

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YOLO AMENDING AND REPLACING ARTICLE 10 OF CHAPTER 5 OF TITLE 2 OF THE YOLO COUNTY CODE IN ITS ENTIRETY REGARDING THE PURCHASING DEPARTMENT AND SYSTEM; AMENDING SECTION 2-7.102 OF THE YOLO COUNTY CODE REGARDING LEASE OF PROPERTY FOR COUNTY: PURCHASING AGENT; AND AMENDING AND REPLACING CHAPTER 9 OF TITLE 2 OF THE YOLO COUNTY CODE IN ITS ENTIRETY REGARDING INFORMAL BIDDING PROCEDURES FOR PUBLIC PROJECTS

The Board of Supervisors of the County of Yolo ordains as follows:

**SECTION 1. Purpose.** State law authorizes the Board of Supervisors to delegate certain purchasing authority to a Purchasing Agent. The Board has delegated such authority to the Purchasing Agent in the Yolo County Code and, more recently, in updates to the Policy on Procurement, which was last amended with approval by the Board on November 10, 2021. The purpose of this Ordinance is to update the Yolo County Code to track the authority delegations authorized in State law and in the Policy on Procurement. The Yolo County Code is being amended to clarify that the Purchasing Agent has the maximum dollar authority authorized under State law as that law may be amended from time to time so that the Board does not need to amend the Yolo County Code every time there is an increase in the authority State law allows the Board to delegate to the Purchasing Agent. Such simplification and updating of the Yolo County will promote greater efficiency in processing contracts. This Ordinance further updates the informal bidding procedures authorized by the California Cost Accounting Commission pursuant to Public Contract Code 22010, et seq.

**SECTION 2. Code Amendment Regarding Purchasing Department and System.** Article 10 of Chapter 5 of Title 2 of the Yolo County Code is repealed and replaced in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.

**SECTION 3. Code Amendment Regarding Lease of Property for County: Purchasing Agent.** Section 2-7.102 of the Yolo County Code is amended to read as set forth in Exhibit B, attached hereto and incorporated herein by this reference.

**SECTION 4. Code Amendment Regarding Informal Bidding Procedures for Public Projects.** Chapter 9 of Title 2 of the Yolo County Code is repealed and replaced in its entirety as set forth in Exhibit C, attached hereto and incorporated herein by this reference.

**SECTION 5. Severability.** If any provision of this Ordinance, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions of this Ordinance are severable.

**SECTION 6. Effective Date and Notice.** The Clerk of the Board shall cause a summary of this Ordinance to be published in a newspaper of general circulation published and circulated in the County of Yolo at least five (5) days prior to meeting at which this Ordinance is to be adopted and within fifteen (15) days of its adoption with the names of the members of the Board of Supervisors voting for and against the Ordinance. This Ordinance shall take effect 30 days after its adoption.

Introduced at a regular meeting of the Board of Supervisors held on July 26, 2022 and passed and adopted by the Board of Supervisors of the County of Yolo, State of California at its regular meeting on August 30, 2022 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTENTION:

\_\_\_\_\_  
Angel Barajas, Chair  
Yolo County Board of Supervisors

Approved as to form:  
Philip J. Pogledich, County Counsel

Attest: Julie Dachtler, Senior Deputy Clerk  
Yolo County Board of Supervisors

By: \_\_\_\_\_  
Kimberly Hood  
Asst. County Counsel

By: \_\_\_\_\_  
Deputy (Seal)

## EXHIBIT A

### **Sec. 2-5.1001. Purchasing Agent: Office established**

Pursuant to the provision of Sections 25500 et seq. of the Government Code of the State, the office of Purchasing Agent of the County is hereby established. The Purchasing Agent and the Purchasing Department shall serve under the supervision and direction of the Chief Financial Officer within the Department of Financial Services.

### **Sec. 2-5.1002. Purchasing Agent: General duties.**

The Purchasing Agent shall have the duties and powers prescribed by the laws of the State relating to County purchasing agents, the provisions of this article, and resolutions of the Board. The Purchasing Agent shall be the head of the Purchasing Department of the County and shall appoint such deputies, assistants, and other employees as from time to time shall be authorized. The Purchasing Agent shall furnish the Board with such reports and information as the Board from time to time may require and shall establish the methods and procedures necessary for the proper functioning of the Purchasing Department in an efficient and economical manner.

### **Sec. 2-5. 1003. Purchasing Agent: Specific duties.**

The Purchasing Agent shall:

- (a) Let personal service contracts identified by Government Code section 31000; provided, however, that the amount of any such contract shall not exceed the amount prescribed by Government Code section 25502.5 as it may be amended.
- (b) Purchase for the County and its offices all materials, supplies, furnishings, equipment, livestock, and other personal property of whatever kind and nature, and, except in cases of emergency, as provided in Section 2-5.1004 of this article, no purchase of personal property by any persons other than the Purchasing Agent shall be binding upon the County or constitute a lawful charge against any County fund;
- (c) Rent for County and its offices furnishings, equipment, and livestock, except, however, road equipment which the Director of Public Works is authorized by law to rent;
- (d) Negotiate and execute in the name of the County all equipment service contracts and lease purchase agreements of personal property;
- (e) By direct sale or otherwise, sell, lease, or dispose of any personal property belonging to the County which the Purchasing Agent finds not to be required for public use, or when purchasing personal property, to accept advantageous trade-in allowances for such property not further required for public use. The Purchasing Agent shall pay the proceeds into the County Treasury for the use of the County. Where the property is exchanged or traded, the Purchasing Agent shall secure its value on behalf of the County;
- (f) Engage independent contractors to perform services, including special services enumerated in Government Code section 31000, for the County or County officers, with or without the furnishing of materials, when the aggregate cost does not exceed the amount prescribed by Government Code section 25502.5 as it may be amended.
- (g) Employ state-licensed independent contractors and purchase materials, furnishings, and supplies used in the construction or repair of public works as provided for, but not exceeding the amount authorized, in Public Contract Code section 20122 as it may be amended without

the formality of obtaining bids, letting contracts, preparing specifications, and the other things required;

- (h) Lease real property as provided in Sections 2-7.101 et seq, of this Code;
- (i) When specifically authorized by law, purchase for the Superintendent of Schools or other public officers or agencies personal property;
- (j) When specifically authorized by law, sell or dispose of personal property of any special district and pay the proceeds thereof into the treasury of the district or, if an exchange or trade is made, return the proceeds to the special district as provided for in Government Code section 25505 as it may be amended; and
- (k) Perform such other services as the Board, from time to time by resolution, may require.

#### **Sec. 2-5.1004. Emergency purchases.**

- (a) Emergency Purchases may be made by any person or official authorized to sign requisitions when the Purchasing Agent or any of his assistants in the Purchasing Department authorized to make purchases are not immediately available and the item or items so purchased are immediately necessary for the continued operation of the office or department involved or are immediately necessary for the preservation of life or property. Such emergency purchases shall be subsequently approved and confirmed by the Purchasing Agent, or, if the Purchasing Agent refuses such confirmation, the Board may subsequently approve and confirm such purchases by a four-fifths (4/5) vote of the entire Board. Unless such purchases are so approved and confirmed by either the Purchasing Agent or the Board, the costs thereof shall not constitute a legal charge against the County.
- (b) When the Board of Supervisors proclaims a local emergency pursuant to Government Code section 8630, the Purchasing Agent may engage independent contractors to perform services related to the local emergency for the County and officers thereof as provided in Government Code section 25502.7.

#### **Sec. 2-5.1005. Stock Supplies Fund.**

There is hereby established from the unappropriated funds of that County a Stock Supplies Fund in such an amount as the Board may from time to time, by resolution, establish. Such fund shall be known as the Purchasing Department Stock Supplies Fund. The Purchasing Agent may purchase supplies, materials, and equipment in quantities to be issued to the several offices and departments of the County as needed and shall make payments therefor from the funds of the Stock Supplies Fund.

#### **Sec. 2-5.1006 Purchasing procedure.**

Except for purchases from the Stock Supplies Fund, all purchases, rentals, and contracts shall be made only upon proper written requisitions, the form of which shall be supplied by the Purchasing Agent to the several offices of the County. No purchase order shall be issued until the Chief Financial Officer shall have certified that sufficient money is available in the proper budgeted fund of the department to pay for the purchase. The head of any County office, department, or institution, or his duly designated assistant, is hereby authorized to draw requisitions for purchases for such office, department, or institution in accordance with current budget accounts. Such head may delegate such

authority to one or more of his deputies, assistants, or employees within the department by filing a written authorization therefor with the Purchasing Agent and the Chief Financial Officer.

### **Sec. 2-5.1007. Competitive Bidding.**

Except as otherwise provided by law, the Purchasing Agent may, without notice, advertisement, or the securing of competitive bids or quotations, make any purchase of personal property or do any other thing which the Purchasing Agent is authorized to do by the provisions of this article; provided, however, in the event the Purchasing Agent purchases any individual items (as distinct from the total contract) costing more than Five Thousand and no/100ths (\$5,000.00) Dollars without securing competitive bids or quotations thereon, the Purchasing Agent shall report such action to the Board with his reasons therefor; and provided, further, if the Purchasing Agent does call for competitive bids or quotations and accepts any bid or quotation other than the lowest upon any individual item costing more than Five Hundred and no/100ths (\$500.00) Dollars, the Purchasing Agent shall likewise report such fact to the Board.

### **Sec. 2-5.1008 Preference to County vendors.**

In any purchase authorized by the provisions of this article, the Purchasing Agent may allow a three (3%) percent preference to vendors located in the County.

### **Sec. 2-5.1009. Notices of sales: Posting.**

- (a) Notices of sales or other dispositions of surplus personal property shall be posted for not less than five (5) business days preceding the day of sale in the County Courthouse, in the office of the Purchasing Agent, in such other places within the County as the Purchasing Agent may deem advisable, and as required by law.
- (b) Notwithstanding the provisions of subsection (a) of this section and Section 2-5.1010 of this article, if the Purchasing Agent determines that surplus personal property is valuable only as scrap material, and thus potential buyers are limited, the Purchasing Agent may sell the material without posting any notice of sale and without advertising. Such determination shall be based upon the Purchasing Agent's estimate that such a sale without posting or advertising would be financially beneficial to the County, and, having so determined, the Purchasing Agent may consummate the sale to appropriate buyers.

### **Sec. 2-5.1010. Notices of sales: Advertising.**

In the disposition of any surplus personal property and upon the approval of the Board, the Purchasing Agent may purchase advertising space and may advertise the proposed sale or other disposition of the personal property in such newspapers, magazines, and other periodicals as, in his judgment, will best publicize the proposed sale or other disposition to those persons most likely to bid for or purchase the personal property. Within the limitations of the order of the Board approving the advertising, the Purchasing Agent shall decide upon the amount, nature, makeup, and contents of the advertising.

### **Sec. 2-5.1011 Surplus pool.**

Whenever any item of personal property is no longer needed by the office, department, or institution in possession thereof, such fact shall be reported to the Purchasing Agent who, with the approval of the Board, may transfer such item to a surplus pool to be maintained under the supervision of the Purchasing Agent, and whenever any office, department, or institution is in need of an article which has been placed in such surplus pool or has requisitioned the purchase of a similar article, the Purchasing Agent, upon a properly drawn request for a transfer or requisition approved by the Board, may transfer the article to such department.

### **Sec. 2-5.1012 Standards committees.**

The Purchasing Agent may organize standards committees as needed to establish standards with respect to the type, design, quality, or brand of a certain article or group of related articles or services purchased by the County. The membership of a standards committee shall be the Purchasing Agent, who shall be the chairperson, and the heads of each County office, department, or institution which is a primary user of the item or group of items for which the committee is appointed. Any member of the committee may act through a representative appointed by him.

**EXHIBIT B**

**Sec. 2-7.102. Lease of Property for County: Purchasing Agent.**

The Purchasing Agent is authorized to lease real property for use by the County, obtain the use of real property for the county by license, or amend such leases or licenses pursuant to Government Code section 25350.51 as it may be amended.

~~—(a)—The Purchasing Agent is authorized to lease real property for use by the County for a term not to exceed three (3) years and for a rental not to exceed seven thousand five hundred dollars (\$7,500) per month; provided, however, that the Purchasing Agent shall post a notice of intention to consummate the lease in a public place for five (5) working days prior to consummation of the lease.~~

~~—(b)—The Purchasing Agent is authorized to amend real property leases for improvements or alterations, or both, with a total cost not to exceed seven thousand five hundred dollars (\$7,500), provided that the amendment does not extend the term of the lease and that no more than two amendments, not to exceed seven thousand five hundred dollars (\$7,500) each, are made within a 12-month period.~~

(§ 2, Ord. 515; repealed by § 2, Ord. 1046, eff. December 12, 1986, as amended by § 3, Ord. 1326, eff. October 14, 2004, as amended by § 3, Ord. \_\_\_\_\_, eff. \_\_\_\_\_, 2022 )

## EXHIBIT C

### **Sec. 2-9.01. Informal Bidding Procedures: Purpose, Authority.**

Public projects, as defined by the California Uniform Public Construction Cost Accounting Act and in accordance with the limits listed in section 22032 of the Public Contract Code as it may be amended, may be let to contract by informal procedures set forth in Section 22032, et seq. of the Public Contract Code.

### **Sec. 2-9.02. Informal Bidding Procedures: Contractor List.**

The County shall comply with the requirements of Public Contract Code Section 22034, as it may be amended, in maintaining a list of qualified contractors.

### **Sec. 2-9.03. Informal Bidding Procedures: Notice Inviting Informal Bids.**

Where a public project is to be performed which is subject to the provisions of Section 2-9.01, a notice inviting informal bids shall be circulated using one or both of the following alternatives:

- (a) Notices inviting informal bids may be mailed, faxed, or emailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with section 2-9.02,
- (b) Notices inviting informal bids may be mailed to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the department soliciting bids, provided however:
  - (1) If the product or service is property in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

### **Sec. 2-9.04. Informal Bidding Procedures: Contract Award; Changes.**

The Purchasing Agent is authorized to award informal contracts pursuant to this Chapter and the California Uniform Public Construction Cost Accounting Act.

### **Sec. 2-9.05. Informal Bidding Procedures: Compliance with Laws.**

In seeking, awarding and administering contracts pursuant to this Chapter, the awarding authority shall comply with all other applicable requirements of law and County general conditions and procedures, including but not limited to those pertaining to bonds, prevailing wages, subcontractors, notices to proceed and notice of completion, and insurance.