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Chapter 040 Purchasing Procedures

- - Section 010 Chapter Purpose**
 - The purpose of this chapter is to adopt policies and procedures governing purchases of supplies, equipment and contractual services by the county in accordance with Article 7 (Sections 54201 et seq.) of Chapter 5 of Part 1 of Division 2 of Title 5 and Article 7 (Sections 25520 et seq.) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code. This chapter is not intended to conflict with applicable provisions of state law and shall be interpreted as supplementary thereto. (Ord. 946 § 1 (part), 1989.)
- - Section 020 Definitions**
 - As used in this chapter:
 - A. "Agency" and "using agency" means any of the departments, officers or other organization units of the county government, and any special district whose affairs and funds are under the supervision and control of the board and for which the board is ex officio governing body.
 - B. "Contractual services" means any and all services; the lease and lease-purchase of equipment, machinery and other personal property; insurance; the services of attorneys, physicians, electricians, engineers, consultants or other individuals or organizations possessing a high degree of technical skill; and all other types of agreements under which the contract provides services which are required by the county government but not furnished by its own employees. Purchase of space for legal advertising shall not be subject to the provisions of this chapter.
 - C. "Price", "amount of the expenditure" or similar terms do not include tax, shipping or handling when determining the procedure to be followed.
 - D. "Supplies and equipment" means any and all articles, materials or things which shall be furnished to, or used by, any agency but excluding services or materials furnished "in kind" in lieu of cash to indigents.
(Ord. 1100 § I (part), 1988; Ord. 946 § 1 (part), 1989.)
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Section 030 Purchasing Agent & Assistants

- A. There is created the office of purchasing agent under the provisions of Article 7 (commencing with Section 25500) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code to serve at the pleasure of the board without additional compensation for the duties imposed by this section. Each department head within the county is appointed as an assistant to the purchasing agent pursuant to Section 25500 of the Government Code.
- B. The purchasing agent and each assistant shall only have such authority as is set forth in this code and other rules and regulations adopted by resolution of the board of supervisors.
- C. The board may, from time to time, as it determines necessary or convenient, grant authority to the purchasing agent or any of his assistants under Section 25502.3 of the Government Code. (Ord. 946 § 1 (part), 1989.)

Section 040 Purchases by Agency

- A. The board authorizes each agency head to enter into contractual agreements for his agency in the amounts or estimated amounts of up to \$20,000 per vendor, provided that such purchases shall be made in conformity with the applicable provisions of this chapter. The board may rescind or modify this authorization by resolution, or by provisions of the County Administrative Manual that have been adopted by resolution.
- B. Except as provided in Section 4.04.080 of this chapter, each agency head is responsible for making all purchases at the most favorable price for the county. It is the policy of the county for all purchases to be made upon comparison pricing wherever practical. When it is feasible agencies shall solicit bids to ensure the lowest prices are obtained for comparable goods and services.
- C. Subject to approval by minute order of the board, an agency head may delegate his authority to purchase under this section to a deputy or assistant. Any requirement of the Administrative Code which requires the department head to certify the availability of funds in the agency budget may not be delegated.
- D. When the board or the purchasing agent has entered into a contract with a vendor to supply all the county's requirements for specified supplies or equipment, the using agency shall not have authority to purchase such supplies or equipment under this section.
- E. All contracts authorized by this section or as allowed by the County Administrative Manual shall be approved as to form by the county counsel and the department head shall certify the availability of unexpended funds to pay for the contract in the agency budget. (Ord. 1147 § 1, 2002; Ord. 1100 § II, 1998; Ord. 946 § 1 (part), 1989.)

Section 050 Purchases by Board of Supervisors

- A. Each agency head shall submit to the board requests for purchases of supplies, equipment, or for professional services in amounts, or estimated amounts, of \$20,000 or more, unless otherwise provided in this code or the County Administrative Manual or by Minute Order of the board.

B. Bids shall be solicited by public notice for contract requests under this section unless otherwise provided in this code or the County Administrative Manual, followed by an award by the board, except where the board makes a finding recorded in its minutes that competitive bidding would not be in the public interest. Departments soliciting bids shall notify other County departments in order that other departments may take advantage of any volume pricing discounts that may apply. Unless otherwise fixed by minute order of the board, public notice shall consist of publishing notice soliciting bids in the official county newspaper at least once, not less than ten days before the time fixed for the purchase. All bids shall be submitted sealed to the clerk of the board. The administering department or the board may reject any or all bids for any or all supplies and equipment. A tabulation of all bids received, whether accepted or rejected, shall be open for public inspection for a period of not less than thirty days after the bid opening. Except as provided in Section 4.04.080, the award shall be made by the board to the lowest responsible bidder. In determining the lowest responsible bidder, the board shall take into consideration the recommendation of the administering department, the quality offered and its conformity with the specifications, product reliability, the delivery and discount terms and conditions of the bid, and other information and data required to prove his responsibility. (Ord. 1147 § 1, 2002; Ord. 1100 § III, 1998; Ord. 946 § 1 (part), 1989.)

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Section 070 Motor Fuel Purchases

- The Planning and Public Works Agency Director is authorized to purchase motor fuel for the county in any amount but only after securing at least two cost quotes. (Ord. 1147 § 1, 2002; Ord. 1085 §1, 1997; Ord. 946 §1 (part), 1989.)

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Section 080 Preference to Local Vendors

- It shall be the policy of this county that in determining the best or lowest price, county officers shall give local vendors or contractors a five percent advantage over vendors or contractors whose place of business is located outside of this county. (Ord. 1100 § VI, 1998; Ord. 946 § 1 (part), 1989.)

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Section 090 Exemption

- Contracts to print legal briefs or legal notices, contracts for reporters' services or transcripts, contracts for election supplies, contracts for expert services to be rendered the offices of the district attorney, county counsel or sheriff, contracts for appraisers' services or contracts for other services which by law some officer or body is specifically charged with obtaining may be entered into by the officer without complying with the provisions of this chapter provided that unexpended funds necessary for payment of such contract are available in the agency budget. (Ord. 1100 § VII, 1998; Ord. 946 § 1 (part), 1989.)

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Section 100 Contractual Services

- A. Contracts for professional services shall be subject to the provisions of Section 4.04.040 and shall be awarded based upon merit and as further stated by resolution of the board or the County Administrative Manual.

B. Contracts for maintenance/personal service agreements shall be subject to the provisions of Section 4.04.100 (A). Renewals with no material change may be authorized by department head for a period of three years.

(Ord. 1147 § 1, 2002; Ord. 1116 § 1 (part); Ord. 1100 § VIII, 1998; Ord. 1006 § 1 (part), 1992); Ord. 959 § 1, 1990; Ord. 946 § 1 (part), 1989.)

- **Section 110 Emergency Purchases**
 - Emergency purchases may be made by an agency when the supplies or equipment so purchased are necessary for the preservation of life or property. Such emergency purchases shall be submitted to the board at its next meeting for ratification. (Ord. 946 § 1 (part), 1989.)

- **Section 120 Gratuities**
 - The acceptance of any gratuity in the form of cash, or any other thing of significant value by official or employee of the county from a vendor or contractor, or prospective vendor or contractor, shall be cause for disciplinary action. (Ord. 946 § 1 (part), 1989.)

- **Section 130 Unlawful Purchases**
 - Except as otherwise provided by law, no purchase of supplies, equipment or contractual services shall be made in excess of the amount of the appropriations allowed by the budget. (Ord. 946 § 1 (part), 1989.)

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