MARIPOSA COUNTY ORDINANCE NO. 649

AN ORDINANCE AMENDING CHAPTER 3.08 ENTITLED "PURCHASING", OF TITLE 3 OF THE MARIPOSA COUNTY CODE, BY REPLACING IT IN ITS ENTIRETY

WHEREAS, the Board of Supervisors desires to revise the procedures regulating county purchases to provide a more cost effective method for procuring supplies, wherein discounts for bulk purchases can be obtained, and in general allowing Departments to order supplies in a more economical manner thereby constituting savings in both time and money for the County;

NOW THEREFORE, the Board of Supervisors of Mariposa County, a political subdivision of the State of California does hereby ordain as follows:

SECTION I: Chapter 3.08 entitled "Purchasing", is hereby amended to read in its entirety as follows:

"Chapter 3.08

PURCHASING

SECTIONS:

3.08.010 Purpose
3.08.020 Definitions.
3.08.030 Purchasing agent and assistant purchasing agents.
3.08.040 Duties and authorities of purchasing agents.
3.08.050 Authority of assistant purchasing agents.
3.08.060 Procedure for purchases by purchasing agent and assistant purchasing agents.
3.08.070 Purchases by board of supervisors.
3.08.080 Bulk purchasing.
3.08.090 Contractual services.
3.08.100 Gratuities--Disciplinary action.
3.08.110 Unlawful purchases.
3.08.120 Violation of Chapter 3.08.

3.08.010 Purpose.

The purpose of this chapter is to adopt policies and procedures governing purchases of materials, supplies, furnishings, equipment, livestock and other personal property, and contractual services by the county in accordance with Article 7 of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code. This chapter is not intended to conflict with applicable provisions of state law and shall be interpreted as supplementary thereto.

3.08.020 Definitions.

As used in this chapter:

A. "Agency" and "using agency" means any of the departments, offices, or other organizational units of the county government, and any special districts whose affairs and funds are under the supervision and control of the board of supervisors and/or for which the board of supervisors is the ex officio governing body.

B. "Contractual services" means any and all
telephone, gas, water, electric light and power services; the rental of equipment and machinery; insurance; the services of attorneys, physicians, electricians, plumbers, engineers, consultants, auditors, general contractors, or other individuals or organizations possessing a high degree of technical skill; and all other types of agreements under which the contract provides services which are required by the county government. Purchase of space for legal advertising shall not be subject to the provisions of this chapter.

3.08.030 Purchasing agent and assistant purchasing agents.

Pursuant to California Government Code Section 25500 the board of supervisors shall appoint a purchasing agent for Mariposa County, and the individual appointed shall serve as the purchasing agent for Mariposa County, at the pleasure of the board. Each department head of the County of Mariposa, or the acting department head shall serve as assistant purchasing agents for purposes of their respective budgets only. The board shall have the authority to appoint, by Resolution, other assistant purchasing agents.

3.08.040 Duties and authorities of purchasing agent.

The purchasing agent shall purchase for the county and its offices all materials, supplies, furnishings, equipment, livestock and other personal property. The
purchasing agent shall further rent for the county and
its offices furnishings and livestock. The purchasing
agent shall make purchases, rentals, and contracts only
upon proper written requisition.

3.08.050 Authority of assistant purchasing agents.

Assistant purchasing agents' authority shall be limited
to the purchase of items which are contained in the
assistant purchasing agents' approved budget. Such
purchases shall not need approval of either the purchasing
agent or the board of supervisors, unless specifically
required by the board of supervisors. The board of
supervisors shall retain final authority for all purchases.
However, any single item or inter-related items purchased
by an assistant purchasing agent, in excess of Three
Thousand Dollars ($3,000) shall be approved by the
purchasing agent and the board of supervisors prior to
purchase. Inter-related items shall not be purchased
in increments of less than Three Thousand Dollars
($3,000) for the purpose of avoiding the requirements
contained herein. The assistant purchasing agents
shall purchase items at the best possible price, giving
due consideration to the use and quality of the item
being purchased.

3.08.060 Procedure for purchases by purchasing
agent and assistant purchasing agents.

All purchases by either the purchasing agent or
assistant purchasing agents shall be accomplished by
virtue of a written invoice received from the seller.
Each invoice shall be signed and approved by the purchasing
agent, or assistant purchasing agent prior to forwarding
any request to the auditor's office for payment of the
item(s) purchased, and shall contain an itemization of
the items purchased, date of purchase, the price of the
item(s) and terms of the purchase. Any request for
payment not accompanied by an invoice and approved, in
writing, by either the purchasing agent or the assistant
purchasing agent will be returned without action by
the auditor. Any and all purchases in excess of $3,000
shall require the written approval of the purchasing
agent and the board of supervisors prior to any request
being forwarded to the auditor's office for payment.
Failure to forward such written approval to the auditor
will result in the request being returned without
action by the auditor.

3.08.070 Purchases by board of supervisors.
The purchasing agent and each assistant purchasing
agent shall submit to the board of supervisors, in
writing, requests for purchase of any items in excess
of $3,000. When in its judgment the public interest
requires, the board of supervisors may purchase or
otherwise acquire such items on the open market at the
lowest available price for the quantity and quality of

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item and/or service required. At all other times bids shall be solicited by public notice followed by an award by the board of supervisors, except where the board of supervisors makes a finding recorded in its minutes that competitive bidding would not be in the public interest. The method and extent of public notice shall be prescribed by the board of supervisors. All bids shall be submitted sealed to the clerk of the board. The board of supervisors may reject any or all bids for all or any portion of the items bid. A tabulation of all bids received, whether accepted or rejected, shall be open for public inspection for a period of not less than thirty (30) days after the bid opening. In all cases, the award shall be made by the board of supervisors to the lowest responsible bidder. In determining the lowest responsible bidder, the board of supervisors shall take into consideration the quality of the item offered and its conformity with the specifications, the delivery and discount terms and conditions of the bid, service of item, and other information and data required. This section shall not apply to labor, materials or equipment for public construction projects unless the requirements specified in this Title for such projects have been satisfied. Nothing contained herein shall alter the purchasing procedures required by State or Federal law.
3.08.080 Bulk purchasing.

The board of supervisors may purchase supplies and equipment in bulk for the use and benefit of all departments of the county. If the board of supervisors engages in such purchases in bulk, each department shall be required to obtain its materials and supplies, if available, from the supplies and equipment purchased in bulk by the board of supervisors.

3.08.090 Contractual services.

All requests by a using agency for contractual services which require a written contract, regardless of the sum involved, shall be submitted to the board of supervisors which may negotiate contracts for such services as it determines are necessary.

3.08.100 Gratuities--Disciplinary action.

The acceptance of any gratuity in the form of cash, merchandise, or any other thing of value by an official or employee of the county from a vendor or contractor, or prospective vendor or contractor, is prohibited and shall be cause for disciplinary action.

3.08.110 Unlawful purchases.

Except as otherwise provided by law, no purchase of supplies, equipment, or contractual services shall be made in excess of the amount of the appropriations allowed by the budget.
3.08.120 Violation of Chapter 3.08.

The board of supervisors may require any County
officer or employee to personally pay for any items
purchased in violation of the purchasing requirements
of Chapter 3.08."

SECTION II: This Ordinance shall become effective thirty
(30) days from the date of passage, pursuant to Government Code
Section 25123.

PASSED AND ADOPTED this 14th day of January, 1986, by the Board of Supervisors of Mariposa County by the
following vote:

AYES: BARRICK, DALTON, ERICKSON, RADANOVICH

NOES: TABER

ABSENT: NONE

ABSTAINED: NONE

BEVERLY BARRICK
Chairman, Board of Supervisors

ATTEST:

GERALD MC CARTHY, County Clerk and
Ex Officio Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

JEFFREY G. GREEEN, County Counsel

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