

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AMENDING CHAPTER 2, SECTIONS 2-38 THROUGH 2-46 OF THE SANTA BARBARA COUNTY CODE, RELATING TO ADMINISTRATION, FINANCE AND PURCHASES

WHEREAS, Government Code section 25500 provides that the Board of Supervisors may employ a Purchasing Agent and such assistants as are necessary to fulfill duties;

WHEREAS, pursuant to Government Code section 25501 provides that the Purchasing Agent may purchase for the County materials, supplies, furnishings, equipment, livestock, and other personal property;

WHEREAS, Government Code section 25502.5 provides that the Board of Supervisors may authorize the purchasing agent to engage independent contractors to perform services for the County with or without the furnishing of material, when the aggregate cost does not exceed \$100,000;

WHEREAS, the Santa Barbara County Code Chapter 2, Article VI, Section 2-42 authorizes the Purchasing Agent may engage independent contractors to perform services, with or without the furnishing of materials, within the limits provided by state law, without recourse to the bidding requirements of this article; and

WHEREAS, amending these sections of the Santa Barbara County Code authorizes the Purchasing Agent to utilize cooperative purchasing.

NOW THEREFORE, the Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1: ORDINANCE AMENDMENT

2-38 Purchases and Contracts – Authorization.

Pursuant to the provisions of Section 25500 et seq. of the California Government Code the Purchasing Agent of the County is authorized to make purchases and contracts for materials, supplies, furnishings, equipment, services, environmentally preferable products, recycled products, livestock and other personal property required by any department or other organizational unit of the county in accordance with this Article.

2-38.1 Purchases and Contracts - Definitions

Definitions set forth in this section shall govern the construction of Sections 2-38.1 through 2-42:

- (A) *Cooperative Agreement* means an agreement from cooperative purchasing efforts extending the same pricing, terms and conditions to Public Procurement Unit. Commonly referred to as “Piggybacking”.
- (B) *Cooperative Purchasing* means procurement conducted by, or on behalf of, one or more Public Procurement Units, as defined in this Section.
- (C) *Emergency* shall be deemed to exist if personal property or contractual services are needed without undue delay for the preservations of life or property or to prevent the breakdown of a county or district service at a substantial expense to the county or to a district and if the services of the Purchasing Agent are not immediately available for any reasonable cause whatsoever.
- (D) *External Procurement Activity* means any buying organization not located in this State which, if located in this State, would qualify as a Public Procurement Unit. Agencies of the United States and of any other State in the United States of America are External Procurement Activities.
- (E) *Local Public Procurement Unit* means any county, city, town, and any other subdivision of the State or public agency of any such subdivision, public authority, educational, health, district, or other institution, and to the extent provided by law, any other entity which expends public funds for the procurement of materials, supplies, furnishings, equipment, services, environmentally preferable products, recycled products, livestock, or other personal property.
- (F) *Public Procurement Unit* means any one of the following:
- (1) A Local Public Procurement Unit
 - (2) An External Procurement Activity
 - (3) A State Public Procurement Unit
- (G) *State Public Procurement Unit* means any and all units of State government which are authorized to carry out procurement functions for the State government.

2-38.2 Purchases and Contracts – Cooperative Purchasing

- (A) Any Public Procurement Unit may either participate in, sponsor, conduct, or administer a Cooperative Agreement for the procurement of any materials, supplies, furnishings, equipment, services, environmentally preferable products, recycled products, livestock, or other personal property with one or more Public Procurement Units in accordance with an agreement entered into between the participants. Such Cooperative Purchasing may include, but is not limited to, joint or multi-party contracts between Public Procurement Units and open-ended Public

Procurement Unit contracts that are made available to other Public Procurement Units.

(B) Cooperative Purchasing is authorized to the extent permitted under California law and within the Purchasing Agent's authority so long as the Public Procurement Unit administering the Cooperative Agreement extends the same pricing, terms, and conditions to the County. Prior to use of Cooperative Purchasing the Purchasing Agent shall conduct due diligence in accordance with County Purchasing guidelines.

(C) Under a Cooperative Agreement, controversies arising between an administering Public Procurement Unit and its bidders, offerors, or contractors shall be resolved between the ordering Public Procurement Unit and the supplying bidders, offerors, or contractors in accordance with the Public Procurement Unit's existing regulations, policies, or guidance.

2-39 Purchases and Contracts- Competitive bidding required.

(A) Except as otherwise provided in this article all purchases and contracts for goods under this article shall be based on competitive bids as mandated by County, State, or Federal law.

(B) The Purchasing Agent may authorize and make use of Cooperative Purchasing to satisfy competition requirements under this section so long as the Cooperative Agreement to be used was procured through full and open competition within the past three (3) years.

(C) When permitted by State and/or Federal law the Purchasing Agent may waive competition where there are limitations on the source or supply, necessary restrictions in specifications, or other valid reasons provided that a full record of the circumstances is made and the expenditure does not exceed twenty-five thousand dollars. Where the expenditure would or could exceed twenty-five thousand dollars (\$25,000) competition may be waived only after approval by the board of supervisors.

2-40 Purchases and Contracts - Competitive bidding procedure.

(A) All invitations to bid shall be posted to the County Purchasing website and shall include detailed requirements of what is to be procured, specify the time and place where the bid must be filed, and specify the time and place where the bid will be opened.

- (B) Bids shall be opened at the time and place specified, and the summation of the competitive bidding procedure is processed. . A summary of the bids shall be posted on the County Purchasing website within two (2) business days of bid opening for public inspection.
- (C) A Notice of Award shall be posted on the County Purchasing website indicating the basis for awarding the contract, the name of the successful bidder, and shall remain posted for three (3) days prior to the award being made.
- (D) If any prospective bidder fails, neglects or refuses to furnish the Purchasing Agent with such financial statements and other information as may be required to determine his responsibility as a bidder, the bid shall not be considered and shall be deemed non-responsive.

2- 40.1 Purchases and Contracts- Rejection of bids.

- (A) If bids have been solicited by the Purchasing Agent for goods, services, supplies, furnishings, equipment, livestock or other personal property, the Purchasing Agent may reject all bids and solicit new bids or deal directly with individual vendors whenever:
 - (1) All bids are in excess of budgetary funds available for the purchase;
 - (2) The purchase can be made under terms and conditions more economically advantageous to the county; or
 - (3) All bids are non-responsive.
- (B) Where no bids have been received. No further bidding is required.

2-43 Purchases and Contracts - Emergency purchases.

- (A) Notwithstanding the Purchasing Agent's delegated authority by the Board of Supervisors, the Purchasing Agent may make emergency purchases of goods or services free of the provisions of this article upon a showing by any department or officer that such purchase is required.
- (B) All emergency purchases of goods or services secured under this section shall be approved or confirmed by the Purchasing Agent that the purchases were made for the health, safety, and welfare of the people or for the protection of property and

that there is a present, immediate and existing emergency which could not reasonably be foreseen; and may make other purchases of goods and services free of this article when the board of supervisors has found by resolution that such would be in the public interest.

2-46 Purchases and Contracts - Procedural Guidelines and Procedural Regulations.

Any Procedural Regulations governing Purchases and Contracts shall be approved by the Board of Supervisors. The Purchasing Agent may issue procedural guidelines to further clarify Santa Barbara County Code sections 2-38 through 2-46.

SECTION 2: PARTS NOT AFFECTED

Those sections of chapter 2 Article VI not set forth in this Ordinance shall remain in full force and effect.

SECTION 3: EFFECTIVE DATE, POSTING AND PUBLICATION

This Ordinance shall take effect and be in force at the expiration thirty (30) days from and after its passage. Before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for or against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____ 2017, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

COUNTY OF SANTA BARBARA

By: _____
Deputy Clerk

By: _____
Joan Hartmann, Chair
Board of Supervisors

APPROVED AS TO FORM:
MICHAEL C GHIZZONI
COUNTY COUNSEL

By: 
Deputy County Counsel