



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** General Services  
**Department No.:** 063  
**For Agenda Of:** May 16, 2017  
**Placement:** Set Hearing (5/16/17);  
Departmental (6/6/17 –  
First Reading);  
Administrative (6/20/17 –  
Second Reading)  
**Estimated Time:** 20 Minutes on 6/6/17  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

---

**TO:** Board of Supervisors  
**FROM:** General Services Janette D. Pell, Director, 560-1011  
Contact Info: Joseph Toney, Assistant Director, General Services 568-2678  
Joe De La Cerda, Purchasing Manager, General Services 568-2693  
**SUBJECT:** Set Hearing to Consider Amending Chapter 2, Article VI of the Santa Barbara  
County Code Purchases and Contracts Sections

---

**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

On May 16, 2017, set a hearing on the Departmental Agenda of June 6, 2017, to consider recommendations amending Chapter 2, Article VI, Sections 2-38, 2-39, 2-40, 2-43, and 2-46 of the Santa Barbara County Code Purchases and Contracts.

On June 6, 2017:

- a) Receive and file a presentation regarding the proposed amendments to Chapter 2, Article VI, Sections 2-38, 2-39, 2-40, 2-43, and 2-46; and
- b) Approve the introduction (First Reading) of the attached Ordinance amending Chapter 2, Article VI, Sections 2-38, 2-39, 2-40, 2-43, and 2-46 of the Santa Barbara County Code Purchases and Contracts to add definitions, to allow cooperative purchasing, to update competitive bidding requirements, procedures and emergency purchases; and
- c) Read the title of the Ordinance into the record and waive reading the Ordinance in full; and
- d) Continue the hearing to the Administrative Agenda for June 20, 2017, to consider recommendations.

On June 20, 2017:

- a) Consider and approve the adoption (Second Reading) of an Ordinance amending Chapter 2, Article VI, Sections 2-38, 2-39, 2-40, 2-43, and 2-46 of the Santa Barbara County Code Purchases and Contracts to add definitions, to allow cooperative purchasing, to update competitive bidding requirements, procedures and emergency purchases effective thirty days after final passage; and
- b) Determine that the recommended actions are not a Project and are exempt pursuant to CEQA Guideline Sections 15378(b)(5) because the actions are organizational or administrative activities of a local government which do not involve any commitment to a specific project which will not result in any direct or indirect physical changes in the environment (Attachment C).

**Summary Text:**

This Ordinance amends Chapter 2, Article VI, Sections 2-38, 2-39, 2-40, 2-43, and 2-46 of the Santa Barbara County Code Purchases and Contracts to update, clarify, and allow typical practices used in other county jurisdictions. The Ordinance will allow the County to utilize Cooperative Purchasing through Public Procurement Units. This means if competitive requirements are met, then the County may use other Federal and State agreements to make procurements as permitted by law. Cooperative Purchasing would allow the County to procure through agreements made by the Federal and State General Services Administration, such as but not limited to: the California Multiple Award Schedules (CMAS), the National Association of Counties (NACO), and the Western States Contracting Alliance (WSCA).

**Background:**

The Santa Barbara County Code Purchases and Contracts sections were analyzed resulting in the determination that updates and language clarification are required. The amendments add Cooperative Purchasing (aka: piggybacking) as a procurement method that may be utilized by the purchasing agent. Cooperative agreements are a joint or multi-party agreement among public procurement units and allows the County to dispense with formal bidding requirements as long as the Public Procurement Unit utilized acceptable bidding procedures under California law within the last three (3) years. The Public Procurement Unit *must* be a governmental agency. For example, the League of California Cities (League) is comprised of public agencies, but is not one itself; therefore, the League is not an acceptable agency for Cooperative Purchasing. Cooperative Purchasing methods will only be used when analysis of the potential Cooperative Agreement is determined to serve the County's best interests.

**Summary of Section Amendments:**

2-38 Purchases and Contracts – Authorization: Updated to incorporate State statute language authorizing the Purchasing Agent with the authority to act and to purchase on behalf of the County. In addition, it includes language that the County desires to use environmentally preferable and recycled products when feasible.

2-38.1 Purchases and Contracts – Definitions: Adds a definitions section to define common terms used in Cooperative Purchasing and terms used throughout the Purchasing and Contracts sections.

2-38.2 Purchases and Contracts – Cooperative Purchasing: Allows for goods or services to be acquired in coordination with one or more Public Procurement Units. It also allows the County to utilize other

Cooperative Agreements that extend the same pricing, terms, and conditions to the County. This action is commonly referred to as “Piggybacking.”

2-39 Purchases and Contracts – Competitive bidding required: Adds language to clarify competitive bidding requirements when procuring through Cooperative Purchasing.

2-40 Purchases and Contracts – Competitive bidding procedure: Simplifies and clarifies the bidding procedure putting in place a more transparent process by adding posting dates and timelines.

2-43 Purchasing and Contracts – Emergency purchases: Simplifies and clarifies that purchases made during emergencies are under the authority of the Purchasing Agent and how those emergency purchases are approved or confirmed by the Purchasing Agent.

2-46 Purchasing and Contracts – Procedural Regulations: Allows the Purchasing Agent the authority to provide guidance and instructions to County employees on Purchases and Contracts sections found in Chapter 2, Article VI of the Santa Barbara County Code.

Subsequent to the final reading of the ordinance changes, the Purchasing Manual (an internal instruction guide) will be updated to reflect guidance and instructions related to the Ordinance amendments.

**Fiscal and Facilities Impacts:**

There are no fiscal impacts associated with the proposed changes.

**Special Instructions:**

The Clerk of the Board shall fulfill noticing requirements and publish a legal notice at least 10 days prior to the hearing on June 6, 2017. The notice should appear in a local newspaper of general circulation.

In accordance with Section 25124 of the Government Code, this Ordinance shall be published once, with the names of the members of the Board voting for and against it in a newspaper of general circulation in the County of Santa Barbara within fifteen (15) days after its adoption.

**Attachments:**

- 1) Santa Barbara County Code, Chapter 2, Article VI, Sections 2-38, 2-39, 2-40, 2-43, 2-46
- 2) Underline-Strikethrough Ordinance Amendments
- 3) Notice of CEQA Exemption

**Authored by:**

Joe De La Cerda, Purchasing Manager, General Services, 568-2693