldt County Code §245-3; Ord. 2643, §2, 6/2/2020):

- A. Election materials required by this division for election-day procedures pursuant to Elections Code Sections 13000-13006 and §14100 and §14105,
- B. Legal brief printing, transcripts and the like,
- C. Road equipment rental that the County Road Commissioner, Public Works Director, is authorized by law to rent pursuant to Streets and Highways Code §2009,
- D. The purchase of books, publications, subscriptions, recordings, motion picture films, and annual book and periodical contracts,
- E. Public utility services and supplies including telephone or telecommunications services obtained through Public Works and County Administrative Office Communications Divisions of the county,
- F. Common carrier transportation including freight carriers and delivery services,
- G. Ordinary business travel expenses, including conference and training registration fees,
- H. Small value purchases of goods/materials not to exceed Three Thousand Dollars (\$3,000).
  - 1. 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.

- 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 designee is not accessible, and the need is unforeseeable and immediate for continued operation of a county function,
  - 1. Based on the dollar value, emergency purchases shall be promptly reported to the Purchasing Agent or Board of Supervisors with the facts constituting the emergency.
  - 2. Emergency purchases shall be subsequently approved and confirmed by the Purchasing Agent.
  - 3. If the Purchasing Agent refuses to confirm, the Board of Supervisors may subsequently approve and confirm the purchase.
  - 4. 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.
- J. Professional memberships,
- K. Items required by law or by specific order by the Board of Supervisors such as:
  - 1. Court-ordered services including, but not limited, to analysts, attorneys, court reporters, doctors, experts, indigent defense, substance abuse treatment and laboratory.
  - 2. Expenses related to court cases such as clothing, copies, mailings, etc.
  - 3. Certain client support purchases implemented by county staff, typically for indigent persons, herein referenced as clients, as determined by the Purchasing Agent.
  - 4. Certain client support services delivered by partner agencies and vendors, paid through the county as determined by the Purchasing Agent.
  - 5. Other client support services as determined by the Purchasing Agent.
  - 6. Public service and emergency announcements.

7. Certain 24-hour facility support of goods in accordance with current principles and practices in the management of institutions as determined by the Purchasing Agent. (Such purchases will be considered to be made on behalf of a client or ward of the court and will not require an agreement or Purchase Order.)
8. Where the Purchasing Agent has determined that sufficient competition does not exist such as postage and public utilities.

#### **SECTION 4 – GUIDELINES TO DETERMINE APPLICABLE PURCHASE THRESHOLD**

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The total cost of goods and/or services, including any applicable taxes, freight, set-up, etc. is the criterion used to determine the appropriate purchasing method. The guidelines listed below provide assistance in determining the total cost of goods and/or services.

##### **A. Capital Asset Purchases**

1. When purchasing certain items, a decision must be made whether to record the item as a capital asset (item will be used in operations for the benefit of multiple periods) or as a current period expenditure. See Capital Asset Policy on county intranet. Purchases are made using the system-encumbered Purchase Order process that posts automatically to the Capital Asset System.

##### **B. Division of Expenditures Prohibited**

1. No one may divide purchase requests or contracting activities to circumvent any purchase threshold, competitive solicitation, or Cal-Card purchase requirement.
2. In addition, no department or employee shall draft or cause to be drafted any specifications in such a manner as to limit bidding directly or indirectly to any one specific vendor, or any specific brand, product, thing, or service unless the requirements of Sole Source apply ([Section 8.D](#)).

##### **C. Items Used in Conjunction**

1. If two or more items are designed or intended to be used in conjunction with each other, the total accumulated cost of all such items shall be considered together to determine which threshold applies.
2. Departments cannot use a series of contracts in any fiscal year to fund a single service, project or program in order to circumvent the approval limits.
3. Contracts shall not be intentionally split to avoid approval by the Board of Supervisors or to bypass competitive solicitation requirements.

4. Changes to contract value due to unforeseen circumstances will follow threshold requirements as defined in this Policy.
5. Best practice for establishing a new agreement as separate from an existing agreement is to bring the new agreement before the Board of Supervisors for approval and ask for the Board to define the new agreement as separate.

#### **D. Multiphase Projects**

1. If the total overall objective of any specific project, over a fiscal year's time, is to be completed in phases, the total accumulated cost for all phases will be considered when determining which threshold applies.
2. Departments should include an estimate of the dollar amount to be spent in the current fiscal year in the financial impact section of their agenda item.

#### **E. Multi-Department Requirements**

1. To the extent practical, requirements of separate departments and divisions for the same goods or services will be considered together when determining which threshold applies.
2. The Purchasing Agent, in their sole discretion, shall determine when the requirements of separate departments and divisions for the same goods or services will be considered together to determine which threshold applies.

#### **F. Trade-Ins**

1. The value of a trade-in will not be included when determining which threshold applies.

#### **G. Contract Renewals**

1. If any contract renewal term or provision would allow the total contract dollar amount to exceed any spending limitation of this Policy or Government Code §25502.3, the contract must be approved by the Board of Supervisors.
2. Language in original contract may include authorization for renewal(s) and unplanned provisions. Renewals shall not exceed five (5) years without a competitive process or approval by the Board of Supervisors.

3. Departments that have received signatory authority for any changes to contracts, amendments and so on shall not have such authority exceed five (5) years without renewing such authorization for each contract from the Board of Supervisors.
4. Requests to the Board for authorization to execute contract amendments may not exceed a 10% increase over the original contract value.
5. In the event that contracted service unintentionally expires and the interruption of services would be detrimental to county and /or public services, a contractual Letter of Intent to renew, with approval by the Purchasing Agent, may be used to continue service and payments of service until a formal renewal is secured. The Letter of Intent is not in place of a formal contract. A formal contract shall be secured timely once the Letter of Intent is utilized.

## **SECTION 5 – PURCHASING THRESHOLD GUIDELINES, COST SAVINGS, VENDOR VETTING, CREDIT CARDS, DIGITAL CONTENT, SECURITY EQUIPMENT**

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Departments must take additional steps when considering new vendors, methods of purchase and ensuring efficient processing and convenient, accessible offering of public services. The following shall apply to all purchases made under this Policy:

### **A. Standard Purchasing Threshold**

1. Service values up to and including \$50,000+CPI shall be considered the Standard Purchasing Threshold.
  - a. The \$50,000 base begins July 1, 2013; the updated Standard Purchasing Threshold will be posted annually thereafter to county intranet.

### **B. Cost Savings Through Competitive Process**

The Purchasing Team considers the overall county need to seek cost savings and efficiencies through the competitive process, including county-wide bids and/or Requests for Proposals.

1. Departments shall provide any documents and/or information requested by the Purchasing Team as needed to make such determinations.
2. The competitive process is used to promote a system of standardization throughout the county to reduce the overall cost of buying and to seek values that offer the best combination of price, quality and service.

### **C. Vendor Selection and Vetting**



Prior to hiring, entering into an agreement, or purchasing from a potential vendor not currently in active status in the county accounts payable data base, the department shall submit a current Vendor Request Form with a current, complete, signed W-9 and if applicable Certificate of Insurance as deemed appropriate by Risk Management to the Purchasing Team.

1. Vendors are asked to provide current qualifications and licensure to protect both county and public from potential fraud and/or liability. See [Section 11.A](#) for additional information.
2. It is the responsibility of the Department Head or designee to exercise care to ensure that the vendor selected provides the service(s) based on qualifications, that the vendor is selected in accordance with ethics guidelines described in this Policy, and the purchase follows the competitive criteria described in this Policy.
3. Departments may obtain information from the Purchasing Team on negotiated contracts or available discounts in order to select an appropriate vendor.

#### **D. County Credit Card (CAL-Card)**

1. A county credit card, or CAL-Card, is an optional method of purchasing within the value threshold authorized under the [CAL-Card Program Policy](#). [CAL-Card Program procedural documents](#), found on county intranet, include detailed information on categories approved for this payment method.
2. CAL-Cards are issued to employees under the direction of the Purchasing Agent, in accordance with the CAL-Card Program Policy adopted by the Board of Supervisors.

#### **E. Digital Content**

Digital Content refers to any information or media available in a digital format, including online and offline formats such as third-party software, software as a service (SAAS), and services posted to the county website, intranet, social media and digital displays.

1. When procuring or contracting for Digital Content, the contents and usability must be in compliance with Section 508 of the Rehabilitation Act and create an inclusive experience for individuals with disabilities. The Digital Accessibility Policy, formally known as the Website Accessibility Policy, and Web Standards and Style Guide must be adhered to prior to purchase and during service delivery.

2. Purchases for Digital Content shall be coordinated with the County Administrative Office Management & Budget Team, its Information Technology Division and the ADA Coordinator prior to purchase.
3. Departments shall strive to keep web services on the same platform and in centrally accessible locations as other county web services.
4. Departments and programs shall not implement websites that are separate and apart from the county's primary website when the primary purpose of the website is to share information about their department and/or program.
  - a. Nothing in this section shall prevent departments and programs from contracting with service providers to offer services on separate websites from the county's main website. However, access to these websites shall be linked through the county website.
  - b. If a department implements a website that is separate from the county's main website, the IT Director may determine whether IT staff will maintain such website.

#### **F. Security Equipment**

Any device that requires utility power (AC or Power over Ethernet) and/or connects to a network must be reviewed and approved by County IT prior to purchase. This includes, but is not limited to:

1. Surveillance cameras
2. Badge readers and access control devices
3. Door controllers
4. Security alarm panels
5. Motion sensors and intrusion detection devices
6. Network switches, routers, and wireless access points
7. IoT (Internet of Things) devices
8. Environmental monitoring systems (e.g., smart sensors)
9. Any device that communicates over a network and is not battery-powered

### **SECTION 6 – PROFESSIONAL SERVICE CONTRACTING**

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Pursuant to Humboldt County Code §245-2.6, 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 456, §2, 8/23/2011)

#### **A. Professional Services Definition and General Guidelines**

1. Professional Services are defined as “special services” in Government Code §31000.
  - a. The special services shall consist of services, advice, education or training for public entities or the employees thereof. Contracts that fall into this category are primarily financial, economic, accounting, engineering, legal, medical, therapeutic, administrative, architectural, airport or building security matters, or laundry or linen services.
  - b. This definition does not include goods or maintenance of goods.
2. Selection of Professional Services for private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. ([Government Code §4526](#))
3. Departments are required to confirm the availability of budgeted funds and submit the required documents for contract development and/or Purchase Order issuance.
4. Upon selection of a vendor for Standard and Large Value Professional Services departments will:
  - a. Negotiate terms of agreement for service and draw up agreement,
  - b. Route vendor generated or non-standard agreement through County Counsel and Human Resources Risk Management for final review and approval (see [Section 9.F](#) Pre-approved as to Form for routing exception),
  - c. Submit a Vendor Request Form and W-9 form if selected vendor is not currently active in the county finance system database,
  - d. Provide current vendor qualifications as defined in the contract terms & conditions such as certificate of insurance and applicable licensure ([Section 5.C](#)),
  - e. Obtain Contractor signatures,
  - f. Corporations and Limited Liability Companies must provide two signatures: (1) the President, Vice President, Chair of Board or an authorized designee, and (2) another official or designee such as Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer.

- g. If a single officer holds positions in both groups (e.g., President and Secretary), two signatures from that individual can satisfy the requirement. However, two signatures from different officers is preferred.
  - h. Route agreements for Communications and Information Technology (IT) purchases through the county Information Technology Director,
  - i. For Large Value Professional Services, attach approved agreement with agenda item for Board review.
  - j. Contracts may be signed by the Board Chairperson/Co-Chairperson or the Board may delegate signature authority to the Purchasing Agent or department head.
- 5. Board approved contracts that require the Purchasing Agent signature should have the agenda item attached to the contract when routing for signature.

## **B. Other Services**

- 1. Other Services are defined as “maintenance work” in PCC §22002(d).
- 2. Examples of Other Services include, but are not limited to, window washing, pest or extermination services, carpet cleaning, landscape maintenance, minor repainting or other routine, recurring, and usual maintenance work for the preservation or protection of any publicly owned or leased facility (PCC §22002(d)).
- 3. Other Services are exempt from Public Project requirements (PCC § 22030(d)).
- 4. Other Services may be provided by independent contractors when one or more of the following conditions exists:
  - a. The work needed is urgent and cannot be met by county employees; or
  - b. the work in question is intermittent or irregular and cannot be performed by county employees.
- 5. Professional Services dollar thresholds, vendor vetting, and contracting methods as defined in this Policy shall also be required for Other Services.

Note: See [Section 10](#) for criteria regarding the alteration or improvement of county owned or leased property.

## **C. Professional Services Value Thresholds**

Signatory authorization for professional services is based on expenditure threshold amounts as listed below:

1. Small Value Professional Services

- a. Professional services from a vendor at or below the micro-purchase threshold as defined under [48 CFR Part 2 Subpart 2.1](#) shall be considered Small Value Professional Services. This threshold begins at \$10,000 and any increases will take effect on July 1st of the following year.
- b. Departments are authorized to secure Small Value Professional Services without soliciting competitive price or rate quotations if the Department Head or designee considers the price reasonable based on research, experience, purchase history, or other information; and maintains documents to support its conclusion.
- c. Competitive solicitations (See [Section 8](#)) may be used for vendor selection. Departments may consult the Purchasing Agent to determine whether a competitive solicitation is appropriate.
- d. A Purchase Order is recommended for Small Value Professional Services as a legally binding contract to protect all participants under county terms and conditions. Departments may consult the Purchasing Agent to determine whether a Purchase Order and/or service agreement is appropriate.
- e. When a vendor agreement for Small Value Professional Services is received, it must be signed by the Purchasing Agent and/or designee.

2. Standard Professional Services

- a. Professional service contracts with a vendor greater than the Small Value Professional Services Threshold and up to the [Standard Purchasing Threshold](#) per contract per department shall be considered Standard Professional Services.
- b. Competitive solicitation or exemption thereof as defined in [Section 8](#) is required for Standard Professional Services. Departments may consult the Purchasing Agent to determine the appropriate method.
- c. A vendor agreement or a Purchase Order satisfies contractual requirements for Standard Value Professional Services. The terms contained in the Purchase Order shall apply.
- d. A service agreement is recommended where a Purchase Order and county terms and conditions will not sufficiently cover the complexity and scope of services required.

- e. Authority to contract for Standard Professional Services has been delegated to the Purchasing Agent or designee thereof by the Board of Supervisors, provided that sufficient funds have been budgeted.

### 3. Large Value Professional Services

- a. Professional service contracts with a vendor over the [Standard Purchasing Threshold or \\$50,000+CPI](#) per contract per department shall be considered Large Value Professional Services.
- b. Formal competitive solicitation by ITB, RFP, or RFQ, or exemption thereof as defined in [Section 8](#) is required for Large Value Professional Services. Departments may consult the Purchasing Agent to determine the appropriate method.
- c. The Board of Supervisors approves Large Value Professional Service Contracts.
- d. Departments may seek vendors for Large Value Professional Service Contracts using the Requests for Information ([Section 8.I](#)) or Requests for Proposals (Section 8.G) methods.

## **SECTION 7 – GOODS PURCHASING**

Similar to Professional Service Contracting, purchase thresholds for goods are defined by the value of the expenditures. Each threshold has specific competitive requirements. County departments shall employ a level of procedural formality determined by the anticipated cost of the prospective purchase and the availability of responsible and responsive suppliers to determine the appropriate purchase method.

### **A. Small Value Goods Purchases**

Purchases of goods up to and including a value of \$3,000 shall be considered Small Value Goods Purchases.

- 1. The combined total of purchases for a single vendor for a single department within one fiscal year shall be used when determining Small Value Goods Purchases.
- 2. Departments are authorized to make Small Value Goods Purchases (Humboldt County Code § 245-3(h)) (Ord. 2643, §2, 6/2/2020).
- 3. Departments are encouraged to seek competitive price quotes but are not required to provide three quotes for Small Value Goods Purchases.

## **B. Standard Goods Purchases**

Purchases of goods greater than Small Value Goods Purchases shall be considered Standard Goods Purchases.

1. A successful Standard Goods Purchase begins with planning and communication between the department and the Purchasing Team.
2. The creation of documentation by the department authorizes the Purchasing Agent to make purchases on their behalf.
  - a. The documentation must include a complete description of the goods and/or services and include supporting information and suggested sources of supply.
3. Departments are required to confirm the availability of budgeted funds, including funding for [Capital Asset Purchases](#).
  - a. Planned expenditures are submitted to and adopted by the Board of Supervisors during the annual budget process and will follow the purchasing process.
4. Departments contact vendors for information to price goods and gather operational or budgetary information.
  - a. The department is required to demonstrate its vendor selection by providing three (3) quotes or Sole Source explanation or Cooperative Purchase Statement.
  - b. Formal competitive solicitation by ITB may be used for Standard Goods Purchases. Departments may consult the Purchasing Agent for assistance.
  - c. Department requests for acceptance of any quote other than the lowest price shall include reasoning documented in writing.
  - d. Departments may request assistance from the Purchasing Team.
5. Departments shall contact and work with the Public Works Deputy Director of Facilities Management when a project improves county-owned or leased property or for any other [Public Project](#).
  - a. Expenditure thresholds and bidding requirements will follow the Uniform Public Construction Cost Accounting Act (Public Contract Code § 22000, et

seq.) “UPCCAA,” and Title VII, Division 3, Chapter 1 of the Humboldt County Code, and thresholds will be posted annually by the Public Works Director.

- b. Pursuant to Public Contract Code §22002(d) “public project” does not include maintenance work. For purposes of this section, “maintenance work” may include but is not limited to: routine, recurring and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.

- i. Minor repainting.
- ii. Resurfacing of streets and highways at less than one inch.
- iii. Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
- iv. Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.

6. The Purchasing Team reviews submitted documents to determine the complexity of the purchase and the most appropriate action required to complete it.

### **C. Other Goods**

Purchases of Other Goods detailed below are allowable and shall follow the guidelines in this section.

1. Appliances – may use appropriated funds when appliance is:
  - a. to serve clients and/or county staff; or
  - b. in a county location that hosts functions in its meeting places; or
  - c. leased property where appliances are included as part of tenant improvements under the lease; and
  - d. in compliance with ADA.
2. Ergonomic equipment – purchases outside of the approved equipment list posted on county intranet are subject to approval by county Human Resources, Risk Management.
3. Food/Beverages – See the Expense and Reimbursement Policy



4. Communications Goods - This includes, but is not limited to radio equipment that affects county radio infrastructures, such as handheld or mobile radio hardware. The CAO Communications Team, IT Division Director shall approve all requisitions, service agreements and contracts of Communications Goods prior to the Purchasing Agent or purchasing.
5. IT-related purchases - The CAO Information Technology Team, IT Division Director shall approve all requisitions for information technology purchases that affect county technology infrastructures such as antivirus software and encryption software, prior to the Purchasing Agent or Purchasing Team. If in doubt whether your purchase applies, check with the IT Division Director.
6. Printing services Purchases - Departments are encouraged to use the Humboldt County Office of Education (HCOE) Print Shop for printing, bindery, graphics and artwork, etc. unless the Print Shop declines to accept the order or cannot meet the required time frame, in which case, the department shall utilize the applicable process to obtain the required printing.
7. Gift cards – gift cards shall only provide goods and or services to clients.

## **SECTION 8 – COMPETITIVE SOLICITATIONS AND METHODS**

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This Policy encourages vendor competition, selection of the most appropriate vendor, and the utilization of industry best practices to ensure the most cost-effective use of taxpayer dollars and county resources.

Planned expenditures adopted by the Board of Supervisors during the annual budget process may now follow the competitive procedures outlined herein. Unbudgeted [Capital Asset Purchases](#) must have Board approval prior to purchase.

Based on the [Purchasing Threshold Guidelines](#) the following competitive methods are recommended.

### **A. Public Records and Trade Secrets**

1. All solicitations and materials submitted become the property of the county and are subject to disclosure under the Public Records Act (California Government Code § 7920.000, *et seq.*).

- a. However, if prior to the award of a contract further negotiations are contemplated, the county must discern whether public disclosure should await the completion of the negotiations.
  - b. In these circumstances the county must establish whether the public interest in nondisclosure clearly outweighs the public's interest in disclosure (Government Code § 7922.000 and 7922.540(a); *Michaelis, Montanari and Johnson v. Superior Court* (Los Angeles), 38 Cal. 4th 1065 (2006)).
2. The solicitations and all responses are considered public records with the exception noted above and for trade secrets specifically identified, which will be handled according to State statutes or other laws.
  - a. Any information that contains trade secrets shall be communicated to county by the bidder.
  - b. Any page of the bid response that is deemed to be a trade secret by the bidder shall be clearly marked "PROPRIETARY INFORMATION" at the top of the page in at least one-half inch (1/2") size letters.
3. In the event that the county receives a request for disclosure of any such specifically identified information, prior to release of any such specifically identified information, the county will contact the bidder and will not release the specifically identified information if the proposer agrees to indemnify, defend, and hold harmless the county in any action brought to disclose such information.
  - a. The bidder, by submitting such information, agrees that the failure of county to contact the proposer prior to the release of such information will not be a basis for liability by the county or any county employee to bidder.
  - b. All Invitations to Bid and Requests for Proposals shall contain this language related to trade secret/proprietary information. (See [Section 8.E](#) and [Section 8.F](#))

#### **B. Bidding Procedure Exceptions**

1. 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.
2. 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 \$3,000 the basis for such decision shall be documented in writing and

retained in the purchase record. (Humboldt County Code §245-4/10; Ord. 2643, §2, 6/2/2020).

3. Everyday operating expenses where competition does not exist are exceptions to competitive bidding.
  - a. Examples may include, but are not limited to, postage, public utilities, items for circulating library materials, goods or services that are copyrighted, patented or otherwise available from one license holder, emergency service providers such as helicopter, towing and roadside repair services.
  - b. The Purchasing Agent, in their sole discretion, may make determinations on purchases that may be exempt from competitive bidding.
  - c. If the Purchasing Agent makes a determination that a purchase is exempt from competitive bidding outside of the descriptions detailed in this Policy, the basis for such decision shall be documented in writing and retained in the purchase record.

#### **C. Cooperative Purchases**

1. A Cooperative Purchase is a purchase method by which the county acquires goods or services through an existing contract established with other public entities.
2. Consideration should be given to quality, best value and product delivery timelines.
3. If a Cooperative Purchase agreement exists, it may be used in lieu of the county's competitive process if not in conflict with any other bidding requirements.
4. Use of a Cooperative Purchase agreement may be denied at the sole discretion of the Purchasing Agent if the contract does not comply substantially with county procurement practices and/or is determined not to be in the county's best interest.
5. The Purchasing Team will routinely monitor available cooperative purchasing opportunities.
6. Where Cooperative Purchase agreements exist, the Board shall approve contracts for Large Value Professional Services.

#### **D. Sole Source Purchases**

1. A Sole Source Purchase is the purchase of goods and/or services where limitations on the source of supply, necessary restrictions in specifications or

standardizations, quality considerations, or where it has been determined that the goods and/or services are reasonably available from one and only one vendor allows exception to the competitive process.

2. Sole Source purchases are not permitted except under specifically defined, restricted circumstances.
3. The burden of proof to justify Sole Source purchases is with the requestor who shall clearly state justification for Sole Source.
4. Sole Source criteria may include, but is not limited to, special circumstances such as:
  - a. proprietary items from original equipment manufacturers or their exclusive distributors,
  - b. copyright or patent restrictions,
  - c. necessary restrictions on specifications, standardization and/or quality considerations involved in the purchase,
  - d. time constraints and/or limitations on the source of supply,
  - e. geographic limitation,
  - f. staffing or expertise availability and/or where the Purchasing Agent has determined that the goods or services are otherwise reasonably available from one and only one vendor.

#### **E. Invitations to Bid (ITB)**

1. An Invitation to Bid is a formal bidding method used to obtain goods and/or services, that can be clearly specified and awarded to the lowest responsible and responsive bidder.
2. Components of a formal bid include:
  - a. Publicly advertised.
  - b. Compliance with laws.
  - c. Specific criteria for acceptance of bids, specification deviation, bid opening, bid protest, and bid award.
  - d. Issuance of resulting contract.
3. To the extent feasible, award shall be contingent on [Vendor Vetting](#).

## **F. Requests for Proposals (RFP)**

The Request for Proposals (RFP) is a formal method commonly used in soliciting contracts and is a method used when the county seeks not only the best cost for services, but also a proposed approach or methodology to accomplish the project goals. Price is a factor but not the ultimate factor. The RFP process allows for vendor solutions for a need stated in terms and permits flexibility and negotiations to achieve desired project.

1. The RFP document states the scope of work, terms and conditions, instructions for preparation, evaluation criteria, cost proposals, specifications, timelines, and resulting contract type.
2. Components of a Request for Proposal include:
  - a. Approval to issue
  - b. Publicly advertised
  - c. Compliance with laws
  - d. Specific criteria and estimated timeline for acceptance of proposals, specification interviews, evaluation committee and rating, and award
  - e. Issuance of resulting contract is authorized by the Board of Supervisors.
3. To the extent feasible, award shall be contingent on Vendor Vetting.

## **G. Requests for Quotation**

1. A Request for Quotation is an informal bidding method used to obtain goods or services when cost is expected to be less than the Standard Purchasing Threshold and can be clearly specified and awarded based on the lowest price.
  - a. When flexibility is required the RFP process is used to allow for acceptance based on all factors rather than price alone.
  - b. Public Works professional services are selected based on vendor qualifications rather than the lowest bid.
2. Documentation of three (3) quote solicitations supporting the competitive process is expected in the Request for Quotation process. Exceptions include, but are not limited to:
  - a. Cooperative Purchase agreement is used
  - b. Sole Source justification provided
  - c. Explanation why fewer than three quotes are available.

It is understood that there are limitations to vendor responses. Documented due diligence will provide allowance for less than three quotes.

3. The Purchasing Team will review all quotes and department information prior to securing purchases related to Request for Quotation.
  - a. The purchase shall be made at the lowest total cost unless there are valid reasons not to do so.
  - b. Any quotation accepted other than the lowest shall have the basis for the decision documented in writing and retained in the purchase record (Humboldt County Code §245-4) (Ord. 2643§2,6/02/2020).
  - c. Department request for acceptance of any quote other than the lowest price shall include reasoning documented in writing.

#### **H. Requests for Qualifications (RFQ)**

A Request for Qualifications is a procurement tool used to select vendors providing professional services on the basis of demonstrated competence and the professional qualifications necessary for the satisfactory performance of the services required, per Government Code §4526.

1. This method may be used to select a professional service provider for a single project if the agreement is anticipated to be above the Standard Purchasing Threshold, or to create a pre-qualified vendor pool to support a program or group of projects that are anticipated to require immediate vendor access.
2. The document issued typically describes the program, project, or group of projects and anticipated requirements for professional services in enough detail to let potential proposers determine if they wish to compete.
3. The Request for Qualifications will also typically include anticipated standard contract language, insurance requirements and other project related documents which form the basis for further contractual negotiations.

#### **I. Requests for Information (RFI)**

The RFI is a method used to solicit feedback on utilizing a product for a particular purpose or to elicit suggestions as to approach and methodology from outside vendors and/or contractors during the project-planning phase where product requirements, specifications and purchase options cannot clearly be defined. The information requested may take shape in a concept paper that is prepared and submitted to suggest a new or

alternative approach to providing a particular service, or it may suggest innovative ways to respond to a special operating or technical requirement.

1. If county needs additional information about a product, material or service before seeking formal solicitations, the department or the Purchasing Team may issue a Request for Information (RFI).
  - a. RFI's may be advertised in newspaper(s) of general circulation and are posted on the county website.
  - b. RFI's do not require Board approval.
2. RFI formats can vary significantly depending upon the nature and focus of the solicitation.
  - a. Generally, an RFI will include a summary of the operational or technical issue that is to be addressed along with expectations in relation to the scope, length and timing of the feedback that is requested.
3. The RFI should explicitly state this is a non-binding solicitation that may or may not lead to a subsequent competitive process such as an Invitation to Bid or Request for Proposals.
4. RFI's do not include requests for specific price quotations but may seek general information about pricing for possible approaches.

#### **J. Solicitation Administrators**

In order to efficiently develop and track formal procurement solicitations, departments shall utilize the county's procurement or eProcurement System designated by the Purchasing Agent to develop, post, evaluate, award and archive all formal county ITB and RFP solicitations.

1. Departments shall designate a Solicitation Administrator(s) responsible for:
  - a. Utilizing the county's procurement system
  - b. Developing documentation materials and evaluation methodology
  - c. Build an evaluation team as needed
  - d. Prepare and publicly post solicitations
  - e. Monitor progress and answer any vendor questions
  - f. Select a successful proposer and issue notice of award

2. The Purchasing Agent is authorized to determine which, if any procurement or eProcurement system a department must utilize for a specific, formal solicitation.

## **SECTION 9 - CONTRACTING METHODS**

Contracts, including personal property leases and professional service agreements, are legally binding agreements for the acquisition of goods and/or services.

### **A. Contractual Authority and Procedural Guidelines**

1. **All county contracts must be in writing and can only be signed by:**
  - a. the Purchasing Agent or designee thereof; or
  - b. the Roads Commissioner as specified in State code; or
  - c. a person expressly delegated signatory authority by the Board of Supervisors by action of the Board.
2. A contract signed by a county employee without legal authority is not a legal charge against the county and may be the personal responsibility of the employee signing the contract.
3. No one has authority to create an oral contract for the county. The cost created by an oral contract is not a legal charge against the county.
4. Based on the information provided the county will use the most appropriate contracting method(s) while providing open and free competition to the maximum extent possible and complying with all applicable laws, rules and regulations. A complex purchase may require the issuance of a Purchase Order, as well as a contract, to complete the transaction.
  - a. Departments should allow ample time for the development of contracts prior to work commencing. However, to cover a time-sensitive need, work may begin prior to contract development, and payment for current and future services may be included in contract terms and conditions with Department Head or Board approval.
  - b. In the event that contracted service unintentionally expires and the interruption of services would be detrimental to county and /or public services, a contractual [Letter of Intent](#) to renew on record may be used to continue service and payments of service until a formal renewal is secured.
  - c. Once a potential vendor is determined through the appropriate competitive process, department shall verify with Purchasing Team the status of the vendor prior to contract implementation.



- i. Set up and vetting is required for new or inactive vendors.
    - ii. Departments submit a current Vendor Request Form, signed W-9 and current licensing qualifications (see Section 11.A).
  - d. All effort should be made to prepare amendments and/or contract renewals with sufficient time to fully execute the amendment or renewal before the underlying contract expires.
5. In order to efficiently develop and track each contract, departments shall utilize the county's Contract Management System to develop, process, approve and store all county contracts, memorandums of understanding, Letters of Intent, and other documents that contractually obligate the county.
- a. The Purchasing Agent is authorized to determine whether a department must utilize the Contract Management System for specific contracts and agreements.
6. Each department shall designate a Contract Administrator(s) and keep that information up to date with the Purchasing Agent.
- a. The Contract Administrator utilizes the Contract Management Software, develops and coordinates reviews, monitors the contract process, and is responsible for administrative procedures applicable to an approved contract.

The following list provides a summary description of the main types of county contracts. Departments may use this list to determine appropriate signatory authority and contract type for the proposed acquisition of goods or services.

#### **B. Purchase Orders**

A Purchase Order is a contract that identifies a specific seller and authorizes a purchase transaction for goods including capital assets and/or services by setting forth the description, quantity, price, discount, payment terms, date of performance or shipment, or other associated terms and conditions.

1. A Purchase Order is a written contract issued under the authority of the Purchasing Agent, and when accepted by the seller, becomes a contract binding both parties.
2. Purchase Orders shall have negotiated pricing as schedule of rates for services or vendor quote for goods and/or service when applicable.

3. Contracts are contingent on vendor vetting. See [Section 11.A](#) for additional information.
4. The Purchasing Team will assist departments with the enforcement of the terms and conditions of Purchase Orders.

### **C. Professional Services**

A professional service contract is a written agreement between the county and the vendor authorizing personal and professional assistance for the performance of specific functions not handled by a county employee or county department.

1. A county pre-approved fillable contract template is available and posted on the Purchasing intranet page or a contract may be developed by the department. A vendor generated service agreement requires Counsel approval.
2. A Scope of Work is part of a professional services contract, prepared by the department during negotiations with the provider, which describes what the department wants the provider to do or accomplish. The Statement of Work shall be included as an attachment and is a part of the service contract.
3. Contracts for Professional Services where the services is provided at a location other than a county owned or leased facility must be accessible to persons with disabilities and should be coordinated with the ADA Compliance Team prior to issuance of contract.

### **D. Other Services**

Other Services (see [Section 6.B](#)) shall follow the same dollar threshold, vendor vetting, and contracting method requirements as defined in this Policy for Professional Services. Other services are exempt from Public Project requirements (PCC § 22030(d)).

### **E. Goods/Equipment Purchase or Rental/Lease**

1. For the purchase of goods, the contract shall clearly define all the terms and conditions related to the purchase.
2. For the purchase of equipment, it is in the best interest of the county to request acceptance testing to demonstrate that the equipment works to departmental satisfaction. The contract shall provide that, if the item does not meet the county's standards for operation, the vendor shall remove the equipment and return all amounts paid by the county.

3. For equipment rental and lease agreements the Purchasing Agent has the sole authority to enter into; except those administered by the County Road Commissioner in accordance with County Code §245-3 and pursuant to Streets and Highways Code §2009 wherein it states the commissioner may purchase, lease, or hire such equipment as may be necessary for county road purposes, in conformity with the budget and policies of the county with respect to purchases and rentals and subject to approval of the Board as to the price or rental.
4. County departments evaluate their needs for the rental or lease of new or used equipment such as moving trucks, copiers, etc. and commercially available storage units. Departments contact the Purchasing Team to determine the appropriate method of acquisition.
5. The duration of equipment leases varies depending upon specifications and the nature of the equipment. Leases extend over a multiple-year period, at which time there can be the option to purchase, or the lease may be reevaluated during the rental term.

#### **F. Real Property Leases**

All real property leases are prepared by the Real Property Division of Public Works and are not subject to [Section 9](#) (Contracting Methods) of this Policy.

#### **G. Pre-approved as to Form**

Pre-approved as to form contracts may be developed by Departments. Pre-approved contracts are approved by County Counsel and Human Resources Risk Management as to form. The contracts are dated and shall be periodically reviewed by County Counsel and Human Resources Risk Management for updates and revisions.

1. No changes may be made to the content of a pre-approved contract. Utilizing a pre-approved contract eliminates the routing to County Counsel and Human Resources Risk Management.
2. Contract content of any value that requires modification to the pre-approved language is required to have County Counsel and Human Resources Risk Management review and approval.
3. Purchasing develops and offers pre-approved as to form contracts for county wide use. Pre-approved contract templates are posted on the Purchasing Team intranet page.

4. Pre-approved contracts will usually not be appropriate for use in contracting with other governmental bodies, including Tribal entities.

#### **H. Approval and Administration of Contracts**

Any contract may, and all contracts going to the Board of Supervisors for approval, must be reviewed by County Counsel and Human Resources Risk Management.

1. Pre-approved as to form contracts and standard service contracts issued by the State or federal government are excluded.
2. Approval of a contract by County Counsel means that it has been determined that the necessary clauses are included and that the contract is legally enforceable. County Counsel approval does not necessarily indicate that the contract contains all clauses which may be advisable, that the language clearly expresses the intent of the parties, or that the best deal has been negotiated. Concerns over issues of this type shall be raised by specific questions to County Counsel.
3. Human Resources Risk Management, with input from County Counsel, establishes and maintains current standard language for the insurance provisions of all county contracts. Human Resources Risk Management must approve any modification of these standard insurance provisions. Contracts are routed through Human Resources Risk Management for approval of the insurance provisions and insurance certificates.
4. Following the necessary review, the Contract Administrator shall arrange for the contract to be signed by all parties. Wet signatures are not required by the county; however, some vendors may require wet signatures. Electronic signatures are accepted.
5. Obtain Contractors signatures before routing for county representatives' signatures.
6. Corporations and Limited Liability Companies must provide two signatures: (1) the President, Vice President or Chair of Board or an authorized designee and (2) another official such as Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer or designee. (CA CIV § 5510)
7. Based on the contract value, when the Board of Supervisors' approval is necessary, the contract is presented to the Board of Supervisors as an agenda item.

8. The Contract Administrator is responsible for administration of the contract and ensuring that any required documents related to the contract, e.g., certificates of insurance, bonds, etc., remain in effect during the life of the contract. Provide renewals of relevant insurance certificates during the contract period to Human Resources Risk Management. In addition, each department shall use an internal procedure for tracking the progress of the work and the expiration date of the contract.
9. Departments shall maintain documentation showing that the county's choice of contractor or vendor was fair and reasonable. These records shall be kept until the work is completed, but not less than five years and follow the current County Retention Policy.
10. County officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.

#### **I. Contract Changes**

Any proposed change to the term of an existing contract constitutes an amendment.

1. All contract amendments must be made in writing and signed by persons authorized to execute the contract. It is preferred that an amendment is signed by all parties prior to expiration of the parent contract.
2. If the contract amendment changes the annual dollar amount to exceed any spending limitation of this Policy or those set forth in Government Code §31000 and §25502.3, the amendment must be approved by the Board of Supervisors.

#### **J. Contract Term & Renewal**

1. Contract term is not limited to a fiscal year. It is acceptable to enter into multi-year contracts when the provider is willing to hold the negotiated price for the term or when a negotiated rate of increase is defined in the terms and conditions.
2. If any contract renewal term or provision would allow the total contract dollar amount to exceed any spending limitation of this Policy or Government Code §25502.3, the contract must be approved by the Board of Supervisors.

### **SECTION 10 – PUBLIC PROJECTS and ADA COMPLIANCE**

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A Public Project is defined by Public Contract Code §22002 and includes construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work and painting or repainting involving any publicly owned, leased, or operated facility.

An ADA Project is defined by the most stringent of Title II of the ADA, California Building Code or county code, where barriers to access exist in any county program, service or activity.

**A. Identifying Public Projects**

1. Public Projects have definable component(s) that are attached to a building/facility and may include painting, HVAC equipment, paving, electrical, flooring, carpentry, plumbing and demolition.
2. Any value or type of work to a leased building including adding or changing electrical pathways requires prior approval of the landlord through the Public Works Real Property Division.
3. Projects that involve multi-sites, owned, leased or a combination of both shall be considered a single project whenever possible. It is highly recommended that contact with Public Works or the ADA Compliance Team, whichever is most applicable, be made early in the project planning stage.
4. The dollar thresholds for the various procurement procedures for Public Projects are defined in the Uniform Public Construction Cost Accounting Act UPCCAA and Title VII, Division 3, Chapter 1 of the Humboldt County Code and will be posted annually by the Public Works Director.

**B. County Departments Responsibilities**

1. Departments shall contact and work with the Public Works Deputy Director of Facilities Management when a project alters or improves county owned or leased property.
2. Departments shall contact and work with the ADA Compliance Team when requesting ADA or other improvements or alterations to county owned or leased facilities.
3. FAA funded Aviation-related Public Projects will be managed and administered by the Department of Aviation to ensure compliance with FAA regulations.

**C. Selection of Services**

1. Selection by county Board of Supervisors, Public Works Director, ADA Compliance Team and/or designee for professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. (Government Code §4526).
2. Selection will involve qualifications procedures that assure these services are engaged on the basis of demonstrated competence and professional qualifications for the types of services to be performed at fair and reasonable prices to the public agencies (Government Code §4526).
3. Where the Public Project is aviation related, the county Board of Supervisors or the Director of Aviation shall be responsible for selection in compliance with FAA regulations.

**D. The Americans with Disabilities Act (ADA)**

1. ADA Public Projects follow Public Contract Code §22002 and the most stringent of Title II of the ADA, California Building Code section 11B and county code.
2. The CAO ADA Compliance Team works closely with Public Works Real Property for leased facilities and with Public Works Facilities for county owned facilities.
3. ADA policies and program guidance is provided on the ADA page of the county website and intranet.

**E. Public Projects Prevailing Wage Requirement**

1. Prevailing wages must be paid on all Public Projects valued over \$1,000.00 (CA Labor Code 1774). Prevailing wage is not required where the total value of the project is \$1,000 or less.
2. A contractor registered with the California Department of Industrial Relations (DIR) is required for any Public Project valued, in total, over \$1,000. (CA Labor Code 1774)
3. Projects may not be parceled in order to avoid the \$1,000 threshold.

4. The definition of Public Project for determinations of prevailing wage requirements is found in Labor Code §1720 et seq. and is separate from that used for bidding requirements.
5. Questions regarding the applicability of prevailing wage should be addressed to the Department of Public Works.
6. Contracting method shall be by Purchase Order or service agreement ([Section 9](#)) and shall be done in consultation with Public Works Facilities Management.

**F. Public Projects up to and including the current limit of Public Contract Code §22032(a)**

Public Projects up to and including the current limit as specified in Public Contract Code §22032(a) defined as building modifications by the Director of Public Works may be charged to a capital asset budget line item and tracked for capitalization in full or in part.

1. Project expenses shall include all associated charges from consultation through the completion of the work as well as any residual charges that may occur. This includes wiring and cabling projects for communications and information technology projects.
2. Contracting method requires a Public Works agreement negotiated and signed by the Director of Public Works (or designee on file with the Purchasing Agent) or by the Board approved designee.

**G. Public Projects up to and including the current published limit of Public Contract Code §22032(b) informal procedure**

Public Projects defined by the current statutory limit of the Public Contract Code §22032(b) (adopted per County Ordinance #2512), defined as building modifications by the Director of Public Works are tracked for capitalization. Project expenses shall include all associated charges from consultation through the completion of the work as well as any residual charges that may occur.

1. Contracting method for this dollar threshold requires a Public Works informal public bid process as defined under Title VII, Division 3, Chapter 1, § 731-5 of the Humboldt County Code. The resulting contract shall be signed by the Director of Public Works (or designee on file with the Purchasing Agent) or a Board approved designee.



#### **H. Public Projects greater than the current limit of Public Contract Code §22032(c) formal bidding procedure**

1. Public Projects with a value greater than the current posted threshold for informal bid procedures as defined in Public Contract Code §22032(c) are Public Works Projects processed by the Public Works Department and are not within the scope of this Policy.
2. Contracting method requires a formal bid process resulting in a Public Works public bid contract approved by the Board of Supervisors.

#### **I. Alternative Project Delivery Methods**

Alternative Project Delivery Methods in addition to those described above may be available, depending on the scope of the Public Project under consideration. The applicability of these delivery methods will be determined on a case by case basis after review by Public Works, the County Administrative Office, County Counsel, and Purchasing.

1. Public Projects may be procured by the Design-Build delivery method as set forth in Public Contract Code §22160 et seq.
2. Public Projects may be procured by the Progressive Design-Build contracting process as set forth in Public Contract Code §22170 et seq.
3. Public Projects may be procured by the Best Value Construction Contracting program as set forth in Public Contract Code §20155 et seq.
4. Public Projects may be procured by the Alternative Project Delivery Program: Construction Manager/General Contractor Authority as set forth in Public Contract Code §6950 et seq.

### **SECTION 11 - VENDOR RELATIONS**

The Purchasing Agent is responsible for the integrity of the purchasing process by acting as primary intermediary between county departments and vendors and is solely authorized to enter into accounts on behalf of the county. County employees should direct vendor inquiries regarding the possible sale of goods and/or services to the county, as well as inquiries concerning disputes related to the purchase of goods and/or services, to the Purchasing Team.

#### **A. Vendor Vetting**

1. Prior to hiring, entering into an agreement or purchasing from a potential vendor not currently in active status in the county accounts payable database, the

department shall submit a current Vendor Request Form with a current, complete, signed W-9 to Purchasing. Vendors are asked to provide current qualifications and licensure to protect both County and Public from potential fraud and/or liability.

2. Vendor certificate of liability insurance requirement is directed through County Human Resources Risk Management Director and/or their designee. Liability coverage is required for any individual or group who performs a service on county owned/leased property or at a location secured with county funds. Low risk exceptions may be granted by Risk Management. Vendor Certificates of Insurance are on file with Risk Management.
3. County Business License Code 811-6 Section B is directed through County Treasurer Tax Collector and/or their designee. It states: All persons and entities under contract or agreement with the county or public entity for which the Board of Supervisors is the governing body must have a valid Humboldt County business license or a State of California license or exemption which releases that person or entity from local business license requirements.
4. Purchasing ensures that potential vendors are in good standing with the federal System of Award Management (SAM). The county shall not enter into an agreement with nor purchase from any vendor that is barred from doing business with the federal government.
5. Vendor vetting is not required when funds are paid on behalf of a client using outside funded programs, grants, etc.

**B. Local Vendors**

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 (Humboldt County Code §245-3(h)).

**C. Local Business Preference**

The county is dedicated to supporting locally operated businesses. In recognition of the responsibility to promote local economic development, the county shall grant qualified local businesses preference in selection as defined in the [Local Business Preference Policy](#).

**D. Contracting with Small, Minority, Women-Owned Business Enterprises**

The county shall neither discriminate against, nor give preferential treatment to small, minority or women-owned businesses.

**E. Disadvantaged Business Enterprises**

For State and federally funded projects that require a Disadvantaged Business Enterprise Program adopted by the Board, in accordance with State and federal law, the Disadvantaged Business Enterprise Program shall govern. The county may consult the Disabled Veterans Business Enterprise list for all competitive solicitations and grant-funded purchases.

**F. Vendor Ethics**

Vendors shall exercise reasonable care and diligence to prevent any actions or conditions that could result in a conflict with the best interests of the county. A vendor is deemed responsive and responsible when they have adequate financial resources to perform a contract, are able to comply with the associated legal or regulatory requirements, able to deliver according to contract schedule, have a history of satisfactory performance, have a good reputation regarding integrity, have or can obtain necessary data, equipment and facilities, and are otherwise eligible and qualified to receive an award if their bid is chosen.

**G. Vendor Gifts**

The county does not accept gifts of any kind that are offered by vendors, suppliers, or potential vendors and suppliers, no matter the value. Additional information can be found in County Conflict of Interest Code 12-77 dated September 25, 2012, and any successor provisions thereto.

**H. Vendor Samples**

When vendors offer samples for evaluation, they will be accepted on the condition that the sample is accepted as property of the county, is of a type presently in use or is of potential use to the county, is of relatively small value, and will be sent to the appropriate department for testing.

**I. Vendor Product Demonstrations**

Departments are encouraged to arrange equipment and or software demonstrations as part of their competitive search. Whenever possible, such demonstrations will be consolidated to include all interested departments. Multi-department demonstrations may be hosted by the Purchasing Team.

**J. Vendor Rebates**

When vendors selling goods to the county provide rebates as a result of overall purchase volume, the rebates will be deposited into the Central Service Fund. Rebates received for brand promotion shall be sent to Purchasing and will be applied to the originating department.

#### **K. Nuclear Free Ordinance**

All vendors shall be in compliance with the County's Nuclear Free Ordinance adopted by initiative in August 1989.

### **SECTION 12 ENVIRONMENTALLY PREFERABLE PURCHASES AND PRACTICES**

Whenever practical, departments shall purchase environmentally preferable (recycled) goods and/or services, identify ways to reduce waste, locate surplus and reuse programs to leverage cost savings, and be mindful of websites and other resources related to environmentally preferable purchasing.

1. The county follows procurement and reporting practices for organic waste and recycled-content paper products that are in compliance with Title 14 CCR Division 7, Chapter 12, Article 12 (SB 1383).
2. All county departments may, at their option and with Purchasing Agent concurrence, require procurement of designated recycled products or recycled products above the levels required by this Policy.
3. The county, to the extent financially viable, shall include environmental specifications in bid solicitations requiring its contractors and consultants to use and specify recycled products in fulfilling contractual obligations whenever practicable.
4. The county shall promote the use of recycled products by publicizing its procurement Policy whenever practicable.
5. All county departments are responsible for coordinating recycling efforts.

### **SECTION 13 - VERIFICATION OF PURCHASE**

Upon receipt of merchandise, the county department receiving delivery of goods and/or services, shall inspect to ensure their conformance with the specifications set forth in the Purchase Order or contract (Humboldt County Code §245-8).

#### **A. Substantiation**

1. Departments shall confirm receipt of goods and services at the time request for county payment is submitted by:
  - a. electronically receiving the open order in county accounting software or
  - b. electronically submitting the invoice into county accounting software.

2. Substantiation related to this Policy means that the goods are:
  - a. received at the correct ship-to location,
  - b. the same goods specified in ordering documentation,
  - c. undamaged and will meet the department need.
3. Services provided have been performed as requested and are satisfactory for the department need.

#### **B. Discrepancies and Returns**

1. Departments are responsible for keeping complete records showing the date of delivery, quantity delivered, or services performed, and any discrepancies.
2. When tied to a Purchase Order, Departments contact the Purchasing Team to resolve discrepancies.
3. Purchasing will contact the vendor, take appropriate action, and maintain a record of the occurrence within the Purchase Order notes.
4. Tying returns to the original invoice will reduce the need for payment refunds.

#### **C. Contractual Services**

1. The furnishing of contractual services is evaluated by the issuing department to ensure conformance with the specifications set forth in the contract.
2. Any nonconformance is reported to the appropriate Contract Administrator for further action.

### **SECTION 14 - SURPLUS PERSONAL PROPERTY**

The Purchasing Agent shall make extra equipment, office supply or furniture available to any department having a need. The Purchasing Agent has the sole authority to surplus county personal property with an estimated value up to \$3,000 (Humboldt County Code §245-6) (Ord. 2643, §2, 6/2/2020).

1. Furniture and other items that are determined to be out of compliance with ADA standards shall not be transferred to another department or program.

2. The disposition of items with an estimated value of greater than \$3,000 requires approval by the Board of Supervisors.
3. Disposition may be by direct sale, auction, trade or by discarding valueless items.
4. The cost of disposal will be considered in determining the best method for disposal. There is no bidding requirement, but the Board may request that bids be solicited.
  - a. The county may sell and leaseback surplus personal property after published notice if such is approved by resolution of the Board of Supervisors which makes the finding that it “is the most economical means for providing such personal property to the County” (Government Code §25504.5).
5. In the disposition of surplus personal property, the county may advertise the proposed sale or other disposition of the personal property pursuant to Government Code §25507 (Humboldt County Code §245-6).
6. Notices of sale of surplus property by the Purchasing Agent shall be publicly posted for at least five (5) business days preceding the day of sale.
7. Officers, employees and elected officials may not bid on surplus property at a public auction conducted by the county if, in their official capacity, they in any way influenced the sale of such property, or if in purchasing such property, the officer or employee places themselves in such position as to subordinate their public duties to their private interests (Government Code §1090). To avoid the appearance of a conflict of interest, the sale of surplus property to an employee must be through a competitive process open to the public (Government Code §82048, 87100).
8. The Purchasing Agent may authorize departmental donation of said personal property to any public agency or organization exempt from taxation as defined:
  - a. Organized for the care, teaching or training of children or children with developmental-disabilities;
  - b. organized for the care, teaching, or training of Native Americans;
  - c. organized to provide health or human services;
  - d. a school district or community college district;
  - e. a county children and families commission.

9. The revenue from the sale of general surplus personal property shall be deposited in the Central Services Fund. The revenue from the sale of specific or grant-funded surplus personal property purchases shall be deposited in the original fund.
10. Additional details on surplus personal property are available in Purchasing Procedure documents posted on the county intranet.

#### **SECTION 15 - INSPECTION OF PUBLIC RECORDS**

All purchase records may be subject to disclosure under the Public Records Act (California Government Code § 7920.000, *et seq.*) with the exceptions noted herein ([Section 8.A](#)).

1. Records subject to disclosure shall be made available for inspection and/or copying within the time frames provided for by the Public Records Act.
2. Public records may be viewed on county premises at no cost.
3. If copies are requested, the requestor will be charged in accordance with the current county fee schedule.
4. Interdepartmental requests to assist with a public records request are not a chargeable interoffice service.

#### **SECTION 16 - RECORD RETENTION**

The Purchasing Agent will maintain records as follows:

1. Purchase requisitions, Purchase Orders, service agreements and other contractual documents for a period of -five (-5) years (Government Code §25501.5);
2. electronic record of all competitive solicitations, including bid deviations pursuant to Humboldt County Code §245-4 and §245-.4.5 will be maintained in the purchase record for a minimum of five (5) years; and
3. electronic record of sales of surplus property will be maintained for a minimum of five (5) years.
4. maintain software vendor data for a period of five (5) years from the date of inactivation. (Humboldt County Code § 245-10; Ord. 2643, §2, 6/2/2020)