

**F-1 PURCHASING AND  
CONTRACTING POLICY**



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By: General Services  
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[Attachment B – Sole Source Justification Form](#)

[Attachment C – Contract Boiler Plates](#)

[Attachment D – Bid Evaluation Form](#)

[Attachment E – Departmental Requisition Form](#)

[Attachment F – Declaration of Local Business Form](#)

[Attachment G – Request for Quotation \(RFQ\) Form](#)

[Attachment H – Rules of Conduct \(for Evaluation Team Committee Members\)](#)

[Attachment I – Declaration of No Conflict of Interest \(for Evaluation Team Committee Members\)](#)

[Attachment J – Signing Authority Form](#)

[Attachment K – Solano County Retention Schedule](#)



## INTRODUCTION – HOW TO USE THIS POLICY

This section is an introduction to the Purchasing and Contracting Policy Table of Contents, Hyperlinks, Frequently Asked Questions (FAQ), and Index.

This Purchasing and Contracting Policy was developed in collaboration by the County Administrator's Office, County Counsel, and the General Services Department's Central Services Division/Purchasing unit, herein after referred to as Purchasing. The Board of Supervisors last approved a major overhaul of the Manual on July 27, 2004 and minor edits since then. The purpose of this policy is to guide purchasing activities in Solano County. This policy outlines all phases of the purchasing process, from the preparation of requisitions to the acceptance of goods and services. It clarifies the responsibilities of Purchasing and of individual departments, and explains the legal requirements affecting purchasing services for all County departments. It is intended to serve as a training and reference tool for County departments. For the purpose of procurement, this policy was not written to supersede any adopted policy currently in effect, but to provide guidance and alleviate the questionable areas of purchasing responsibility. Additionally, the local policies and procedures for implementation of the California Environmental Quality Act (CEQA) are subject to additional regulations and not otherwise superseded by this policy.

### Using the Table of Contents

Use the Table of Contents, provided at the beginning of this policy, to determine which section contains the information you are looking for. This Table of Contents is an interactive source to the subject matter located in the policy and may be reached by selecting the hyperlink.

### Consulting the FAQs – Frequently Asked Questions

Save time by looking to [Section 1.14.0](#), *FAQS – Frequently Asked Questions*, for answers to frequently asked questions.

### Consulting Quick Guide to Procurement

See [Section 1.15.0](#), *Quick Guide to Procurement* for authority thresholds

### Using the Attachments

The Attachments provide examples of the forms referenced in this policy.

### When All Else Fails

When you cannot find the answers to your questions within this policy, please check with Purchasing by sending an email to [Purchasing@solanocounty.com](mailto:Purchasing@solanocounty.com); we will be happy to help anyway we can. Specific questions regarding contracts should be referred to County Counsel or the department's CAO analyst.

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### **1.1.0 IN A NUTSHELL – AN OVERVIEW OF THE PURCHASING PROCESS**

This section contains an overview of the purchasing process from requisition to receipt of goods or services; the authority of the Purchasing Agent; the County's purchasing policies and ethical standards; and the County's bidding requirements.

#### **1.1.1 The County Purchasing Agent**

The County Purchasing Agent is the County Administrator who has delegated a portion of the duties to the General Services Department. The Central Services Division has the authority to approve and sign all purchase orders for goods and certain service/maintenance agreements up to \$7,500. The County Administrator will sign and execute all contracts up to \$75,000. Contracts more than \$75,000 must be approved by the Board of Supervisors.

#### **1.1.2 What You Should Know About the County's Purchasing Process**

##### **A. Adoption of a Centralized System**

The County of Solano has adopted a centralized purchasing system under the authority of the Purchasing Agent, for purchases more than \$7,500. Through staff in Purchasing, the Purchasing Agent is responsible for procuring all goods and services used by the County, unless the procurements are otherwise exempt by ordinance or policy adopted by the Board of Supervisors. The CAO approves all professional/consultant services contracts costing more than \$7,500, but less than \$75,000. See [Section 1.7.1](#), *General Policy*.

When it is in the best interest of the County, the Purchasing Agent may choose to delegate purchasing authority to other departments. In order to assist County departments in providing timely, cost-effective, and efficient services, the Purchasing Agent has delegated certain authority to County departments to solicit quotes and make purchases within specified parameters. See [Section 1.4.0](#), *How Departments Can Make Small Purchases up to \$7,500*.

##### **B. Competitive Purchasing**

The County is committed to a program of purchasing competitively and wisely. It is the objective of Purchasing to require that competition be obtained from responsible vendors, and the materials bought through competition are properly suited to the job intended, both as to price and quality.

##### **C. Environmentally Preferable Purchases & Practices**

###### **1. Purpose**

The purpose of this policy is for the County of Solano to purchase services, supplies, or equipment in the most sustainable manner while ensuring statutory compliance under the California Integrated Waste Management Act of 1989

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(Assembly Bill (AB) 939) and the Global Warming Solutions Act of 2006 (AB 32). The County of Solano shall purchase services, supplies, or equipment to achieve both the mandates and the principles of both Acts, respectively, as stated below:

2. AB 939 requires local governments to annually divert 50% of their solid waste generated from land disposal. The County of Solano complies with this regulation by reducing its annual solid waste generation by half of its reported 1998 landfill disposal tonnage. The County identifies its strategies and programs in its Countywide Integrated Waste Management Plan that is guided by principles emphasizing conservation of natural resources through implementation of the solid waste management hierarchy of source reduction, recycling and composting, and environmentally safe land disposal.
3. AB 32 requires California to reduce its Greenhouse Gas (GHG) emissions to 1990 levels by 2020. The 2008 Solano County General Plan required the development and adoption of a local Climate Action Plan (CAP) that incorporates reduction measures necessary to reduce emissions beyond the state-mandated GHG emission reduction by 15% to 20%. The County's CAP (adopted on June 7, 2011) recommends a move toward zero waste by addressing product life-cycles through Extended Producer Responsibility (EPR) and Environmentally Preferable Purchases and Practices (EP<sup>3</sup>).

#### 4. Goals

The goals of this policy are:

Purchase services, supplies, or equipment that minimize environmental impacts, toxins, pollution, and hazards to worker and community safety to the greatest extent practicable;

- a. Institute practices that reduce waste and minimize environmental impacts whenever practicable and cost-effective by increasing product efficiency and effectiveness, but without reducing safety or workplace quality while promoting the fair treatment of all races, cultures and incomes with respect to this policy; and
- b. Purchase products that include recycled content, are durable and long-lasting, conserve energy and water, use agricultural fibers and residues, reduce greenhouse gas emissions, use unbleached or chlorine free manufacturing processes, are lead-free and mercury-free, and use wood from sustainably harvested forests.

#### 5. Policy

- a. All County departments and employees shall follow the specifications in [Section 1.2.1, Your Department's Responsibilities](#), and in accordance with the following conditions.

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b. The purchase must be:

- (1) Cost-effective;
- (2) Available at a reasonable price compared to a virgin-based equivalent;
- (3) Perform as required for the County's intended use;
- (4) Available with reasonable competition;
- (5) Nothing contained in this policy shall be construed as requiring a buyer or contractor to take any action that conflicts with local, state or federal requirements; or
- (6) Nothing in this policy shall be construed as requiring any department or employee to terminate an existing contract to comply with this policy.

**6. Specifications**

a. The following specifications shall only be followed to the extent practicable and feasible.

**(1) Source Reduction**

The County of Solano shall institute practices that reduce waste and result in the purchase of fewer products whenever practicable and cost-effective, but without reducing safety, quality or effectiveness of goods, or workplace quality. Products that are durable, compostable, long lasting, reusable or refillable are preferred whenever feasible.

- (2) All buyers shall evaluate short-term and long-term costs when feasible in comparing product alternatives. This includes consideration of total costs expected during the time a product is owned, including, but not limited to, acquisition, extended warranties, operation, supplies, maintenance, disposal costs and expected lifetime compared to other alternatives. Examples of products for which such cost comparisons can indicate significant differences between short- and long-term costs include, but are not limited to, janitorial towels and tissues, parking stops, park benches and tables, office equipment, software and vehicles.

**7. Recycled Content**

a. The State has imposed requirements on the procurement of recycled products by local agencies. California Public Contract Code (PCC), Sections 22150-22154 outline these requirements. The County of Solano will give preference to buying the recycled content products as outlined in the PCC whenever

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recycled products are available at the same or lesser cost and fitness and quality are equal. Also, in accordance with the PCC, the County of Solano will require the vendor to certify the recycled content of the products being provided.

- b. All buyers shall purchase goods and services that contain the highest postconsumer content practicable, but no less than the minimum recycled content standards established by the U.S. Environmental Protection Agency (EPA). The EPA has established guidelines for various materials, such as those for construction, landscaping, parks and recreation, transportation, vehicles, miscellaneous, and non-paper office products. The programs are known as the Comprehensive Procurement Guidelines (CPG) and Recovered Materials Advisory Notice (RMAN). These programs are updated periodically to identify categories of material for which there are recycled content alternatives and the recommended recycled contents.

**8. Energy and Water Savings**

- a. The County of Solano shall purchase energy-efficient equipment consistent with Chapter 22-17 of the Solano County Code. These include, but not limited to, the U.S. EPA Energy Star certifications and water-saving products. When necessary, suppliers or manufacturers shall train equipment operators and maintenance personnel in the proper enabling and use of energy efficient and sleep mode functions on their equipment.

**9. Toxicity and Pollution**

- a. To the extent feasible and practicable, the County of Solano shall purchase products and equipment that is non-hazardous, do not emit harmful air emissions or volatile organic compounds, and/or are readily bio-degradable and non-persistent in the environment after use; and low-emission vehicle and fleet purchases shall be consistent with the County's approved Low- Emission Vehicle & Fleet Policy adopted by the Board of Supervisors on August 2, 2005.

**10. Green Building**

- a. The County of Solano shall be consistent with Chapter 6.3 of the Solano County Code, as amended by Ordinance, and subject to the 2013 California Building Codes; and follow Green Building practices for design, construction and operation, as specified in the appropriate U.S. Green Building Council Leadership in Energy and Environmental Design™ (LEED) criteria for all new construction and renovations to the extent feasible.

**11. Landscaping**

- a. The County of Solano shall employ sustainable landscape management practices whenever possible, including the use of Integrated Pest



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Management (IPM), grass cycling, pruning, use of slow release fertilizer as needed, hardscapes and landscape structures constructed of recycled content materials are encouraged, concrete substitutes are encouraged for walkways, climate-based irrigation, compost plant debris, and use of native and drought-tolerant plants.

**12. Forest Conservation**

- a. To the greatest extent practicable, the County of Solano shall not procure wood products such as lumber and paper that originate from forests harvested in an environmentally unsustainable manner. Products that are sustainably harvested are typically certified to be sustainably harvested by a comprehensive, performance-based certification system, such as the Forest Stewardship Council.

**13. Continual Improvement**

- a. The County of Solano shall provide training to new and existing employees of how to implement this policy in their purchasing decisions on behalf of the County; and the Purchasing Agent will regularly evaluate and/or improve implementation of this policy, to the extent necessary.

**14. Severability**

- a. Should any portion of this policy be rendered invalid by a court of competent jurisdiction, such invalidation of that portion of the policy shall not invalidate the remaining provisions thereof, and such remaining provisions shall remain in full force and effect.

**D. Ethical Standards for Purchasing Activities**

**1. Policy Statement**

- a. It is the policy of Solano County to promote government integrity and guard against even the slightest appearance of impropriety by prescribing the following essential standards of ethical conduct:
  - (1) County employees shall discharge their duties impartially to assure fair, competitive access to governmental procurement by responsible contractors, and to foster public confidence in the integrity of the County procurement system.
  - (2) County employees shall not solicit, demand, accept, or agree to accept a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement, specification, standard, or contract.



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***County employees shall not participate directly or indirectly in procurement when they know that:***

- The employee or any member of the employee's immediate family has a personal financial interest pertaining to the procurement;***
- A business or organization in which the employee, or any member of the employee's immediate family, has a personal financial interest pertaining to the procurement; or***
- Any other person, business, or organization with which the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment, is involved in the procurement.***

2. Discovery of an actual or potential conflict of interest

- a. Upon discovery of an actual or potential conflict of interest, an employee shall promptly withdraw from further participation in the transaction involved and notify his/her immediate supervisor of the conflict. County Counsel should be consulted for an opinion whenever a question of an appearance of conflict exists.

E. Significant Points About the Purchasing Process

1. All purchases require proper authorization. The Board of Supervisors, the County Administrator, and the Purchasing Agent are authorized to commit the County to purchases for goods and services of a value more than \$7,500. The Board has authorized County departments to purchase goods and services up to \$7,500 with approval by department heads. It is the responsibility of the department heads to ensure that vendors and departmental staff are made aware of their limited purchasing authority.
2. Purchases cannot be split to avoid competitive bidding requirements. County departments may not artificially divide purchase requisitions to circumvent the competitive bidding requirement.
3. Specifications cannot be drafted specifically to limit bidding. No department or employee shall draft, or cause to be drafted, any specifications in such a manner as to limit the bidding directly or indirectly to any one specific concern, or any specific brand, product, thing, or service. Exceptions include items that are approved as exempt from the competitive bidding requirements or are approved as sole source purchases as provided in Chapter 22-26 of the Solano County Code. See [Section 1.1.11](#), *Exceptions to the Competitive Bid Process*, for details.

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### **F. Violation of Purchasing Policy & Procedures**

1. If a County department purchases goods or services contrary to the provisions of these purchasing policies and procedures, or without the appropriate authority, the purchase or contract will be deemed void having no effect and does not obligate the County in any way.
2. A department making unauthorized purchases may be required to appear before the Board of Supervisors to obtain approval of such expenditure. An unauthorized purchase may include any of the following:
  - a. Any purchase more than \$7,500 not authorized by the Purchasing Agent or CAO, and not otherwise justified;
  - b. An obvious circumvention of delegated purchasing authority or the purchase of items specifically identified as exempt from delegated purchasing (i.e., computer equipment, maintenance agreements, etc.);
  - c. Any purchase made for personal use;
  - d. An emergency purchase order determined not to be justified; and
  - e. Willful failure of a County employee to comply with the County's purchasing policy and procedures. This non-compliance could result in disciplinary action, including termination, pursuant to the applicable policies and procedures. In addition to disciplinary action, criminal prosecution could also be warranted.

#### **1.1.3 What You Should Know About Your Department's Responsibilities**

County departments have important responsibilities in the procurement of goods and services. This section of the policy outlines some of those responsibilities, policies, and procedures to assist departments in their interaction with Purchasing.

##### **A. Quality Control**

Placing an order (through Purchasing) is only one part of the buying process. The ordering department has other important functions to perform in this process such as:

##### **1. Receiving and Inspection**

Unless special receiving assistance is required by the County as described in [Section 1.1.3.E](#), *Special Receiving Assistance* each department shall provide for the receiving and inspection and acceptance or rejection of deliveries of merchandise requested and services received. Departments are responsible for ensuring that commodities delivered, and services performed conform to the contract specifications.

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2. Departments are responsible for keeping complete records showing the date of delivery, quantity delivered, or services performed, and any discrepancies. Payments shall not be processed for goods or services received for which there is a discrepancy, until the discrepancy is resolved. If the discrepancy cannot be resolved, the department should contact Purchasing for assistance. Purchasing staff will contact the vendor, take appropriate action, and maintain a record of the default.

### **3. Checks & Balances**

It is recommended that department heads assign the responsibilities to specific individuals, preferably persons other than those who approve requisitions, in order to maintain checks and balances in the purchasing process.

### **4. Quality & Performance Testing**

Quality and performance testing of commodities and equipment is the responsibility of the receiving department except as otherwise directed by this policy or unless prior arrangements are made with Purchasing.

### **5. Contract Compliance**

Departments are responsible for ensuring that products or services they contract for are performed as specified. All discrepancies should immediately be reported to Purchasing for guidance on problem resolution. Purchasing staff will advise the department on how to resolve the problem or contact the vendor or contractor so that appropriate action may be taken, and records maintained regarding the default. Departments are responsible for keeping complete records showing the services performed and any discrepancies. Payments shall not be processed for goods or services for which there is a discrepancy without prior approval from Purchasing.

### **6. Payment Processing**

Department Heads shall ensure that the Auditor's Office is promptly forwarded a payment authorization for accepted goods or services in order to take advantage of any discounts to which the County is entitled.

### **7. Assistance from Purchasing**

Purchasing will be happy to help departments resolve quality issues with goods received. Purchasing should be contacted in the event that:

- a. A department has questions as to whether an item delivered meets contract specifications. (Purchasing may arrange an inspection.)

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- b. Equipment or supplies received and placed in service does not appear to be performing as expected or as represented by the seller.
- c. The department is receiving poor service or experiencing other problems after items are received. Copies of all correspondence concerning purchase orders and other contracts under the jurisdiction of Purchasing shall be forwarded to Purchasing.

### **B. Expediting Materials**

In the case that a vendor is delinquent in meeting specified delivery dates and the receiving department is unable to make contact with that vendor then the buyer responsible for the purchase order should be contacted. The buyer will contact the vendor on the department's behalf and will monitor the vendor's progress until the order is complete. The buyer will keep the department advised of the status of the transactions.

### **C. Manufacturer's Warranties**

Many items and equipment purchased by departments carry a manufacturer's warranty of acceptable materials and workmanship. To ensure that the manufacturer repairs defects covered by the warranty, all departments shall register and maintain proper records of such warranties.

### **D. Energy Conservation Considerations**

Whenever practical and feasible, before purchasing new equipment the Purchasing or any other County officer or employee authorized to purchase such equipment, must evaluate and consider the energy consumption level and the anticipated operating costs over the useful life of the new equipment in addition to the initial cost of such equipment.

### **E. Special Receiving Assistance**

- 1. Because of their technical nature, receipt of the following items should be made by, or shall be coordinated with, the indicated organizations:
  - a. Fleet Operations – Receipt of vehicles
  - b. Communications Division – Receipt of telecommunications equipment
  - c. Management Information Services Division – Receipt of computer hardware and software

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### F. Fuel Purchases

1. Fuel purchases are to be made from the County service stations unless County departments are operating a County vehicle in an area not served by a County station. Departments requiring fuel credit cards should contact Central Services. Employees using credit cards for fuel shall ensure that:
  - a. Sales receipts are collected;
  - b. The amount of the sale is totaled at the bottom of the sales receipt; and
  - c. The vehicle license number is clearly noted on the receipt.

#### 1.1.4 Purchasing Goals & Objectives

Purchasing is a unit of the Central Services Division, which is part of the General Services Department. It is responsible for overseeing the purchase of all supplies, equipment, and certain service/maintenance agreements required by the County.

##### Purchasing's Goal

The goal of Purchasing is to reduce the total costs associated with the acquisition and management of materials, supplies, equipment, and certain services by:

- ☞ Purchasing competitively and wisely;
- ☞ Hiring full-time employees specifically skilled in purchasing;
- ☞ Using best practices in the daily procurement process.

County departments, vendors, and the public rely on the County's professional purchasing staff for information and assurance that the County's purchases are being made fairly, economically, and in the best interest of the County.

### A. Purchasing's Objectives

1. To provide increased economy in County procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds;
2. To provide safeguards to insure the maintenance of a procurement system of quality and integrity;
3. To insure the fair and equitable treatment of all persons and businesses who are involved with the procurement system of the County;
4. To buy the right material of the desired quality and quantity at the right time from the proper source;

*Purchasing will help departments locate sources of supply and examine alternative products before submitting their purchase requisitions.*

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5. To reduce the overhead cost of buying, reduce the volume of paperwork, and streamline the flow of documentation;
6. To seek values that offer the best combination of price, quality, and services;
7. To seek purchasing savings by consolidating departmental requirements and making volume purchases;
8. To promote a system of standardization throughout the County so high-quality materials at minimum cost may be secured for all departments;
9. To decentralize the sources of supply for departments by providing for direct delivery whenever practical;
10. To provide upon request purchasing services for non-County public agencies; and
11. To buy recycled products when quality and price are equal.

### **1.1.5 How Purchasing Assists County Departments**

- A. Purchasing assists County departments in all phases of material utilization, including acquisition, distribution, re-utilization, and disposal. Purchasing will help departments in setting appropriate inventory levels for the storage of all materials and equipment to minimize costs associated with ordering, storing, and distributing goods.
- B. With pre-requisition information - Purchasing will help departments locate sources of supply and examine alternative products before submitting their purchase requisitions. Purchasing will also assist departments with specification preparation.
- C. In determining acquisition method and financing - Purchasing will help departments determine the appropriate method of acquisition of equipment, which may include financing. Purchasing will coordinate with the Debt Advisory Committee, which is comprised of the CAO, Treasurer-Tax Collector-County Clerk, and the Auditor/Controller for all proposed financing of \$50,000 or more by any department.
- D. With order follow-up & other tasks - Purchasing will assist departments with order follow-up, expediting, inspection, receiving of goods, and quality control.
- E. With contract enforcement - Purchasing will assist departments with the enforcement of the terms and conditions of purchase orders and contracts.

### **1.1.6 How the Purchasing Process Works**

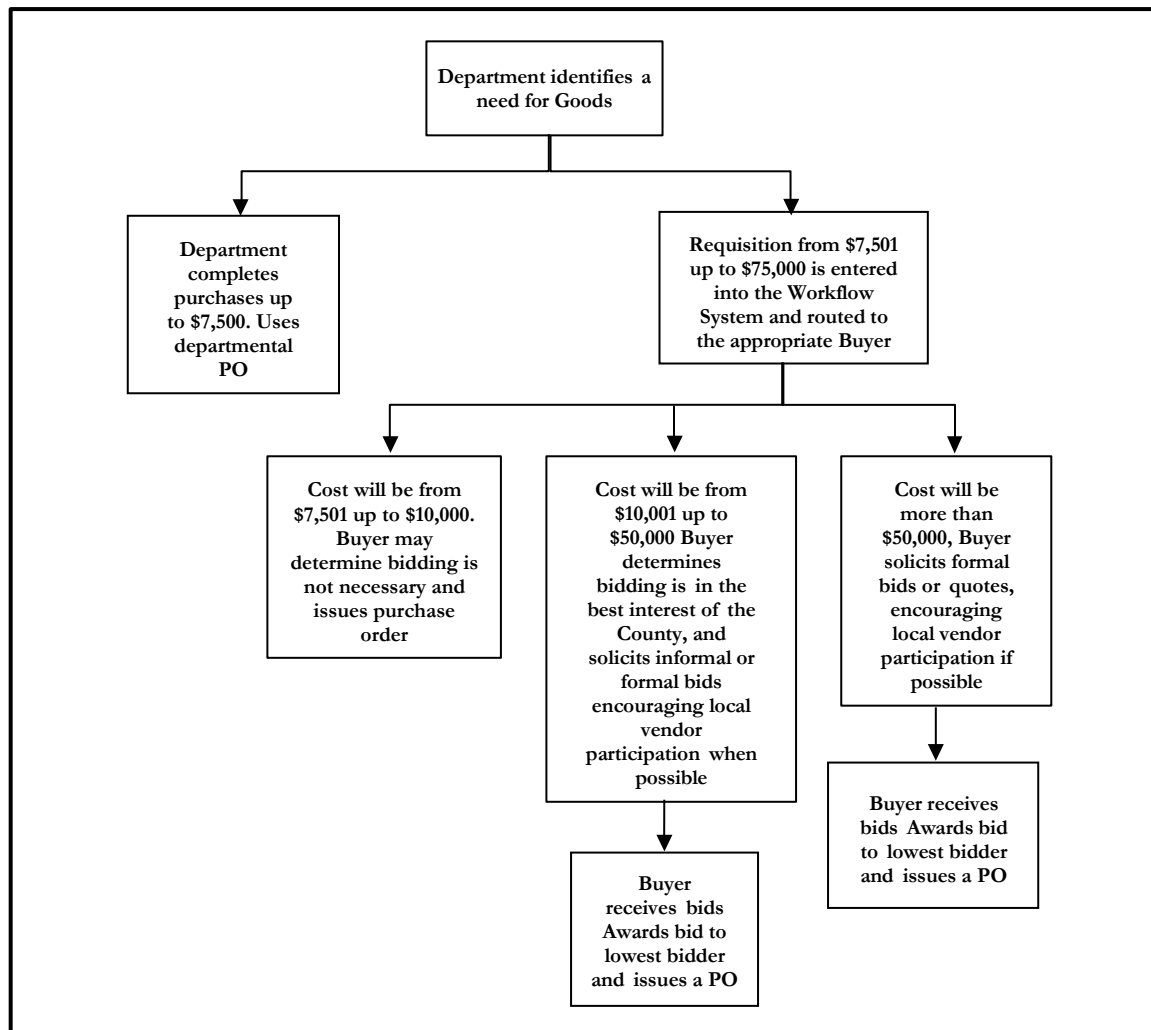
County departments determine their need for goods and submit purchase requisitions to Purchasing for requirements more than \$7,500. The purchase requisition authorizes Purchasing to make purchases on behalf of the County departments. The Buyers in Purchasing determine the appropriate method of procurement by examining the goods

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and/or services requested (e.g., materials, equipment, or services/maintenance agreements) and the amount to be spent. They determine the most appropriate methods for obtaining the goods or services based on state and local laws and policies. The following flow chart identifies the basic steps that Purchasing will take during the purchasing process:



### 1.1.7 Purchasing Instruments Used by the County

Upon receipt of purchase requisitions submitted by County departments, various purchasing instruments are issued by Purchasing to obtain the goods and services needed.

#### A. Purchase Order

A purchase order is a contractual form used to document the sale between the buyer/County and the seller/vendor. The Purchase Order is primarily used for goods



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and/or commodities, not services. The County's purchase order incorporates standard terms and conditions printed on the vendor's copy.

### B. Blanket Purchase Order (Purchase Agreements)

1. A blanket purchase order is an open order for materials or services/maintenance agreements required on an as-needed basis. It is established upon receipt of a departmental (purchase) requisition from a County department. The requesting department specifies the goods or services it requires, and then Purchasing establishes an agreement with the vendor and issues a blanket purchase order.
2. Blanket Purchase Orders (Purchase Agreements) are authorized by the Purchasing Agent and issued:
  - a. For operational services/supplies based on geographic location(s) to the County's site of operations, such as towing services; and/or
  - b. Service/maintenance needs that are on an as needed basis, such as elevator repair.
  - c. Where quantitative information is unavailable due to unforeseeable usage resulting in an ambiguous bid call, blanket purchase orders may be negotiated with one or more vendors. [See Section 1.8.14.L, How Purchase Agreements \(Blanket Purchase Orders\) Are Evaluated](#), for more information.
  - d. Blanket purchase orders are normally not encumbered.

### C. Confirming Purchase Order

1. A confirming purchase order is a written purchase order issued after a verbal purchase order number has been given to a vendor to place an order. Purchasing may give confirming purchase order numbers to County departments upon receipt of the requisition request when the departments require expedited purchases that cannot be accomplished with average processing. For these types of occasional purchases, County departments may contact a Buyer and request authorization to make direct purchases. Authorization may be granted when the need is urgent and there is no time to submit a requisition to Purchasing. If a Buyer approves a department's request for a confirming purchase order, the department representative shall take the following actions:
  - a. The department representative will obtain a purchase order number from the Buyer;
  - b. The department representative gives the purchase order number to the vendor when he or she places the order *and* tells the vendor to reference the number on the invoice;

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- c. The vendor or contractor provides the goods or services and submits an invoice to the department referencing the purchase order number;
- d. The department representative must submit the requisition immediately to Purchasing after placing the order and include the following information:
  - (1) The vendor's name, address, and telephone number
  - (2) The agreed price for the goods or services
  - (3) The agreed delivery date
  - (4) A complete description of the goods or services
  - (5) The name of the Buyer who provided the purchase order number and date of authorization

### **D. Purchasing Credit Card**

- 1. In order to facilitate the County's purchasing process for purchases up to \$7,500, the Board of Supervisors approved the participation of the County in the State of California Cal-Card program in 1999. The purchasing cards are only issued to employees designated as cardholders. Refer to the County of Solano's Purchasing Card Program Manual for information on how the program functions, and instructions on how to participate in the program or contact Central Services. The Cal-Card single purchase limit is not to exceed \$7,500. The 30-day limit is not to exceed \$7,500. However, if history warrants an increase to the 30-day limit, the 30-day limit may be raised to \$10,000 upon Department Head authority.

### **E. Contracts**

- 1. A contract is an agreement to do or not to do a certain thing and it gives rise to an obligation or legal duty enforceable in an action at law. The County uses contracts instead of purchase orders to set forth terms, conditions, and the statement of all work to be performed. Contracts also allow for more detailed information placed in writing. For guidance on preparing a contract see [Section 1.7.1, General Policy](#).

#### **1.1.8 Bidding Methods Used by the County**

Purchasing uses three basic methods of soliciting bids from suppliers and contractors; they are:

##### **A. Written quotes**

Written quotations shall be on the Purchasing's standard *Request for Quotation (RFQ)*

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Form, [Attachment G](#), and shall include the name and signature of the vendor representative and the date of the quote. Written quotes may be obtained by the following:

1. E-Mail
2. Facsimile
3. Regular United States Postal Service (USPS) mail

**B. Formal sealed bids**

1. Formal sealed bids are required for all materials and equipment more than \$50,000. They require the issuance of an Invitation for Bids (IFB) with a purchase description including acceptance criteria and all contractual terms and conditions applicable to the procurement. A public opening of bids will occur at a pre-designated time and place with the unconditional acceptance of a bid without alteration or correction. Award will be given to the responsive and responsible bidder (giving preference to Local Vendors, when applicable) who has submitted the lowest bid that meets the requirements and criteria set forth in the Invitations for Bids.

**C. Formal sealed proposals**

1. A sealed proposal solicitation is a method of procurement that involves, but is not limited to:
  - a. Solicitation of proposals through a request for proposal (RFP);
  - b. A private opening of proposals, which will avoid disclosure of offerors or contents to competing offerors before and during the process of negotiation;
  - c. Submission of cost or pricing data from the offeror where required;
  - d. Discussions with responsible offerors whose proposals have been determined to be reasonably susceptible of being selected for award, unless such discussions are not required by the request for proposals or this policy; and
  - e. An award made to the responsible offeror whose proposal is determined in writing to be the most advantageous, considering evaluation factors set forth in the Request for Proposals.

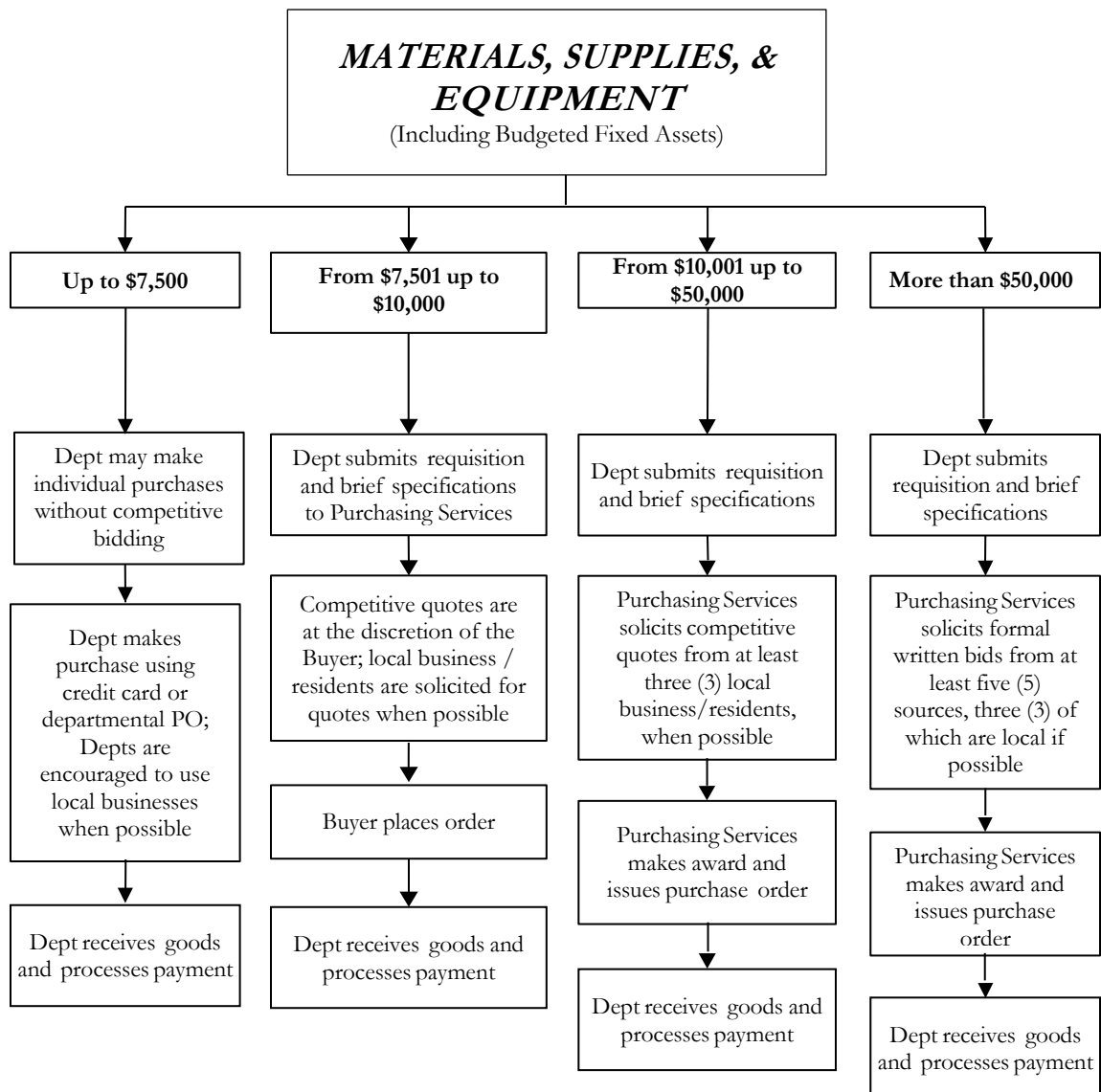
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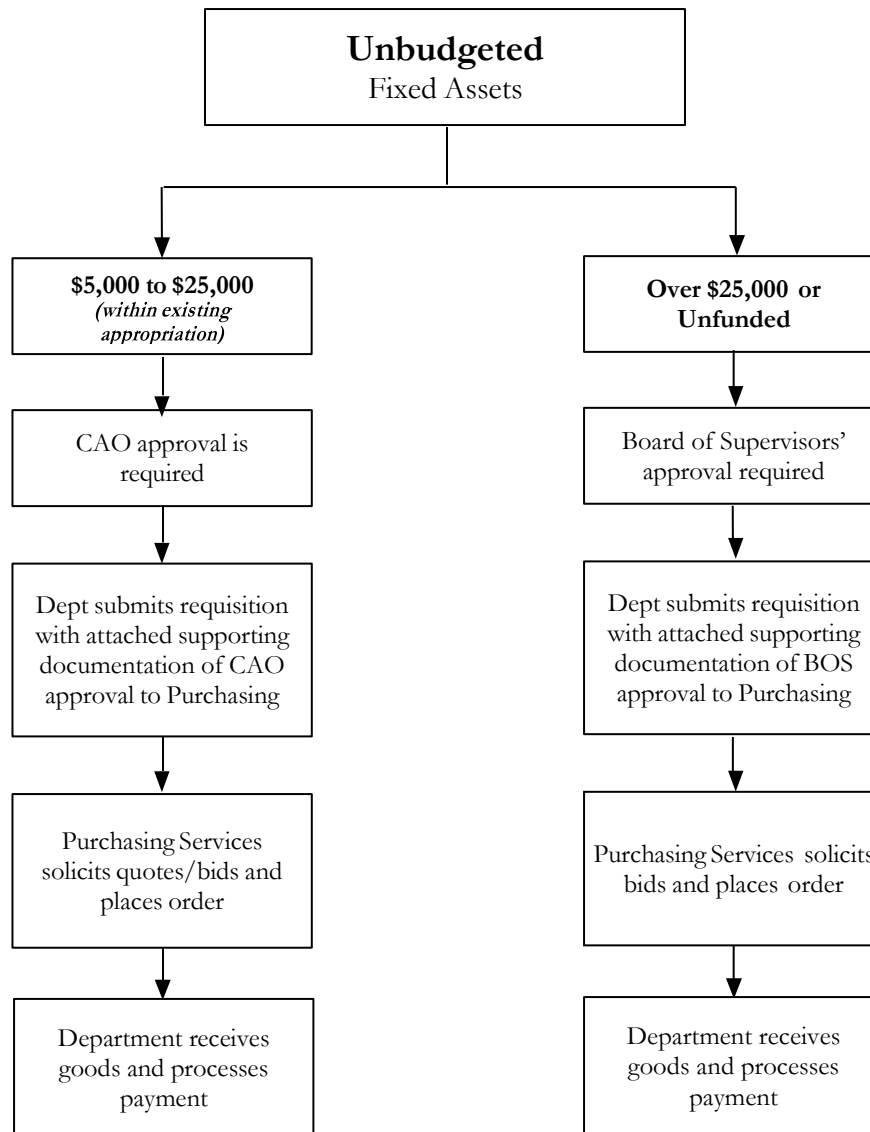
**1.1.9 How the Competitive Bid Process Works**

**A. Overview of procedures for purchase of Materials, Supplies, Equipment, and Fixed Assets**





**B. Overview of procedures for purchase of *Unbudgeted Fixed Assets***



**1.1.10 The County's Right to Reject Bids**

The Purchasing Agent may reject all bids received if it is determined that the price, terms, or surrounding circumstances are such that an award would not be in the best interest of the County.

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**1.1.11 Exceptions to the Competitive Bid Process**

- A. The Purchasing Agent or Department Head should negotiate the best price with the chosen vendor/contractor. Competitive bidding is not required by the Solano County Code for the following purchases:
1. When the aggregate or cumulative price to be paid under the purchase contract is up to \$7,500, except when otherwise required by State law.
  2. When a patented or proprietary item is being purchased.
  3. In the event of an emergency; where purchases are necessary due to unforeseen circumstances that require an immediate purchase in order to avoid a substantial hazard to life, property, or cause a serious interruption to the operation of a County department. This includes the necessary repair of County equipment or heavy equipment required for the operation of a County department.
  4. When the following types of personal property or service are being acquired, obtained, rented, or leased:
    - a. Advertising
    - b. Books, publications, subscriptions, recordings, motion picture films, and annual book and periodical contracts
    - c. Insurance
    - d. Public utility services
    - e. Travel services
    - f. Property or services provided by or through other governmental agencies
    - g. Expert and professional services. Wherever State law expressly authorizes the execution of expert and professional services contracts
      - (1) Definition of expert and professional services are defined by State law as those that involve extended analysis, the exercise of discretion and independent judgment in their performance, and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by prolonged course of study or equivalent experience such as accountants, physicians, social service consultants, labor consultants, investigators, attorneys, architects, surveyors, and engineers.

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h. Election supplies

- (1) Documentation of price comparison is required. Although elections materials are exempt from competitive bidding, the Elections Department must keep records that show price comparisons and may, at the option of the Registrar of Voters and without placing the security or conduct of an election at risk; attempt to secure the best prices for like elections- related materials, commodities, and services of election items. The Registrar of Voters is encouraged to use the services of Purchasing for items that are non-election sensitive, when possible.
- (2) No intent to preempt exemption. No provision of the Purchasing Policy shall be interpreted to mean that the purchase of election materials, commodities, and services must be processed through Purchasing or be subject to the normal competitive bidding process.

i. Legal brief printing, stenographic services, and transcripts

j. Personal property or services obtainable from:

- (1) Any other governmental agency and owned or provided by such other governmental agency, or
- (2) Any other governmental agency which has a contract with a vendor that allows such other governmental agency to acquire such property or services and re-sell them to other governmental agencies (i.e.: cooperative purchasing agreement, multiple award schedules, etc.), or
- (3) Any private vendor which has a contract with another public agency and such private vendor produces satisfactory documentation that:
  - i. Such other contract is currently then in effect, and
  - ii. Such contract was let through a competitive pricing process, such as competitive written bids, request for proposals, or quotes for such items, and
  - iii. Such items to be acquired by the County of Solano are of comparable description and quality as the items described in such other governmental contract, and
  - iv. The price of such items to be acquired by the County of Solano is not greater than that specified in such other governmental contract.

k. Property or services of which the price is fixed by law



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- l. Construction equipment rental
  - m. Automotive and heavy equipment repairs, including marine engine repair
  - n. Proprietary drugs and pharmaceuticals, medical supplies and equipment;
  - o. Training seminars and classes for County personnel
  - p. Sole source procurement, defined as an award for a commodity or service which can only be purchased from one supplier, usually because of its technological, specialized, or unique character.
  - q. With Board approval, when the Purchasing Agent or CAO determines it is in the best interest of the County to renew a contract from the previous contract period:
    - (1) Based on satisfactory service or reasonable prices;
    - (2) To avoid the interruption of County business;
    - (3) Based on good business sense; or
    - (4) Pursuant to the terms and conditions of the contract
  - r. When the products or services needed are pending award of bid and the apparent low bidder agrees to provide them at the current or previous contract price until a new contract can be awarded. Such interim period contracts shall not exceed six months or the conclusion of a bidder's appeal.
  - s. Fuel credit card purchases.
- B. Although the above are exemptions from competitive bidding, these purchases are still subject to the other aspects of the Purchasing policy, such as preparing requisitions and contracts. Wherever possible it is encouraged that the competitive process be used to uphold the best interests of the County.

**1.1.12 Standardization of Common Materials and Equipment**

Definition of Standardization
Standardization is the organized process of establishing agreements on specific quality, design, size, etc., for commonly used materials and equipment. The established agreements are called standards. When standards are adopted only items meeting the standards may be purchased.

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The County has standardized many products, such as ergonomic furniture, photocopiers, and personal computers. Purchasing is responsible for establishing the standards for products and materials used by the County.

Standards are subject to continuous review and are changed as conditions warrant. Suggestions for changes to existing standards, and suggestions for establishment of new standards, should be submitted to Purchasing.

### **1.1.13 Providing Services to Non-County Public Agencies**

- A. At their request and subject to special provisions, Purchasing may provide any or all of the services described in this policy on behalf of non-County public agencies.
- B. Utilization. To utilize the County's purchasing services, a non-County public agency's governing body must adopt a resolution that allows the County to purchase goods and/or services on behalf of the non-County agency. A copy of the resolution must then be filed with the County Purchasing Agent/Purchasing. The resolution must:
  - 1. Identify the competitive bidding limits, advertising requirements, and any other restrictions or requirements specified by state law, which governs purchases made by the non-County public agency.
  - 2. Ensure that the non-County public agency, during the period of participation, shall:
    - a. Make all purchases in the non-County agency name for that agency only;
    - b. Be responsible for payment directly to the vendor;
    - c. Not have in force, at any time, any other contract for like purchases; and
    - d. Not have under consideration, nor have obtained, written bids or quotations from other vendors for like purchases.
- C. Limitations. When making purchases on behalf of a non-County public agency, Purchasing will follow the limits and requirements of California State statutes, the Solano County Code, and applicable sections of this policy.
- D. Termination. The Board of Supervisors may terminate agency participation at any time following a ten-day written notice to the non-County public agency.
- E. Fees. In most cases a fee for services will be part of the agreement. The minimum fee will be five percent (5%) of the total cost of each purchase order, less taxes, but not to exceed \$100; or may be:
  - 1. Based on annual, semi-annual, or monthly participation on a per-contract basis; A flat amount for all participants; or

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2. Pro-rated depending on the anticipated volume of purchases by each of the parties.

### **1.1.14 An Overview of Approval Requirements for Materials and Equipment**

When the Purchasing Agent forwards a matter to the Board of Supervisors for their approval or ratification, the matter is placed on the Board Agenda. The County Administrator's Office will determine where the item will be placed on the agenda (e.g. consent or scheduled). See [Section 1.7.5](#) for *Contract Approval Process (Not Applicable to Public Works)*.

The following policies set forth the requirements for submitting purchasing-related matters to the Board of Supervisors for approval, ratification, or information.

#### **A. Board of Supervisors' Approval**

1. The Board of Supervisor's approval is required for:
  - a. All contracts required by law to be approved by the Board of Supervisors;
  - b. Engaging independent contractors to perform services for the County, with or without the furnishing of material, when the aggregate cost of \$75,000 or more;
  - c. Contracts for rental/lease or lease-purchase of equipment or computer software for a period exceeding five years (60 months);
  - d. Joint powers or cooperative purchasing agreements; and
  - e. Change orders, alterations, renewals, terminations, or addenda to a Board-approved contract unless the Board of Supervisors delegated authorization at time of initial contract approval.

#### **B. Required Ratification by the Board of Supervisors**

1. Emergency purchases of \$75,000 or more and completed without a County purchase order; the responsible department must submit the emergency purchase to receive ratification by the BOS at the next regularly scheduled Board meeting.

#### **C. Purchasing Agent's Approval Is Required**

1. Generally, the Purchasing Agent, or Agent's designee (Purchasing) has the authority to approve the following items, given that the monetary amounts are within those provided by the Solano County Code, Chapter 22, *Purchasing and Bidding Ordinance*, [Attachment A](#):
  - a. All purchase orders and purchase agreements;

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- b. Any contract for the purchase, sale, lease, transfer, or trade-in of personal property;
- c. Revisions to the bidder's list policy;
- d. Transfer of surplus personal property having an individual depreciated value of \$500 or less to a non-profit public agency or another governmental jurisdiction unless otherwise prohibited by law; and
- e. Sale or lease of surplus personal property having an individual value of \$500 or less.

### **D. CAO's Approval is Required**

- 1. Emergency purchases of \$7,501 but less than \$75,000. The County Administrator's approval is required on all emergency purchases made without the issuance of a County purchase order.

### **1.1.15 Other Procurement-Related Things You Should Know**

#### **A. Vehicle Registration and Licensing**

- 1. Fleet Operations is responsible for the administrative aspects of all registration and licensing of County-owned and/or leased vehicles.

#### **B. Copy Machines (Multi-Functional Peripherals/MFP)**

- 1. Centralized Copier Program. A centralized program has been established, under the direction of Purchasing, to facilitate acquisition and use of copier equipment based upon need and efficiency, rather than upon ownership by fund budget unit departments.
- 2. Placement of Copiers. Copiers will be placed in County facilities in configurations that most effectively meet the needs of all County departments. Decisions regarding placement of copiers, copier models, types of features needed, etc., will be based upon the needs analysis performed by Purchasing. Actual equipment cost shall not be the sole determining basis of these decisions; rather, operational needs will also be considered.

Acquisition of copiers is made exclusively through Purchasing. Departments are to contact Purchasing when a need for a copier is identified. Purchasing will solicit quotes from a pre-established list of approved vendors and provide authorization for the vendors to contact the department only after initial Purchasing contact has been made.

Printers must be purchased off the pre-approved list provided by the Department of Information Technology. All printer acquisitions, regardless of the value, must

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go through the electronic requisitioning process and the Department of Information Technology inventory control process.

Monthly Lease Term for Copiers shall not exceed sixty (60) months.

### C. Grant Procurement and Special Requirements

1. Solano County shall follow set purchasing procedures found in this policy and based on the guidelines set forth in Chapter 22 of the Solano County Code when procuring goods and services with government grants/funds. However, the terms set forth in Chapter 22 and this policy shall be the minimum guidelines for purchasing and not to be considered as all-inclusive or exclusive. Any guidelines set forth by requirements of any grant to be used in the procurement of goods and services shall be strictly adhered by Purchasing and the using department. The requirements of government grants can be more restrictive than the normal County procurement policies and procedures; therefore, the government requirements shall not be superseded by any less-restrictive County policy. See [Section 1.7.8.E](#), *State and Federal Procurement Requirements Supersede County Requirements*.

### 1.2.0 HOW TO SUBMIT A DEPARTMENTAL PURCHASE REQUISITION

This section contains information and procedures about how to submit purchase requisitions for the purchase of materials, equipment, and services.

#### Definition of a purchase requisition

A purchase requisition is an electronic request routed through the County's workflow authorization system from a County department to the County Purchasing Agent in order to purchase goods or services on behalf of the requisitioning Department. It provides authorization for Purchasing to issue a Purchase Order.

### 1.2.1 Your Department's Responsibilities

#### A. Identify needs

County departments are responsible for identifying the materials and services required to accomplish the goals and objectives of their departments. Determining the materials and services required for the job includes developing the specifications necessary for purchasing the materials and services. Purchasing staff is available to help departments write specifications.

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### B. Ensure there are available funds

Departments must determine that sufficient funds are available to pay for requested goods and services. Purchasing will contact the department before placing an order if the actual costs exceed the estimate provided in the electronic purchase requisition.

### C. Contact Purchasing

Departments should contact Purchasing early in the purchase process in order to benefit from advice and assistance regarding specifications, sources of supplies, price advantages, substitutions, and needs determination.

### D. Initiate purchase requisitions

Departments initiate purchase requisitions to make purchases, to provide management and budgetary control of purchases, and to provide an accounting record of purchases in process. **Departments shall not artificially divide purchase requisitions to circumvent any competitive bidding requirement.**

*Departments that contact vendors for price or budgetary information must inform the vendors that they are not requesting a firm price quote and that the information will be used for planning purposes only.*

### E. Provide names of vendors that have been contacted

When County departments have contacted vendors before submitting requisitions, they must include the names and contact numbers of those vendors on the purchase requisition to ensure they are given an opportunity to provide competitive quotes. See more about dealing with vendors in [Section 1.4.10, Ethical Standards](#).

1. Send first time vendors to Purchasing. Departments should advise first-time vendors to call on Purchasing before calling on the individual departments. This will ensure the vendors are added to the County's centralized Bidders List and reduce the interruption of County operations caused by unnecessary vendor contacts with County departments.
2. Allow Purchasing to arrange equipment demos. Departments should contact Purchasing if they are interested in reviewing equipment. Purchasing will arrange equipment demonstrations and whenever possible, such demonstrations will be consolidated to include all interested departments. This will help to eliminate "back-door selling," which is a direct, undue marketing effort to induce preference on the part of a manager or using department for a particular product, service, or seller with intent to constrain competition.

### F. Expedite, receive, and verify receipt of goods and services

1. Departments are responsible for expediting, receiving, and verifying goods



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received and services provided before processing paperwork to pay suppliers and contractors.

### G. Submit timely payment information

1. Departments are responsible for timely processing of payment paperwork to guarantee that suppliers and contractors are paid within the agreed payment terms. Timely payments will ensure that desirable suppliers and contractors continue to do business with the County.

### H. Notify Purchasing of annual requirements

1. It is strongly recommended that departments plan their annual requirements in order to consolidate similar items so that fewer requisitions are required. Multiple requisitions for similar items and delivery to the same location result in unnecessary purchase orders and additional shipping and packaging expenses; consequently, this often causes unfavorable impressions of County business practices. This inefficient purchasing approach eliminates or reduces the volume purchase advantage of centralized purchasing. Purchasing will periodically issue a schedule of planned solicitations of specific products (e.g., desks, chairs, filing cabinets, and calculators) common to most County departments. Department requirements should be consolidated and submitted in accordance with these schedules. This will enable Purchasing to solicit cost-effective, long-term, fixed-price contracts. Items shall be ordered in quantities sufficient for a reasonable period, consistent with future departmental needs and available storage space.

*It is strongly recommended that departments plan their annual requirements in order to consolidate similar items so that fewer requisitions are required.*

### I. Obtain prior approval for unbudgeted purchases

1. Departments that need to purchase goods or services that have *not* been approved in the current budget must first obtain approval as follows:

#### 2. Materials or equipment

Departments must ensure funds are available to be charged within the object category. Budget transfers must be worked out with the department's Budget Analyst. (Refer to Budget Construction and Legal Requirements of the Proposed Budget)

#### 3. Fixed assets

- a. \$75,000 or less – The CAO may approve fixed asset purchases as long as the department's overall budget is not increased.



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b. More than \$75,000 – Board of Supervisors' approval is required.

### 4. Services Contracts

a. Less than \$75,000 – If funds are available, the CAO may approve transfers as long as the overall budget of the department is not increased. If funds are not available, the Board of Supervisors' approval is required.

b. \$75,000 or more – Board of Supervisors' approval is required.

### J. Record Retention

All requisitions and related procurement documents shall be retained for at least three years unless otherwise prescribed by law. See *County Retention Schedule, Attachment K*.

### K. Significant Points about the Requisition Process

1. Call Purchasing for assistance if necessary.
2. If an estimate is critical, and past purchases are not helpful, call Purchasing for assistance; they may be able to provide you with an estimate. If there is budget limitation, note the limit in the Special Notes or Comments area of the requisition. For example: "if purchase more than \$150, contact (name of contact person) before issuing purchase order."
3. Include the correct part number for each item ordered, whenever possible.
4. Order items in unit quantities (dozens, packages, etc.) that correspond to the units of issue.
5. Order items well in advance of the anticipated need. Rush delivery charges will increase the cost.

#### 1.2.2 How to Complete a Departmental Requisition Form

A copy of the *County's Departmental Requisition Form*, [Attachment E](#), is in this policy. Information should be provided in the appropriate fields, as follows (the bulleted captions match the fields/boxes on the form or entered into the County's electronic requisition system for ease of tracking):

1. Account, Sub-Object, Job, and Task: Enter the appropriate account codes for the department that will be charged for this purchase.
2. Suggested Vendor: Enter any available information for a recommended vendor or one that may have furnished previous orders of the same commodity. See more about dealing with vendors in [Section 1.11.0, How to Manage Vendors, the Bidders List](#),

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*Protests, and Appeals.* If you need assistance locating a vendor for goods or services, contact Purchasing for guidance and assistance. Telephone No. and E-Mail Address: Enter the telephone number and E-Mail address of the suggested vendor, if available.

3. Date of Requisition: Enter the date the requisition will be submitted to Purchasing.
4. Date Required: Record the estimated date the materials will be required. Terms such as "rush," "now," and "ASAP," do not provide enough information and are often misinterpreted. A specific, reasonable date is preferred, and every effort will be made to meet it. To meet your delivery requirements, the shipper may add special shipping or delivery charges.
5. Delivery to: Print the name and telephone extension number of the County employee who will receive the order.
6. Shipping Address: Enter the complete address, including building and/or room number, where the goods are to be delivered.

- NOTE: If the billing address is different than the shipping address, please provide the complete billing address in the Description area of the requisition.

7. Requested by: Print the name of the person who is authorized to submit requisitions for your department and who will sign the requisition.
8. Authorized by: Obtain the signature of the person authorized to submit requisitions for your department. Department Heads are authorized to sign all requisitions up to \$7,500 and may delegate such authority to key personnel by completing a *Signing Authority Form*, [Attachment J](#), for such key personnel and forwarding it to Purchasing Services. Signing Authority forms are provided by Purchasing Services upon request.
9. Quantity: Enter the specific quantity desired.
10. Unit cost: Enter the estimated cost of each unit of material ordered. You may base the unit cost on recent orders or quotes from vendors. If the price is based upon quotes received, be sure to attach a record of those quotes to the requisition. If prices have not been obtained and you are unsure of the cost, either leave the field blank or enter the amount you have available in the budget for the materials ordered.
11. Unit of Issue: The unit of issue defines how the materials or items are packaged, such as "each," "kit," "box," or "package." If you know the unit of issue, but do not know the quantity per issue (i.e., how many items per box or package), be sure to write in the description area how many total pieces you need, and the Purchasing Buyer will adjust the quantity and unit based upon the method of packaging.
12. Description (specification): Enter a complete and specific description/specification of each item requested. If the item is difficult to describe, submit any information that may

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be helpful, such as photocopies of drawings, vendor brochures, Internet information, etc.

- a. Non-restrictive specifications required. Departments must ensure their specifications are non-restrictive. This means the specification should not so closely describe a manufacturer's product that no other product will be able to match the specifications. If only one manufacturer's product will accomplish the intended purpose, consider submitting a sole source justification (see below) with the purchase requisition rather than submitting specifications for bidding purposes. See [Section 1.3.2.A, The County's Policies](#)
  - b. Specify products in terms of performance or industry standards. The specifications should clearly describe the item needed in terms of performance or, if applicable, industrial or governmental specifications.
  - c. Brand names and equivalent products. If a brand name or model is specified on the requisition, Purchasing will assume that equivalent items would be acceptable. Purchasing and the requesting department will determine whether the proposed items would be considered equivalent. Accompanying drawings or samples should clearly describe the required item in order to meet the necessary requirements of the product.
  - d. Sole source justification. If a department believes that only one specific product make and model will meet its needs then it must complete the *Sole Source Justification Form*, [Attachment B](#), which identifies the product's unique features and states why they are required. If other brands and models have been tested or used previously and were found unsatisfactory, the department should specify the brands and models used and why they were unacceptable. This form shall be signed by the department head, or delegated authority as defined in the Solano County Code and be submitted with the departmental requisition for verification and approval.
13. Provide other helpful information: Indicate the previous purchase order or requisition number for similar materials, if known. Also, record any special notes or comments that may be important when processing your order.
  14. The Purchasing Agent or Buyer may return the requisition to the ordering department for additional information, specifications, justification, or because a specific brand appears to be unreasonably restrictive, deluxe, or otherwise inappropriate.

### A. How to Submit a Departmental Requisition

1. Obtain special authorization: If your requisition requires the approval of another County department or division, you must obtain that approval prior to submitting the requisition to Purchasing. The following purchases require special authorization:

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Construction/improvements and major maintenance of facilities	Capital Projects Division
Copy/Multi-functional (MFP) machines	Purchasing
Computers (data processing equipment), hardware, software, related training, IT consultants, etc.	Department of Information Technology (DoIT)
Communications equipment	Communications Division
Cellular telephones	Purchasing
Fixed assets (not in final budget)	Board of Supervisors/County Administrator's Office
Pesticides and herbicides	Agricultural Commissioner
Receipts and warrants	Auditor/Controller's Office
Road projects	Resource Management Director
Special safety equipment	Risk Manager
Special services requiring prevailing wage more than \$15,000	Purchasing/Capital Projects
Vehicles	Fleet Operations

2. Submit form or submit requisition via the County's electronic requisitioning program and retain copy. Send the original requisition and any attachments to Purchasing; keep the second copy of the requisition for your files.

### 1.3.0 HOW TO MAKE EMERGENCY & SOLE SOURCE PURCHASES

#### 1.3.1 How to Make an Emergency Purchase

Departments may make direct purchases by using purchase requisitions in the event of an emergency. For the purposes of making emergency purchases of goods and services, Solano County Purchasing and Bidding Code, Chapter 22-12(a) defines an "emergency" as:

An unforeseen circumstance in which an immediate purchase is necessary in order to avoid a substantial hazard to life, health or property, or a serious interruption of the operation of a department of the county or the operation of a using agency.

Departments are encouraged to consult with Purchasing prior to making an emergency purchase whenever possible.

#### A. Ratifying the purchase

For emergency purchases more than \$75,000 the Department Head shall advise the Board of Supervisors at the next regularly scheduled Board meeting and subsequently submit a purchase requisition to Purchasing.

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### B. Submitting the purchase requisition

The purchase requisition used to make an emergency purchase must be submitted to the Purchasing Agent as soon after the emergency as reasonably possible. The following information must be provided on the requisition form:

1. Name, address, and telephone number of supplier or contractor
2. Name of supplier/contractor's representative who took the order
3. Date the order was placed
4. Amount agreed upon for the cost of goods or services ordered
5. Date of delivery of goods or services ordered
6. Complete description of goods or services ordered
7. Date of and copy of agenda report for Board of Supervisors' ratification of purchase, if applicable

### 1.3.2 How to Make a Sole Source Purchase

#### A. The County's Policies

1. It is the policy of the County to solicit the maximum number of bids for a commodity or service from the largest relevant market, and to select vendors or providers on a competitive basis. There are certain acquisitions, however, that can only be obtained from a sole source due to the uniqueness of the commodity or service, prior knowledge of the County's business practices, or lack of other providers, etc. Sole source acquisitions must be justified in sufficient detail to explain the basis for suspending the usual competitive procurement process. Use the *Sole Source Justification Form*, [Attachment B](#), and submit with requisition. Purchasing will attach the sole source justification to the procurement documents used to purchase a commodity.
2. Sole source justification is not required for purchases and contracts that are exempt from competitive bidding. See [Section 1.1.11](#), *Exceptions to the Competitive Bid Process*.
3. There are no Federal or State laws or regulations affecting sole source procurements. However, Federal and State authorities have the right to require competition or justification as a funding condition. If using grant funding, it is a

*Sole source acquisitions must be justified in sufficient detail to explain the basis for suspending the usual competitive procurement process.*

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requirement to follow procurement procedures specific to each grant or special funding source.

4. Sole source acquisitions may require non-competitive negotiation and may also require price and/or cost analysis.

Written requests are required. Sole source requests must be in written form, signed by an authorized department representative, and attached to purchasing requisition submitted, to Purchasing or to the contract when submitted to the County Administrators Office for approval.

5. Contract Renewal. Sole source justification is unnecessary during contract renewal/continuation periods expressly provided for by a RFP or other procurement process; however, justification is necessary for the continuation of services beyond such periods.
6. Human Services Providers. Before commencing contract negotiations with a sole source provider of human services (doctor, dentist, psychiatrist, IT consultant, etc.), the department must submit justification to and obtain approval from the CAO or Board of Supervisors as appropriate.

### B. Sole Source Justification Form

1. Departments must use the *Sole Source Justification Form*, [Attachment B](#), when requesting a procurement of goods or services from a sole source vendor or contractor. It is the responsibility of the requesting department to adequately justify, in writing, the request for sole source procurement. The standardized justification form, along with any additional documentation required, shall be signed by the authorized department head, or designee, and submitted to the Purchasing Agent. The Purchasing Agent will determine what action must be taken as to who must review the justification to determine its validity. If the purchase or contract is found to be for a cost greater than that which the Purchasing Agent has authority to sign, it will be forwarded to the appropriate authorizing body (CAO or BOS). See [Section 1.1.14](#), *An Overview of Approval Requirements for Materials and Equipment*, for authorization limits and requirements. If the authorizing body determines that the requested purchase or contract is not a valid sole source request, then the competitive bidding process must be utilized.
2. Questions to consider when justifying a sole source request

The following are some questions that departments can use to justify a sole source request. Not all questions may be applicable to each sole source request.

- a. What capability does the proposed contractor have that is critical to the specific effort and makes the contractor clearly unique compared to other contractors in the same general field?



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- b. What prior experience of a highly-specialized nature does the proposed contractor have that is vital to the proposed effort?
- c. What facilities, staffing, and/or equipment does the proposed contractor have that are specialized and vital to the commodities or services required?
- d. Does the proposed contractor have a substantial investment that would have to be duplicated at the County's expense by another contractor entering the field?
- e. If schedules are involved, why are they critical and how can the proposed contractor best meet them?
- f. If lack of drawings or specifications is a justification for sole source acquisition, why is only the proposed contractor best able to perform under these conditions? Why are drawings and specifications lacking? How much lead-time is required to obtain drawings and specifications suitable for competition?
- g. Is competition precluded because of the existence of patent rights, copyrights, or secret processes?
- h. Does this acquisition require compatibility with any existing County equipment?
- i. What unique characteristics does the equipment or material offered by the proposed contractor possess that are required to meet the County's needs?
- j. Is competition precluded because of existing equipment maintenance program or contracts?

### **1.4.0 HOW DEPARTMENTS CAN MAKE SMALL PURCHASES UP TO \$7,500**

This section contains information and procedures about delegated purchasing authority and how departments may make purchases costing up to \$7,500. See [Section 1.7.0, How to Develop Service Contracts](#), for contract procedures.

#### **1.4.1 How Delegated Purchasing Authority Works**

- A. The Board of Supervisors has delegated some purchasing authority to County Department Heads to make purchases under certain conditions. Those conditions are:
  - 1. Departments Heads may make individual purchases for materials and services up to \$7,500 including all shipping/handling, labor, sales tax and other charges;
  - 2. Purchase must be made in accordance with the procedures outlined in this section;



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3. Departments shall not circumvent normal procurement methods, including the use of Purchase Agreements, by splitting purchases into series of small orders.
  4. Though not required, oral or written quotes should be solicited from local vendors whenever possible and cost effective, unless the purchase qualifies as an emergency or a sole source.
- B. The delegation of authority to make small purchases is intended to facilitate the economical and orderly procurement of personal property and services by County departments.
- C. The privileges extended to operating departments under this procedure are not intended as a substitute for centralized purchasing, nor are they to be used to engage in widespread purchasing without adequate analysis and competition.

### 1.4.2 Buying Recycled Products

- A. In accordance with Solano County's "Environmentally Preferable Purchasing Practices" which supports a countywide recycling ethic and minimization of environmental impact, each County department should purchase recycled content and environmentally preferable products whenever quality and price are equal. See [Section 1.1.2](#), *What You Should Know about the County's Purchasing Process*.

### 1.4.3 Products and Services that Departments are *not* Authorized to Purchase

- A. Certain products and services are not authorized for a delegated purchasing authority. These products and services may change from year to year at the discretion of Purchasing, but generally, they include:
1. Computer hardware and software;
  2. Service contracts (such as pest control, moving services, janitorial services, etc.); and
  3. Maintenance agreements.

### 1.4.4 Obtain Special Authorization

If your purchase request requires the approval of another County department or division, you must obtain that approval **prior to** continuing with the purchase. The following purchases require special authorization:

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Construction/improvements and major maintenance of facilities	Capital Projects Division
Copy/Multi-functional (MFP) machines	Purchasing
Computers (data processing equipment), hardware, software, related training, IT consultants, etc.	Department of Information Technology (DoIT)
Communications equipment	Communications Division
Cellular telephones	Purchasing
Fixed assets (not in final budget)	Board of Supervisors/County Administrator's Office
Pesticides and herbicides	Agricultural Commissioner
Receipts and warrants	Auditor/Controller's Office
Road projects	Resource Management Director
Special safety equipment	Risk Manager
Special services requiring prevailing wage more than \$15,000	Purchasing/Capital Projects
Vehicles	Fleet Operations

### 1.4.5 Funds Availability

Department Heads are responsible for ensuring that sufficient funds are available in their respective budgets before a purchase is made.

### 1.4.6 How to Make the Purchase

#### A. Methods Available

1. There are five methods departments can use to complete a departmental purchase up to \$7,500. They are:
  - a. Place orders using a vendor's order form
  - b. Use the County's Purchasing Credit Card
  - c. Use departmental purchase orders
  - d. Use the department's petty cash (up to the allowable petty cash amount)
  - e. Continue submitting departmental requisitions to Purchase Services

ANY PUBLIC WORKS JOBS MORE THAN \$15,000 IN VALUE ARE SUBJECT TO LEGISLATIVE REQUIREMENTS AND MUST BE MADE THROUGH PURCHASING OR THE CAPITAL PROJECTS MANAGEMENT DIVISION.

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2. Solicit oral or written quotes

Whenever possible, the department should solicit oral or written quotes from at least two vendors or contractors, except in the case of an emergency purchase or when the item or service is available from only one source.

3. Determine Total Cost

To determine the total cost of the order, you must include:

- a. The total cost of all items to be purchased
- b. The tax
- c. The cost of shipping, if applicable
- d. Any installation and set-up charges that may apply to the purchase

4. More than \$7,500 Quote

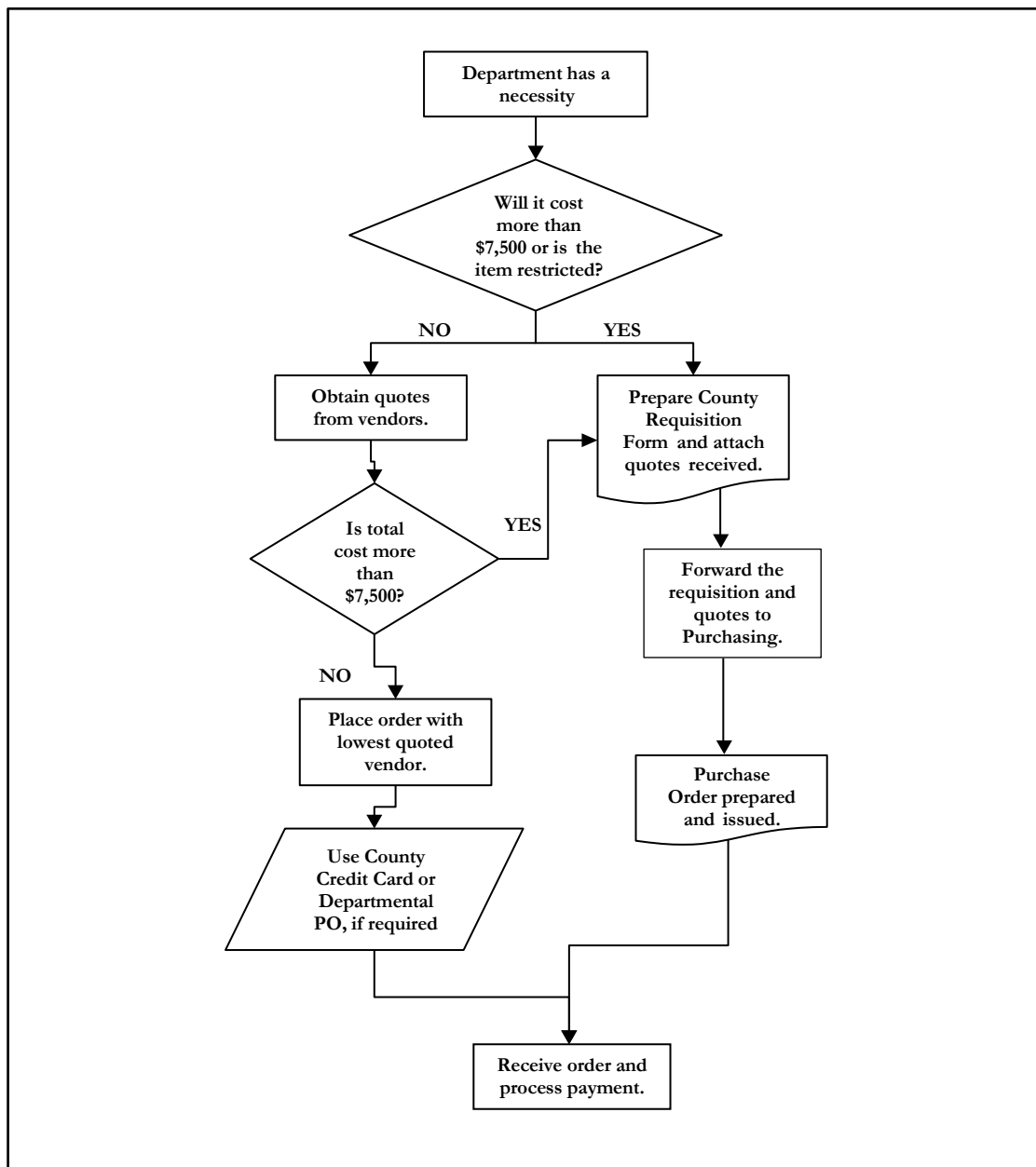
If the solicited quote more than \$7,500 or more the department is required to submit a requisition to Purchasing with the quote attached.

5. Up to \$7,500 Quote

If the solicited quote is up to \$7,500 the department may proceed with the purchase using one of the methods outlined above in [Section 1.4.6](#), *How to Make the Purchase*.



### How to Make the Purchase



#### 1.4.7 Using Purchasing Credit Cards

- A. Departments with the authority to use the County's Purchasing Credit Card may use the credit card instead of a departmental purchase order to make their required purchases, provided that no single item more than \$7,500, unless otherwise authorized. Departments that are not currently users of the Purchasing Credit Card

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should refer to the County's Purchasing Card Program Manual located on the County's SharePoint at Central Services to learn more about this program and to determine eligibility for participation.

### 1.4.8 Using Departmental Purchase Orders

- A. Some vendors require a purchase order before they will release an order; therefore, to satisfy this requirement departments may use the *Departmental Requisition Form*, [Attachment E](#), or create their own departmental purchase order.
- B. Purchasing has created a Departmental Purchase Order for departments to use if they wish to do so. Instructions on how to complete this purchase order are provided in the "Departmental Guide for Purchasing up to \$7,500." This guide also contains instructions on how a department may encumber departmental purchase orders.

### 1.4.9 Records Retention

- A. All procurement documents generated by departments under this delegated authority must be retained for a period of at least three years and are subject to a longer period if prescribed by law. Refer to the County's Administrative Manual for the current records retention schedule.

### 1.4.10 Ethical Standards

- A. It is the policy of Solano County to promote government integrity and guard against any appearance of impropriety by prescribing standards of ethical conduct. See [Section 1.1.2.D](#), *Ethical Standards for Purchasing Activities*.

## 1.5.0 HOW TO MAKE A PURCHASE COSTING MORE THAN \$7,500

This section contains information and procedures about purchasing materials, equipment and materials costing more than \$7,500, and is only applicable to Purchasing.

### 1.5.1 Condition of Use

- A. This section recognizes that certain purchases do not justify the administrative time and expense necessary for conducting competitive sealed bidding.
- B. Any purchase of commodities may be made in accordance with the procedures outlined in this section provided that procurement requirements are not artificially divided so as to constitute multiple small purchases under this section. Request for quotations, which must be written, will be the usual source method for purchases unless the purchase qualifies for processing as an emergency or a sole source purchase. The Purchasing Agent or designee may require that the competitive sealed

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bid or proposal process be used if in the Agent's opinion the alternate procedure is in the best interest of the County.

- C. Purchases made pursuant to this section are also subject to the requirements of [Section 1.8.3](#), *How Invitations for Bids (IFB) Are Solicited*.

### 1.5.2 Purchases from \$7,501 up to \$10,000

- A. Purchasing may seek informal written quotes

The requesting department shall submit their requisition to Purchasing for materials and equipment, costing from \$7,501 up to \$10,000. Purchasing may process it with the information provided.

The Buyer has the option to seek informal written quotes by using Requests for Quotations solicitation or may forgo seeking bids and process an order in accordance with their expert understanding of the market and sources of supply.

- B. Written quotes

Written quotations shall be solicited using Purchasing standard *Request for Quotation (RFQ) Form*, [Attachment G](#), and shall include the name and signature of the vendor representative and the date of the quote. The Purchasing Agent will make the award to the lowest responsive and responsible bidder and a purchase order will be issued to the selected vendor. The requesting department is responsible for receiving and checking the order and processing the invoice for payment.

### 1.5.3 Purchases from \$10,001 up to \$50,000

- A. Purchasing will seek informal quotes or written bids

The Buyer will solicit quotes or bids from at least three probable sources, using the Request for Quotation form, seeking out local vendors where feasible, or provide written justification otherwise. The award will be made to the lowest responsive and responsible bidder. A purchase order will be issued to the selected supplier, and the requesting department will be responsible for receiving and checking the order and processing the invoice for payment.

### 1.5.4 Purchases more than \$50,000

- A. Purchasing will seek formal written bids/quotes

The requesting department is to submit their requisition to Purchasing for materials, equipment, and fixed assets costing more than \$50,000. Purchasing will process it with the information provided in the requisition, unless additional clarification of specifications is needed from the department.

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Details of the Invitation for Bids solicitations are provided in [Section 1.8.3, How Invitations for Bids \(IFB\) are Solicited](#).

**Definition of formal bids:** Formal bids consist of an **Invitation for Bids** with a purchase description. The bid includes acceptance criteria and all contractual terms and conditions applicable to the procurement. A public opening of bids will be held at a pre-designated time and place. Bids will be unconditionally accepted without alteration or correction. Award will be to the responsive and responsible bidder who has submitted the lowest bid that meets the requirements and criteria set forth in the Invitations for Bids.

### 1.6.0 HOW TO PURCHASE AND ACCOUNT FOR FIXED ASSETS VALUED AT \$5,000 OR MORE

#### Definition of Fixed Assets

Fixed assets are those items of equipment with a total cost \$5,000 or more and have a life of three years or longer. The total cost of the equipment is made up of the purchase price, any trade in allowance, shipping costs, sales tax, and installation costs.

#### 1.6.1 How to Proceed with the Purchase of a Fixed Asset

Fixed assets must be budgeted before Purchasing will process a requisition. The following outlines the procedure for purchasing fixed assets.

##### A. Budgeted

1. If the required fixed asset is in the department's approved budget, then:

- a. Submit the requisition

All requisitions must be submitted to Purchasing. Departments may not independently purchase fixed assets.

2. Bids may be solicited

The Buyer will solicit competitive quotes or bids, as required.



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### 3. A purchase order will be issued

The Purchasing Agent will issue a purchase order if the fixed asset is approved in the budget, if the cost of the fixed asset does not exceed 110% of the amount budgeted for the fixed asset, and if the remaining balance in the fixed asset appropriation is sufficient to pay for the fixed asset.

### 4. Alternate fixed assets require approval

If a department wishes to purchase an alternate fixed asset in lieu of one authorized in the budget, then the department shall request approval from the County Administrator's Office prior to submitting the requisition to Purchasing.

*Departments may not independently purchase fixed assets.*

### 5. Insufficient fixed asset appropriations require an appropriation transfer.

If insufficient funds are budgeted to purchase authorized fixed assets, the department shall request County Administrator's Office approval of an Appropriation Transfer Request (ATR) moving unused appropriations to the fixed asset line item prior to submitting the requisition to Purchasing.

### 6. New fixed asset within existing appropriations

If a department requires a fixed asset that was not identified in the budget process, and if the total departmental budget is not increased, then the County Administrator is authorized to approve new fixed assets up to \$75,000. Departments must provide justification for the desired equipment, identify unused appropriation that can be used to purchase the new fixed asset, and submit an ATR for approval to move funds to the appropriate fixed asset line item prior to submitting the requisition to Purchasing.

## B. Unbudgeted and unfunded

If a department requires a fixed asset that was not identified in the budget process and if funds are not available in the department's approved budget, then:

### 1. Obtain Approval

- a. The department should work with their CAO Analyst to justify and determine how to fund the required fixed asset (i.e.; unanticipated revenue, contingencies, trust funds, etc.).
- b. Prepare an ATR and a Board agenda item and submit to the Board of Supervisors for approval.
- c. NOTE: The total amount of funds entered in the ATR should include:

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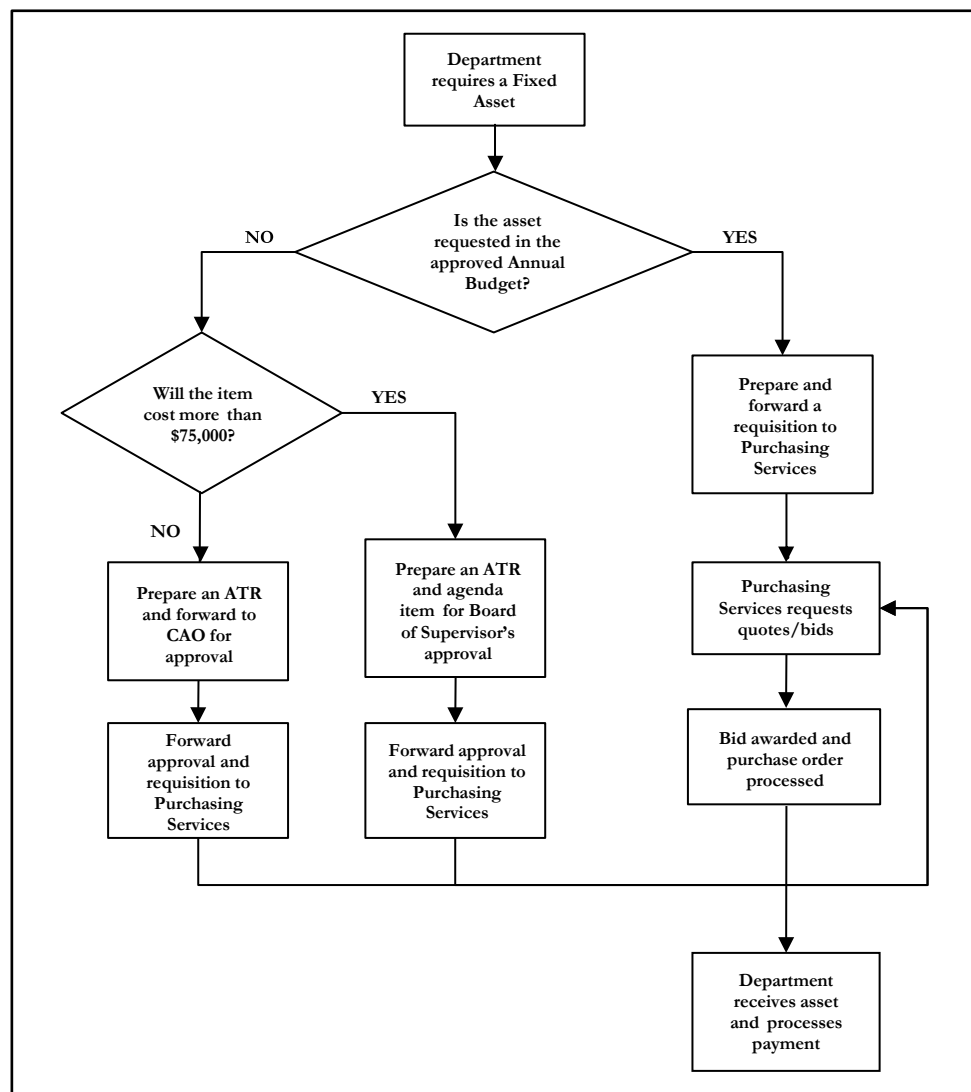
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- Cost of the item
- Trade-in allowance
- Sales, Use, Transportation, or other taxes
- Cost of shipping, if applicable
- Any installation charges

After receiving final approval, the department should prepare a requisition and attach the final approval documentation, which is to be forwarded to Purchasing.

The Buyer will solicit competitive quotes or bids, as required, and issue a Purchase Order.

### Fixed Assets - Steps to Follow



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### 1.6.2 How to Account for Fixed Assets

Departments should refer to the Auditor-Controller's published Fixed Asset Policy for information on how to account for fixed assets. The policy encompasses procedures on fixed asset expenditures, asset accountability and control, and how to complete an annual inventory.

### 1.7.0 HOW TO DEVELOP SERVICE CONTRACTS

This section contains the policies and procedures for preparing and executing contracts for commodities, consultants, professional, and architectural services.

#### 1.7.1 General Policy

- A. All contracts must be reviewed and approved for legal sufficiency by County Counsel before final approval by the Board of Supervisors, County Administrator, Purchasing Agent or designee.
- B. Contracts from \$7,501 but less than \$75,000 require CAO approval as long as funding is identified in the department's existing appropriations.
- C. Contracts \$75,000 or more must be approved by the Board of Supervisors.
- D. The Contract Administrator should have a working knowledge of the types of contracts entered into by their respective departments.
- E. Before purchasing a service, a department should first determine if contracting:
  - Is allowed for the particular service (see e.g., Government Code Section 31000)
  - Is consistent with County civil service practices and regulations
  - Is cost and program effective
- F. Procurement transactions must:
  - Provide open and free competition to the maximum extent possible
  - Comply with all applicable laws, rules, and regulations
  - Consider requirements for special funding (grants, other special funding sources)
- G. County policy requires that the development and renewal of contracts be done in sufficient time to fully execute the new contract before the current contract expires.
- H. No work shall commence prior to the execution of the necessary contract.

#### 1.7.2 What is a Contract Administrator?

In order to efficiently track all contracts entered into by a County department, each department must select at least one (1) person to be responsible for contract

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administration. A Contract Administrator may be, or may report to, a project or program manager, deputy director, assistant director, or department director.

The Contract Administrator is responsible for administrative procedures applicable to an approved contract and coordinates, reviews, and monitors the contract process.

### **A. As developer, the Contract Administrator**

1. Determines the need for a contract.
2. Verifies funding and consults with the CAO analyst.
3. Drafts the Scope of Services and compiles a draft Contract, complete with milestones, performance measures, requirements in terms of output, identify project deliverables required for project to be successfully completed
4. Plans for and includes an exit strategy in the contract (if applicable).
5. Completes the Contract Review Sheet.
6. Forwards the draft Contract and Review Sheet to County Counsel for review.
7. Once approved as to form, coordinates signatures from Contractor.
8. Once signatures have been obtained from contractor, forwards to County Counsel for final review and signature.
9. If Board of Supervisors approval is necessary, prepares agenda and submits contract with contractor and County Counsel's signatures with agenda item.
10. Forwards an executed copy to the contractor.

### **B. As coordinator, the Contract Administrator**

1. Creates and maintains files for each contract.
2. Maintains the master contract file and assures that insurance certificates, bonds, licenses, and other contract-related documents are on file, valid, and current.
3. Forwards a copy of an executed contract and encumbrance form to the Auditor-Controller, via the County's electronic requisitioning system.
4. Establishes evaluation criteria and performance measures for each contract.
5. Responds to management requests for new services or changes in existing services.

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6. Meets with management to review the status of individual contracts and the progress of the contracting program.

7. Assembles and trains support staff, if any.

### **C. As reviewer, the Contract Administrator**

1. Establishes procedures for the review of contract problems or disputes.

2. Determines the acceptability of contract deliverables.

3. Evaluates the scope and quality of services provided by the contractor: At mid-term, for contracts of three months or less; Monthly, for contracts in excess of three (3) months; If any deficiencies are noted, implements a corrective action plan and follows-up as needed; Additionally, State or Federal entities or contracts for professional services that require licensing should be verified periodically to maintain accreditation.

4. Reports on contractor performance to management and/or Purchasing

5. Analyzes information collected during the contract term to identify ways to improve the effectiveness and efficiency of the service and incorporates the improvements into future specifications.

### **D. As monitor, the Contract Administrator**

1. Ensures timely completion of deliverables as defined in the scope of work.

2. Reviews contract expenditures to ensure compliance with expenditure forecasts and adopted budget.

3. Reviews and approves the contractor's payment requests and forwards them for processing.

4. Verifies budget and expenditure account codes.

5. Notifies management of contract status and options prior to termination.

### **1.7.3 What Is a Contract Master File?**

Each department is responsible for maintaining a contract master file containing all original contracts between that department and a vendor/service provider. In addition, secondary copies may be retained by the Contract Administrator as an alternate reference. The contract master file is the central reference for the contract and must contain all documentation with original signatures including, but not limited to, the contractor's bid response, the scope of work, amendments, bonding documents, current insurance

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certificates, required licenses and permits, all performance documents, correspondence, evaluation reports, payment requests, copies of invoices and the like.

NOTE: Vendor claims will not be paid until a fully executed contract is in the County's electronic requisitioning system and on file with the Auditor-Controller.

### **1.7.4 An Overview of Contract Approval Requirements**

#### **A. The Board of Supervisor's approval is required on:**

1. All contracts required by law to be approved by the Board of Supervisors;
2. All contracts to perform services for the County, with or without the furnishing of material, when the aggregate cost \$75,000 or more;
3. Contracts for rental/lease or lease-purchase of equipment or computer software for a period exceeding five years (60 months);
4. Joint powers or cooperative purchasing agreements;
5. Consultant/Professional services contracts for greater than one year; and
6. Change orders, alterations, renewals, or addenda to a Board of Supervisors' approved contract unless specifically delegated to either the CAO or department head in the approval process.

#### **B. The Board of Supervisors' Ratification is required on:**

1. Construction change orders to contracts not previously approved. Any change order to construction contracts not requiring Board of Supervisors approval must be summarized and submitted for Board ratification by the approving department head when the project is completed.
2. Emergency construction change orders approved by CAO. Change orders to construction contracts requiring Board of Supervisors approval but approved by the County Administrator or the administering department because of emergency, damage, decay, or where the public interest would suffer by delay, shall be submitted by the administering department at the next regularly scheduled Board meeting.
3. Emergency purchases \$75,000 or more. Emergency purchases \$75,000 or more must be submitted by the responsible department at the next regularly scheduled Board meeting.

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C. CAO's Approval is required on:

1. Contracts having an annual aggregate cost from \$7,501 but less than \$75,000.
2. Amendments to contracts provided that the change to the scope of work or service does not adversely affect the integrity of the original scope of the contract and the total amount of the contract and amendment(s) is less than \$75,000 per fiscal year.

D. Approval by Department Heads on:

1. Contracts having an annual aggregate cost up to \$7,500.
2. Amendments to contracts provided that the change to the scope of work or service does not adversely affect the integrity of the original scope of the contract and the total amended contract is up to \$7,500.

E. County Counsel Review:

1. The Office of County Counsel shall review all documents and contracts for legal sufficiency before final approval.

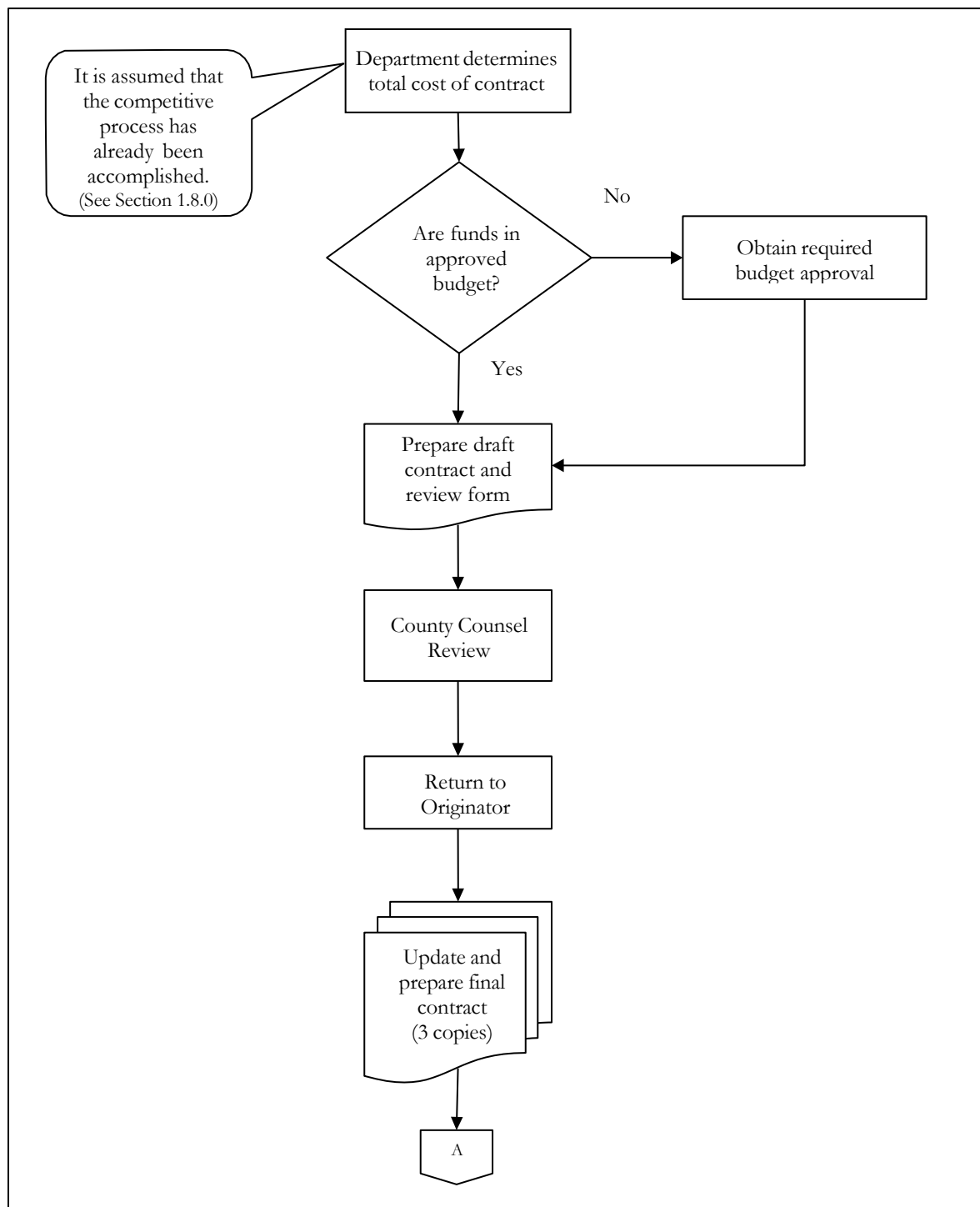


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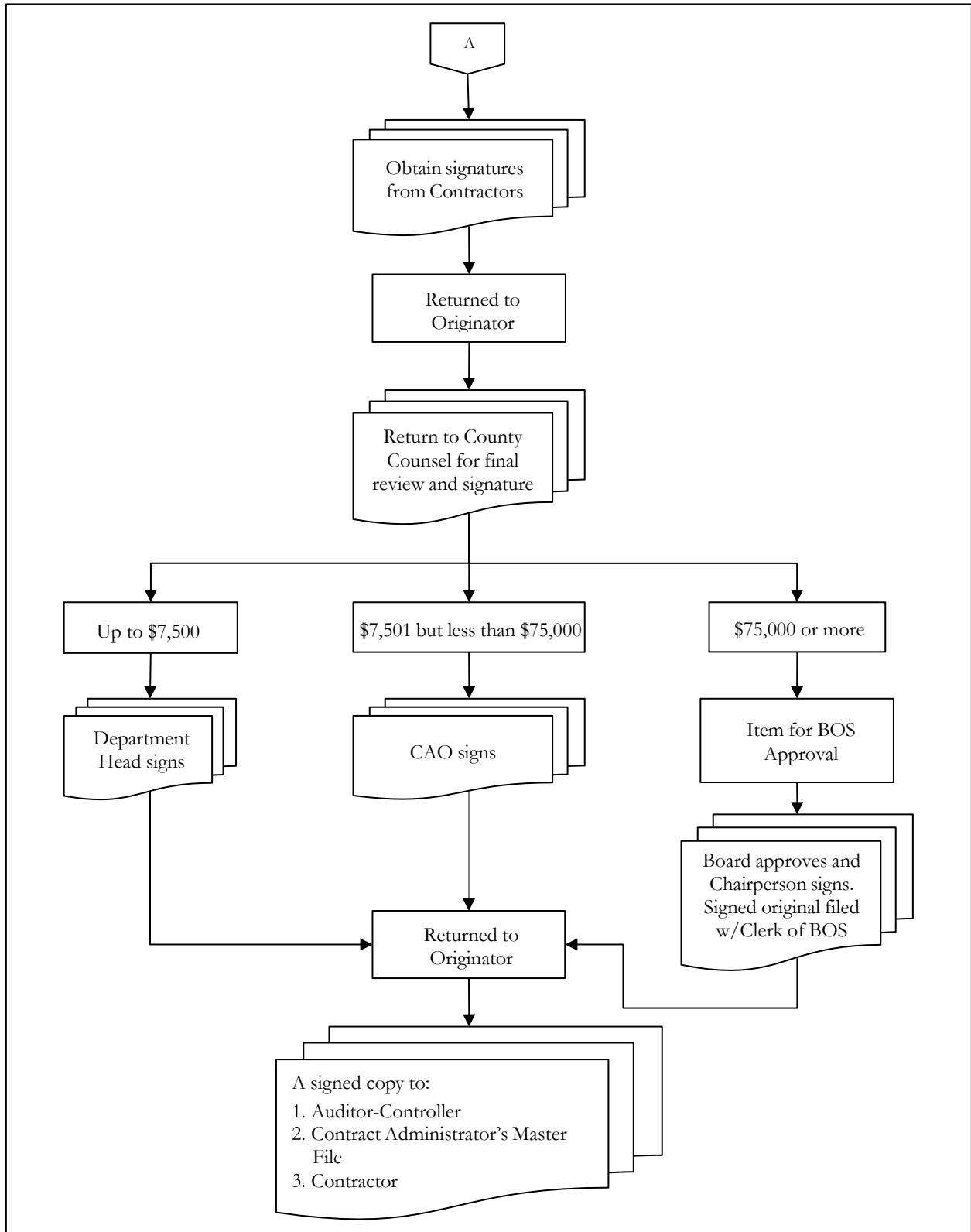
**1.7.5 Contract Approval Process (Not Applicable to Public Works)**



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### **1.7.6 Types of Contracts**

#### **A. Commodities/Equipment Contracts**

Commodities/equipment contracts include all contracts for supplies, materials, and equipment.

#### **B. Services Contracts**

Services contracts provide infrequent technical service for County equipment and property, e.g. pest control, copier repair, or window washing. Service contracts include all contracts for services and materials except for public works; consultants; architects and engineers; and human services, etc.

#### **C. Consulting/Professional Services**

Consulting or professional services contracts provide advice and professional expertise and are generally project or report oriented (i.e. geologists for wetlands, economic analysis, plan checking, environmental impact, etc.) or used for persons specially trained, experienced, and expert in providing actual services in the following areas:

1. Financial
2. Economic
3. Legal
4. Medical
5. Therapeutic
6. Administrative

Contracts under this section do not include legal service contracts that will be handled through County Counsel and Risk Management and approved by the Board of Supervisors. Also, excluded are Architect/Engineering contracts that should be handled in conjunction with the Resource Management Department or Division of Capital Project Management.

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## 1.7.7 Contract Overview

Type of Contract	Purpose	Approval
Commodities/Equipment	Purchase of supplies, materials, and equipment. Equipment is a capital asset with an aggregate cost more than \$7,500 having a useful life expectancy of five (5) years or more.	Purchasing
Services	Provide technical service to County equipment and property, e.g., pest control, copier repair, carpet cleaning, window washing, etc.	Purchasing
Consultant/Professional Services	Provide professional or expert advice. Usually project or report oriented, e.g., geological evaluation, economic analysis, plan checking, environmental impact, etc. or used for persons specially trained, experienced, and expert in providing actual services in the following areas: financial, economic, legal, medical, therapeutic, or administrative.	Dept. Head up to \$7,500; CAO less than \$75,000; BOS \$75,000 or more
Architect/Engineer	Provide architectural or engineering services. Includes contracts for ancillary services that members of the architectural and engineering professions would logically use.	CAO less than \$75,000; BOS \$75,000 or more
Public Works	Erect, construct, alter, repair or improve any public structure, building, road, flood, or other public improvement.	CAO less than \$75,000; BOS \$75,000 or more

### **Please Note:**

- Departments cannot use a series of contracts in any fiscal year to fund a single service, project, or program in order to circumvent approval limits.
- A series of contracts in any fiscal year with the same independent contractor is allowable provided that each agreement is for a distinctly different service, project, or program.
- Work may not begin until the appropriate County representative(s) and the contractor execute the contract. This process may take several weeks from the date the agreement is negotiated; as a result, the process should begin as early as possible.

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### **1.7.8 County's Contract Policies for Services**

#### **A. Term of Contracts**

Each contract type has a standard binding length for the contract period. In general, commodities/equipment contracts shall not exceed five years (60 months) and services contracts shall not extend beyond three years, unless specifically approved by the Board of Supervisors. Contracts for consultants/professional services may not extend beyond one year, unless specifically approved by the Board of Supervisors. The length of architectural/engineering contracts can be tied to the duration of the project, if the service is project-related. A sole source contract shall be re-evaluated after a three-year period of time; if the sole source is still justified then a new contract shall be issued.

##### **1. Justification for multiyear contracts may include:**

- a. Contractor's start-up costs
- b. County's contract start-up costs
- c. Other economic factors

#### **B. Changes in Contracts**

##### **1. The Equal Dignity Rule**

- a. Any changes to a contract must follow the same formality as the original unless otherwise approved by the Board of Supervisors.

##### **2. Contract Extensions**

- a. Contracts may be amended under the following guidelines in order to extend the term to allow for completion of services, provided the extension does not increase the total amount of the contract.

- (1) Contracts up to \$7,500 may be extended six (6) months by the Department Head,
- (2) Contracts less than \$75,000 may be extended six (6) months by the CAO, and
- (3) Contracts \$75,000 or more may be extended by the Board of Supervisors to allow time for compilation of contract data and re-bidding.

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3. **NOTE:** It is the policy of the County to begin to develop new contracts with sufficient time to fully execute the new contract before the expiration of the current contracts.
4. Adjustments to Contract Amount
  - a. Contracts may be amended to adjust the total amount of the contract as follows:
    - (1) Contracts may be amended by the Department Heads provided that the total amended contract amount up to \$7,500;
    - (2) Contracts and amendments less than \$75,000 per fiscal year may be approved by the CAO; and
    - (3) Any contract \$75,000 or more, or as amended in a subsequent fiscal year in an amount \$75,000 or more, may only be amended by the Board of Supervisors, unless authority was delegated when contract was initially approved.
5. Contract Increases
  - a. Service contract amounts may be increased provided that:
    - (1) The need for the service could not accurately be projected and the relative percentage of the increase would not make re-bidding more practical.
    - (2) Justification for increases will be submitted to the approving authority.
    - (3) An emergency exists whereby time does not permit re-bidding. Re-bidding shall be done as soon as possible thereafter.
    - (4) Other justifiable economic factors necessitate a monetary increase in the contract.
6. Incremental Contracting is Prohibited
  - a. In order to prevent incremental contracting, each contract shall clearly specify the following:
    - (1) Services/materials to be provided
    - (2) Basis of pricing and payment
    - (3) Period of contract

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(4) Monetary limit of contract

### 7. Consolidation of Contracts

- a. Contracts shall be consolidated whenever feasible. Contracts **shall not** be intentionally split to avoid approval by the Board of Supervisors or to bypass bidding requirements.

### C. Emergencies

1. Definition: For the purpose of service contracts, an emergency shall be defined as a sudden, generally unexpected occurrence or set of circumstances demanding immediate action. If immediate action is not taken, essential services could not be continued or there could be an economic loss to the County. Emergency situations that necessitate a bypass of the approved contract process must be presented to the Board of Supervisors at the next scheduled meeting for approval and/or ratification. See [Section 1.3.1](#), *How to Make an Emergency Purchase*.

### D. Sole Source Requests

1. See [Section 1.3.2](#), *How to Make a Sole Source Purchase*.

### E. State and Federal Procurement Requirements Supersede County Requirements

1. State and Federal procurement requirements must be adhered to in all County contracts for which the funds have been approved by either the State or the Federal government; such requirements supersede County requirements.

### F. Conflict of Interest

1. No contract shall knowingly be issued to any current County employee or immediate family member, without first notifying the Board of Supervisors. This includes individuals acting as agents or representatives.
  - a. With approval by the Board of Supervisors or the County Administrator immediate family members of County employees, excluding executive management employees and elected officials, may contract with the County provided:
    - (1) The contract is not with the employee's department;
    - (2) There is no violation of the Purchasing and Contracting Policy, [Section 1.1.2.D](#), *Ethical Standards for Purchasing Activities*; and
    - (3) The County's established Purchasing and Contracting Policy rules and procedures are followed.



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### 1.7.9 Choosing the Best Method for Obtaining Services

#### A. Requests for Proposals

The procurement of services is best suited to the competitive sealed Request for Proposal (RFP) method of solicitation, because it enables the County to select the best proposal based on factors other than just lowest responsible bidder. See [Section 1.8.14, Preparing a RFP](#).

*The procurement of services is best suited to the competitive sealed Request for Proposal (RFP) method of solicitation, because it enables the County to select the best proposal based on factors other than just lowest responsible bidder.*

#### B. Request for Quotations

The Request for Quotations (RFQ) is used to obtain supplies, equipment, and certain services up to \$50,000 that can be clearly specified and awarded to the lowest responsive and responsible bidder. This is an informal method of competitive bidding. It allows vendors to provide quotes by phone, fax, email, or any other written form.

#### C. Invitation for Bids

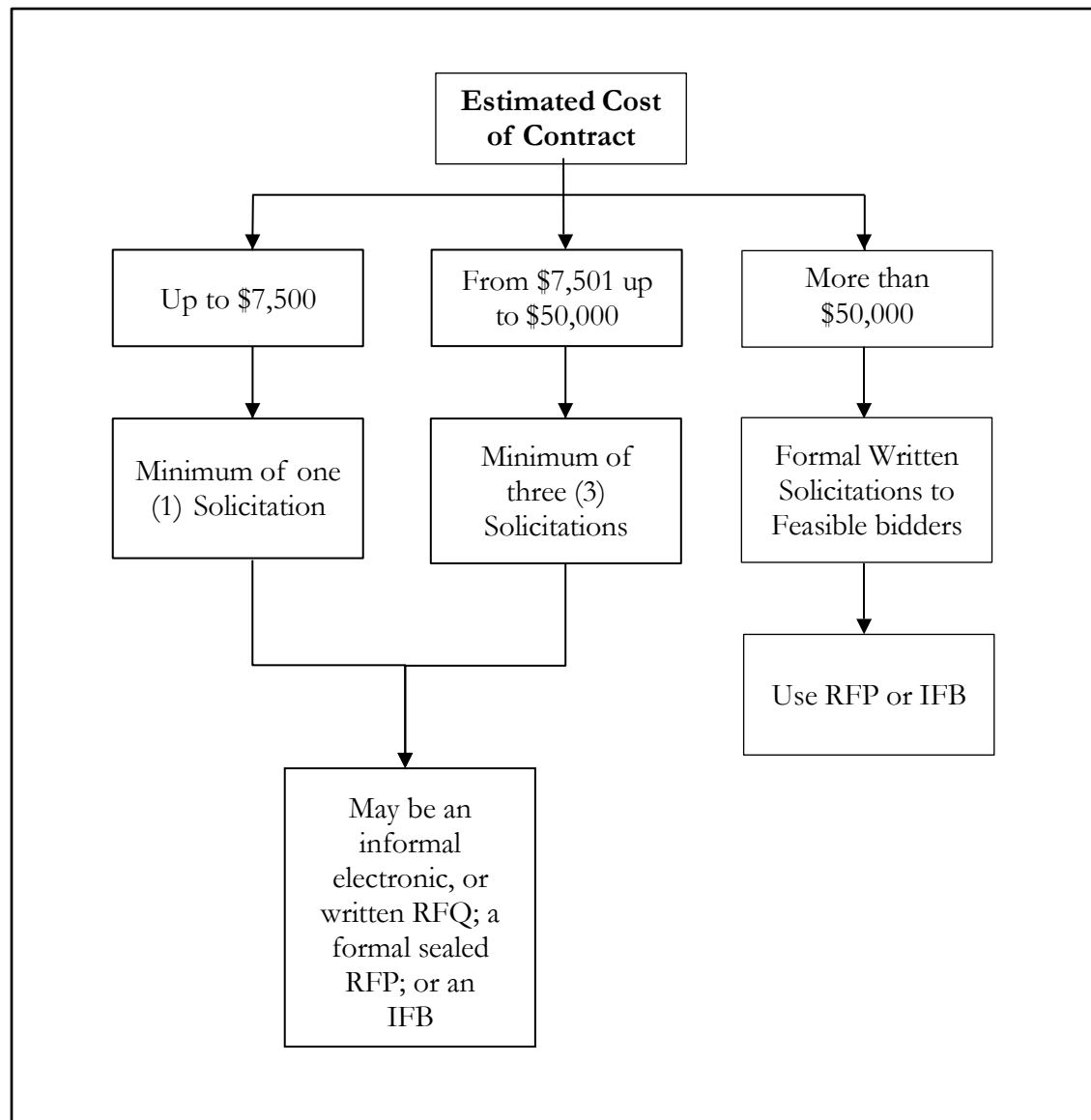
The Invitation for Bids (IFB) is used to obtain supplies, equipment, and certain services more than \$50,000 that can be clearly specified and awarded to the lowest responsive and responsible bidder. This is a formal method of competitive bidding. See [Section 1.8.3, How Invitation for Bids \(IFB\) Are Solicited](#).

#### D. When Departments are allowed to use Consultants or Professional Services

1. A department may request a consultant only if one or more of the following conditions exist:
  - a. An urgency that cannot be met by County employees.
  - b. Temporary, intermittent, or irregular services which County employees cannot effectively perform.
  - c. Special or highly technical skills that cannot be secured through County employees.
  - d. Need for an independent opinion, appraisal, audit, or similar service.
  - e. Lack of sufficient personnel to accomplish the work in the required period.
  - f. The contract meets the restrictions of Government Code, Section 31000.



1.7.10 An Overview of Bidding Thresholds for Service Contracts



1.7.11 How to Obtain Services Costing up to \$7,500

Contracts for services estimated to cost up to \$7,500 may be awarded upon conclusion of informal interviews with potential contractors. The interviews should be conducted by the initiating department and/or Purchasing, as may be appropriate. Contracts costing more than \$7,500 should be awarded through a competitive bid process.

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### A. Select a Bidder

Although competition is not required for service contracts up to \$7,500, it is suggested that County departments contact Purchasing to determine if a list of contractors is available from the centralized Bidders List for the classification of work they are seeking. The centralized Bidders List contains the names of bidders that have expressed an interest in doing business with the County and it is a good resource when seeking contractors.

### B. Negotiate Price and Terms

Even when competition is not required, it is the responsibility of every County employee to attempt to obtain the best deals for the County. A person authorized to submit requisitions for the department should contact potential contractors and negotiate the best price and terms for the work they require.

## 1.7.12 How to Obtain Services Costing More Than \$7,500

### A. Competitive Process

1. Service contracts costing more than \$7,500 should be awarded through a competitive process. Departments should use the Request for Quote (RFQ) or Invitation for Bids (IFB) when the County requirement is certain.
2. When the County's requirement is not well defined, then the Request for Proposal (RFP) should be used.

### ***Definition of a Request for Proposal (RFP)***

**A RFP is a competitive sealed method of procurement that usually involves, but is not limited to:**

- ☞ Solicitation of sealed proposals;
- ☞ An opening of proposals that avoids disclosure of the contents before and during the process of evaluation and negotiation;
- ☞ Submission of price data that may be separate from submission of proposed work;
- ☞ Discussions with offerors to assure full understanding and responsiveness to the requirements of the County;
- ☞ An award made to the most responsive and responsible offeror whose proposal is determined in writing to be the most advantageous, considering evaluation factors set forth in the Request for Proposals.

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3. Requests for Proposals are used for solicitation when the County's requirements are not well defined. The solicitation requires the offeror to prepare a written proposal that explains in detail how the offeror plans to meet the County's requirements. Innovative ideas and techniques that the offeror feels may benefit the County may be included in the proposal. Award is based upon the Offeror's ability to meet the needs of the County as determined by the proposal and as weighed by the evaluation criteria set forth in the proposal, rather than upon least cost.
4. Details of request for proposals solicitations are provided in [Section 1.8.12](#), *How Requests for Proposals are Solicited*.

### **1.7.13 Exemptions from the Competitive Process**

- A. Whenever State law expressly authorizes the execution of professional services contracts without competitive bidding.
- B. For expert and professional services which involve extended analysis the exercise of discretion and independent judgment in their performance and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience such as accountants, physicians, social services consultants, labor consultants, investigators, attorneys, architects, surveyors, and engineers.
- C. For contracts totaling \$75,000 or more, the requesting department must submit its justification for exempting a professional services agreement from competitive bidding, either prior to or concurrent with a recommendation to the Board of Supervisors for contract approval.

### **1.7.14 Specific Contract Requirements**

#### **A. Commodities and Equipment Contracts**

1. Purpose – Purchase of supplies, materials, or equipment.
2. Contract Term – Maximum length is five (5) years, unless specifically extended by the Board of Supervisors. The term is determined as the maximum economic benefit to the County.
3. Multiple Contracts – Multiple contracts to different vendors may be issued for the same commodity or equipment if one of the following applies:
  - a. To ensure a steady source of supply; or
  - b. Multiple contracts offer the lowest total cost to the County.

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4. Contract Approval – The Purchasing Agent may approve all commodities and equipment contracts.

### **B. Services Contract**

1. Purpose – Service contracts provide infrequent technical service to County equipment and property, for example: pest control, copier repair, or window washing. Service contracts include all contracts for services and materials except for public works, Consultants/Professional Services, or Architectural/Engineering contracts.
2. Contract Term – Maximum length is three (3) years, unless specifically approved by the Board of Supervisors.
  - a. Reasons to extend the terms of the contract beyond three years may include:
    - Contractor's start-up costs,
    - County's start-up costs, or
    - Other justifiable economic factors

### **C. Consultant and Professional Contracts**

1. Purpose – Consultant services contracts provide advice and professional expertise and are generally project or report oriented (i.e. geologists for wetlands, economic analysis, plan checking, and environment impact, etc.). Consultant contracts under this section do not include legal service contracts, which are handled through County Counsel and Risk Management and approved by the Board of Supervisors. (Not used for Professional Services and Architect/Engineer Services contracts.)
2. Criteria – Contract out only if one (1) or more of the following exist:
  - a. A need for special skills that cannot be met by a County employee.
  - b. A lack of sufficient qualified County personnel to accomplish the work in the required time frame.
  - c. An urgency that cannot be met by a County employee.
  - d. A temporary or intermittent service that cannot be effectively performed by a County employee.
3. Contract Term
  - a. Maximum length is one (1) year, unless specifically approved by the Board of Supervisors, or the contract is based upon completion of a specified project.

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- b. Term may be based on the Project schedule, Project need for service, or Contract rate

**D. Architectural-Engineering Service Contracts**

- 1. Purpose – Architect-Engineer service contracts include contracts for professional architectural or engineering services, as well as for land surveying and incidental services, that members of the architectural and engineering professions and those in their employ may logically or justifiably perform.

**a. Criteria**

- (1) Architectural-Engineering services may include:
  - Investigation
  - Design Plans
  - Specifications Reports
  - Opinions of probable cost Shop drawing review Supervision of construction
  - Land surveying
  - Environmental documentation required by the California Environmental Quality Act (CEQA)
- (2) Ancillary Services in support of architectural or engineering projects, such as, but not limited to:
  - Archaeology, geological, and soils engineering Agronomy
  - Limnology Biology
  - Real estate appraisal Property acquisition services

**b. Vendor Selection**

- (1) Efforts shall be made to ensure that all potential architect-engineer firms that wish to provide service for the County will have the opportunity to do so. A list of potential architect-engineer firms shall be maintained and information concerning their interest and qualifications kept on file by the Capital Projects Management Division. Information on file concerning potential firms shall be used when recommending or selecting architect-engineer firms.
- (2) Selection of firms for architect-engineer services shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Another aim in the selection process is to affect an equitable distribution of work among firms that are equally qualified.

**c. Length of Contract Term**

- (1) If the architect-engineer services to be completed under a given contract relate to a specific project, then the contract term shall be based upon a

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reasonable estimate of the time required for the project. This estimate shall be made by Capital Projects Manager and engineering professionals and shall be subject to negotiation with the contractor architects and engineers.

- (2) If the architect-engineer services to be completed are not project-specific then the contract term shall not exceed one year, without prior Board of Supervisors' approval.

### 1.7.15 Contract Review Process

The County has standardized the contract, for use by all departments, when procuring consultant and professional services. The Standard Contract consists of:

- The Standard Contract
- Exhibit A for detailed Scope of Services
- Exhibit B for pricing and payment details
- Exhibit C for General Terms and Conditions
- Exhibit D for Special Terms and Conditions (For negotiated modification of General Terms and Conditions and any special terms unique to the specific contract)

In addition to the boiler plate contract, a Contract Review Worksheet should be used to facilitate documentation of funding and required approvals. Examples of all forms are attached to the *Contract Boiler Plates*, [Attachment C](#).

### 1.8.0 HOW THE COMPETITIVE PROCESS WORKS

This section contains information and procedures on how to solicit competitive quotes, bids, and proposals.

#### 1.8.1 Methods Available for Competitive Sourcing

##### A. Request for Quotation

Request for Quotations are generally informal solicitations. An informal solicitation contains fewer stringent requirements as other solicitation methods. Request for Quotations are normally used when the commodity is clearly defined. For purchases that will cost up to \$7,500, quotations may be obtained over the phone, by fax, or email, or by using a *Request for Quotation (RFQ) Form*, [Attachment G](#). Purchases from \$7,501 up to \$50,000 will be completed in writing; this includes fax, email, or the Request for Quotation Form. Quotes are normally awarded to the lowest responsible and responsive bidder.

##### B. Invitation for Bid

An Invitation for Bids is a formal solicitation for bids. A formal solicitation generally requires that a bidders list be used, the bids are received sealed, and are publicly



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opened at a pre-specified place, date, and time. Additionally, bids for public works may also require advertising. The solicitation may contain terms and condition and instructions to bidders. An Invitation for Bid is used for purchases of commodities or services that will be more than \$50,000. Bids are normally awarded to the lowest responsible and responsive bidder.

### **C. Request for Proposal**

A Request for Proposal (RFP) is a formal solicitation. It is most often used to describe a need for unique and undefined services or commodities. It allows the vendor to propose a solution to a service that is sought by the County. As with other methods of formal solicitation, a bidders list shall be used. Proposals are to be received, sealed, at a designated location by a given date and time; however, RFPs are not publicly opened. The only information that can be made public at the opening is the names of the proposers. No other information will be released until an award is made. The Request for Proposal allows the County to evaluate each proposal on a set of evaluation criteria that is included in the solicitation. The County may also negotiate with the top ranked vendors. There is no dollar limit on when to use a Request for Proposal.

### **1.8.2 How to Determine the Best Method of Competitive Sourcing**

#### **A. When RFQs are used**

1. The Request for Quotation (RFQ) is used to obtain supplies, equipment, and certain services up to \$50,000 that can be clearly specified and awarded to the lowest responsible and responsive bidder.
2. Late quotations (informal) may be accepted with the approval of the Purchasing Agent and only when no other quotations have been received.

#### **B. When to use an Invitation for Bids (IFB) or Request for Proposal (RFP)**

1. Under competitive sealed bidding (IFB), judgmental factors may be used only to determine if the supply, service, or construction item bid meets the purchase description. Under competitive sealed proposals (RFP), judgmental factors may be used to determine not only if the items being offered meet the purchase description but may also be used to evaluate the relative merits of competing proposals. The effect of this different use of judgmental evaluation factors is that under competitive sealed bidding, once the judgmental evaluation is completed, award is made on a purely objective basis to the lowest responsive and responsible bidder. Under competitive sealed proposals, the quality of competing products or services may be compared and trade-offs made between price and quality of the products or services offered (all as set forth in the solicitation). Award is then made to the responsible offeror whose proposal is most advantageous to the County.

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2. IFB and RFP also differ in that, under the IFB, no change in bids is allowed once they have been opened, except for correction of errors in limited circumstances and solely at the County's discretion. The competitive sealed RFP method, on the other hand, permits discussions after proposals have been opened to allow clarification and negotiations in proposals provided that adequate precautions are taken to treat each offeror fairly and to ensure that information gleaned from competing proposals is not disclosed to other offerors.
3. Both the IFB and RFP methods assure price and product competition. The use of functional or performance specifications is allowed under both methods to facilitate consideration of alternative means of meeting County needs, with evaluation, where appropriate, on the basis of total or life cycle costs. The evaluation criteria to be used in the evaluation process under either method must be fully disclosed in the solicitation. Only criteria disclosed in the solicitation may be used to evaluate the items bid or proposed.

### **C. The difference between IFBs and RFQs**

1. The policies and procedures listed below for IFBs also pertain to an RFQ except in the requirement for public bid opening. RFQ solicitations are not opened publicly.

### **1.8.3 How Invitation for Bids (IFB) are Solicited**

#### **A. When IFBs are used**

1. The Invitation for Bid is used to obtain supplies, equipment, and certain services more than \$50,000 that can be clearly specified and awarded to the lowest responsive and responsible bidder.
2. Contracts for the purchase of personal property with an estimated cost of more than \$50,000 shall be awarded by the competitive sealed bidding, unless the Purchasing Agent determines:
  - a. Purchase descriptions, available sources, the time and place of performance, and other relevant circumstances are not appropriate for the use of competitive sealed bidding (i.e., Sole Source Justification);
  - b. A purchase is urgent, and time does not permit a written bid; or
  - c. The commodity/services are exempt from the competitive bid process by Solano County Code.

### **1.8.4 How to Pre-Qualify Bidders & Commodities**

#### **A. How to Pre-Qualify Bidders for IFBs**

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The Purchasing Agent may pre-qualify bidders using a two-step bidding process when deemed appropriate. Bidders may be pre-qualified by responding to a solicitation for responsibility that gathers information regarding their financial background, industry stability, capacity to perform, lines of credit, manufacturers' authorizations, relevant experience, etc. Once bidders are qualified, they will then be asked to participate in a price solicitation.

### B. How to Pre-Qualify Commodities

Commodities may be pre-qualified either through a study or recommendation by the recognized standards committee, which is comprised of a representative of the requesting department(s) and a representative appointed by the Purchasing Agent.

#### 1. The following factors, among others, may be used for pre-qualification:

- a. Quality of commodities or services
- b. Experience with the commodities involved
- c. Maintenance cost
- d. Economic life cycle cost
- e. Length of time the commodity has been on the market
- f. Compatibility with existing equipment
- g. Available warranties
- h. General reputation and experience of the bidder
- i. Evaluation of the bidder's ability to service the County
- j. Prior knowledge and experience of bidder's past performance

### C. An Overview of How IFBs are Prepared

The following checklist is an overview of how IFBs are prepared. All IFBs shall contain the following elements:

1. An opening date and time. Adequate public notice of the Invitation for Bids shall allow sufficient time, not less than ten calendar days, prior to the opening of bids. Purchasing will conspicuously post a copy of each Invitation for Bid on the County's website.

*The ordering Department must provide Purchasing Services with clear, concise specifications to use in the IFB.*

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2. Developed Specifications. The ordering department must provide clear, concise specifications to use in the IFB. Frequently, specifications state "brand name or equal." "Brand name" includes identification of products by manufacturer, make, and model. Such identification is intended to be descriptive, but not restrictive. Bidders offering alternate products are required to submit complete specifications and/or samples with their bids. The County makes the determination of whether the alternate products are equal to those specified.
3. Terms and conditions. These include instructions for bidding; the time and date for the bidders' conference (if any); where, when, and how bids are to be returned; contacts for information during the solicitation period; required signatures on the bid; cost/price submission instructions; etc. that will be incorporated in the purchase order/contract.
4. Compliance with statutes. (1) The vendor will provide a copy or number of the Contractor's License as required by the County, if applicable. (2) If the vendor's place of business is located in the unincorporated area of Solano County the vendor will provide a copy or number of their County Business License.
5. A bid/price page. Generally, the bidder is provided with a form to submit their price and payment terms for the item(s) or service(s) offered.
6. Affidavit of non-collusion requirement and forms are included. If the County requires the bidders to submit an Affidavit of Non-Collusion form with their bid, a form is generally provided in the bid documents. An affidavit of non-collusion is a statement by the bidder certifying that he/she did not collude (conspire) with anyone to submit a false or sham bid.
7. Bond requirements included. If bid security, payment, or performance bonds are part of the Request for Bid, the terms and conditions should detail the requirements.
8. Insurance requirements are included. If personal, property, or automobile liability insurance will be required of the successful bidder, the terms and conditions should detail those requirements. If the County has standard forms that the successful bidder must use to provide proof of insurance, then the forms should be included in the bid package.

### **D. Developing the Specifications**

Purchasing is available to assist departments in the development of their required specifications.

1. Specifications "DOs" and "DO NOTs"

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- a. DO be clear, definite, and concise
- b. DO describe the performance requirements rather than formulation, description, or design
- c. DO frame the specifications to permit as free and full competition as is reasonably possible under the circumstances
- d. DO NOT exclude “all but one” type or kind, except where permitted by law
- e. DO NOT request unnecessary features or quality except in cases where they may be essential for future consideration or when they are economically advantageous.

### **Important Note!**

*Vendor involvement in the specification process shall be done through Purchasing so as to not convey any unfair bidding advantage between a department and a vendor.*

### 2. Use of restrictive specifications is limited

While it is not necessary to prepare specifications so that every manufacturer could competitively bid, the County must demonstrate clear reasons for any restrictive specification. Some latitude is permissible in specifying features of certain items; however, when in doubt departments should contact Purchasing.

### 3. Single brand specifications require justification

If it has been justified and accepted by the requesting agency/department and the Purchasing Agent that only one brand can meet the County's needs, “no exceptions” shall be noted in the specifications. Documentation for specifying single brands or disallowing exceptions must be on file in the Purchasing Office.

### 4. All evaluation criteria must be disclosed

Specifications must state whether criteria other than cost will be considered in awarding the contract, e.g., results of product testing, length and terms of warranty provisions, reliability and maintenance costs, repurchase value, or residual value of the equipment after a specified number of years (where the residual value can be objectively ascertained).

## E. Developing Terms & Conditions

The following terms and conditions may be included in bid documents and are provided here for informational purposes.

### 1. Copies of Bidding Documents

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- a. Bidders may obtain complete sets of bidding documents from Purchasing or the issuing department as set forth in the Invitation for Bids.
- b. Bidders must use complete sets of bidding documents in preparing bids; the County will not assume any responsibility for errors or misinterpretations resulting from the use of incomplete sets of bidding documents.
- c. The County, in making copies of the bidding documents available on the above terms, does so only for obtaining bids for the specified commodities or services. It does not confer a license or grant for any other use.

*Specifications must state whether criteria other than cost will be considered in awarding the contract.*

**2. Interpretation or Correction of Bidding Documents**

- a. Bidders and sub-bidders shall promptly notify Purchasing of any inconsistency or error that they may discover upon examination of the bidding documents.
- b. Bidders and sub-bidders requiring clarification or interpretation of the bidding documents shall contact Purchasing at least five working days prior to the date for receipt of bids, or as specified in the Invitation for Bid.
- c. Any interpretation, correction, or change of the bidding documents will be made by written addendum. Interpretations, corrections, or changes of the bidding documents made in any other manner will not be binding, and bidders shall not rely upon such interpretations, corrections, and changes.

**3. Alternate Bids**

- a. The materials, products, and equipment described in the bidding documents establish a standard of required function, dimension, appearance, and quality. An equal product must meet minimum specifications and the burden of proof and merit of the proposed alternate or substitute is on the bidder.
- b. Unsolicited alternates may be considered for award if submitted by the bidder who would otherwise be the low bid.
- c. Solicited alternates may be awarded based on the sole judgment of the County.

**4. Addenda to Specifications**

- a. Addenda will be mailed or delivered to all who are known by Purchasing to have received a complete set of bidding documents.



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- b. Copies of addenda will be made available for inspection wherever bidding documents are on file for that purpose.
- c. No addenda will be issued later than four calendar days before the date for receipt of bids except an addendum withdrawing the Invitation for Bids or one that includes postponement of the date for receipt of bids.
- d. Each bidder shall be responsible for ascertaining that he has received all addenda issued prior to submitting a bid.
- e. Bidders shall submit signed addenda in order to receive award consideration unless otherwise indicated in the bid document.

**5. Form of Bid**

- a. To receive consideration, bids shall be made on the forms and in the manner set forth in the Invitation for Bids.
- b. Late bids shall not be accepted under any circumstances.
- c. Each bid must be signed by an authorized representative of the vendor and include the legal name of the bidder.
- d. A statement of non-collusion must be signed and submitted by the bidder.
- e. Bidders shall not change the bid form nor make additional stipulations on the bid form that are not consistent with the provisions of the specifications.

**6. Bid Security**

- a. A bid bond or bid deposit (certified or cashier's check) made payable to Solano County may be required to protect the County in the event the bidder awarded the contract does not execute the contract, furnish any required performance bond, and proceed with performance. A required bid bond or bid deposit must be submitted with the bid and be in the amount as specified in the Invitation for Bid.
- b. In the event an otherwise low bidder is allowed to withdraw a bid due to claim of error, the County may retain the bid guarantee to offset its costs of administrative handling of the bid.
- c. Bid bonds or bid deposits, except those of the lowest bidder, should be returned as soon as practical following the bid opening and checking of bid responses. The guarantees of the lowest bidder should be retained until the contract has been executed and approved; at that time, any performance bond

*A required bid bond or bid deposit must be submitted with the bid, and be in the amount as specified in the Invitation for Bid.*



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and certificate of insurance provided with the submission of the bid shall be released except in the event it is forfeited. Additionally, the bidder's bonds or bid security of the second and third lowest responsible bidders may be retained until the contract has been fully executed and insurance certificates are obtained.

- d. The cash, cashier's checks, and certified checks submitted by all other unsuccessful bidders shall be returned to them within ten calendar days after the receipt of bids, and their bid bonds shall be of no further effect.

**7. Receipt of Bids**

All bids must be received in a sealed envelope or an electronic lock box via the County's eProcurement System before the time specified in the Invitation for Bids.

- a. Bids must be kept secured, promptly time-stamped upon receipt, and deposited unopened in the respective bid folder until the official bid opening.
- b. Late bids will not be opened and will not be considered under any circumstances. A late bid will be date-stamped and remain unopened in the bid file. A letter from Purchasing will be sent notifying the bidder that the bid was received late and was not considered.

**8. Bid Opening**

- a. Will take place at a specified date and time. Bids must be received before or at the time specified in the bid. Late bids will not be considered under any circumstances. A late bid will be date-stamped and filed unopened in the bid file.
- b. At a public opening. A public bid opening will be held as soon as possible after the bid closing time.
- c. The Purchasing Agent or designee shall administer all bid openings and all bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the Invitation for Bids. The County assumes no responsibility over the confidentiality of bid information unless specifically stated otherwise in the Invitation for Bids.

**9. Correction or Withdrawal of Bids**

- a. In any request or decision involving a bid mistake, correction, or withdrawal, purchasing staff shall consult with County Counsel. Except as otherwise specified in Section 5100 et seq. of the California Public Contract Code, correction or withdrawal of inadvertently erroneous bids before or after bid

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opening may be permitted only if such correction or withdrawal is not prejudicial to the interest of the County or fair competition.

- b. Mistakes in bids detected prior to bid opening may be corrected or withdrawn by the bidder by written request. The request must be received by the Buyer prior to the time designated for opening of bids; however, the original bid shall not be physically returned to the bidder until after the bid opening. The written request must be signed by the same individual who signed the original bid and shall be sealed, time-stamped, and deposited in the same manner as the original bid. Oral, telegraphic, or facsimile transmission corrections or withdrawals shall not be permitted.
- c. Mistakes in bids detected during or after bid opening may only be corrected by the bidder under the following circumstances:
  - (1) A bidder may be permitted to correct a material mistake that would cause such bidder to have the low bid if the mistake is clearly evident from examining the bid document; for example, arithmetical errors. A bidder shall not be permitted to correct a bid for errors of judgment.
  - (2) An otherwise low bidder may be permitted the opportunity to furnish other information called for by the Invitation for Bid, and not supplied due to an oversight, so long as it does not affect responsiveness.
- d. The Buyer will maintain complete and sufficient records of evidence used to establish an error and intended price. Records of bid withdrawals shall also be maintained to ensure there is no abuse of the competitive bidding process. All decisions to permit the correction of bid mistakes and the withdrawal of bids shall be made in writing by the Buyer and retained in the bid file.

**F. Bid Evaluation Criteria**

- 1. Bids shall be evaluated based on the requirements set forth in the Invitation for Bid, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Criteria that affects price shall be objectively measurable, such as discounts, transportation costs, and life cycle or total ownership costs. The Invitation for Bid shall set forth the evaluation criteria to be used.
  - a. Examples of evaluation criteria that may be used include:
    - (1) Adherence to all conditions and requirements of the bid specifications
    - (2) Total bid price, including any trade discounts or prompt pay discounts of twenty days or more; unit price, or extended price

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- (3) Local vendor preference – if the local vendor's original bid is within 5% of the lowest bidder then the local vendor is given the opportunity to meet that low bid and be awarded the contract, see *Declaration of Local Bid Form*, [Attachment F](#)
- (4) General reputation and experience of bidders based on references and/or prior performance
- (5) Hourly rates for specified personnel
- (6) Evaluation of the bidder's ability to serve the County
- (7) Financial responsibility of the bidder
- (8) Needs and requirements of the County
- (9) Experience with the products involved
- (10) Nature and extent of company data furnished upon request of the County
- (11) Quality of merchandise offered
- (12) Product qualities such as appearance, workmanship, finish, taste, and feel
- (13) Results of product testing
- (14) Overall completeness of product line offered
- (15) Bidder's ability to meet delivery and stocking requirements
- (16) Delivery or completion date
- (17) Maintenance costs and warranty provisions
- (18) Repurchase value or residual value of equipment after specified number of years where the residual value can be objectively ascertained
- (19) Availability of products or services required
- (20) Compatibility with the County's current equipment/products
- (21) Availability of sales and/or service representatives
- (22) Maintainability and reliability

*In every bid  
solicitation, the  
County reserves  
certain rights.*

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- b. The Buyer shall maintain complete and sufficient records of bid evaluations to ensure there is no abuse of the competitive bidding process. All reasons for making the award recommendation shall be made in writing by the Buyer and retained in the bid file. A sample *Bid Evaluation Form*, [Attachment D](#), can be found in this policy.

### **G. County's Rights**

1. The County reserves the following:
  - a. The right to reject any or all bids.
  - b. The right to waive any irregularities or informalities in the bidding process.
  - c. The right to reject a bid unaccompanied by any required bid security or by other data required by the bid documents.
  - d. The right to reject any bid that is in any way incomplete, irregular, amplified, unqualified, or otherwise not in compliance with bid documents in all material respects or reasonable interpretation.
  - e. The right to waive any informality, irregularity, immaterial defect, or technicality when deemed to be in the County's best interest.

#### **1.8.5 How Bids Are Evaluated**

##### **A. Bid Evaluation Considerations:**

1. Cost Factors
  - a. Total bid price (including any discounts), unit or extended price, and administrative costs (if applicable)
  - b. Hourly rates for specified personnel
  - c. The County's administrative costs
  - d. Maintenance costs and warranty provisions
  - e. Life-cycle costs, repurchase value, or residual value of equipment after a specified number of years in cases where the residual value can be objectively ascertained
  - f. Cost and rate of use of consumables

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### 2. Responsibility Factors

- a. General reputation and experience of the bidder
- b. Bidder's ability to service the County
- c. If required, possession of current licenses and/or certificates as required by federal, state, and county laws
- d. Financial ability of the bidder to successfully meet the requirements of the contract
- e. Prior knowledge of and experience with the bidder in terms of past performance
- f. Nature and extent of company data furnished by the bidder upon request of the County
- g. Bidder's ability to meet delivery and stocking requirements
- h. Bidder's experience with the commodities or systems
- i. Length of time the commodities or systems have been on the market

### 3. Responsiveness Factors

- a. Adherence to all conditions and requirements of the bid specifications
- b. Quantity and quality of merchandise offered
- c. Compatibility with existing commodities or systems
- d. Completeness of the commodity line offered
- e. Delivery or completion date

#### 1.8.6 How Bids Are Awarded

##### A. Evaluation criteria considered

The County may award a contract based on bid evaluation criteria other than, or in addition to, lowest bid price if the Invitation for Bid provides the evaluation criteria and the award is in the best interest of the County. In the event the successful bidder fails to perform or withdraws his bid, the County may award a contract to the next lowest responsible and responsive bidder that will best meet the needs of the County.

*Award shall be made to the bidder whose proposal most adequately meets the needs of the County . . . at the lowest price...  
Section 22-25, Award of Bid Code*

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### B. To Lowest Responsible & Responsive Bidder

IFBs are awarded to the lowest responsible and responsive bidder. The County may look at many factors to determine if a bidder is responsible. Responsibility criteria may include such items as references, plant capacity, credit data, financial statements, licenses, bonding, and insurance. In accordance with Solano County Code, Section 22-25, *Purchasing and Bidding Ordinance*, [Attachment A](#), award shall be made to the bidder whose bid most adequately meets the needs of the County, officer, department, or using agency at the lowest price.

### C. Local Preference

In order to address the competitive disadvantage faced by local businesses that seek to enter into contracts with the County because of the higher costs of doing business in the County, and to encourage businesses to locate and remain in the County, the County has implemented a local preference policy.

### D. Definition of Local Business

1. For purposes of this section, a "local business" means a business enterprise, including, but not limited to a sole proprietorship, partnership, or corporation, which has the following:
  - a. A valid business license issued from the County or a political subdivision within the county, and
  - b. Its principle business office or a satellite office with at least one full-time employee, located in the County.
  - c. The *Declaration of Local Business Form*, [Attachment F](#).

### E. Preference

1. Where the lowest responsible bidder is not a local business, the Purchasing Agent shall provide the lowest responsible local business bidder, should one exist and its bid is within five percent (5%) of the lowest responsible bidder, with notice and an opportunity to reduce its bid to match that of the lowest responsible bidder. Notice shall be by telephone and either facsimile or electronic mail. The local business shall have five (5) business days after the date of such notice to match the lowest bid, in writing. Should the local business so match, it shall be deemed the lowest responsible bidder and receive the award.
2. Should the lowest responsible local business bidder decline to match as set forth above, the purchasing agent shall provide the next lowest responsible local business bidder, should one exist, and its bid is within five percent (5%) of the lowest responsible bidder, with the same notice and opportunity to match the bid

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of the lowest responsible bidder as above. This process shall continue as necessary, until an award is made either to a responsible local business bidder within five percent (5%) of the lowest responsible bidder, or the lowest responsible bidder itself.

### F. Tie bids

Occasionally one or more bidders quote the same unit price. If all other factors are equal (local preference, green preference, delivery, cash discount, etc.), the Purchasing Agent may break the tie by drawing by lot or by toss of a coin.

### G. Public notice of award

A written public notice of the award will be provided to all bidders. Purchasing or the awarding department shall maintain a summary of bid awards and make it available for public inspection. The summary shall, at minimum, include the date of the award, the vendors, the contract amounts, and a brief commodity or service description.

### 1.8.7 How Bid Awards Are Canceled

The County may cancel an award with just cause. Failure on the part of the successful bidder to:

Execute the contract within the time allowed; Furnish an acceptable performance bond; or  
Comply with any other requirement-imposed precedent to execution of the contract;

Shall be considered just cause for cancellation of the award and forfeiture of the bid security. Forfeiture of bid security shall not be a penalty, but a liquidation of damages.

*A material variance is one that gives the bidder a substantial benefit or advantage not enjoyed by the other bidders.*

The County may subsequently award the bid to the next lowest responsible and responsive bidder, re-advertise the call for bids, or take such action as the Purchasing Agent deems appropriate.

### 1.8.8 How Bids Are Rejected

In the terms and conditions of the IFB the County reserves the right to reject any or all bids. Bids may be rejected without a stated reason or for any number of reasons defined below.

#### A. Rejection for material variance

Any bid that contains a material variance must be rejected. Every bid must be carefully examined to determine whether it contains any material variances. A material variance



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is one that gives the bidder a substantial benefit or advantage not enjoyed by the other bidders.

### **B. Rejection for lack of bid security**

The County may reject a bid not accompanied by a required bid security or by other data required by the bidding documents.

### **C. Rejection for incompleteness or irregularity**

The County may reject a bid that is any way incomplete, irregular, amplified, unqualified, or otherwise not in compliance with the bid documents in all material respects.

The Buyer shall maintain complete and sufficient written records of bid rejections to ensure that there is no abuse of the bidding process. All reasons for rejecting a bid shall be retained in the bid file.

## **1.8.9 Waiving Informalities**

In the terms and conditions of the IFB, the County generally reserves the right to waive any informality, irregularity, immaterial defects, or technicalities in any bids received.

## **1.8.10 How Bid Solicitations Are Canceled**

### **A. Cancellation of Invitation for Bids**

1. The Purchasing Agent may cancel a bid solicitation if it is determined to be in the best interest of the County. Examples of reasons for cancellation are:
  - a. Inadequate or ambiguous specifications
  - b. Specifications have been revised
  - c. Quantities have been revised
  - d. Conditions of project have changed
  - e. Adequate funding is no longer available
  - f. Supplies or services are no longer needed
  - g. Changes have occurred in County requirements
  - h. All bids were deemed unreasonable

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- i. County estimates were inaccurate
- j. Bids submitted were sham or submitted in bad faith
- k. Collusion among bidders was suspected
- l. All the necessary requirements of the bid process were not met
- m. There was insufficient competition
- n. Any other reason determined to be in the best interest of the County

The Buyer shall maintain complete and sufficient written records of bid cancellations to ensure that there is no abuse of the bidding process. All reasons for canceling a bid invitation shall be retained in the bid file.

### **1.8.11 Protesting an Award of Invitations for Bids**

Any bidder who feels the award of an IFB was not made in accordance with instructions provided in the bid document may submit a protest. See [Section 1.11.4, Protests and Appeals](#).

### **1.8.12 How Requests for Proposals Are Solicited**

#### **A. When RFPs are used**

The Request for Proposals (RFP) may be used to obtain services estimated to cost more than \$7,500. RFPs are generally the best method of soliciting proposals for services because they allow proposals to be evaluated based on qualifications and services offered, rather than on compliance with specific formulae, tasks, or characteristics.

Although the competitive process is not required for service and consultant contracts up to \$7,500, it may be prudent to develop a RFP if the services are of a competitive nature. Contact Purchasing for advice.

#### **B. An Overview of How RFPs Are Prepared**

The following checklist is an overview of how RFPs are prepared by Purchasing or the department. Departments issuing their own RFP's may request assistance from Purchasing.

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### 1. A Public Notice is issued

Adequate public notice of the Request for Proposals shall be given; sufficient time must not be fewer than ten (10) calendar days prior to the opening of proposals. Purchasing will conspicuously post a copy of each Request for Proposal on the Internet. Departments issuing a RFP will post a copy in a public area of the department or request Purchasing to post the RFP on the Internet.

*All criteria to be used in the evaluation of the proposals must be included in the RFP; otherwise it cannot be used in the evaluation.*

### 2. A Scope of Work is developed

The ordering department must develop a scope of work to use in the RFP. If the scope of work does not adequately enable offerors to provide a meaningful proposal, then the department should confer with the Purchasing Agent to determine if a two-step RFP process would be more beneficial. A two-step RFP process enables the department to receive feedback from offerors; step one refines the requirements of the department and step two requests price and additional information from the offerors.

#### Performance Based Scope of Work

A solid scope of work based upon performance is to include: (1) description of the requirements in terms of results required rather than specifying how the work is to be accomplished; (2) set measurable performance standards; (3) describe how the contractor's performance will be evaluated in a quality assurance plan.

### 3. Terms and conditions are included

Terms and conditions that will be incorporated in the purchase order/contract must be stated in the RFP. Some of these terms and conditions include instructions for submitting proposals; the time and date for a pre-proposal conference (if any); where, when, and how proposals are to be submitted; contacts for information during the solicitation period; required signatures; cost/price submission instructions; evaluation criteria; required submittals; etc.

### 4. Evaluation criteria is included:

All criteria to be used in the evaluation of the proposals must be included in the RFP; otherwise it cannot be used in the evaluation. Additionally, it may be advisable to include the importance (weight) given to each criterion to provide offerors an opportunity to better address the heavily weighted factors. Also, as part of the evaluation criteria, proposers should be advised of whether the lowest costing proposal that meets the requirements and standards specified in the RFP or the highest scored proposal will be awarded the contract.

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### 5. Insurance requirements

If proof of liability or other insurance will be required, then limits and terms must be provided in the RFP.

### 6. Bond requirements

If security, payment, performance, or other types of bonds are required of offerors or will be required of the successful offeror then limits, specifics, and forms must be provided in the RFP.

### C. Frequency of Issuing RFPs

1. RFPs for ongoing services should, under most circumstances, be issued at least once every three years. The frequency of the RFPs will assure alternate vendors the ability to access County business and ensure that the County continues to receive the most competitive prices and the highest quality of service.

### D. Details of the RFP Process

#### 1. RFP Coordinator

Departments that issue RFP's will assign a RFP Coordinator to be responsible for acting as the primary point of contact for the RFP. The Coordinator will also be responsible for accepting, opening, and reviewing all proposals to ensure that the minimum requirements of the RFP are fulfilled. The Coordinator may be part of the Evaluation Committee, except if the Coordinator is from Purchasing. Purchasing does not participate in the evaluation process, but may provide advice, guidance, and insurance that the committee follows the evaluation criteria set forth in the RFP.

#### 2. Selection of an Evaluation Committee

An evaluation committee will consist of representatives appointed by the initiating department head or the County Administrator. The committee will be designated to review proposals and document all findings and recommendations in the evaluation process. The committee may include persons who are non-county employees but have critical experience or expertise to contribute. Such non-county employees must abide by the ethical standards set forth in [Section 1.1.2.D, Ethical Standards for Purchasing Activities](#). Evaluation Committee members are required to sign and submit a *Rules of Conduct (for Evaluation Team Committee Members)*, [Attachment H](#), and a *Declaration of No Conflict of Interest (for*

*Competitive sealed proposals for materials and fixed assets should be prepared and awarded in the same manner as provided in this section.*

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*Evaluation Team Committee Members*), [Attachment I](#). These documents are to be retained in the master solicitation file.

### 3. Determination of Evaluation Factors

- a. The proposals will be assessed based on evaluation criteria set forth in the RFP. It is advisable for the evaluation committee to assist in determining the evaluation factors due to their expertise in the subject matter. Collaboration at the initial evaluation stages also provides an opportunity for the committee to become familiar with the criteria before they must use it in the evaluation process.
- b. The Request for Proposals may indicate the relative importance of evaluation factors. The following are representative evaluation criteria that may be considered by the department or Buyer when preparing a Request for Proposal:
  - (1) Reputation and Experience. Does the consultant have a reputation of being reliable, delivering on schedule, and performing tasks to the satisfaction of his clients? Does the consultant have sufficient experience in the kind of work required?
  - (2) Capability and Availability of Staff. Does the designated firm have the qualified and experienced staff needed to perform this job?
  - (3) Understanding of the Problem. Does the firm understand the issues and has it developed a relevant and effective approach?
  - (4) Proximity of the Firm. In accordance with the Local Preference Policy, the County shall strive to retain firms based within Solano County.
  - (5) Cost. Whenever possible and appropriate, a firm fee or hourly rate should be secured as part of the proposal and considered in the evaluation process.

In addition, examples of evaluation criteria listed in this section under [Section 1.8.4.F, Bid Evaluation Criteria](#) or [Section 1.8.5, How Bids are Evaluated](#), may be used.

### 4. Receipt of Proposals

Although both types of formal solicitations (IFBs and RFPs) are received publicly or submitted via electronic lock box using the County's eProcurement System, at fixed times and dates (submittal deadlines), RFPs are not read aloud publicly. The

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reason for a non-public opening is that RFPs are not awarded to the responsive and responsible vendors who offers the lowest price as IFBs are; instead, RFPs consider price as only one of several evaluation criteria used to determine the successful offeror. If the prices provided in RFP proposals were read aloud at formal openings, offerors might mistakenly assume that the lowest price received would be awarded the contract. Therefore, to avoid confusion, generally either nothing is read or only the names of offerors who have submitted proposals are read at RFP submittal deadlines. At the public opening of IFBs, information regarding bid prices is read aloud.

*In conducting discussions with offerors, there must not be any disclosure of information derived from proposals submitted by competing offerors.*

### a. Initial Review of Proposals

Purchasing staff (RFP Coordinator) and/or the issuing department must review the proposals to ensure that the minimum requirements for the RFP are met. Proposals not meeting the minimum, mandatory, and administrative requirements may be rejected by formal letter from Purchasing or the issuing department and are not reviewed in the evaluation process.

### b. Evaluation of Proposals

Eligible proposals still remaining after the initial review are presented to the Evaluation Committee for in-depth evaluation as set forth in the Request for Proposal solicitation. The Purchasing Agent or designee will act in an advisory capacity to ensure that proper procedures are followed; however, they will not participate in the evaluation of the proposals.

### c. Discussions with Offerors and Revisions to Proposals

As provided in the Request for Proposals, discussions may be conducted with responsive offerors who submit proposals determined to be reasonably susceptible of being selected for awards for the purpose of clarification to assure full understanding of the requirements of the County.

## 1.8.13 Request for Proposal Approval Process

The Request for Proposal process normally results in a contract. The following steps should be taken to ensure that everything is in place when the contract is signed.

### A. Verifying Funding

1. Before a RFP or informal interview procedure is initiated and when the cost is anticipated to be more than \$7,500, departments should request their CAO Analyst's approval in order to proceed.

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2. The CAO Analyst will verify that funding is available in the department's budget and determine if Board approval is required.
3. Board approval should be obtained on any RFP that is considered unusual or potentially controversial (i.e. something that deviates from the Board's usual direction and/or policy).
4. County Counsel should verify that departments have consulted the CAO's office prior to assisting departments with RFP development and/or review of a RFP or related documentation.

**B. Final Contract Approval Process**

**1. Unbudgeted**

The County Administrator may approve contracts that are less than \$75,000 and were not previously budgeted. Although proposals less than \$75,000 do not require Board approval, the County Administrator's Office should be consulted to determine whether the specific consultant services or other circumstances warrant Board consideration.

The Board of Supervisors will award contracts costing \$75,000 or more.

**C. Budgeted**

1. The CAO may approve contract awards for services costing less than \$75,000.
2. The department head or the County Administrator's Office shall submit recommendations, along with pertinent contract documents, to the Board of Supervisors for award of service contracts for \$75,000 or more.

***The recommendation to the Board of Supervisors should include the***

- ✓ The services to be provided
- ✓ The method of compensation (e.g., "hourly") or the actual cost, if appropriate
- ✓ The reasons for recommending the selected consultant, particularly if that proposal was more costly than others
- ✓ A contractor-signed copy of the contract

**Note:** Stress the attributes of selected consultant, rather than the deficiencies of the consultants not selected

**1.8.14 Preparing a RFP**

These procedures are applicable to all contracts that require the RFP process.



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### A. Initiate the request

If Purchasing is to assist in the purchasing process, a written request must be submitted to Purchasing that identifies the general terms of the project, the source of the funding, and the expected time frame for the project.

### B. Coordinate and plan the RFP

The RFP process is normally used to find the solution to a need. The better the needs or desired outcomes are described, the more likely the proposals are to address the solution. The requesting department should schedule an initial planning session with the Purchasing Agent or designee to consider the following details.

### C. Define the need

A consultant cannot adequately address your needs if the need is not clearly stated or communicated.

*The better the needs or desired outcomes are described, the more likely the proposals are to address the solution.*

### D. Identify what the consultant is to accomplish

Identification would include objectives of services needed, the desired approach that the consultant is expected to take in order to answer the need. These details include the determination of any practical, policy, technological, or legal limitations; the development of specific questions to be answered; the description of the items to be delivered; the format and number of copies of reports to be submitted; and the extent and nature of the assistance to be provided to the County.

### E. Provide a timetable for events

An estimated timetable that includes projected dates for the award of contract, commencement of performance, progress reporting, completion, and payment associated with the RFP solicitation should be provided.

### F. Define budgetary limitations

Budgetary limitations such as time, money, or both should be included.

### G. Research sources

Develop a preliminary list of contractors; consult with Purchasing to develop a Bidder's List and bidders suggested by the requesting Department.

### H. Determine if project is appropriate for an independent contractor

Review the scope of work and ensure that an independent contractor can successfully perform it. An independent contractor is one that works independently, without

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requiring daily supervision from the County. It is imperative that contractors maintain “independent contractor” status because if the State determines that a contractor was not “independent,” the County could be liable for providing workers’ compensation, insurance, etc., in addition to being held responsible for the contractor’s actions.

### **I. Preparing an RFP**

Following the planning stage, the requesting department will develop a draft RFP utilizing this input plus all of the legal templates, minimum requirements, and evaluation criteria necessary to the process. The draft will include some or all of the following, tailored to the specific project:

1. Background discussion of Solano County describing who we are and where we are.
2. Minimum qualifications for participation.
3. Information regarding the submission of proposals. This section may include such information as a calendar of milestone events, date and time of pre- proposal the conference, a procedure for questions, the closing date and time of solicitation period, where and to whom proposals are to be submitted, contacts for information during the solicitation period, required signatures on the proposal, the number of proposals to be submitted, cost/price submission instructions, and the actual format for the response.
4. Bidder’s Bond in the amount that may be required as determined by the discretion of the department or the Purchasing Agent.
5. Performance Bond in the amount as determined by the department or the Purchasing Agent.
6. The County’s insurance requirements are included in the standard contract boiler plate.
7. Provide general information about the Request for Proposal. This will include the format to be followed in submitting proposals, including electronic submittals, reference requirements, the address of the responsible party, and the procedure relative to the receipt of RFPs after the closing date.
8. Requirements Statement (Scope of Work)

The requirements statement shall articulate the County’s objectives for contracting for services. All information presented shall be technically correct and easily understood. The proposal’s specifications shall establish standards of quality, quantity, and any other measures necessary for acceptable performance. All services/products to be delivered under the proposed contract shall be specified,

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including any acceptance criteria. The requirements statement shall also include descriptions, numbers, and formats for oral and/or written reports, as well as the expected period of performance.

### **9. Responsibility Criteria**

This may include references, financial statements, bonding, insurance, etc.

### **10. Evaluation Criteria**

The RFP shall state the criteria on which the proposal will be evaluated; this may include weighted criteria. The criteria shall be quantitative, not subjective, and shall relate to the specifications set forth in the requirements statement.

### **11. Terms and Conditions**

The terms and conditions anticipated to be included in a final contract shall also be stated in the RFP. Examples of terms and conditions include: policies on subcontracting, certifications (e.g. non-discrimination), warranty, and indemnifications. Vendors shall be instructed to identify in writing any requested exceptions from the specified terms. Proposals are to be maintained as confidential working papers until officially placed on the Board of Supervisors' meeting agenda. See *Contract Boiler Plates*, [Attachment C](#).

### **12. Addenda to the RFP**

If it is determined that amendments to the RFP are necessary, addenda shall be mailed to all firms who received a RFP. Alterations may include additional information, due date changes, etc.

### **13. Protest Procedures**

Any vendor who feels that the award of a RFP was not made in accordance with instructions provided in the RFP document may submit a protest. See [Section 1.11.4](#), *Protests and Appeals*.

### **14. Acceptance of Proposals**

Proposals are to be received at the time and place specified in the Request for Proposal or may be submitted to an electronic lock box through the County's eProcurement System. Late proposals will be date-stamped upon arrival and either maintained unopened in the County's proposal file or returned unopened to the offeror with a letter of explanation.



#### 15. Closing Deadline

A timetable must be established for the RFP release, bidder's conference date if applicable, and closing date. It should be noted that in order to obtain the most comprehensive proposals, a reasonable amount of time must be allowed for offerors to respond. Experience has shown that at least three (3) weeks from the date of issuance to the closing date should be allowed. Timetables must be evaluated on an individual project basis; however, under no circumstances can the time for submitting proposals be less than ten (10) working days.

#### 16. Evaluation Criteria

The evaluation criteria are the most important factors in the RFP process; they identify how the County will rate and select the successful contractor. To provide consistent and fair evaluation and to insure selection of the best proposal, the RFP must clearly define the standard criteria that will be used by the County to evaluate and select the successful proposer.

#### 17. Selecting Sources to Solicit

Purchasing maintains a list of all known contractors who can provide services to the County. At the request of the department, Purchasing will distribute the RFP to sources on the Bidders List, through the County's Electronic Procurement System, as well as to those suggested by the requesting Department. All requests from firms and/or individuals expressing interest to provide services should be forwarded to Purchasing for placement on the Bidders List.

#### 18. Conduct Pre-Proposal Conference

The pre-proposal conference is designed to provide clarification of the Request for Proposal. The conference may be mandatory depending on the complexity of the project and the market. If the RFP leaves room for interpretation and questions, then a mandatory bidder's conference may be held. If the RFP is for a project with a limited number of offerors, a mandatory conference may not be required, or the conference may be held but attendance may not be mandatory.

#### 19. Release RFP

If the project has prior budget approval, and if the department has sufficient funding for the RFP, then it is not necessary that authorization be obtained from the Board of Supervisors to release the RFP. Purchasing or the issuing department will establish a date for the RFP to be released to the list of prospective vendors identified during the planning process.



**J. How to Evaluate a RFP**

**1. Conducting the Closing of Submittal Deadline, if appropriate**

At the date and time established as the submittal deadline, a public “closing” may be held in which the Purchasing Agent or department representative declares the submittal time closed and reads the names of the offerors who have submitted proposals. After that time, no additional proposals will be accepted. Additionally, should proposals be submitted through the County’s electronic procurement system, proposals will not be allowed to be entered into the lock box after the deadline has passed. The proposals received by the deadline will be opened either in Purchasing or in the department specified in the RFP.

**2. Confidentiality of Proposals**

Proposals are to be maintained as confidential working papers until an “Intent to Award” notice is officially issued and placed on the Board of Supervisors’ meeting agenda.

**3. Initial Review**

The proposals are initially reviewed by Purchasing staff or by the issuing department to ensure all minimum, mandatory, and administrative requirements for the RFP have been met. Proposals that do not meet the minimum, mandatory, and/or administrative requirements will be rejected by a formal letter from Purchasing or the issuing department and will not be reviewed further in the evaluation process.

The proposals remaining after the initial review are presented to the Evaluation Committee for an in-depth evaluation as set forth in the Request for Proposal. The Purchasing Agent or designee will not further evaluate the proposals except in an advisory capacity to see that the proper procedure is followed.

**4. Selection of Evaluation Committee**

Members of evaluation committees should be selected based on their qualifications and appointed by the requesting department head or designee.

**5. Select Offerors for Interview**

A preliminary review of the proposals shall be performed in order to determine that responsible firms have submitted all proposal documents and that the technical specifications could meet the needs of the County. Interviews may then be held with all responsible offerors who submitted proposals within a competitive range based on price and all other factors considered. Interviews may be waived with the approval of the Purchasing Agent or, for human services contracts, the Contract Administrator. Criteria for waiving interviews include, but are not limited to, the

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urgency of the project, the complexity of the requirements, and the evident superiority of a particular proposal or proposals.

### **6. Conduct Interviews**

Interviews may be held to further explain proposals and to give offerors an opportunity to revise their proposals to meet the needs of the County more effectively. All offerors must be given an equal opportunity to submit revisions in price, technical specifications, or other areas resulting from the interview process. No data on an offeror's proposal (such as an offeror's designs, identity, or proposed costs) is to be revealed to other offerors. Auction techniques are strictly prohibited.

- a. If revisions are significant, all offerors must be given a common date and time for acceptance of revised proposals. Revised proposals should reflect the offeror's BEST AND FINAL offer.
- b. If, during interviews, requirements change substantially, or a decision is made to change the scope of work, an amendment must be made to the original Request for Proposals and sent to each original prospective contractor. All amendments will be in writing and posted on the County's website or via the County's electronic procurement system.
- c. Negotiations concerning compensation or scope of services may be conducted as prescribed in the Request for Proposals.
- d. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals; such revisions may be permitted after submission, and before award, for obtaining best and final offers. In conducting discussions, there shall be no disclosure of information derived from proposals submitted by competing offerors.

### **7. Prepare Synopsis of Proposals**

For all actions requiring selection/approval by the Board of Supervisors, the requesting department shall prepare a brief synopsis of the evaluation of proposals received. In its recommendation to the Board, the department should group proposals in categories of relative equality.

## **K. How to Award a RFP**

### **1. Notice of Intent to Award**

Upon completion of the evaluation, the evaluation team will make a written recommendation documenting the reasons for selection of the successful offeror. In the case of a quantified evaluation, the team ranks the competitors. Recommendations are then submitted to the Purchasing Agent or the originating



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department, who will issue a *Notice of Intent to Award* letter. The letter will notify all competitors of the recommendations and the date on which the Board of Supervisors is scheduled to make the award. No official award will be made until seven (7) calendar days after release of the letter. The letter may be mailed, faxed, emailed, or delivered by hand to the offerors. If a protest is received, the award process will be suspended until the protest is resolved. The scheduled date for the Board of Supervisors approval must allow sufficient time to complete the protest action. See [Section 1.11.4](#), *Protests and Appeals*.

### 2. Contract Development

Following the approval of the Intent to Award, the Purchasing Agent or the requesting department may negotiate the specific terms and conditions of the contract. There are specific items that must be included in the contract language and others that may be added during the negotiation process. It should be noted that contract language should not be added in any way that changes the requirements of the Request for Proposal or the successful offer. Use the *Contract Boiler Plates*, [Attachment C](#).

### 3. Tally the Evaluation Scores

Purchasing or another third party not participating as an evaluator shall tally scores of the evaluation committee. Aggregate, not individual, scores shall be available for review.

### 4. Notify Offerors

- a. Offerors are notified by mail, email or through the County's electronic procurement system and the County posts a Notice of Intent to Award on the County's website; however, based upon such factors as the nature, size, or sensitivity of the procurement, offerors may be notified by telephone. Upon request, offerors may coordinate with the department to obtain a copy of the Agenda Item Transmittal. All offerors in a given procurement shall be notified in the same manner.
- b. Offerors shall be allowed to review all of the proposals after the Agenda Item Transmittal is filed with the Clerk of the Board. No other verbal or written information (including evaluations, ranking, etc.) shall be given to offerors by Purchasing staff or issuing department.

## L. How Purchase Agreements (Blanket Purchase Orders) Are Evaluated

1. Since it is often difficult to solicit competitive bids for Purchase Agreements (blanket purchase orders) based on cost, due to the complexity of the commodity line or the unavailability of firm quantities, other criteria may be used to evaluate purchase agreements. Such criteria may include:



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- a. Geographic location or distance of the vendor from the using department;  
*Declaration of Local Business Form, [Attachment F](#)*
  - b. Size of inventory as an indicator of the breadth of the commodity line (availability)
  - c. Vendor's delivery capacity
  - d. Vendor's acceptance of phone orders
  - e. Time it takes to fill an order
  - f. Whether vendor will consolidate invoices
  - g. Discounts extended by the vendor
  - h. Representative labor, job, or parts costs
  - i. Maintenance of accounting/billing information
2. Award of Blanket Purchase Orders (Purchase Agreements) shall always be to the most responsive and responsible vendors based on the most verifiable and pertinent evaluation criteria. Under certain conditions, purchase agreements may be negotiated.

### **1.9.0 HOW TO RENT OR LEASE/PURCHASE EQUIPMENT**

This section contains information and procedures about how to rent or lease equipment by negotiating contracts.

#### **1.9.1 Negotiated Contracts**

##### **A. Lease or Lease/Purchase**

1. On a limited basis, the lease or lease/purchase of new or used vehicles, new or used heavy equipment, or other equipment, e.g., copiers may be negotiated when deemed beneficial by the requesting department and the Buyer. A negotiated lease or lease/purchase shall require that:
  - a. Whenever possible, requests for written offers be submitted to at least three vendors
  - b. Purchasing retain copies of written requests, offers, and analyses for each transaction

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- c. Oral quotes may be used for the lease or purchase of new or used vehicles, new or used heavy equipment, or other equipment
- d. Alternately, equipment purchases, or leases may be accomplished by the use of the competitive sealed bidding or competitive sealed proposal process.

### **1.9.2 Debt Advisory Committee**

Solano County has established a Debt Advisory Committee to review and make recommendations on financing proposals initiated by County departments. The committee has adopted the rules and procedures defined below. All proposed financing of \$50,000 or more by any department or agency under the jurisdiction of the Board of Supervisors should be referred to the Committee. The Committee is charged with ensuring financial stability and a strong credit rating for the County, as well as overseeing debt financing for County departments.

#### **A. General Provisions**

##### **1. Function**

These rules and procedures shall apply to the Debt Advisory Committee of the County of Solano. The primary function of this Committee is to review all proposed financing initiated by any department or agency under the jurisdiction of the Board of Supervisors and make recommendations to the Board regarding such proposed financing.

- 2. "Financing" shall mean any bonds, certificates of participation, lease/purchase agreements, notes, interest rate swaps, letters of credit, or other financing arrangements that will obligate the County for \$50,000 or more and/or for payments of five (5) years or more.

#### **B. Scope**

- 1. The Committee shall also review and make recommendations to the County Administrator on other financing issues as requested. Examples of issues the Committee will review, and research include:
  - a. The total level of debt obligations within the County. Considerations include maintaining the County's financial stability and credit rating.
  - b. The appropriateness of a given type of debt instrument for a financed project.
  - c. The structure of a given financing including call schedule, maturity, amortization, security, interest rates, rating, risk, and other parameters the Committee shall deem appropriate.

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- d. The debt levels of County departments and agencies.
- e. The status of existing debt issues, including such matters as refunding possibilities, administration, and adherence to covenants.

**C. Committee**

**1. Committee Members**

The Committee shall consist of the following individuals or their designees:

- a. County Administrator – Chair
- b. Auditor-Controller – Vice Chair
- c. Treasurer-Tax Collector-Clerk – Member
- d. County Counsel – Legal advisor

**2. Deputies**

Any officer named in may designate a deputy to act as a member of the Committee in his/her place or stead. This designee is to address all interests and purposes as though the officer were personally present, including the right of the deputy to be counted in constituting a member to participate in the proceedings of the Committee and to vote upon any and all matters.

**D. Committee Meetings**

- 1. The regular meeting of the Committee shall be held on the first Wednesday of January of each year and more often, as necessary. At this meeting the Committee shall:
  - a. Review the current status of County debt.
  - b. Review all proposed financing.
  - c. Select a Financial Advisor (firm).
  - d. Select Bond Attorneys (firm).
  - e. Schedule subsequent meetings as needed.

**E. Items Submitted to the Committee for Review**

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1. A department requesting the Committee's review shall submit the following information to the Chair at least one (1) week prior to the Committee meeting to review the department's request:
  - a. A description of the proposed project or facilities to be financed.
  - b. A description of the source of revenue for debt retirement, including a statement regarding the liability of the County and the Board of Supervisors in the event of default.
  - c. A summary of the public review process, if any, and the actions the Board of Supervisors, will be required to take.
  - d. A schedule of financing activities.
  - e. An itemization of the administrative tasks and responsibilities necessary for debt service administration and covenant compliance.

### **F. Committee Review and Report**

1. Upon receiving the information presented by the requesting department, the Committee will:
  - a. Determine of the feasibility of the proposal.
  - b. Determine compliance with this policy.
  - c. Recommend the financing program.
  - d. Reserve the right to subsequent reviews prior to the sale of bonds or lease placement to ensure all provisions of the policy are being met.
  - e. Waive or modify any of the policies included herein if, in its judgment, the County would benefit from such a waiver or modification.
  - f. Make a recommendation to the County Administrator regarding the proposed financing, which will be included in the agenda item as presented to the Board of Supervisors.

### **1.10.0 HOW THE COUNTY CONTRACTS FOR PUBLIC WORKS PROJECTS**

This section contains State and County policies for developing bids for public works projects. Resource Management and General Services are responsible for soliciting bids for these projects.

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### **1.10.1 General Considerations for all Public Works Contracts**

#### **A. How to define a Public Works Contract**

Public Works Contracts include all contracts for erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind. Road and Flood Control project requirements are strictly prescribed in the California Public Contract Code. Public Works projects other than road, bridges, or flood control are referred to in this section as "County projects," and requirements for these projects are strictly prescribed in the California Public Contract Code and by the State of California Department of Industrial Relations.

#### **B. How to Set Contract Terms**

The length of a Public Works Contract term is determined by a reasonable estimate of the required time to complete the project as set forth by the County as prescribed in the bid, which is based and accepted by the contractor in submittal of their bid.

#### **C. Prohibition against splitting projects**

It shall be unlawful to split or separate any public project into smaller work orders for the purpose of evading the provisions of this article requiring public projects to be completed by contract following the bidding process. Every person who willfully violates the provisions in this section is guilty of a misdemeanor. See California Public Contract Code, Section 20150.11.

#### **D. Conflict of Interest**

No County employee shall knowingly issue a contract to any current or former County employee or his/her immediate family, including persons acting as agents or representatives, until two years after separation from the County and without notification to the Board of Supervisors.

### **1.10.2 How to Notify & Select Vendors**

The bid process for Public Works contracts shall be structured to provide an opportunity for all interested contractors to participate in the bid competition; this will allow the County to select vendors who will facilitate the best use of public funds while taking into account the administration logistics (e.g., project size, project time frames, and project cost).

Selection of vendors will be done by utilizing a process determined by the project amount.

#### **A. Informal process**

Per California Public Contract Code, section 22032, any public construction project that is estimated to be valued at \$60,001 - \$200,000 is subject to the Informal Bidding Procedures set forth by the State of California Uniform Construction Cost Accounting

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Commission. All trade categories are subject to Informal Bidding Procedures. Contractors that have registered on the Informal Bidders' List will be notified about the County's public construction projects valued at \$60,001 - \$200,000. Project notification will include a general project description, location of where to obtain more detailed information, and the time and place of bid submission at least fourteen (14) calendar days in advance of the submission deadline and bid opening.

**B. Formal process – Projects more than \$200,000**

The notices inviting formal bids shall state the time and place for the receiving and opening of sealed bids, and distinctly state the project to be done. The first publication or posting of the notice shall be at least ten (10) days prior to the date of the bid opening. Notice shall be published at least twice, not less than five (5) days apart, in a newspaper of general circulation, printed and published in the jurisdiction of the County. In addition to the notice being published in a newspaper of general circulation, mailed, or posted, pursuant to this section, the County may also publish the notice inviting bids in a trade publication.

Type of Project	Which Type of Process is used when?			Exceptions
	Force Account	Informal Bids	Formal Bids	
County Projects	Up to \$60,000 UCCAA projects may be performed by negotiated contract or by purchase order (PCC22032(a))	\$60,001-\$200,000 UCCAA does not require advertising, but require notice to qualified contractors and trade journals	More than \$200,000 UCCAA projects requires Formal Bidding procedures (PCC22032(a))	Board can reject all bids if too high and, instead, direct work to be performed by Force Account
Road Projects	The Board has designated the Resource Management Director as the County Road Commissioner, therefore allowing the use of Force Accounts on all road projects	Up to \$20,000 if not done by Force Account	More than \$20,000 if not done by Force Account	Emergencies
Bridges	See above	Less than \$10,000 if not done by Force Account	More than \$10,000 if not done by Force Account	Emergencies

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Vendor selection is based solely upon lowest responsible bidder.

### **C. Projects Below the Formal Bid Thresholds**

For County road and bridge projects totaling up to \$60,000, bids shall be solicited and obtained using the Bidders List. County road and bridge projects costing \$60,001-\$200,000 may be let to contract by informal procedures as set forth by UCCAA and from the list of pre-approved contractors.

Bid documents may either be distributed at an on-site pre-bid meeting or by mail. The General Services or Resource Management Departments shall receive and evaluate all bids and select a vendor.

### **D. Rejection of Bids**

1. There are two possible ways for the County to use force account for a project after going to bid and either rejecting all bids or not receiving any bids:
  - a. Re-bid or Force account. The first method requires a re-bid of the project after the first rejection of bids. If the Board then rejects all bids a second time, or if no bids are received, the County may proceed with the project by use of County personnel or the County may choose to re-advertise. A majority vote of the Board is sufficient for action. See California Public Contract Code, Section 20150.9.
  - b. The second method allows the County to re-evaluate cost estimates for projects originally costing up to \$200,000. If all bids have been rejected and the project declared by the Board, in a four-fifths vote, to be more economical if performed by County personnel or contract negotiation, then work may be completed in either capacity without the requirement for a subsequent bid. The negotiated contract must be done so with the original bidders and result in a lower price than any of the bids originally submitted. See California Public Contract Code, Section 20150.10.

#### **1.10.3 When Board Approval Is Required**

##### **A. Road Plans**

Plans for road projects for \$75,000 or more shall be submitted to the Board of Supervisors for approval. If the Board has annually approved road standards, then Board approval is not required. However, any deviation to Board approved standards must be presented to the Board for approval prior to bidding the project.

##### **B. Contracts for County Projects, Flood Control Projects and Road Projects**

1. The following contracts require Board approval:



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- a. County projects **\$75,000 or more**
- b. Flood control projects **\$75,000 or more**
- c. Road projects **\$75,000 or more**
2. For Public Works Contracts, less than \$75,000, the delegated approval found in [Section 1.7.0](#), *How to Develop Service Contracts*, applies. See [Section 1.7.7](#), *Contract Overview*.
3. The Resource Management Director or the General Services Director shall submit an agenda item that includes:
  - a. Plans, specifications, and contract documents
  - b. A description of the project
  - c. Statement justifying the need for the work
  - d. Statement of compliance with CEQA requirements
  - e. Overview of Bid process
4. Departments shall advertise, receive, open, and read the bids. The department shall evaluate the bids and submit a recommendation for award to the Board of Supervisors.
5. If approved, the Board shall award the contract and authorize execution of the contract by the Chairman of the Board, or designee. The Board may delegate the execution, authority to amend and/or terminate the contract to the County Administrator, Resource Management Director or General Services Director.

Upon completion of the project, the Department shall submit a request to the Board of Supervisors for approval and execution of Notice of Completion of the contract.

**C. Public Works Contracts that do NOT require Board approval**

For Public Works Contracts that do not require Board action, the Purchasing Division, County Architect, or Resource Management Department shall establish and maintain an active Bidders List that is open to all interested bidders. The General Services Department or Resource Management Department would draw bidders from the Bidders List for individual projects. Specific procedures shall be established to rotate sources on specific project bid lists in order to provide maximum bid opportunities and competition commensurate with project size and available sources. The Potential Bidders List would then be utilized to select vendors for a specific project bid list for competitive bidding.

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### 1.10.4 How to Make Changes to Public Works Contracts

#### A. Adjustments to unit price contracts

Adjustment to construction contracts based upon unit price bid items and estimated units may be made without Board of Supervisors' approval provided the total dollar amount is within the departments' project budget and pursuant to delegated authority.

#### B. Adjustments to all Public Works Contracts based on change in scope of project

In addition to the limits of the delegated spending authority, found in [Section 1.7.0, How to Develop Service Contracts](#), the California Public Contract Code prohibits changing or altering the nature or character of a public works project that is more than 10% of the original bid without addressing the need to re-bid the entire project. Accordingly, change orders on Public Works Contracts are limited to:

1. Contracts less than \$75,000 - An amount not to exceed 10% of the original contract price or \$7,500. CAO may sign any change orders provided that the new amended total amount of the contract is less than \$75,000.
2. Contracts \$75,000 or more – An amount not to exceed 10% of the original contract price. Board of Supervisors' approval is required but can be delegated to the County Administrator, Resource Management Directors or General Services Director.
3. Contracts more than \$250,000 – An amount not to exceed \$75,000 plus 5% of the amount of the original contract more than \$250,000. Board of Supervisors' approval is required; however, authority can be delegated to the County Administrator or the Directors of Transportation or General Services.

### 1.10.5 How to Handle Public Works Emergencies

The California Public Contract Code strictly prescribes the definitions, monetary limits, and conditions for emergency contracts for various types of Public Works Contracts, as summarized below.

#### A. Emergencies involving County Projects

1. In states of great emergency:
  - a. When repair or replacements are necessary to permit the continued conduct of County operations or services
  - b. To avoid danger to life or property

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2. The Board of Supervisors, by majority consent, may proceed at once to replace or repair any and all structures without adopting the plans, specifications, strain sheets or working details, or giving notice for bids to let contract. The work may be done by force account under direction of the Board, by contract, or by a combination of the two. For County projects, bids shall not be required for contracts up to \$10,000.

**B. Emergencies involving projects under supervision of the Resource Management Director**

For projects under the supervision of the Resource Management Director, emergency work is defined as that which is:

“Necessitated by the imminence or occurrence of a landslide, flood, storm damage, or other emergency, and the public interest and necessity demand immediate action to safeguard life, health, or property.”

The Resource Management Director shall issue emergency road contracts of more than \$50,000 either by purchasing the material and letting a contract for the work, or by letting a contract covering both work and material without advertising for bids.

**C. Emergencies involving roads and bridges governed by California Public Contract Code, Section 20407**

California Public Contract Code, Section 20407 states: In the event of great emergency, upon the majority vote of the Board of Supervisors, the Board may proceed at once to replace or repair any and all bridges without adopting plans, specifications, strain sheets or working details, without letting contracts or without calling for bids. Such work may be done by day labor under the direction of the Board, or by contract, or by a combination of the two.

**D. Emergencies involving flood control governed by California Public Contract Code, Section 21024.**

Emergency work, found by the Board of Supervisors to be necessary in order to protect life and property from immediately impending flood damage, may also be done by negotiated contract without advertising for bids.

**E. Emergency cases for use of force account**

There are certain exceptional cases where force account may be used even though the project amount exceeds \$60,000:

Emergency work -- In emergency situations, defined in the California Public Contract Code, Section 1102 as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or

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impairment of life, health, property, or essential public services,” California Public Contract Code, Sections 20134 and 22035 allow force account to be used where competitively bid contracts would otherwise be required if the Board of Supervisors or an officer to whom emergency authority has been delegated determines that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency. The board determination or delegation must be by a four-fifths vote. In either event, the board must renew the initial determinations by a four-fifths vote at successive meetings, based on substantial evidence set forth in the meeting minutes, or it must terminate the response action and have the rest of the work done by contract let after competitive bidding.

**1.10.6 Laws Relating to Public Works Contracts**

The following is a list of California Public Contract Code (PCC) Sections that pertain to public works contracting.

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### ***General Contract Requirements***

### ***PCC Section***

✧ Specify contractor's license classification	3300
✧ Specifications by brand or trade name	3400
✧ Relief of bidders	5100-5107
✧ Void contract provisions	7100
✧ Extra compensation	7101
✧ Damages	7102
✧ Compromise and settlement	9201

### ***General County Requirements***

#### ***Requirement to contract:***

✧ Contract required for construction and repair	20120
✧ Exception to requirement	20122
✧ Exception to requirement (alterations or repairs)	20123
✧ Splitting work prohibited	20123.5
✧ Purchase of supplies and service by purchasing	20131
✧ Repetitive work contracts (County buildings)	20128.5
✧ Emergencies	20134

#### ***Requirements of contract:***

✧ Adoption of plans by Board of Supervisors	20124
✧ Advertisement for bids	20125
✧ Examination of plans by bidders	20127
✧ Faithful performance bond	20129

#### ***Requirements for contract changes:***

✓ Alteration or change in plans and specifications	20135
✓ Alteration or change in contract; manner	20136
✓ Specify contract change in writing; cost	20137
✓ Changes or additions in work being performed	20142
✓ Reduction in cost; compensation to County	20138
✓ Extra work or materials	20139
✓ Method of payment for construction contracts	20140

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<b><i>Miscellaneous Special Provisions:</i></b>	<b><i>PCC Section</i></b>
✓ Project use of gravel bed affecting fishery	20126
✓ Rejection of bids on shipping facility	20130
✓ Delegation of contracting power/administrative officer	20132
✓ Inapplicability of provisions to juvenile homes/camps	20141
✓ Inapplicability of article to certain contracts	20144
✓ Authority of officer of county to act on contracts	20145
<b><i>County Road Requirements</i></b>	
<b><i>Requirement to contract:</i></b>	
✓ Bidding not required (road)	20394
✓ Notice in general terms for work (road)	20394.5
✓ Bridge construction or repair by contract (bridge)	20402
✓ Bidding not required (bridge)	20403
<b><i>County Road Requirements</i></b>	
✓ Emergency work (bridge)	20407
<b><i>Requirements of contract:</i></b>	
✓ Survey of proposed work; plans (road)	20391
✓ Notice calling for bids; contents; publication (road)	20392
✓ Adoption of plans; call for bids; publication (bridge)	20404
✓ Award of contract; rejection of bids; new bids (road)	20393
✓ Faithful performance bond (payment bond) (road)	20398
<b><i>General Contract Requirements</i></b>	
✓ Award of contract; faithful performance bond (bridge)	20405
<b><i>Requirements for contract changes:</i></b>	
✓ Work done under County road commissioner (road)	20395
<b><i>Miscellaneous special provisions:</i></b>	
✓ Application of article (road)	20390
✓ Application of article (bridge)	20400
✓ Election to contract under State Contract Act (road)	20396
✓ Moving of detention camps (road)	20397

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***Miscellaneous special provisions:***

- ✓ Summer bridges; expense (bridge)
- ✓ Appointment of road commissioner; duties (bridge)
- ✓ Authorization of road commissioner (bridge)

***PCC Section***

20401

20408

20409

***Uniform Public Construction Cost Accounting Act***

22000-22050



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### **1.11.0 HOW TO MANAGE VENDORS, THE BIDDERS LIST, PROTESTS AND APPEALS**

This section contains information and procedures for managing vendors, the Bidders List, bidder protests and appeals.

#### **1.11.1 Department Contact with Vendors**

Departments that contact vendors for information regarding price purchase requisitions or gather operational or budgetary information shall inform the vendors that the information requested is for planning purposes only and is not a request for quotations. Departments shall also advise vendors who wish to visit their department that such vendors must first obtain approval from Purchasing. This will reduce the interruption of County operations caused by unnecessary vendor contacts to County departments.

Purchasing shall arrange equipment demonstrations; therefore, departments shall contact Purchasing if they are interested in reviewing equipment. Whenever possible, such demonstrations will be consolidated to include all interested departments. This arrangement is essential to eliminate the possibility of "backdoor buying."

#### **1.11.2 Vendor Ethics**

The following rules apply to all vendors and contractors doing business with the County:

- A. It shall be a breach of ethical standards for any person to offer, give, or agree to give any County employee or former employee a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or specification, standard or contract.
- B. It shall be a breach of ethical standards for any person or firm to present false documents or falsely represent his firm.
- C. Vendors shall exercise reasonable care and diligence to prevent any actions or conditions that could result in a conflict with the best interests of the County. This obligation shall apply to vendors, employees, agents, relatives, subcontractors, and third parties associated with accomplishing the work hereunder.
- D. A breach of the policies set forth in this policy may result in debarment from consideration of awards.
- E. All sales representatives, for purchases more than \$7,500, shall work through the office of the Purchasing Agent and shall advise Purchasing of any direct department contact.

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### 1.11.3 The Bidders List

#### A. General Information

Purchasing maintains a list of known prospective bidders who are available to furnish materials, professional and consultant services, and supplies that can meet the County's needs. In the case of written formal bids, informal quotations, and for most transactions, the list (or record) of those bidders solicited will be in the bid/quotation file. In most cases, lists are maintained on a computer that enables identification of vendors who supply the items or services required.

#### B. Use of Vendors Not on the Bidders List

Occasionally purchases are made from suppliers not on the Bidders List because they have never requested that their firm be placed on the list. Any new supplier will be sent a vendor application to be added to the bidders list for consideration on future bids.

#### C. Requests to be Added to Bidders Lists

Bidders may be added to the Bidders List based on requests from bidders, County departments, or Purchasing staff.

#### D. Deletions from Bid Lists

Bidders may be deleted from Bidders List only by action of the Purchasing Agent. Reasons for deletion might include: closure of the business; continual poor service or poor quality of goods furnished; default on a previous purchase; failure to respond to three consecutive bids or quote invitations; or a vendor's request to be removed. Departments wishing to have a contractor removed from the Bidders List must submit a written request to Purchasing that provides an explanation as to why a bidder should be removed from future bid solicitations. The written request should provide detailed factual information documenting the actions taken by the department to correct the non-conformance of a contract. All written correspondence between the department and the contractor should be attached to the department's memo.

#### E. Vendor Identification Number

Each vendor that does business with the County shall be assigned a Vendor Identification Number. The identification number will not be assigned until the vendor returns a vendor application package or receives a purchase order or contract. The identification number used by Purchasing is the same as the "vendor" number used by the Auditor-Controller.

#### F. Official Record of Bidders

The master Vendor Identification Number list and Bidders List are reference resources used to prepare each record of bidders.



#### 1.11.4 Protests and Appeals

Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Director of General Services. The protest shall be submitted in writing to the Director of General Services within seven (7) calendar days after such aggrieved person or company knows or should have known of the facts giving rise thereto. The protesting contractor/vendor shall file a detailed statement specifying the grounds for the protest; letters must be mailed.

##### A. Written Decision Within 10 Days

The Director of General Services shall issue a written decision within ten (10) working days following receipt of the protest. The decision shall:

1. State the reason for the action taken; and
2. Inform the protester that a request for further administrative appeal of an adverse decision must be submitted in writing to the County Administrator or designee within seven (7) calendar days after receipt of the decision made by the Director of General Services.

The Director of General Services will discuss with County Counsel all protests and appeals before issuing a written decision.

##### B. Appeal to the County Administrator or designee

1. If so requested, as set forth above, the County Administrator or designee shall schedule the appeal for hearing within twenty (20) working days from the date of receipt of the appeal.
2. Once the County Administrator or designee has scheduled the appeal hearing, written notification thereof shall be given to the appellant by personal service not less than ten (10) working days from the date of the hearing.
3. At the hearing the appellant shall have the right to testify, be represented by counsel, present witnesses on his own behalf, cross-examine all other witnesses, and present oral and written documents and evidence directly regarding the issues.
4. At the conclusion of the hearing the County Administrator or designee shall make findings of fact and a decision concerning the issue(s) raised by the appellant.
5. Review of the proceeding before the County Administrator or designee may be sought in accordance with Code of Civil Procedure.

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**C. Stay of Purchasing Action During Protest**

Under this section, in the event of a timely appeal before the County Administrator or designee, the County shall not proceed further with the solicitation or with the award of the contract until the appeal is resolved. This may be disregarded only if the Director of General Services, in consultation with the head of the using department and County Counsel, makes a written determination that the award of the contract, without delay, is necessary to protect a substantial interest of the County.

**D. Remedies Before an Award**

Prior to award determination, if a solicitation or proposed award of a contract is found to be in violation of any law, then the solicitation or proposed award shall be:

1. Canceled or
2. Revised to comply with the law.

**E. Remedies After Award**

Following an award determination, if a solicitation or award of a contract is found to be in violation of any law then the contract may be terminated subject to County Counsel's decision.

**1.11.5 Debarment of Vendors**

After consultation with County Counsel, and after reasonable notice to the vendor involved and reasonable opportunity for that vendor to be heard, the Board of Supervisors shall have the authority to debar a vendor for cause from consideration for award of contracts.

**A. Causes for Debarment**

The causes for debarment include the following.

1. Conviction of or civil judgment for:
  - a. The commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract or subcontract.
  - b. The violation of antitrust statutes relating to the submission of bids or proposals.
  - c. The commission of embezzlement, theft, forgery, bribery falsification, destruction of records, making false statements, or receiving stolen property.
  - d. Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a contractor or subcontractor.

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2. Violation of the terms of a public agency contract or subcontract serious enough to justify debarment, such as:
  - a. Willful negligence, failure to perform, or an unsatisfactory performance of one or more contracts
  - b. A history of failure to perform or an unsatisfactory performance of one or more contracts
3. Violation of ethical standards set forth in this policy.
4. For any other cause that the Board of Supervisors determines to be so serious and compelling as to affect responsibility as a County contractor.

### **B. Other Actions**

This section shall not be construed as to limit or prejudice any administrative or legal action available to the Board of Supervisors.

#### **1.12.0 HOW TO DISPOSE OF SURPLUS PROPERTY**

This section contains information and procedures about the transfer, sale, and disposal of personal (not real) property belonging to the County.

##### **1.12.1 Purchasing and County Departments' Responsibilities**

Purchasing is responsible for preparing and distributing procedures to help ensure the maximum utilization of surplus personal property. County departments are responsible for promptly notifying Purchasing when any personal property is no longer needed. Purchasing will determine whether another department requires the item and whether the item should be stored, transferred, or disposed of. Government Code, Section 25504 enables the county to sell these surplus property items.

##### **1.12.2 Departments Must Notify Purchasing of Surplus Items**

Although Purchasing will periodically survey departments for surplus personal property, departments must notify Purchasing whenever such property is available so that another department may use it when a need arises.

##### **1.12.3 Purchasing Will Provide Lists of Surplus Items**

Purchasing will provide secure storage and maintain an inventory of surplus personal property. The inventory list will be made available to departments to compare to requisitions in order to ensure that unnecessary purchases are avoided.

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### 1.12.4 Movement or Transfer of Surplus Items

Departments shall use the County's Property Transfer and Movement Request (EMR) form when transferring surplus items to other departments or moving the items to Purchasing. Instructions to prepare the form are printed on the back of the form.

### 1.12.5 Purchasing Will Dispose of Surplus Personal Property

Purchasing will sell, lease, transfer, dispose of, or exchange surplus property as provided by Section 22-40 of the Solano County Code, *Purchasing and Bidding Ordinance, Attachment A*, and Section 25504 of the Government Code, and Board direction.

### 1.12.6 Some County Employees May Not Buy Surplus Items

Any officer, agent, or employee of the County assigned to the purchasing function; is responsible for surplus declarations; has privileged information regarding the item or equipment or the value thereof which is not available to all prospective bidders; or is assigned to the organization having custody of the surplus property; **shall not** directly or indirectly submit a bid or purchase surplus County personal property. All other County employees may purchase surplus items during any public sale or auction held by the County. This policy shall be liberally construed to prohibit any appearance of impropriety; County Counsel should be consulted for an opinion whenever there is a question of probable conflict.

### 1.12.7 Trade-Ins are Allowed

- A. Purchasing should be informed whenever departments are replacing existing equipment (personal property) that will no longer be used. This notification should be included in the requisition forwarded to Purchasing to purchase the new equipment. Purchasing will attempt to use the existing equipment to obtain a trade-in allowance on the purchase of the new equipment.
- B. When purchasing personal property for which it is not necessary to advertise for bids, the Purchasing Agent is authorized to solicit and accept advantageous trade-in allowances for County personal property that has previously been determined by the Purchasing Agent to be of no further public use.
- C. When purchasing personal property requiring the use of an Invitation for Bids, the Purchasing Agent may include a request for trade-in of equipment that is no longer useful to the County. The Purchasing Agent shall declare the County personal property to be traded in as "surplus" and approve such trade-in as a part of the bid award if the Purchasing Agent has determined that it would be in the best interest of the County.

### 1.12.8 Where the Money from the Sale of Surplus Property Goes

The proceeds of surplus property dispositions shall be deposited into the County treasury for use by the County. Where the property is exchanged or traded in, the Purchasing



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Agent shall secure its value on behalf of the County. Where specifically authorized by law, the Purchasing Agent may sell, lease, or dispose of the personal property of any special district and pay the proceeds into the treasury of that district; if an exchange or trade-in is made, the proceeds may be returned to the special district by depositing the funds with the County Auditor for disbursement to the special district, Section 25505 of the Government Code.

### **1.12.9 Advertising the Sale of Personal Property**

In the disposition of any personal property, the Purchasing Agent may purchase advertising space and may advertise the proposed sale or other disposition to those persons most likely to bid for or purchase the personal property.

### **1.12.10 Reuse/Recycle Surplus Program**

In an effort to minimize the cost of staff time and unnecessary waste, the Board of Supervisors has established a Reuse/Recycle Surplus Program. Under this program, items that have been determined to have no value to the County would be offered at no cost to non-profit agencies and the public.

Items that are not reassigned to other departments and are determined to be of no value due to being obsolete, inoperable, or otherwise unserviceable will be made available to non-profit agencies and the public through the Reuse/Recycle Surplus Program. Typically, items in this category would be those which would normally be disposed at the County landfill because of lack of value.

Reuse/Recycle Surplus Program items will be made available on a regular bi-monthly basis for two consecutive days. The first day, items will be made available to non-profit organizations. The second day access will be open to the public, including County employees, as well as non-profit organizations.

#### **A. Donations to Non-Profit Organizations**

Per Government Code, Section 25372, the Board of Supervisors may approve donations of surplus goods to non-profit organizations. A letter requesting the donation as well as indicating their 501(c)(3) non-profit status shall be required of the receiving organization.

### **1.13.0 PROVIDING PUBLIC ACCESS TO PROCUREMENT INFORMATION**

This section provides important information about providing access to procurement information.

Procurement information shall be a public record to the extent provided in the California Public Records Act, Government Code, Section 6250 et. seq., and shall be available to



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the public as provided in that statute. Any written requests for public records should be immediately forwarded to County Counsel.

### **1.13.1 Policy & Procedures**

#### **A. Forward Requests to County Counsel Immediately**

1. The California Public Records Act requires a response be provided within ten (10) days of receiving the request. In order to meet that timeline, counsel must be consulted as soon as possible so that a determination can be made as to the existence of the requested records and whether or not the records will be disclosed. County Counsel should also be consulted immediately when verbal requests for records are made. Although a written request it is not required, the requester should be encouraged to make the request in writing, to every extent practicable.
2. Some of the requirements of the California Public Records Act are summarized below to provide a brief overview as it may pertain to procurement records. This section is set forth here for informational purposes only. Because Government Code, Section 6250, et. seq., may be changed at any time by the legislature, County Counsel should be consulted before taking any action under the California Public Records Act.

#### **B. Definition of Public Record**

##### **1. "Public Record"**

This includes any written document containing information relating to the conduct of the public's business that has been prepared, owned, used, or retained by the County regardless of its physical form or characteristics.

##### **2. Records Must be open to Inspection at all Times.**

Public Records must be open to inspection at all times during the County's office hours, except as noted below under "Exceptions." Any reasonably segregate portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempt by law.

##### **3. Records Shall be Made Promptly Accessible.**

Upon a request for a copy of records that reasonably describes an identifiable record or records, the County shall make the records promptly available to any person, upon payment of fees covering direct costs of duplication, or a statutory fee, if applicable. Upon request, an exact copy shall be provided unless impracticable to do so. Computer data shall be provided in a form determined by the County.

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4. Determinations Must be Made Within Ten Days as to Whether the Request for Copies of Public Records in Possession of the County May be Disclosed.

The County, upon a request for a copy of records shall, within ten (10) days from receipt of the request, determines whether the request, in whole or in part, may be disclosed. The County shall promptly notify the person making the request of the determination and the reasons for it.

- a. Time Extensions May be Allowed in Unusual Circumstances. In unusual circumstances, a written notice from County Counsel, or designee, may extend the time limit prescribed in this section for the person making the request. The written notice shall set forth the reasons for the extension and the date on which a determination should be dispatched.

- (1) No Extension Beyond 14 Days. No notice shall specify a date that would result in an extension for more than 14 days. Only to the extent reasonably necessary to the proper procession of the particular request, as used in this section, "unusual circumstances" means:

- i. Need to Search and Collect Records. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- ii. Need to Search, Collect, and Examine Records. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- iii. Need to Consult with Another Agency. The need to consult with another agency having substantial interest in the determination of the request, or among two or more components of the County having substantial subject matter interest in the determination of the request, shall be conducted with all practicable speed.

- (2) Obstruction to Records is Not Permitted. Nothing in Government Code, Section 6252, et. seq., shall be construed to permit the County to obstruct the inspection or copying of Public Records. Public Records stored in a computer shall be disclosed as required by this section.

- (3) Notification of Denial Shall Bear Names and Titles of Person(s) Responsible. Any notification of a denial of any request for records shall set forth the names and titles or positions of each person responsible for the denial.

- (4) County May Adopt Requirements to Improve Access. Except as otherwise prohibited by law, the County may adopt requirements that allow for faster,

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more efficient, or greater access to County records than prescribed by the minimum standards set forth by Government Code, Section 6252.

- (5) County May Adopt Procedures for Record Requests. The County may adopt regulations stating the procedures to be followed when making records available in accordance with Government Code, Section 6252.

### **5. Exceptions**

- a. Except as provided in Government Code, Sections 6254.7 and 6254.13, nothing in the California Public Records Act shall be construed to require disclosure of records that are any of the following:

- (1) Preliminary Drafts, Notes, Inter-Agency, or Intra-Agency Memoranda that are Not Retained by the County in the Ordinary Course of Business. Access of County records shall be denied if the public interest in withholding these records clearly outweighs the public interest in disclosure.
- (2) Records Pertaining to Pending Litigation. Records pertaining to pending litigation of which the County is a party, or to claims made pursuant to Government Code, Division 3.6, commencing with Section 810, until the pending litigation or claim has been finally adjudicated or otherwise settled.

### **6. County Must Justify Withholding Records.**

The County shall justify withholding any record by demonstrating that the record in question is exempt under the express provisions of Government Code, Section 6250, et. seq.; or based on the facts of the particular case that the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.

### **7. Access to Records May Not be Denied Based Upon the Purpose of the Request.**

The County may not limit access to a public record based upon the purpose for which the record is being requested if the record is otherwise subject to disclosure.

### **8. Nothing in this section prevents destruction of records pursuant to law.**

## **1.14.0 FAQS – FREQUENTLY ASKED QUESTIONS**

This section provides answers to frequently asked questions.

- ✎ Why is it necessary to submit a requisition to Purchasing? (In other words, why can't Purchasing issue a purchase order based solely on a verbal request?)

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A requisition authorizes Purchasing to purchase goods and services on behalf of requesting departments. Without such authorization, Purchasing would not be able to charge the goods or services to the requesting departments' budgets.

✎ How can we avoid doing business with a "bad" vendor?

Under certain circumstances, non-responsible vendors may be removed from the County's bid list for cause; this is called "debarment." See [Section 1.11.5](#), *Debarment of Vendors*, in this policy for procedures for debarment vendors.

✎ Is there any way to avoid bidding when we are in a hurry?

Unless there is an emergency, waiver of the bid process to expedite the procurement would require prior approval of the Purchasing Agent, County Administrative Officer, or Board of Supervisors, depending on the cost of the procurement.

✎ Why must bids be awarded to the lowest vendors?

Public monies fund County activities; therefore, the County must comply with all Federal, State, and County laws that require award of competitive bids to the lowest, responsible, and responsive vendor. The County, however, is authorized in certain circumstances to award other than the lowest bidder; see [Section 1.8.2.B](#), *When to use an Invitation for Bids (IFB) or Request for Proposal (RFP)*.

✎ Can competitive procedures be avoided by leasing rather than purchasing equipment?

No. You cannot avoid competitive procedures by leasing rather than purchasing equipment; leases are also subject to competitive procedures.

✎ What is the advantage of a centralized procurement system? (In other words, why can't a department buy their own goods and services more than \$7,500?)

The County has chosen to use a centralized procurement system for obtaining goods and services. This system cannot be changed, or avoided, without modifying the Solano County Code, which requires approval by the Board of Supervisors. A centralized procurement system realizes several advantages that decentralized systems do not, such as:

- ◆ Checks & Balances. A centralized procurement system utilizes checks and balances to ensure that no one person or department has control over requisitioning, ordering, receiving, and paying for goods and services more than \$7,500. For example: The department requisitions the goods, Purchasing orders the goods, the department accepts the goods, and Accounts Payable pays the invoice. This system of checks and balances prevents persons from ordering goods for personal use and charging the County.

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- ◆ Professional Buyers. The Buyers in Purchasing receive ongoing specialized training to enhance their skills and keep them on the cutting edge of procurement technology. These skills include performing life-cycle analysis, which is a method of calculating total cost of the product over its life; developing requirement contracts; and soliciting bids and proposals that give all responsible vendors an opportunity to do business with the County. These skills are obtained through continued education and training. For example: Buyers, or purchasers, can work toward two accreditations awarded by the Institute for Supply Management, a prestigious nationwide association of private and public purchasing professionals. Accredited Purchasing Practitioner (APP) and Certified Purchasing Manager (CPM) two designations recognized in the professional field; these accreditations are earned through accumulating points from continued education, training, and the passing of strenuous procurement exams. In addition, the Universal Public Purchasing Certification Council (UPPCC) Examinations measure professional competence and the understanding of the body of knowledge surrounding public procurement. Certified individuals are issued a certificate attesting that they have met the standards of the credentialing organization and are entitled to make the public aware of their credentialed status, through the use of initials after their name and in all forms of address. The UPPCC offers the Certified Public Professional Buyer (CPPB) and Certified Public Purchasing Officer (CPPO) designations. Obtaining a CPPB or CPPO designation demonstrates a standard of competency in the public-sector arena.

- ◆ Quantity Discounts. A centralized procurement system enables Purchasing to combine the needs of several departments for like items in order to realize quantity discounts. Quite often quantity discounts reduce the price of goods or services dramatically. For example: A single department purchasing fuel for its staff vehicles would probably pay a price per gallon equal to the retail pump price, whereas, a combined quantity of perhaps several thousand gallons of fuel to meet the needs of many departments would significantly reduce the price per gallon. The same type of contract also helps the County realize significant discounts on office supplies.

- How can the department attain the product or service that they have decided is the best available without going through the bidding process?

The County's policy is to bid unless there is a valid reason not to. The department must determine if any of the exceptions to the bidding requirement fit its situation. See [Section 1.1.11](#), *Exceptions to the Competitive Bid Process*, in this policy for detailed information about exceptions.

- If the annual cost of a lease agreement is less than the informal or formal bid threshold, can bidding be avoided?

No, the overall cost of the lease determines whether or not it must be competitively bid for or negotiated. For example: The threshold for soliciting quotes is more than

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\$10,000. The lease for equipment needed is \$4,000 per year for 3 years. Because the total amount of the lease (\$12,000) exceeds the competitive quote threshold written quotes must be solicited before entering into the lease agreement.

☞ Is tax counted in the total cost of an item when determining whether bids are required?

Yes, tax as well as shipping and handling charges are considered part of the purchase price. The total amount to be expended with one supplier/contractor determines whether bids are required.

☞ Do purchases made with grant funds require bidding?

The answer is generally yes. Purchases made with grant funds typically require bidding; however, it depends on the requirements of the grant. Carefully examine grant procurement requirements since grants often have more restrictive bid requirements than the County.

### 1.15.0 QUICK GUIDE TO PROCUREMENT

In order to quickly determine authority thresholds, approval workflow, method of procurement and tool for authorization of expenditures (Departmental Purchase Order, Vendor Claim, Purchase Order or Contract), refer to the chart below:

WHAT	THRESHOLD	PROCUREMENT METHOD	TOOL FOR EXPENDITURE	APPROVING AUTHORITY	POLICY SECTION
Commodities/Goods	≤\$7,500	Informal Quote	Departmental Purchase Order/Vendor Claim	Department Head	1.1.6, 1.1.9 & 1.4.7
Commodities/Goods	>\$7,500 – \$50,000	Informal or Formal Quote	Purchase Order	CAO/Delegated Authority	1.1.6, 1.1.9 & 1.4.7
Commodities/Goods	>\$50,000	Formal Invitation to Bid	Purchase Order	CAO/Delegated Authority	1.1.6, 1.1.9 & 1.4.7
Professional Services	≤\$7,500	Professional Services Contract	Contract	Department Head	1.7.0
Professional Services	>\$7,500 – \$50,000	Informal or Formal Quote	Standard Contract	County Administrator	1.7.0
Professional Services	>\$50,000	Formal Request for Proposals	Standard Contract	County Administrator (Contracts <\$75,000)	1.7.0
Professional Services	>\$50,000	Formal Request for Proposals	Standard Contract	County Board of Supervisors (Contracts ≥\$75,000)	1.7.0 & 1.8.0



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### **1.16.0 DEFINITIONS**

**“Alternate Bid”** A bid that invites consideration of one or more offers for an alternate option or choice based upon equipment or satisfactory performance by the user (e.g., such bid is only acceptable when the variance is deemed to be immaterial).

**“Amendment”** To change or modify for correctness. To alter by modification, deletion, or addition to a writing such as bid documents. An amendment must be in writing.

**“Award”** The presentation of a purchase agreement or contract to a bidder; the acceptance of a bid or proposal.

**“Back-Door Buying”** Making a purchase without going through a central purchasing authority.

**“Back-Door Selling”** Selling to County departments without going through Purchasing.

**“Back Order”** The undelivered part of a previous order, which the vendor agrees to ship later.

**“Best Interests of the County”** A term used in granting a purchasing official authority to use discretion to take action that is felt to be the most advantageous for the County. Used when it is impossible to anticipate adequately the circumstances that may arise so that more specific directions could be delineated by the law of regulation. Case law affirms discretion for purchasing officials in these actions.

**“Bid Acceptance”** At time first assessment is completed by Procurement staff; the act of accepting a bid and preparing it for further evaluation.

**“Bid Bond”** An insurance agreement in which a third party agrees to be liable to pay a certain amount of money in the event that a specific awarded bidder fails to sign the contract as bid.

**“Bid Calendar”** A bulletin board display located in the Purchasing Office with a listing of the current invitation for bids and related information.

**“Bidders List”** A computerized database maintained by Purchasing that provides a listing of vendors and the goods and services they provide.

**“Bill of Lading”** A carrier’s contract and receipt of goods that it agrees to transport from one location to another; this includes delivery to the designated person/department.

Additionally, it may also assign compensation and upon such, conditions as are stated therein.



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**“Blanket Purchase Order (Purchase Agreement)”** An arrangement under which a purchaser contracts with a vendor to provide an item(s) or a service, on an as-needed basis. Properly prepared, such an arrangement sets a limit on the period of time it is valid and the maximum amount of money that may be spent at one time or within a specified period.

**“Change Order”** A purchaser’s written modification or addition to purchase order.

**“Collusion”** A secret agreement or cooperation between two or more persons to accomplish a fraudulent, deceitful, or unlawful purpose.

**“Commodity”** A reasonably interchangeable good or material, bought and sold freely as an article of commerce. Commodities include agricultural products, fuels, and metals and are traded in bulk on a commodity exchange or spot market.

**“Common Carrier”** A person or corporation, licensed by an authorized state, federal, or other governmental agency, engaged in the business of transporting personal property from one place to another for compensation. A common carrier is bound to carry for all who tender their goods and the price for transportation.

**“Competitive Bidding”** The submissions of prices by individuals or firms competing for a contract, privilege, or right to supply merchandise or services. Competitive sealed bidding is the preferred method of source selection in public purchasing.

**“Competitive Sealed Bidding”** A method of procurement that requires:

- Issuance of an Invitation for Bids with a purchase description including acceptance criteria and all contractual terms and conditions applicable to the procurement.

- Public, contemporaneous opening of bids at a pre-designated time and place. Unconditional acceptance of a bid without alteration or correction except as authorized in this policy.

- Award to the most responsive and responsible bidder who has submitted the lowest bid that meets the requirements and criteria set forth in the Invitation for Bids.

**“Competitive Sealed Proposals”** A method of procurement that involves but is not limited to:

- Solicitation of proposals through a Request for Proposals.

- A private opening of proposals that avoids disclosure of contents to competing offerors during the process of negotiation.

- Submission of cost or pricing data from the offeror where required.

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Discussion with responsible offerors whose proposals have been determined to be reasonably susceptible of being selected for award, unless such discussions are not required by the request for proposals or this policy.

An award made to the responsible offeror whose proposal is determined in writing to be the most advantageous, considering price and evaluation factors set forth in the Request for Proposals.

**“Concealed Damage”** Damage to the contents that is not apparent externally; latent defect.

**“Confirming Purchase Order (Issued by Purchasing)”** A purchase order issued to a vendor listing goods or services and terms of an order placed verbally, or otherwise, in advance of the issuance of the usual purchase document.

**“Confirming Purchase Order (Issued by a Department Representative)”** With prior approval by Purchasing a department may utilize a requisition for a verbal purchase commitment.

**“Consignee”** The person or organization to which a shipper directs the carrier to deliver goods. Such person or organization is generally the buyer of goods and is called a consignee on a bill of lading.

**“Consignor”** The person or organization that delivers freight to a carrier for shipment is called a consignor or shipper and is the one who directs the bill of lading to be executed by the carrier.

**“Contract”** An agreement that is enforceable by law between two or more competent parties, to do or not to do something, for a consideration; any type of agreement or order for the procurement of supplies or construction.

**“Davis Bacon Act (1931)”** Federal law that enables the Secretary of Labor to set minimum pay rates for contractors’ employees in government construction contracts, based on prevailing wages for the local area.

**“DBE/WBE/LBE”** Disadvantaged/Women/Local Business Enterprise Program. A uniform federal program, by which businesses owned and controlled by minorities, women, and other disadvantaged individuals as well as businesses in the local business area, may participate in contracts let by and through the County.

**“Delegated Authority”** Delegated limited purchase authority for departments to obtain goods/services from a supplier, in amounts up to \$7,500 per purchase or as determined by the Purchasing Agent or designee, including tax and freight, without a purchase order. See [Section 1.4.1](#), *How Delegated Purchasing Authority Works*.

**“Discount”** Vendor’s deduction from the selling price, usually upon some cost-reducing condition, such as prompt payment.

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**"Drop Ship"** A method of ordering of merchandise that is shipped directly from manufacturer to the destination; usually platform or dock delivery.

**"Emergency Purchase"** An immediate purchase by a department, utilizing a requisition, in order to obtain goods or services to avoid a substantial hazard to life or property or cause a serious interruption of the operation of a County department.

**"Fixed Assets"** An item of equipment that amounts to \$5,000 or more and has a life expectancy greater than three years.

**"Fixed Price Contract"** A contract that provides for a firm price under which a contractor bears full responsibility for profit or loss.

**"Free on Board (FOB)"** A shipping term defining the point at which the buyer takes legal title to the goods, who is responsible for payment of freight, and who is responsible for prosecuting claims against carriers for loss or damage to the goods in transit.

**"Goods"** Products that can be used to satisfy some desire or need. Commonly, a good is a tangible physical product.

**"Gratuity"** Something given voluntarily or beyond obligation; acquired without bargain; a gift.

**"Indefinite Quantity Buying"** The establishment of price agreements that guarantee no minimum volume to the vendor but usually includes an estimated volume based on historical purchase levels or informal agency surveys.

**"Informal Interviews"** Utilized to select vendors or contractors to provide professional or consulting services without the use of competitive sealed proposals.

**"Informal Quotations"** Verbal or written solicitation by a Buyer for goods and services without the use of competitive sealed bids.

**"Inventory"** A stock of goods or an itemized list of a stock of goods indicating volume and values. (By enumeration, it is a "physical inventory" and by periodic recording, it is a "book inventory.")

**"Invitation for Bids"** All documents utilized for soliciting bids, whether attached or incorporated by reference.

**"Invoice"** Seller's itemized document stating prices and quantities of goods and/or services delivered and sent to buyer for payment.

**"Knocked Down"** Disassembled.

**"Merchantability"** The article sold shall be of the general kind described and reasonably fit for the general purpose for which it shall have been sold, and where the article sold is

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ordinarily used in but one way, its fitness for use in that particular way is implicitly warranted unless there is evidence to the contrary.

**“Non-responsive Bid”** A bid that does not conform to the essential requirements of the Invitation for Bids; nonconforming bid.

**“Performance Bond”** A contract of guarantee executed subsequent to award by a successful bidder to protect the government from loss due to the inability to complete the contract as agreed.

**“Personal Property”**- Everything that is not real property, is subject to ownership, and has exchangeable value.

**“Personal Services”** Infrequent technical or unique functions performed by an independent entrepreneur. Personal services contracts almost always run to individuals rather than partnerships, firms, or corporations.

**“Pre-Bid Conference”** A meeting held with prospective bidders before solicitation of bids or proposals, to recognize state of the art limits, technical aspects, specifications, and standards relative to the subject and elicit expertise and bidders’ interest in pursuing the task.

**“Prepaid”** A term denoting that transportation charges have been or are to be paid at the point of shipment.

**“Purchase Agreement (Blanket Order)”** An arrangement with a vendor to provide the purchaser’s requirements for an item(s) or a service, on an as-needed basis. Properly prepared, such an arrangement sets a limit on the period of time it is valid and a per-purchase maximum within a specified period.

**“Public Project”** A project used for the erection, improvement, and repair of public buildings and works.

**“Public Works Contract”** An agreement for the erection, construction, alteration, repair or improvement of any public structure, building, road, or other public improvement of any kind.

**“Purchase Description”** Specifications or any other document describing the goods, services, or construction to be procured.

**“Purchase Order”** A written document to a supplier formally stating all terms and conditions of a proposed transaction.

**“Purchase Requisition”** An internal document by which a using agency requests Purchasing to initiate procurement.

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**“Quotation”** A statement of price, terms of sale, and description of goods or services offered by a vendor to a prospective purchaser; the stating of the current price of a commodity; the price so stated.

**“Request for Proposal”** All documents utilized for soliciting proposals, whether attached or incorporated by reference.

**“Responsible Bidder or Offeror”** A person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability to assure good faith performance.

**“Responsive Bidder”** A person who has submitted a bid that conforms in all material respects to the Invitation for Bids including the specifications set forth in the Invitation.

**“Services, Consultant”** A type of personal service where an independent contractor provides expert advice or services that involve extended analysis and the exercise of discretion and independent judgment such as management audit firms, grant writers, and safety and insurance consultants.

**“Services, Personal”** An independent contractor who, in rendering services, exercises an independent employment or occupation and represents his/her employer only as to the results of his/her work, not as to the means whereby it is to be accomplished.

**“Services, Professional”** A type of personal service where an independent contractor provides professional advice or service requiring extended analysis and the exercise of discretion and independent judgment; usually having an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience such as accountants, physicians, labor consultants, investigators, attorneys, architects, surveyors, and engineers.

**“Sherman Anti-Trust Act (1890)”** Prohibits contracts, conspiracies, or combinations thereof that act in restraint of trade or attempt to monopolize.

**“Sole Source Purchase”** An award for a commodity or service that can only be purchased from one supplier, usually because of its technological, specialized, or unique character; or, an award for a commodity or service to only one supplier, when it is determined by the Purchasing Agent, County Administrator, or Board of Supervisors that due to the intended use of the item or service it is in the best interest of Solano County to purchase from only one source.

**“Terms and Conditions”** A phrase generally applied to the rules under which all bids must be submitted and the terms that are included in most purchase contracts; these terms and conditions are often published by purchasing authorities for the information of all potential bidders.

**“Trade Discount”** A reduction from a list price predicated upon the position of the buyer in the distribution channel (e.g., jobber, retailer, original equipment manufacturer, etc.)

**F-1 PURCHASING AND  
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“Unauthorized Purchase” A purchase commitment by a department without prior approval by Purchasing. The Purchasing Agent or his/her designee may require the department to seek Board of Supervisors’ approval for an unauthorized purchase.

“Uniform Commercial Code” One of the uniform laws drafted by the National Conference of Commissioners on Uniform State Laws governing commercial transactions (sales of goods, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, investment securities, and secured transactions).

“Using Department” A County department that requisitions items through central purchasing; also, referred to in this policy as the ordering department.

“Vendor” A supplier of goods and/or services.