

ORDINANCE NO. 10406 (N.S.)

**AN ORDINANCE AMENDING
SECTIONS 401, 402, 404, 405, 409, 412, 420, 421, 422, 424, 426, AND 427 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 of Administrative Ordinances is hereby 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, license, or lease all personal property for the County, including any insurance, supplies, materials, furnishings, equipment, computer hardware and software systems, and licenses to use intellectual property, "goods" and engage independent contractors to perform services for the County, with or without the furnishing of material ("services"). The Director may enter into the following contracts without obtaining the approval of the Board of Supervisors, except as set forth in Board Policy and as otherwise provided for in this Code of Administrative Ordinances:
- (1) Service Contracts for goods or services where the annual aggregate cost does not exceed \$100,000; and
- (2) Service Contracts for goods or services where the annual value does not exceed \$1,000,000 per year and where:
- a. The Board of Supervisors has exempted the category of goods or 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 procurement 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.
- (3) All contracts for goods or services, with no maximum limitation on contract value, where the Director awards the contract:
- (a) By a "formal bidding" or "reverse auction" procedure, as defined in Board Policy, or
- (b) Based upon contracts competitively awarded by other government agencies or cooperative of agencies, and where the Director determines that the pricing is fair and reasonable.

Meeting Date: 01/05/16 (05)

(4) The Director may amend any contract without obtaining approval of the Board of Supervisors provided that the contract price remains within the authorities stated in this Section 401 or, for contracts awarded pursuant to subdivision (b)(2) of this Section 401, the amendment does not increase the annual contract price above \$1,250,000.

(c) The Director has authority to negotiate and enter into or amend a contract or contracts where the Board has specifically authorized the Director to do so, in accordance with any conditions specified by the Board.

(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 Code below which threshold the requirements of the Public Contract Code for contracting are inapplicable.

Section 2. Section 402 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

SEC. 402. EMERGENCY PURCHASES.

(a) An "emergency" means conditions that require immediate action to contain or control an immediate danger or threat of danger to the public health, safety or welfare, or to persons in the care or custody of the County.

(b) The Director of the Department of Purchasing and Contracting, as the County's Purchasing Agent, in cases of emergency, may issue contracts to extend or modify existing (emergency or non-emergency) contracts in any amount. The Director shall report such actions to the Board of Supervisors for ratification when required by County Ordinance or Board policy, or by State or federal law or regulation.

(c) In cases of emergency, as determined by department heads or elected officials, and in accordance with County ordinances or Board Policy, and State or federal law or regulation, such officials may make emergency purchases. All officials making emergency purchases shall report

Meeting Date: 01/05/16 (05)

such actions to the Director at the first available opportunity and submit sufficient and proper documentation for subsequent approval by the Director or ratification by the Board of Supervisors, as appropriate.

Section 3. Section 404 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

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 contract awarded under that provision. The Director may issue work-orders or a work-order under the unit price contract to the full value of that contract.

Section 4. Section 405 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

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 physical address located within the incorporated or unincorporated areas within the geographic boundaries 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, 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.
- (e) This section shall not apply to contracts for public works, or where precluded by funding source requirements or State or federal law or regulation.

Section 5. Section 409 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

SEC. 409. RECORDS MANAGEMENT.

The Department of Purchasing and Contracting will perform the following records management functions:

- (a) Administer a uniform Records Management Program encompassing all County departments and offices;
- (b) Manage Countywide agreements for off-site records storage, scanning services, and duplicating services; and
- (c) Provide for records storage and retrieval of historical documents maintained in the County's vault(s).

Section 6. Section 412 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

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 through electronic or written authorization.

Section 7. Section 420 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

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

Whenever any items of personal property, except items 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 for redistribution or sale, or trade-in on new acquisition in the manner prescribed by the Director of Purchasing and Contracting.

Section 8. Section 421 of the San Diego County Code of Administrative Ordinances is hereby 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 reported as surplus personal property, such office, department or institution may acquire the article by submitting a properly drawn request. Transfers between departments of personal property shall be accomplished utilizing the form(s) or electronic media prescribed by the Director. Transfer shall be made between departments on a non-reimbursable basis provided the transfer is between

Meeting Date: 01/05/16 (05)

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 9. Section 422 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

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 determines that such items are no longer needed by the County in the manner prescribed by the Director of Purchasing and Contracting, the Director may sell or otherwise dispose of such items in accordance with Sections 25503 through 25507, inclusive, plus 25372 and 26227 of the Government Code unless otherwise directed by the Board.

Section 10. Section 424 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

SEC. 424. PREPARATION AND DISPOSITION CONTRACT.

Where the Director enters into contracts on behalf of the County, the contracts, including purchase orders, shall be prepared, issued, distributed, and filed in the manner and on forms or electronic systems prescribed by the Director.

Section 11. Section 426 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

SEC. 426. RULES AND REGULATIONS.

The Director is authorized to prepare rules, regulations, and procedures implementing and supplementing the applicable statutes, provisions of this Code and Board Policies 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 posted on the County's Internet site.

Section 12. Section 427 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

SEC. 427. SERVICES PROVIDED TO 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 procurements or contracts entered into by the Director of Purchasing and Contracting to participate in surplus personal property sales.

1. The public agency shall file with the Director a certified copy of the legal authority or resolution of its governing body requesting that it be authorized to participate in such contracts or periodic sales.
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) Agree 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.
 - (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 may 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.

Section 13. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption. Within fifteen (15) days after the date of adoption of this Ordinance, a summary shall be published once with the name of those members voting for and against the same in the newspaper of general circulation published in the County of San Diego.

Approved as to form and legality

THOMAS E. MONTGOMERY, County Counsel
By
David J. Smith, Chief Deputy County Counsel

Meeting Date: 01/05/16 (05)

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 5th Day of January, 2016.



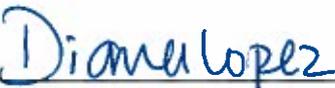
RON ROBERTS
Chairman, Board of Supervisors
County of San Diego, State of California

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 5th Day of January, 2016.

DAVID HALL
Clerk of the Board of Supervisors

By 
Diana Lopez, Deputy



Ordinance No.10406 (N.S.)

01/05/16 (05)