



# **Introduction to Contract and Purchasing Services Division**

**The Department of General Services Contract and Purchasing Services Division (CAPSD) works in collaboration with all County of Sacramento departments and certain special districts to procure the best products and services for departmental needs.**

**Our services are available to assist users whenever they need us.**

**We are here to help!**

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## WELCOME

The Contract and Purchasing Services Division (CAPSD) of the Department of General Services is the centralized procurement unit for the County of Sacramento. We are located at 9660 Ecology Lane, Sacramento, CA 95827. Our phone number is (916) 876-6360, fax (916) 854-8988, intranet web site <http://inside.dgs.saccounty.net/capsd/Pages/default.aspx>, and internet web site <http://www.dgs.saccounty.net/capsd/Pages/default.aspx>.

The purpose of this guide is to help you understand our mission and introduce you to the services that the division provides to our customers to acquire supplies, equipment, materials, and professional services. This division also oversees public works construction contracting; however, information about the services this unit provides is in the Public Works Contracting Guidelines Manual posted on our intranet site listed above.

## OUR MISSION

The mission of the CAPSD is to provide the most effective delivery of essential products and services to Sacramento County departments and special districts by:

- Providing consistent, cost effective and timely procurement support to all County departments and districts,
- Promoting an internal climate conducive to continuous staff improvement,
- Encouraging an environment of equal opportunity, fairness, honesty and integrity with our customers and suppliers, and
- Ensuring the best return on investment of the tax dollar.

## WHY WE EXIST

The Contract and Purchasing Services Division exists to:

1. Provide materials, supplies, equipment, and services to County departments and special districts in the quantity, quality, and time required by the ordering unit;
2. Coordinate and consolidate like purchases on behalf of County departments and special districts so that the County may obtain the best possible prices, products, terms, and conditions, while establishing and maintaining a reputation for fairness, integrity and equal opportunity for all interested parties;
3. Assist departments and special districts with information and advice on solicitation development, market conditions and trends which could affect the future availability and price of required items; and
4. Initiate appropriate procurement activities related to programs that are mandated by federal or state law or the Board of Supervisors.



## PURCHASING AUTHORITY

The County Charter and County Code assign the responsibility for purchases to the County Purchasing Agent. The Purchasing Agent is responsible for purchasing policy and program direction, and managing the CAPSD administrative and professional staff. The Purchasing Agent is the final authority on most purchasing activities in the County, including activities which are undertaken by County departments and special districts as delegated by the Purchasing Agent. The Purchasing Agent has the independent authority to enter into contracts on behalf of the County, but must obtain Board of Supervisors approval when:

- The contract contains a labor component that exceeds \$200,000,
- The contract term exceeds five years, or
- The contract meets the requirements of section 71-J of the Sacramento County Charter (Contracting for County Services).

All purchases made through the CAPSD shall be done in accordance with the laws, rules and regulations set forth in Chapter 2.56 of the Sacramento County Code, the County Charter, and applicable State and Federal Codes.

The purchasing function in California's local governments (counties, cities, special districts, and school districts) is governed by many state statutes, local charters and ordinances. In addition to complying with state and local regulations, the CAPSD follows accepted public purchasing best practices and procedures (Uniform Commercial Code).

For Sacramento County, the governing regulations are found in three sources:

- California Government Code and the Public Contract Code, (<https://leginfo.legislature.ca.gov/faces/codes.xhtml>)
- The Sacramento County Charter and Code, and (<http://qcode.us/codes/sacramentocounty/>)
- The Sacramento County Purchasing Code (Section 2.56) (<http://www.dgs.sacCounty.net/capsd/Pages/County-Purchasing-Code.aspx>)

## ORGANIZATIONAL STRUCTURE

CAPSD is organized into two sections; The Purchasing Section and the Contract Services Section. See below for responsibilities of each.

### PURCHASING SECTION

The Purchasing Section is responsible for establishing contracts and making one-time purchases of goods, fixed assets and services in support of County operations. The Purchasing Section is organized into two teams (Administrative/Social Services Team and Municipal/General Services Team)

**Contract Services Manager** reports directly to the Purchasing Agent, manages one of the teams, supervises Contract Services Officers; assists with the development of policies, operating procedures, reporting systems, and training programs for staff and customers; establishes contract administration standards; and resolves bid protests. Contract Service Managers also perform the most difficult and complex contracting activities.

**Senior Contract Services Officer** reports directly to a Contract Services Manager. Senior Contract Services Officers may act as a lead and are responsible for the more complex and difficult purchasing activities. These include request for bids and proposals for services and technical equipment, specification writing, and working with County departments and special districts in needs identification, contract management, and customer assistance. A Senior Contract Services Officer also may serve as the Pcard Administrator and/or POP Program Liaison.

**Contract Services Officer** reports to a Contract Services Manager is responsible for buying activities including contract management, specification development, preparing request for quotes, bids and proposals to acquire services and supplies, locating sources of supply, and providing customer assistance. A Contract Services Officer also may serve as the Pcard Administrator and/or POP Program Liaison.

**Contract Services Specialist** reports to a Contract Services Manager or the Purchasing Agent. Contract Services Specialists is responsible for procurement-related tasks such as: analysis of user needs; contacts vendors to obtain product or service information such as price, availability and delivery schedules; preparation of quotations; expediting orders; resolving problems with vendors regarding issues with quality, pricing, over/under shipments and delivery schedules; and authorizing payments for limited purchase orders, contract shipping orders, delegated purchase orders, procurement cards or other related purchasing methods. They may also provide a variety of support to central Countywide purchasing activities under the County's Purchasing Agent such as reviewing requisitions, assisting with the administration of the Delegated Purchasing Program and assisting with the County small business outreach program. The Contract Services Specialist also provides administrative support to the Purchasing Agent and Contract Services Officers and Managers. Duties include typing, mailing, and acting as a central point for communication between vendors, department users and CAPSD staff. The administrative staff assigns and maintains all purchasing-related vendor numbers and COMPASS purchasing group numbers, and provides material numbers for County users.

## CONTRACT SERVICES SECTION

The Contract Services Section is responsible for assisting departments in establishing and monitoring construction contracts, consulting agreements, revenue-generating contracts and intergovernmental agreements. Note: Though these services are not described in detail in this manual, they are available to all County departments and special districts seeking assistance with Board delegated or departmental contracting needs.

**Contract Services Manager** reports directly to the Purchasing Agent, supervises Contract Services Officers; assists with the development of policies, operating procedures, reporting systems, and training programs for staff and customers; establishes contract administration standards; and resolves bid protests. Contract Service Managers also perform the most difficult

and complex contracting activities. The Contract Service Manager also manages the Purchasing Section's Municipal/General Services Team.

**Senior Contract Services Officer** reports directly to a Contract Services Manager. Administrative Services Officers create and monitor construction contracts, conduct public bid openings for construction projects, create and monitor consulting agreements and service agreements for County departments and special districts. They also provide contract management, vendor and customer assistance, problem resolution and departmental training.

## DELEGATION OF AUTHORITY

All Contract Services Officers employed by the CAPSD are hereby delegated contracting authority (within the Purchasing Agent's authority) as follows:

**Contract Services Officer Level I and Level II:** up to \$1,000,000

**Senior Contract Services Officer:** up to \$3,000,000

**Contract Services Manager I:** up to \$5,000,000

### SMALL DOLLAR PURCHASES

In addition to delegating authority to the CAPSD Contract Services Officers, the Purchasing Agent also delegates authority to certain department individuals to make small dollar purchases on the Pcard and/or Delegated Purchase Order programs. Special training by CAPSD is required to obtain this delegation. See page 9 (DEPARTMENT ORDERING DOCUMENTS/PROCUREMENT TOOLS) for more information.

## PURCHASING CYCLE

The Contract and Purchasing Services Division staff supports County departments and special districts in key elements of the purchasing cycle. While the Purchasing staff helps find viable sources of supplies and instructs the ordering departments and special districts in the appropriate methods to acquire their required items, the purchasing cycle is not complete without the involvement of the ordering department, vendor and the Department of Finance. Each party's responsibilities are summarized below:

**Ordering Department:** When using one of Purchasing's delegated ordering programs, the ordering department is responsible for providing the vendor a Contract Shipping Order (CSO), Delegated Purchase Order (DPO), or Procurement Card number to initiate the ordering process.

The ordering department enters the order into **COMPASS** and posts the transaction. The ability to post the transaction in **COMPASS** is equivalent to the signature authority of the ordering document.

The ordering department is responsible for receiving the goods and/or services and performing a timely inspection to ensure the items/services are accurate and free from damage and/or defects. After the ordering department has received the supplies or services, it enters and posts

the goods receipt into **COMPASS**. The department also acknowledges receipt of its order according to the terms of the ordering document.

The ordering department is also responsible for contract management, ensuring that the contractor perform according to the contract (pricing, milestones, metrics, deliverables). The department shall notify CAPSD when performance issues arise.

The ordering department is also responsible for entering and posting requisitions into **COMPASS** when requesting assistance from the CAPSD to issue a bid, purchase order and contract.

**Vendor:** When the vendor receives an order from a County department, the vendor verifies that sufficient information is provided to fill the order. After delivery is made to the ordering department, the vendor submits an invoice to the ordering department. To expedite payment, the invoice must include the information provided by the County department on the ordering document. For purchase orders and delegated purchase orders, the document number and line number(s) will suffice. For contract releases, the invoice must include the contract shipping order number and line number(s).

**Department of Finance:** Upon receipt of the vendor's invoice, the ordering department verifies the accuracy of the invoice, and forwards it to the Department of Finance. The Department of Finance will enter the invoice receipt into **COMPASS**. Payment will be made to vendor per the payment terms of the contract or purchase order. Payment will be delayed if:

- the information on the invoice is not complete or inconsistent with the ordering document,
- the ordering transaction is not entered and posted,
- the goods receipt is not entered and posted,
- a vendor number is missing, or
- the quantity received does not match the quantity invoiced.

The Department of Finance is responsible for processing payments timely to take advantage of any prompt payment discounts offered by the vendor. Lastly, the Department of Finance is responsible for remitting sales tax to the State of California and calculating and remitting use tax to the State of California, when applicable.

## COMPASS

**COMPASS** is the Comprehensive Online Management Personnel and Accounting System for Sacramento County. **COMPASS** allows County departments and special districts to:

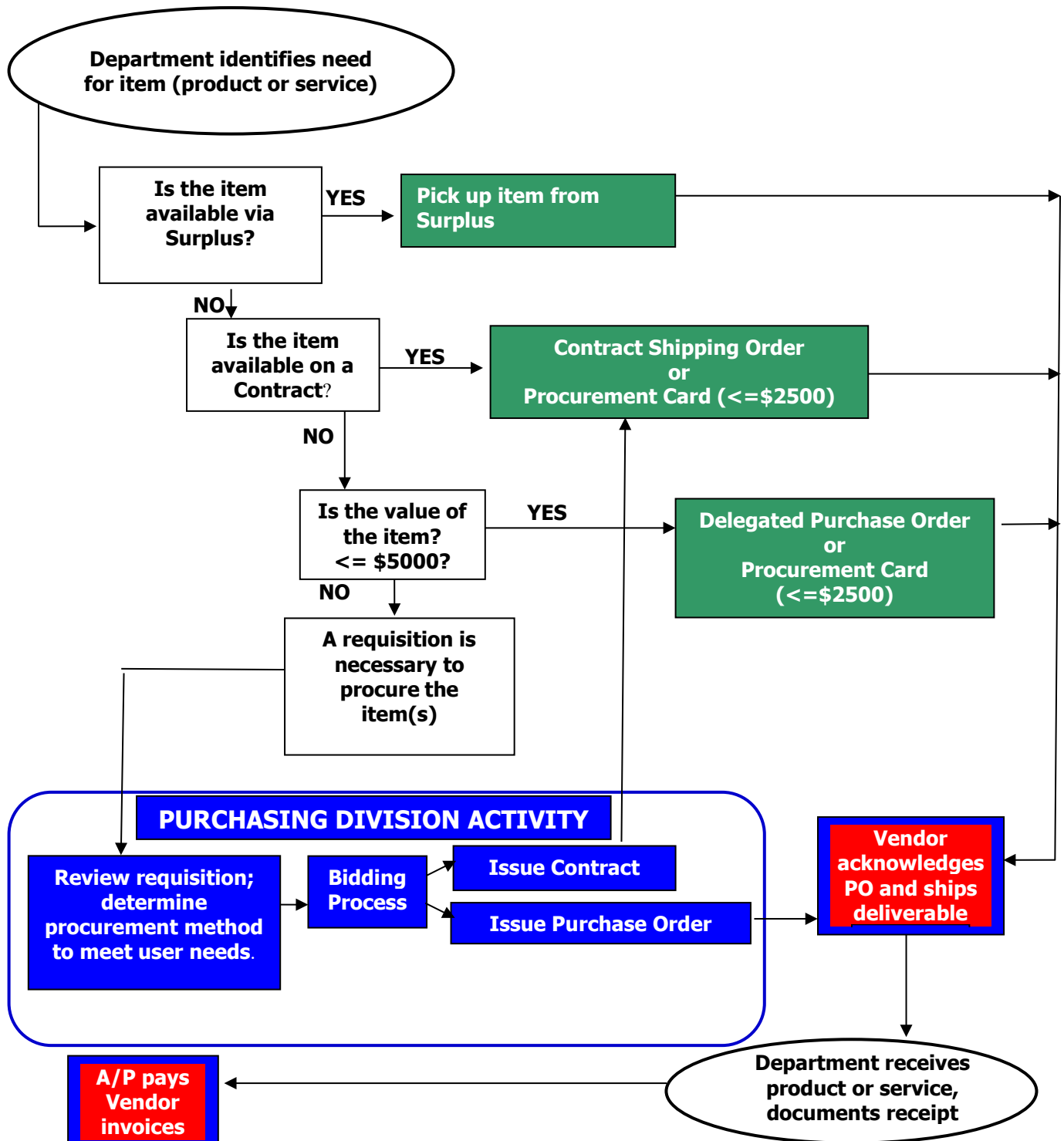
- review contracts and purchase orders created by the CAPSD,
- input purchasing transactions such as requisitions, contract shipping orders, delegated purchase orders, and goods receipts,
- review at any time the status of transactions including invoice and payment status, and
- track department/division purchasing activity.

For additional information about **COMPASS**:

- Refer to your **COMPASS** Guide or on-line help at <http://compasscentral.saccounty.net/>
- Contact your supervisor or your key department **COMPASS** coordinator, or
- Contact the **COMPASS** Help Desk at 874-5555.

## PURCHASE DECISION TOOL

The following diagram displays the decision steps necessary to initiate and complete a purchase in Sacramento County. The customer completes all steps indicated except those in the area labeled "Purchasing Division Activity" and Vendor and A/P steps. Refer to the **COMPASS** Guide for specific procedures.





## DEPARTMENT ORDERING DOCUMENTS/PROCUREMENT TOOLS

The Purchasing Agent delegates certain purchasing authority to County departments and special districts allowing them to make purchases by using the following processes:

**Contract Shipping Order (CSO)** A Contract Shipping Order is an individual order placed by a County department or special district which specifies the quantity and delivery location for items listed in the contract. County departments and special districts review existing contract directory to find a contract that meets their needs, and if an appropriate contract is found, a CSO is sent to the vendor. The CSO authorizes the vendor to deliver the product or service at the contracted price and under the specified terms and conditions. It is important for the ordering department or special district to cite the correct line item(s) of the contract when using a CSO.

Departments can search for existing contracts by following the link to the Purchasing website:  
<http://inside.dgs.saccounty.net/capsd/Pages/Contract-Search.aspx>

**Delegated Purchase Order (DPO)** A Delegated Purchase Order represents the delegation of purchasing authority by the Purchasing Agent to a specific employee in a County department. The employee is required to complete DPO training provided by the CAPSD. Once training is completed, this employee may act on behalf of the Purchasing Agent according to the policies and procedures set forth in the "*Basic Public Purchasing For Department Designated Buyers*" manual. The DPO is an authorization for a vendor to deliver services or supplies to the ordering department. County departments should not use DPOs to satisfy planned recurring purchases, stores items or items available on contract. DPOs cannot exceed \$5,000. It is illegal to split DPOs to acquire a quantity of services or supplies exceeding \$5,000. The DPO limit does not include sales tax, handling charges and/or freight.

**Procurement Card** The County Procurement Card (Pcard) may be used in lieu of DPO for purchases of \$2,500 or less, and some contracts for supplies and non-professional services. The procurement card may be used with both contract suppliers and non-contract suppliers. Cardholders select the products and suppliers, negotiate prices, terms and conditions, and determine the general ledger accounts to be charged for payment.

Cardholders may make several transactions during the month; however, they will make only one monthly payment. Using the Pcard reduces the volume of paperwork created by DPOs, thus saving the ordering departments, special districts and the Department of Finance processing time and money. The Pcard limit includes sales tax, handling charges and/or freight.

**Requisition** A requisition is used to request a Contract or Purchase Order from the CAPSD. An "RC" requisition is created to request a Contract (for a long-term agreement if you need to make recurring purchases of the same item(s)/commodity). An "RP" requisition is created to request a one-time purchase (Purchase Order).

## REQUISITION PROCESS

If County departments and special districts are unable to obtain the needed products or services through the delegated procurement tools, they may request the CAPSD to establish agreements (contracts) for their use (RC) or place orders (RP) for services, supplies and/or equipment on their behalf by submitting an RC or RP requisition in **COMPASS**. The requesting department or special district identifies the item(s), delivery location, time frame, and the quality and quantity requirements on the requisition.

Upon receipt, CAPSD will review the requisition for completeness. If all the required information is provided, staff either finds the appropriate vendor and product by releasing a request for bid/quote/proposal or determine if there is only one viable vendor due to product constraints. After the solicitation process is completed, staff will either issue a purchase order or establish a contract for ongoing needs.

Departments can check the status of their request at anytime by following the link to the Purchasing website: <http://inside.dgs.saccounty.net/capsd/Pages/default.aspx>

## CAPSD ORDERING DOCUMENTS/PROCUREMENT TOOLS

The Contract and Purchasing Services Division makes purchases by using the following processes:

**Request for Quote:** These are informal requests for vendors to submit their offers for conducting business with the County. They are used for low dollar/low risk purchases, such as the Delegated Purchase Order program.

**Request for Bid:** These are requests for vendors to submit their offers for conducting business with the County. The proper development of requirements and specifications, as conveyed within these requests, is critical to ensuring the proper quality and best price levels for County purchases. Award is made to the lowest responsive and responsible bidder.

**Request for Proposal:** These are requests for vendors to submit their offers for conducting business with the County. The proper development of requirements and specifications, as conveyed within these requests, is critical to ensuring the proper quality and best price levels for County purchases. Award is made to the "best value" responsive and responsible proposer after final negotiations.

**Reverse Auctions:** This is an alternative method to request vendors to submit their offers for selling their product or service to the county. The proper development of requirements and specifications, as conveyed within these requests, is critical to ensuring the proper quality and best price levels for County purchases. This method is open and real-time, as opposed to the "sealed" nature of the request for quote/bid/proposal process.

**Contract:** A contract is a legal agreement between the County and a vendor to provide an ongoing supply of goods or services within a defined time period, according to specified terms and conditions for performance. It is not an order for actual delivery of goods or services. Contracts are normally issued for use by all County departments and special districts, but some may be restricted to specific departments or special districts on an as-needed basis.

**Purchase Order:** A purchase order is a one-time order placed with a vendor at the request of and on behalf of a County department or special district. It authorizes the vendor to provide a service or deliver products to a department or district upon receipt of the purchase order.

## **LOCAL AND SMALL BUSINESS INITIATIVES**

The Procurement Opportunities Program (POP), as detailed in Section 2.56 Article 4 of the Sacramento County Code, provides economic assistance to local and/or small business, within the limitations of the program and as long as the funding source requirements (or other program limitations) do not conflict.

### **SOLICITATION**

1. For all invitations for bid, quotes, or proposals issued through the Department of General Services or the Delegated Purchase Order Program, one-third or more of the invitations shall be provided to certified or self-declared Small Business Enterprises when available. If staff is not able to find sufficient Small Business Enterprises to achieve the one-third standard, staff will search available vendor databases in an attempt to find additional Small Business Enterprises.
2. Under the Delegated Purchase Order Program County departments are not required to solicit multiple quotes for purchases under five thousand dollars (\$5,000) **if** the Delegated Purchase Order is issued to a certified Micro-Business Enterprise in the Sacramento Regional Market Area (SRMA), which is comprised of Sacramento, El Dorado, Placer, Sutter, Yolo and Yuba counties.

### **ECONOMIC ASSISTANCE (PREFERENCES)**

1. The Procurement Opportunities Program shall provide economic assistance by offering preferences in procurement and contracting on contracts issued by the CAPSD or through the Delegated Purchase Order Program. Preferences will not be applicable to procurement card transactions, contracts issued by County departments under their delegated contracting authority, or contracts that departments take directly to the Board of Supervisors for approval that are not executed by the Purchasing Agent. Contracts excluded from such preferences include construction contracts, professional service contracts, and architectural and engineering professional service contracts. The business may not submit a proposal made in the interest of or on behalf of another business to obtain the preference.
2. Micro-Business Enterprises. The Procurement Opportunities Program shall provide for a two percent (2%) price or point preference to Small Business Enterprises that qualify as a certified Micro-Business Enterprise for supply and non-professional service contracts of

less than \$1,000,000 issued by the Department of General Services, CAPSD or through the Delegated Purchase Order program.

3. Local Business Enterprises. The Procurement Opportunities Program shall provide for a five percent (5%) price or point preference to Local Business Enterprises on supply and non-professional service contracts of less than one million dollars (\$1,000,000) issued by the CAPSD or through the Delegated Purchase Order program to business enterprises located within Sacramento County. Where applicable, the two percent (2%) preference to Small certified Micro-Business Enterprises shall be combined with the five percent (5%) preference to Local Business Enterprises, for a total price preference of seven percent (7%). Total preference shall not exceed \$50,000 per vendor on any single solicitation.
4. This preference shall also be provided to Sacramento Regional Market Area businesses that meet the criteria of a Local Business Enterprise for the County in which they are located, provided that: at least as stringent as section 2.56.420(d), and; the County in which such businesses are located also provides pricing preferences to businesses located within Sacramento County.

#### Definitions:

A. "Certification" means that certain accreditation granted to a business enterprise that has formally met the size and ownership standards of the small business program pursuant to the State of California, the Office of Small Business ("OSB"), and Disabled Veteran Business Enterprises Services for Small Business certification. The County will also accept certifications from any governmental agency that has a reciprocal agreement with the State of California OSB, such as the City of Sacramento.

B. "Delegated Purchase Order ("DPO") Program" means the purchasing program utilized by County Departments under the delegation of the County Purchasing Agent for goods and/or services in an amount not exceeding five thousand dollars (\$5,000.00).

C. "Fixed office" means a physical office or workspace within the County, which is staffed and where business activities are conducted at least twenty (20) hours per week by employees of the business seeking a local preference. A home office may qualify as a "fixed office" if the home office may be claimed as a business deduction on the business owner's income tax return. None of the following constitutes a "fixed office" under this section: a post office box, a temporary location established only to oversee a specific project, or a moveable or mobile property such as a trailer, recreational vehicle, or tent.

D. "Local business enterprise" means a business that meets all of the following criteria:

1. The business maintains its principal place of business within the geographic boundaries of the County of Sacramento. Suppliers and professional truck drivers are not required to maintain their principal place of business within the County, but must maintain a fixed office within the County. Suppliers must also maintain a continuously stocked inventory within the County consistent with the type of goods for which the business is seeking a local preference. Professional truck drivers must also park their registered vehicles and

trailers within the County when not under contract for use. The business may be required to submit to the County a copy of its rental or lease agreement evidencing its fixed office location.

2. The business must provide fifty (50) percent or more of the contracted product from its own local inventory.

3. The business must possess a current County of Sacramento business license or a business license from a City within the County. If the business's fixed office is located in a City that does not issue business licenses, the business must be current with the City's business operations taxes or other business regulations.

4. The business has been established and conducting business activities in the County for at least six months preceding the due date of the bid/proposal for which a local preference is being sought. The business may be required to submit to the County evidence of its business activities within the Sacramento area during the preceding six months.

5. The business must have paid sales tax to either a City located within the County or to the County of Sacramento. The business may be required to submit to the County copies of its State of California Board of Equalization sales and use tax returns.

E. "Manufacturer" means a business that is primarily engaged in the chemical or mechanical transformation of raw materials or that processes substances into new products, as codified in Sections 2000 to 3999, inclusive, of the Standard Industrial Classification Manual published by the United States Office of Management and Budget, 1987 Edition.

F. "Micro-business enterprise" has the same meaning as in Section 14837(d)(2) of the California Government Code, except that the business has its principal place of business located in the Sacramento Regional Market Area.

G. "Principal place of business" means the location where the business is headquartered and where the owner directs, controls, and coordinates the business's activities on a regular basis.

H. "Sacramento Regional Market Area" is defined as Sacramento, El Dorado, Placer, Sutter, Yolo and Yuba counties.

I. "Self-declared certification" means a business that wishes to participate in the Procurement Opportunities Program, but has chosen to not formally certify that it meets the size and ownership standards of the small business program by becoming certified by with the State of California OSB or reciprocal agency, but instead self declares that it meets the County's definition of a small or micro-business. A self-declared small or micro-business cannot participate in the economic preference benefits provided for certified micro-businesses.

J. "Small business enterprise" has the same meaning as in Section 14837(d)(2) of the California Government Code, except that the business has its principal place of business located in the Sacramento Regional Market Area.



## COMPETITIVE SOLICITATIONS

All purchases or annual contracts by the Purchasing Agent exceeding \$100,000 shall be made pursuant to formal competitive solicitations (bids, proposals, reverse auctions, etc.) and shall be let to the party whose offer provides the greatest value to the County, except as authorized by Section 2.56.250 of the Sacramento County Code.

The solicitation by newspaper publication shall not be required. The Purchasing Agent shall utilize such processes to advertise intended purchases as are reasonably calculated to provide adequate competition, including, but not limited to, the direct solicitation of proposals from known vendors. This is currently accomplished by posting the solicitation on the CAPSD website, notifying vendors registered in its eProcurement system, and actively seeking vendors registered in the State of California's certified small business directory.

Exceptions: Although formal competitive bidding is required for most "public works" contracts, this policy does not apply to such contracts. In addition, the policy does not apply to "goods and/or services" purchases or contracts that have been reviewed by the Department Head or Deputy County Executive, approved by the County's Purchasing Agent (or their designee) and filed with the CAPSD.

## EXCEPTIONS TO COMPETITIVE SOLICITATION PROCESS

### Background

The term "sole source" is frequently cited by County departments as justification to bypass the competitive bidding process. While the purchasing ordinance provides for exceptions to required competitive bidding, it does not recognize the term "sole source". Nevertheless, "sole source" purchases are commonly requested, and Purchasing has a responsibility to address the feasibility of such requests.

The CAPSD regularly receives "sole source" requests by departments, but has found numerous cases where the recommended vendor is not the only available source. Some common reasons why departments request "sole source" purchases are:

1. The department researched one or more vendors on their own, and believes that there is no further need to research more, or that no other acceptable vendors exist.
2. The department prefers the item immediately and bases its request on "urgency" rather than a true emergency.
3. The department prefers a specific brand of item.
4. The department wishes to conduct business with a specific vendor.
5. The department wants to expedite the normal purchasing process (for reasons different than item 2 above).
6. The department may be unaware of the County's competitive bidding requirements and the permitted exceptions.

### Sole Source Requests- Problems for Purchasing

A "sole source" purchase request can be problematic for Purchasing because it must be treated as an exception, and may take as much or more time to complete as a purchase requested via the normal bid process. The problem is often exacerbated by inadequate research; bias toward a brand or vendor, or an unrealistic expectation that Purchasing will accept departmental justifications without question. Such requests may also make it more difficult for Purchasing to comply with other County-wide procurement goals such as environmental purchasing programs and small business outreach, because such requests may not have taken these goals into consideration. While many "sole-source" requests may not be justifiable under the concept of only one available source, they may qualify due to other factors (such as a patented or proprietary item). In short, many requests are focused on the wrong reason, and require further consultation, amendment or resubmittal. Consequently, a significant amount of time is added to the procurement process.

To assist departments with such special requests, Purchasing has prepared a *Request for Exception to Competitive Bidding* document to accompany the purchase requisition. This document will help the requesting department better understand and justify its need for an exception to the competitive bidding process, and will also streamline the transfer of required information to Purchasing. Consequently, the processing time for the request can be greatly improved. The latest version of this document can be downloaded by clicking the "Exception to Bidding Form" link on the Purchasing [website](#):

If you have any questions or comments regarding exceptions to the required competitive bidding process, please feel free to contact the CAPSD at (916) 876-6360.

### The Competitive Bidding Process and Permitted Exceptions

Chapter 2.56 of the Sacramento County Code governs all County purchases, and Section 2.56.230 of this chapter explains the requirement for competitive bidding. However, purchases *may* be made without competitive bidding under defined circumstances (Section 2.56.250):

- When the aggregate or cumulative price to be paid under the purchase order is one hundred thousand dollars (\$100,000.00) or less, unless otherwise required by state law;
- When a patented or proprietary item is being purchased;
- Under the circumstances of an emergency in which the services of the Purchasing Agent are not immediately available and it is outside regular business hours, emergency purchases may be made by department heads or employees authorized by them to make such purchases. Such purchases shall be made by written contract in the name of the County and approved by and executed on behalf of the department head or authorized employee. Each emergency purchase shall be reported in writing to the Purchasing Agent as soon as possible, but in no event later than ten calendar days following the date on which the purchase is made; and such report shall include a detailed explanation of the nature of the emergency, as well as the reason necessitating the purchase.

- When the following types of personal property or services are being acquired, obtained, rented, or leased:
  - a. Advertising;
  - b. Books, recordings, motion picture films, subscriptions;
  - c. Election supplies;
  - d. Insurance;
  - e. Public Utility services;
  - f. Travel services;
  - g. Property or services provided by or through other governmental agencies; or obtainable from suppliers which have in force a current contract with another governmental agency for the same item or service;
  - h. Property or services the price of which is fixed by law
- When the purchasing agent determines that the making of a purchase without competitive proposals is reasonably necessary for the conducting of County business. An Exception to Bid form must be completed by the end user and approved by the Purchasing Agent.
- In the event of an emergency: Chapter 2.56 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.”

## BID IRREGULARITIES

When mistakes and/or minor deviations are included in a solicitation response, it will be handled in the following manner:

1. Late responses - Late responses are not acceptable in sealed bid situations. Late responses will be disqualified.
2. Mistakes in responses - If a bidder makes a mistake in a sealed bid, the bidder may be relieved of his or her bid as follows:

If...	Then
the mistake is clerical in nature, and if, in the sole discretion of the Purchasing Agent, the mistake is considered insignificant...	the bidder may be relieved of the bid provided notice given to the Purchasing Agent within 5 days of the bid opening.
the mistake is one of judgment or carelessness in inspecting the site of the work or in reading the request for bids...	the bidder may be relieved of the bid only if, in the sole discretion of the Purchasing Agent, it is determined to be in the best interest of the County to do so.

3. Other minor deviations or irregularities, such as failure to submit requested description literature - may be waived at the Purchasing Agent's option.

## PROPRIETARY INFORMATION

Proprietary information submitted by vendors will be processed as follows:

When...	Then
A bidder submits to the County any data deemed by the bidder to be proprietary in nature (exempt from disclosure by express provisions of law such as patent, copyright, financial informational from non-publicly traded firms, etc.)...	the bidder will so state (mark accordingly) in its bid or submittal.
Any third party requests disclosure of such data...	the bidder, upon demand by County, assumes the defense of any and all actions regarding such disclosure and shall indemnify County against any loss or damage resulting therefrom.
The bidder fails or refuses to do so...	the County shall be free to make such disclosure as it desires without any liability to bidder.
The bidder desires that the County execute any secrecy or proprietary data agreement regarding any submittal...	such agreement shall be prepared by and be acceptable to County Counsel.

## CONTRACT AWARD

Awards shall be determined by, and be based upon, either the lowest responsive and responsible bidder or the best proposal, which in the discretion of the Purchasing Agent most adequately meets the needs of the County, officer, department, or using agency at the lowest price.

## PROTESTS

Any bidder in the course of a competitive solicitation who is determined non-responsive or who is not being recommended for award of a contract may Protest the solicitation award:

1. A bidder may submit a protest if they believe that:
  - a. The rating factors and/or evaluation criteria put them at an unjust disadvantage,
  - b. Purchasing erred in its conclusion that the bidder's solicitation was non-responsive or failed to follow procedures set forth in the solicitation document and therefore was unfairly disqualified from the solicitation process,
  - c. Bidder provided the overall best value response, and that Purchasing erred in not recommending them for award of the contract or purchase order, or
  - d. Purchasing failed to follow written policy and/or procedures.

2. The bidder must submit a formal written Protest to the CSO handling the solicitation within ten (10) business days of the County's dated notice of Intent to Award.
3. The bidder's Protest should provide evidence that Purchasing failed to follow procedures specified in the solicitation or made identifiable mathematical errors or other calculation errors while evaluating the solicitation.

Bidders have an obligation to adhere to review timeframes and to submit appropriate documentation to support their concerns. A Bidder's formal Protest must:

- Cite the legal basis for the review request.
- Be submitted by a firm/person (or their agent) that has responded to the solicitation in question;
- Reference relevant documentation that will support their case.
- Reference the solicitation number and the appropriate sections and page numbers.

A review may be granted if the Protest is submitted within ten (10) business days of award notification and the following criterion is met:

1. The firm/person submitting Protest is a bidder.
2. The Protest review request alleges that:
  - a. Bidder submitted a responsive solicitation that was erroneously disqualified; or
  - b. Bidder's solicitation should have been the lowest cost, responsive and responsible, best value bidder or ranked the highest rated bidder and was not selected for contract award.
3. The Protest itemizes in appropriate detail and with factual reasons, at least one of the grounds for review as set forth below:
  - a. The Protest asserts that County of Sacramento made an error in disqualifying the bidder.
  - b. The Protest asserts that County of Sacramento failed to follow policy and/or procedures.
  - c. The Protest asserts that County of Sacramento made identifiable mathematical or other errors in the evaluation process.
  - d. The Protest asserts that County of Sacramento demonstrated bias in the conduct of the evaluation.

Unless State or Federal statutes or regulations otherwise provide, the review of any determination or action will be conducted by Purchasing and be limited to the following:

- Review of Solicitation Requirements
- Review of Disqualified Proposal
- Review of Proposed Vendor Selection Criteria

In all cases, the first level review of any protest shall be conducted by the Contract Services Officer handling the solicitation. Should a bidder disagree with the conclusion of the Contract



Services Officer, the bidder may submit a formal written request for further review by the Purchasing Agent. The Purchasing Agent's decision shall be final. The Protest review process shall be completed within a reasonable amount of time, and a determination shall be provided in writing to the bidder.

Throughout the review process, the County has no obligation to delay or otherwise postpone an award of a contract based on a bidder's protest.

In the event a contract requires approval from the Board of Supervisors, the Request for Proposal responses are not "public information" and cannot be divulged until the final contract formulation, typically once submitted in the Board "package".

**Exceptions:** Although formal competitive bidding is required for most "public works" contracts, this policy does not apply to such contracts. In addition, this policy does apply to "goods and/or services" purchases or contracts that have an approved "Exception to bid" filled with the CAPSD.

## **EXCEPTION POLICY FOR USING NON-CONTRACTED VENDOR**

If same or comparable goods or services that cost significantly less are located and the department wishes to acquire it from a non-contracted vendor, the department must perform an “apples to apples” comparison. Prior to the comparison the department employee should address:

- the amount of time employee(s) invested in shopping (including time & resources for item pick-up if vendor does not deliver) for the needed good or service (is the saving’s worth the time spent?), and
- the awareness and acceptance by the employee’s supervisor of the time used for “procurement” duties when his/her classification’s principal duties do not include procurement.

These comments shall be included in the written comparison. This statement must also include a comparison of the contemplated goods or services as regards the pricing, provisions, terms and conditions of the countywide contract. Other provisions that the department may need to consider when making an “apples to apples” comparison include, but are not limited to:

- Return policies,
- FOB Point,
- Payment terms,
- Product support,
- Product maintenance,
- Quality,
- Performance requirements, and
- Insurance requirements

## **RETROACTIVE PURCHASES**

With the exception of the provision for emergency purchases listed in Emergency Purchase Policy, and minor purchases as allowed in Section 2.61.450 of the County code, no purchase orders or contracts shall be let after the goods or services are provided to the County.

## **COPIER/MDF STANDARDS**

The County shall rent copiers for a short term period (usually three years). The County does not purchase or lease copiers. The CAPSD shall establish multiple contracts providing a selection of copier choices from which users can select a device(s) that best suits their copying needs. At the end of the copier rental term, the user will return the existing copier and select a new copier from the available list of suppliers/devices.

## OTHER PURCHASING RELATED PROGRAMS, ORDINANCES AND ISSUES

There are various programs, ordinances, and issues that affect the Contract and Purchasing Services Division. Some of the major items that affect our processes are:

### **Minimum Insurance Requirements**

County vendors (CONTRACTORS) are required to provide insurance whenever providing services at a county owned or leased facility or whenever delivering goods with their own delivery vehicles. A copy of the insurance certificate, listing the County of Sacramento as an additional insured along with a copy of the Endorsement is required.

Without limiting a CONTRACTOR'S indemnification, the CONTRACTOR shall maintain in force at all times during the term of the Agreement, and any extensions or modifications to the Agreement, insurance as specified in Exhibit B of the County Contract Manual (<http://inside.coco.saccounty.net/Pages/ContractManual.aspx>). Failure to maintain insurance as required may be grounds for material breach of contract.

Note: Exhibit B lists the "minimum" insurance required. Depending on the circumstances of the order, you may need a higher level of coverage or specialized covered. Always consult with Risk Management ([dpspropcaus@saccounty.net](mailto:dpspropcaus@saccounty.net)) for the level and type of coverage you may need.

### **California Uniform Public Construction Cost Accounting Act (CUPCCAA)**

CUPCCAA is part of the California Public Contract Code (Sections 22000 – 22045) that provides local agencies with alternative mechanisms to the formal construction bidding process for projects \$200,000 and under. The county adopted CUPCCAA on September 14, 1999.

### **Job Order Contracting (JOC)**

Job order contract is an indefinite-delivery, indefinite-quantity contract awarded on the basis of full, open and effective competition and is used to acquire real property maintenance and repair or minor construction at County facilities. JOC includes a comprehensive collection of detailed repair, maintenance and minor construction task descriptions or specifications, units of measure and pre-established unit prices for each discrete task. Each project or job ordered under a JOC is normally comprised of a number of pre-described and pre-priced tasks. JOC contracts are limited to \$2M (may be increased to \$4.9M by Board action) or 1-year (whichever comes first).

### **Contracting for County Provided Services (71-J)**

Section 71-J of the Sacramento County Charter restricts the establishment of contracts for services provided by (or previously provided by) County permanent civil service employees unless certain conditions are met, regardless of the contract value. 71-J does not apply to special districts. Notwithstanding any other provision of the Charter, the Board of Supervisors may contract for the provision of County services for reasons of economy and efficiency when all of the following conditions are met:

- (1) The contract does not cause the displacement of civil service employees. The term "displacement" includes, layoff, demotion and involuntary transfer to a new classification. Displacement does not include changes in shifts or days off, nor does it include reassignment to other positions within the same class; and

- (2) The County has met and conferred, in accordance with its legal obligation pursuant to Government Code Sections 3500 et seq., with an organization that represents County employees who perform the type of services to be contracted; and
- (3) The contract for services is awarded through a publicized, competitive bidding process; and
- (4) The contract must be for purposes of economy and efficiency; and
- (5) The contract must be approved by the Board of Supervisors.

### **Prevailing Wages**

The requirement for prevailing wages applies to contracts that include labor performed by job classifications identified by the Director of the California Department of Industrial Relations (DIR). If the contract is only for the purchase of a product, with no services or labor involved, then prevailing wages do not apply.

The labor classifications to which prevailing wages apply as identified by the Director of DIR are posted at <http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>. There are three levels of determination that need to be reviewed: 1) Statewide; 2) Northern California; and 3) County of Sacramento. The lists of classifications are extensive, though not all encompassing; e.g., prevailing wages are not required to be paid to accounting or clerical classifications.

The County of Sacramento has an established labor compliance program approved by the Director of DIR; therefore, notwithstanding the provision stated by Labor Code Section 1771, the County need not require the payment of the general prevailing rate of per diem wages or the general prevailing rate of per diem wages for holiday and overtime work for any public works project of \$25,000 or less when the project is for construction work, or for any public works project of \$15,000 or less when the project is for alteration, demolition, repair, or maintenance work. Note that if the project is federally funded, the Davis-Bacon Act limit of \$2,000 applies. Because the County has an approved Labor Compliance Program, the program must be used for all contracts for public works projects. For more detailed information, see the "Procedural Guidelines for Public Works Contracting" post at:

<http://inside.dgs.saccounty.net/capsd/Documents/Contract%20Services%20Files/Public%20Works%20Contracting%20Guidelines.pdf>

### **Department of Child Support Services (DCSS) Ordinance**

On June 12, 2001, the Board of Supervisors passed the Child Support Compliance Ordinance #SCC 1195 (amended February 18, 2003, Ordinance #SCC 1237). The purpose of this ordinance is to ensure that the County is not contracting with an entity whose principal owners have not complied with child, family or spousal support orders. The ordinance requires annual reporting from all county departments involved in contracting.

### **Environmental Purchasing Policy**

The purpose of this policy is to support the purchase of recycled and environmentally preferred products in order to minimize environmental impacts relating to our work. Per the policy, the Department of General Services shall:

- A. Maintain and use information furnished by its customers, about environmentally preferable and recycled products containing the maximum practical amount of recycled materials and encourage all County Agencies/Departments/Divisions to purchase such products whenever possible.
- B. Provide Departments with vendor furnished information about recycled products and environmental procurement opportunities.
- C. Inform vendors of our Environmental Purchasing Policy.
- D. Structure applicable contracts to offer and/or feature recycled-content products whenever possible, (e.g., office supplies, lubricating oils and janitorial supplies).
- E. Encourage development of specifications used in public bidding aimed at eliminating barriers to recycled-content products, such as outdated or overly stringent product specifications and specifications not related to product performance. All requests for proposals shall encourage vendors to offer recycled products whenever practical.

The policy is posted at <http://inside.dgs.saccounty.net/capsd/Pages/default.aspx>

### **Health Insurance Portability and Accountability Act (HIPAA)**

The Office of Compliance and HIPAA performs core activities related to the Federal mandates of the Health Insurance Portability and Accountability Act (HIPAA) found in the Code of Federal Regulations 45, and requirements for the County's "covered components" as defined under the Act. The provisions include administrative, physical, and technical safeguards to prevent unauthorized use and disclosure of protected health information in all formats (written, verbal, and electronic). The Office fulfills and monitors specific requirements under the key provisions.

The core activities include:

- Maintaining and updating as required the mandated County HIPAA Policies and Procedures;
- Developing and delivering HIPAA Privacy and Security training required under §164.530 of the Act;
- Conducting risk assessments of electronic systems for information security and site assessments of the covered components for required safeguards under §164.308;
- Managing incidents and complaints for alleged HIPAA violations under §164.508;
- Monitoring the County's Business Associate contracts as required under §164.502.

HIPAA Policies and Procedures are posted at  
<http://inside.compliance.saccounty.net/Pages/default.aspx>



### **Good Neighbor Policy**

The County's good neighbor policy was designed to ensure County facilities (and vendors who provide services directly to County constituents) have minimal impact to the surrounding neighborhood. All contracts with vendors who provide County services directly to constituents must include good neighbor policy standard contract language.

See <http://inside.adminmanual.saccounty.net/Pages/Good-Neighbor.aspx>

### **Federal Funding Requirements**

At times, departments will receive federal funds (either directly or indirectly) to purchase goods and/or services. All procurements expending Federal funds must comply with the provisions of [Title 2 of the Code of Federal Regulations \(CFR\) §200.318 through §200.326](#). Procurements may have additional compliance requirements from the funding agency and funding source. Compliance with federal requirements does not preclude compliance with County requirements, except where County requirements specifically allow them to be precluded.

### **Federal Aviation Administration Requirements**

Like the CFR Title 2 requirements lists above, Federal Aviation Administration (FAA) funding project also come with a unique set a contracting requirements that impact the solicitation and resulting contract. The FAA requirements are complex and differ depending on the type of product/service being procured and whether or not the project is considered an Airport Improvement Project (AIP). Details are provided in the Buyer's Guide. Always obtain review from County Counsel before finalizing the solicitation or contract.

### **Iran Contracting Act**

When responding to a bid or proposal or executing a contract or renewal for a County of Sacramento contract for goods or services of \$1,000,000 or more, a vendor must either:

- a) certify it is not on the current list of persons engaged in investment activities in Iran created by the California Department of General Services ("DGS") pursuant to Public Contract Code section 2203(b) and is not a financial institution extending twenty million dollars (\$20,000,000) or more in credit to another person, for 45 days or more, if that other person will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS; or
- b) demonstrate it has been exempted from the certification requirement for that solicitation or contract pursuant to Public Contract Code section 2203(c) or (d).

Appendix N of the CAPSD solicitation template addresses this issue.

### **Web Accessibility Policy**

The County of Sacramento is committed to providing employees and the public, including individuals with disabilities, equal access to Web-based information and services either directly through the Web or through alternative channels.

The Web Accessibility Policy applies to all Sacramento County web content whether centrally hosted and managed by the Department of Technology (Dtech) or hosted and managed by

County agencies, departments or external service providers, and whether it is from a web page or a web application on either the Internet or the Intranet. Departments that provide services through contracts shall ensure that such contractors deliver their services in compliance with the Web Accessibility Policy.

Appendix O of the CAPSD solicitation template addresses this issue.

### **Fixed Asset Capitalization Policy**

The Department of Finance issued the County's Fixed Asset Capitalization Policy in accordance with Governmental Accounting Standards Board (GASB) and State of California Accounting Standards and Procedures for Counties. The purpose of policy is to provide guidance for the management of the acquisition, movement, sale, and disposal of fixed assets, and addresses areas such as useful life, minimum threshold values for capitalization, depreciation, and retirement of fixed assets.

Fixed Assets are generally defined as:

- a. Relatively permanent nature should be interpreted as having a useful life greater than one year,
- b. Significant value should be defined as all equipment acquisitions with a cost greater than \$5,000, and
- c. The cost of equipment includes: the purchase price less discounts; freight charges; sales, use and transportation taxes; and installation charges.

Intangible assets include assets lacking physical substance, non-financial in nature, with a relatively permanent nature and significant value:

- a. Relatively permanent nature should be interpreted as having a useful life greater than one year, and
- b. Significant value should be defined as all intangible assets acquisition with a cost greater than \$25,000, subject to the following exceptions:
  - i. Permanent easements will be treated as fixed assets, regardless of cost;
  - ii. Computer or website software will be capitalized if the cost is greater than \$100,000.

The entire policy is posted at

<http://inside.adminmanual.sacounty.net/Documents/County%20Fixed%20Assets%20Policy.pdf#search=fixed%20asset%20policy>

## PROCUREMENT CODE OF ETHICS

The County of Sacramento believes that the following should govern the conduct of every person employed by the County who issues contracts and purchase orders, and/or are involved in the decision making process:

- Is governed by the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served.
- Believes that personal enhancement or profit obtained through misuse of public or personal relationships is dishonest and not tolerable.
- Believes County employees should at no time, or under any circumstances, accept directly or indirectly, gifts, gratuities, or other things of value from current or proposed suppliers, which might influence or appear to influence purchasing decisions.
- Understand the authority granted by the County, and follow the lawful instructions or laws of the County, and strictly abide by the County's Purchasing Agent's National Institute for Government Procurement-based Code of Ethics.
- Avoid activities which would compromise or give the perception of compromising the best interest of the County.
- Reduce the potential for any charges of preferential treatment by actively promoting the concept of competition.
- Obtain the maximum benefit for funds spent as agents for the County.
- Refrain from engaging in activities where the employee has a significant personal or indirect financial interest, and avoid participating in business decisions or activities with companies with which the employee has a vested interest.
- Avoid the appearance of unethical or compromising practices in relationships, actions and communications.
- Avoid business relationships with personal friends. Request a reassignment if the situation arises.
- An employee shall not use their position to exert leverage on individuals or firms for the purpose of creating a benefit for the County.
- Maintain and practice, to the highest degree possible, professional courtesy, business ethics, and competence in all transactions.
- All involvement and transactions shall be handled in a professional manner with the interest of the County taking precedent.
- Purchase without prejudice, striving to obtain the maximum value for each dollar of expenditure.
- Refrain from publicly endorsing products.

### GIFTS AND GRATUITIES

- Never solicit or accept money, loans, credits or prejudicial discounts, gifts, entertainment, favors or services from present or potential suppliers which might influence or appear to influence purchasing decisions.
- Items offered by suppliers for marketing or public relations purposes are acceptable when such items are available to the general public and the value of such items would not be perceived by the offeror, receiver, or others as posing an ethical breach.

- Gifts should be returned, or if perishable, either returned or donated to a charity in the name of the supplier.
- A gift is anything of value for which you have not provided equal or greater consideration to the donor.

### *BUSINESS MEALS*

- There are times when, during the course of business, it may be appropriate to conduct business during meals. Association with suppliers at lunches, dinners or business organization meetings is an acceptable professional practice enabling the employee to establish better business relations provided that the employee keeps free of obligation. In such instances, the meal should be for a specific business purpose.
- Employees are expected to pay for their own business meals and seek reimbursement consistent with departmental and County policy.
- This policy is consistent with the requirements under the Fair Political Practice Commission.

## **OTHER SERVICES WE PROVIDE**

In addition to making purchases on behalf of County departments and special districts, the CAPSD also provides many other purchasing-related services such as:

- Consulting services for customer's internal procurement process, such as use of RFPs;
- Providing commodity expertise;
- Developing specifications;
- Researching new products and new sources of products;
- Soliciting competitive bids, quotations and proposals;
- Facilitating the evaluation of vendor responses to solicitations;
- Analyzing vendor performance;
- Ensuring vendor compliance with contractual agreements;
- Resolving problems with delivery, quality, performance or other vendor issues;
- Developing and promoting policies and programs such as the Procurement Opportunities Program, the Environmental Purchasing Program, and energy conservation;
- Administering the County Procurement Card Program; and
- Providing departmental training on the procurement process upon request.

## STAFF DIRECTORY

### **Contact**

General Information

### **Phone**

876-6360

### **E-mail**

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### **Purchasing Agent**

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