

ORDINANCE NO. 9297 (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY
ADMINISTRATIVE CODE REMOVING THE PURCHASING AND CONTRACTING
FUNCTION FROM THE DEPARTMENT OF GENERAL SERVICES AND
ESTABLISHING THE DEPARTMENT OF PURCHASING AND CONTRACTING

The Board of Supervisors of the County of San Diego ordains
as follows:

Section 1. Sections 398.17 through 398.17.28 of the San
Diego County Administrative Code are repealed.

Section 2. Article XXIII is added to the San Diego County
Administrative Code to read as follows:

Article XXIII

Department of Purchasing and Contracting

SEC. 400. RECOGNITION OF DEPARTMENT.

There is in the County a Department of Purchasing and
Contracting ("Department") under the supervision of the Chief
Administrative Officer.

SEC. 400.1 RECOGNITION OF DIRECTOR OF PURCHASING AND
CONTRACTING.

There is in the County and in the Department, the position
of Director of Purchasing and Contracting, hereafter in this
Article referred to as the Director or the Purchasing Agent. The
Director shall ex officio be the Purchasing Agent of the County.
The position shall be in the Unclassified Service of the County
and shall be filled by appointment by the Chief Administrative
Officer in accordance with the County Charter, Rules of the
Civil Service Commission and County ordinance.

The Director may assign to other appropriate Purchasing and
Contracting staff as he or she may designate, the performance of
duties and responsibilities related to the functions of the
Purchasing Agent.

SEC. 401. PROCUREMENT.

(a) The Director has the authority to contract or modify
any contract, purchase, rent or lease for the County any

insurance, supplies, furnishings, equipment, computer hardware and software systems or other personal property, and to engage independent contractors to perform services for the County in accordance with the provisions of this section. The Director of Purchasing and Contracting may contract for, or purchase, lease, or rent these items, without obtaining approval of the Board of Supervisors, if the amount does not exceed \$100,000; if formal competitive bidding is employed; or if the Board of Supervisors has adopted a written policy exempting specific classes of procurement from the requirements.

(b) The Director is authorized to enter into public works contracts (as described in section 20121 of the Public Contract Code). The Director may enter into these contracts, without obtaining approval of the Board of Supervisors, if the estimated cost of the work is less than the amounts prescribed by the Public Contract Code.

(c) The Director is authorized to enter into highway contracts (as described in section 20390 of the Public Contract Code). The Director of Purchasing and Contracting may enter into these contracts, without obtaining approval of the Board of Supervisors, if the Director, Department of Public Works, estimates the cost at less than the amount prescribed by the Public Contract below which threshold the requirements of the Public Contract Code for contracting are inapplicable.

SEC. 402. EMERGENCY PURCHASES.

In cases of emergency, as determined by department heads or elected officials, such officials may make emergency purchases during other than normal hours of County operations (when Purchasing and Contracting staff is not available to approve such emergency purchases) under circumstances where immediate action is necessary to contain and control the emergency condition. All officials making emergency purchases shall report such actions to the Purchasing Agent at the first available opportunity and shall submit sufficient and proper documentation, as required by County procurement procedures, for subsequent approval by the Purchasing Agent or ratification by four-fifths vote of the Board of Supervisors, as appropriate. For the purpose of this Section an "emergency" means conditions which present an immediate danger or an immediate threat of danger to the public health, safety, and welfare.

SEC. 403. EFFECT OF AUTHORIZATION BY BOARD OF SUPERVISORS TO CONTRACT FOR PUBLIC WORKS AND RELATED PROJECTS.

(a) Any action by the Board of Supervisors to authorize contracting for a public works project (pursuant to Article 3.5 of to Public Contract Code) or a highway (pursuant to Article 25 of the Public Contract Code) or a bridge or a subway (pursuant to Article 26 of the Public Contract Code) or for a project under the Improvement Act of 1911 (pursuant to Article 27 of the Public Contract Code) or under the County Sanitation District Act (pursuant to Article 50 of the Public Contract Code) or for construction by the San Diego County Flood Control District (pursuant to Article 120 of the Public Contract Code) shall be deemed to include approval of contract documents; adoption of plans and specifications; authority to advertise for bids, or ratification of advertising; authority to award to the lowest responsible bidder; and any other actions the Director needs to award the contract.

(b) Any action referred to in Subsection (a) shall be deemed to authorize the Director to (1) modify the plans and specifications, if doing so will not increase the cost or cause a significant change in the project; (2) waive, in consultation with the County Counsel, minor irregularities in a bid, if doing so will not confer a competitive advantage on the bidder; (3) reject all bids, if the Director of Purchasing and Contracting determines that the bids are unreasonable or if the Director of Purchasing and Contracting determines for any other reason that doing so is clearly in the best interests of the County or district; and (4) re-advertise and award, if the Director of Purchasing and Contracting has rejected all bids.

SEC. 404. ORDERS BY BOARD OF SUPERVISORS UNDER UNIT PRICE CONTRACTS.

Approval by the Board of Supervisors of departmental budgets, or of appropriation transfers or of appropriations of unanticipated or over-realized revenues, which include repair or remodeling costs shall be deemed an order of the Board for purposes of Public Contract Code section 20128.5 and shall authorize the Director to direct that the work be done according to unit prices in any annual contract awarded under that provision.

SEC. 404. OTHER PUBLIC CONSTRUCTION.

The provisions of Articles 25, 26 and 27, Chapters 1 and 2, Part 3, Division 2 of the Public Contract Code, as are

applicable to the County of San Diego, shall apply to contracts awarded by the Director for subject construction work.

SEC. 405. LOCAL BUSINESS PREFERENCE PROGRAM.

(a) The Department shall give preference to responsive, responsible local San Diego County businesses over non-local business when evaluating formal, competitive bids for contract award.

(b) "Local Business" means a business with a valid business certificate issued by the County, or license issued by a city within the County, employing San Diego County residents, and with a physical address located within the limits of the County of San Diego. Post Office Boxes are not verifiable and shall not be used for the purpose of this local preference program.

(c) When evaluating competing proposals for professional legal, and financial services, the County of San Diego shall give preference to Local San Diego County Businesses whose qualifications meet the County's requirements for the engagement, transaction, or contract at hand; all other considerations being equal.

(d) In any procurement using a formal request for bid, if a tie bid occurs between local and non-local business, award shall be made to a local business over a non-local business.

(e) In any procurement using a formal request for bid, when the low bid is submitted by a non-local business, one percent (1%) shall be subtracted from local business bids in evaluating the bids for award. If application of the (1%) factor results in a local business bid being equal to or lower than the non-local business, contract award shall be made to the local business at the local business bid price.

(f) This section shall not apply to contracts for public works, or where precluded by state or federal law or regulation.

SEC. 406. STOREROOMS AND WAREHOUSES.

The Board may authorize and approve in writing and the Director may establish and maintain after receiving such written

authorization and approval, storerooms or warehouses or other facilities for storing and issuing County supplies.

SEC. 407. CONTRACTING PROCESS.

The Director shall coordinate efforts to improve the County's contracting process, including but not limited to the development of standard procedures for the selection of contractors, standard contract provisions, standardized and simplified review procedures, and standardized contract administration practices. The Director shall monitor and evaluate procedures and provide assistance to the various County departments in respect to contracting. The Chief Administrative Officer shall assign personnel with necessary technical expertise to work with the Director of Purchasing and Contracting in improving the contract process and providing contract review on a consolidated basis.

SEC. 408. THE DIRECTOR TO PURCHASE OFFICIAL BADGES.

The Director shall purchase at the expense of the County and upon proper requisition therefore, all official badges and necessary official equipment for detectives and investigators of the District Attorney, for deputy sheriffs of the Sheriff, for motorcycle officers or motor police of the County, and all other insignia of law or other enforcement officers that may be necessary in order to properly carry on the business of the County.

SEC. 409. PURCHASING AND CONTRACTING REVOLVING FUND.

(a) There is established for use of the Director, a revolving fund to be known as the Purchasing and Contracting Revolving Fund. The amount of such revolving fund will be established by resolution of the Board.

(b) The Purchasing and Contracting Revolving Fund shall be used to pay for supplies, materials, furnishings and equipment purchased for stock and for issue, as needed. Upon issue of such supplies, materials, furnishings and equipment, the Fund shall be reimbursed from the funds of the requisitioning department.

SEC. 410. PURCHASING AND CONTRACTING PETTY CASH FUND.

(a) There is established for use of the Director a Petty Cash Revolving Fund. The amount of such fund will be established by resolution of the Board.

(b) The Petty Cash Revolving Fund may be used for such miscellaneous purchases as the Director may require. The Auditor and Controller shall draw a warrant to reimburse said Petty Cash Revolving Fund upon receipt of a properly documented statement of disbursements from the fund.

SEC. 411. FORMS OF REQUISITION TO BE DESIGNATED AND SUPPLIED BY DIRECTOR OF PURCHASING AND CONTRACTING.

The Director, upon receipt of a proper requisition, shall supply the heads of the various offices, departments and institutions of the County with forms of requisitions and shall prescribe the manner of transmission and the number of copies of such completed forms to be submitted to Purchasing and Contracting. Requisitions may be transmitted and approvals obtained electronically, provided that proper procedures and safeguards are approved by the Auditor and Controller.

SEC. 412. PERSONS AUTHORIZED TO REQUISITION.

Authority to draw requisitions is hereby vested in the heads of the office, departments and institutions of the County. Such head may delegate this authority to any of his or her deputies, officers or employees by filing electronic or written authorization with the Director.

SEC. 413. REQUISITIONS REQUIRING APPROVAL OF DIRECTOR.

The Chief Administrative Officer may require that any requisition or requisitions be submitted to that office for approval. The Director has discretionary authority to submit any requisitions to the Chief Administrative Officer for approval.

SEC. 414. APPROVAL OR DISAPPROVAL OF PURCHASING AND CONTRACTING.

The Chief Administrative Officer shall promptly approve or disapprove all requisitions submitted for review, and if approving the requisition, shall transmit the same promptly to the Director. If the Chief Administrative Officer disapproves the requisition, the reasons shall be transmitted in writing to the requisitioner.

SEC. 415. REQUISITIONED ARTICLES TO BE FURNISHED FROM STORES OR PURCHASED.

Upon receiving a requisition properly signed, the Director shall determine whether the requisitioned articles shall be issued from stores or whether the requisitioned articles shall be procured. Requisitions may be transmitted and approvals obtained electronically, provided that proper procedures and safeguards are approved by the Auditor & Controller.

SEC. 416. PREPARATION OF PURCHASE ORDER AND SUBMISSION TO AUDITOR & CONTROLLER FOR APPROVAL.

Where requisitioned articles are to be procured, the Director shall prepare a purchase order on forms or electronic media and as many copies thereof as may be necessary and transmit the necessary copies thereof to the Auditor & Controller for proper budgeting and certification as to the availability of money to meet the cost of the articles proposed to be purchased. After the Director has determined that there is sufficient money in the proper funds to pay for the purchase, he or she shall endorse his or her certificate of such fact on the copies, provided that no such endorsement shall be required in the case of electronic transmission. After determining that sufficient money is available in proper funds to pay for the purchase, the Director shall be authorized to sign the purchase order and issue it to the vendor.

SEC. 417. REQUISITIONS OF DIRECTOR OF PURCHASING AND CONTRACTING'S STORES.

Where requisitioned articles are to be procured from stores in the hands of the Director, the written or electronic requisition shall be transmitted to the Director for proper budgeting and certification as the availability of funds to meet the cost of the article requisitioned. After the Director has electronically or otherwise certified that there is sufficient money in the proper fund to pay for the articles requisitioned, he or she shall be authorized to furnish the requisitioned articles to the office, department or institution requisitioning such articles. At the time of delivery of such articles, the Director shall obtain from the requisitioning office, department or institution a receipt therefore.

SEC. 418. DISAPPROVAL OF PURCHASE ORDER OR REQUISITION BY THE DIRECTOR OF PURCHASING AND CONTRACTING FOR INSUFFICIENT FUNDS.

Should the Director determine that there are not sufficient funds available to meet the cost of the articles requisitioned, the Director of Purchasing and Contracting shall not purchase or furnish the articles requisitioned, but shall immediately notify the requisitioning office, department or institution of the insufficiency of the funds wherewith to pay for the articles requisitioned.

SEC. 419. TRANSFER AND SALE OF EQUIPMENT AND SUPPLIES BETWEEN COUNTY DEPARTMENTS AND THE PROVISION OF SERVICES BY ONE COUNTY DEPARTMENT TO ANOTHER.

Whenever any office, department or institution requires equipment, materials, supplies or services which another office, department or institution is able to furnish, a suitable request shall be prepared and distributed in the manner prescribed by the Director of Purchasing and Contracting. Transfers between departments of equipment, materials, or supplies shall be accomplished utilizing the forms or electronic media prescribed by the Director. Transfer of equipment, materials, or supplies shall be made between departments on a non-reimbursable basis provided the transfer is between the very same fund. Transfer between different funds, capital outlay funds excepted, shall be processed as a sale on a form and in the manner prescribed by the Auditor & Controller with appropriate charges and credits being made to the respective financial accounts of the office, department or institution effected by such sale. Applicable changes to the property account (fixed assets) shall also be made by the Auditor & Controller. Where the request is for the transfer of vehicles, materials, equipment or supplies purchased from capital outlay funds or is for the services involving an expenditure of capital outlay funds, it shall be submitted to the Chief Administrative Officer for approval. If the Chief Administrative Officer disapproves such a request, he shall set forth the reasons in writing to the office, department or institution making the request. After such suitable request has been prepared and transmitted in the manner prescribed by the Auditor & Controller, and when necessary, approved by the Chief Administrative Officer or the board the materials, equipment, supplies or services may be transferred or provided. In such cases, appropriate charges and credits to the respective accounts of the offices, departments and institutions affected by such transfer; and applicable changes to the property account (fixed asset) records shall be made by the Director.

SEC. 420. REPORT OF PERSONAL PROPERTY NO LONGER NEEDED BY A COUNTY DEPARTMENT.

Whenever any items of personal property (i.e., vehicles, equipment, materials, or supplies), (exempts property for which disposition processes are otherwise covered under law, regulation or code) are no longer needed by the office, department or institution having possession thereof, such item shall be reported and delivered to the Director for redistribution or sale, or trade-in on new acquisition. Such transfer shall be prepared and distributed in the manner prescribed by the Director of Purchasing and Contracting.

SEC. 421. ACQUISITION OF EXCESS PROPERTY FROM DIRECTOR OF PURCHASING AND CONTRACTING.

Whenever an office, department or institution has need for an article which has been placed in the Director's inventory of surplus personal property (i.e., equipment, materials or supplies), such office, department or institution may acquire the article by submitting to the Director a properly drawn request. Transfers between departments of equipment, materials, or supplies shall be accomplished utilizing the form(s) or electronic media prescribed by the Director. Transfer of equipment, materials, or supplies shall be made between departments on a non-reimbursable basis provided the transfer is between the very same fund. Transfer between different funds, capital outlay funds excepted, shall be processed as a sale on a form or electronic media and in the manner prescribed by the Director of Purchasing and Contracting with appropriate charges and credits being made to the respective financial accounts of the office, department or institution effected by such sale. Applicable changes to the property account (fixed assets) shall also be made by the Director of Purchasing and Contracting. Surplus personal property shall be released by the Director of Purchasing and Contracting to the requesting office, department or institution upon receipt of a request prepared and distributed in a manner prescribed by the Director.

SEC. 422. DISPOSAL OF PERSONAL PROPERTY NO LONGER NEEDED BY COUNTY.

Whenever the head of any County department, office or institution determines that any items of personal property are no longer needed by that department, office or institution and the Director of Purchasing and Contracting determines that such items are no longer needed by the County, the Director may sell or otherwise dispose of such items in accordance with Section

25504 or 25507, inclusive, of the Government Code unless otherwise directed by the Board.

SEC. 423. STANDARDS COMMITTEE.

Upon the recommendation of the Director to the Chief Administrative Officer that a Standards Committee is needed to establish standards with respect to the type, design quality, or brand of a certain article or a group of related articles purchased the County, the Chief Administrative Officer shall forthwith establish such a Standards Committee by appointing the members of the Committee. The membership of any such committee shall be the Director, who shall be the Chairman of the Committee, and the head of each County office, department or institution that is a primary user of the article or group of related articles for which standards are to be established. Any member of such a committee may act through an appointed representative.

SEC. 424. PREPARATION AND DISPOSITION OF PURCHASE ORDERS.

Where the preparation of purchase orders is required, the Director shall prepare two originals of each order and as many copies as may be required. One original shall be delivered to the vendor and one original shall be filed in the office of the Director of Purchasing and Contracting. All original and copies of purchase orders shall be prepared and issued in the manner and on forms prescribed by the Director. The preparation, approval, distribution and retention of purchase orders may be accomplished by the use of electronic systems and media as approved by the Director of Purchasing and Contracting.

SEC. 425. SMALL PURCHASE ORDER CHECK PROCEDURE.

In accordance with the provisions of Section 25509 of the Government Code, the Director is authorized to establish a checking account in a bank for the payment of miscellaneous and emergency purchases of services and supplies by purchase order check. The procedures for issuance of such purchase order checks and the administration, including replenishment of such account, shall be established by the Director of Purchasing and Contracting. Any loss, not caused by negligence of any officer or employee of the County, incurred by reason of the issuance of any check on such checking account shall be charged against the General Fund of the County.

SEC. 426. RULES AND REGULATIONS.

The Director is authorized to prepare procedural rules and regulations implementing and supplementing the applicable statutes and the provisions of this Code relating to the performance of Purchasing and Contracting functions. A copy of such rules and regulations and of any and all amendments thereto shall be filed with the Board and a second copy shall be on file and open to public inspection in the Director's office.

SEC. 427. SERVICES PROVIDED TO, OBTAINED FROM, OR IN COOPERATION WITH OTHER PUBLIC ENTITIES.

The Director may permit, subject to requirements of this section and subject to such terms and conditions that the Director may prescribe, any public entity including any municipal corporation, school or other special district to participate in contracts entered into by the Director of Purchasing and Contracting to participate in surplus personal property sales; and to procure stores items under cognizance of the Director of Purchasing and Contracting. The Director may procure from other entities, from competitive contracts awarded by other public entities; and participate in cooperative purchasing or sales programs with any public entity within the State of California, the California State Association of Counties (CSAC), League of California Cities and the State of California Office of Procurement.

1. The public agency shall file with the Director, a certified copy of the resolution of its governing body requesting that it be authorized to participate in such contracts or periodic sales and agreeing that it will be bound by the requirements of this section and such terms and conditions that the Director of Purchasing and Contracting may prescribe.

2. The public agency shall:

(a) Make all purchases or sales in its own name and for public purposes only.

(b) Be responsible for payments directly to the vendor in the case of purchases, and be liable for all sales, excise and other taxes incident to the purchase or sale.

(c) Not have in force at the time it makes its request or during such participation any contracts for like purchases or sales.

(d) Not have under consideration at the time it makes its request any bids or quotations from other vendors for like purchases or sales.

3. Appropriate surcharges will be collected from other public entities listed above to offset the pro rata costs for sales administered by the County; administration of contracts for agencies utilizing but not a joint named participant in a cooperative contract; and the procurement and inventory management of stores items.

PASSED, APPROVED AND ADOPTED this 23rd day of January, 2001.