

ORDINANCE NO. 10243 (N.S.)

**AN ORDINANCE AMENDING  
SECTION 401, 419, 420, 421 OF THE  
SAN DIEGO COUNTY ADMINISTRATIVE CODE  
RELATING TO THE DEPARTMENT OF PURCHASING AND CONTRACTING**

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

Section 1. Section 401 of the San Diego County Code is amended to read as follows:

**SEC.401. PROCUREMENT.**

(a) Except in the case of emergency as provided in Section 402, below, or as otherwise provided by State or federal law, County ordinance, or Board Policy, the Director shall have exclusive authority to take the actions described in this section on behalf of the County.

(b) The Director has authority to enter into contracts to purchase, rent, or lease all personal property for the County, including any insurance, supplies, materials, furnishings, equipment, and computer hardware and software systems and the development of those systems (collectively, "non-service contracts"). Unless otherwise provided for in this Code of Administrative Ordinances, the Director also has authority to engage independent contractors to perform services for the County ("service contracts"). The Director may enter into the following contracts without obtaining the approval of the Board of Supervisors:

(1) All service contracts (except as defined in Board Policy and as otherwise provided for in this Code of Administrative Ordinances) where the total estimated value of services provided during the entire term of the contract is under \$100,000; and

(2) All service contracts (except as defined in Board Policy and as otherwise provided for in this Code of Administrative Ordinances) and all non-service contracts where the total anticipated value provided is under \$100,000 per year and Board Policy sets forth a procedure for excepting the procurement from competition; and

(3) All service and non-service contracts, except as noted below, where the total anticipated value of the services or non-services provided are under \$1,000,000 per year, subject to the following conditions:

a. The Board of Supervisors has exempted the category of services or non-services (including "professional services," as defined in Board Policy and as otherwise provided for in this Code of Administrative Ordinances) provided under the subject contract from competitive bidding requirements pursuant to Board Policy exempting specific classes of procurement from such requirements; or

b. The contract is awarded pursuant to a "competitive negotiated procurement" procedure, as defined in Board Policy.

(4) All service and non-service contracts, with no maximum limitation on contract value, where the Director awards the contract in accordance with a process of either "formal bidding" or "reverse auction," and non-service contracts for goods acquired from other government agencies or contracts competitively awarded by those agencies.

(5) The Director may amend any contract, without obtaining approval of the Board of Supervisors, in accordance with provisions of this Section 401. The Director's authority to amend contracts awarded pursuant to Subdivision (b)(3) of this Section 401 shall include the authority to adjust the annual contract price up to an additional \$250,000.

(c) For contracts to purchase, rent or lease personal property, and for contracts to engage independent contractors to perform services, the Director has authority to enter into a particular or individual contract where the Board has specifically authorized the Director to negotiate and award or amend that contract, in accordance with any conditions and pricing terms specified by the Board as applicable to such contract and any amendments thereto.

(d) The Director is authorized to enter into public works contracts (as described in section 20121 of the Public Contract Code) without obtaining the approval of the Board of Supervisors as follows:

(1) The estimated cost of the work is less than the amounts prescribed by the Public Contract Code.

(2) The work is performed by an entity that State or federal law has excepted from the bidding requirements of the Public Contract Code or applicable federal law.

(e) The Director is authorized to enter into contracts for highways (as described in section 20390 et seq. 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). 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.

Section 2. Section 419 of the San Diego County Code is amended to read as follows:

**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 affected by such sale. Applicable changes to the property account (capital 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 (capital asset) records shall be made by the Director.

Section 3. Section 420 of the San Diego County Code is amended to read as follows:

**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 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.

Section 4. Section 421~~0~~ of the San Diego County Code is amended to read as follows:

**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 listing of surplus personal property (i.e., equipment, materials or supplies), such office, department or institution may acquire the article by submitting 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 affected by such sale. Applicable changes to the property account (capital assets) shall also be made in the manner prescribed by the Director of Purchasing and Contracting. Surplus personal property shall be released to the requesting office, department or institution upon receipt of a request prepared and distributed in a manner prescribed by the Director.

Section 5. This ordinance shall take effect and be in force 30 days after its passage, and before the expiration of 15 days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation in the County of San Diego.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 8<sup>th</sup> day of January, 2013.

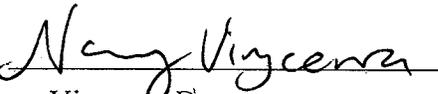
  
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GREG COX  
Chairman, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 8<sup>th</sup> day January, 2013.

THOMAS J. PASTUSZKA  
Clerk of the Board of Supervisors

By   
Nancy Vizcarra, Deputy

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01-08-2013 (8)

