

1 MARIPOSA COUNTY ORDINANCE NO. 649

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

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

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

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

18 "Chapter 3.08

19 PURCHASING

20 SECTIONS:

- 21 3.08.010 Purpose
- 22 3.08.020 Definitions.
- 23 3.08.030 Purchasing agent and assistant purchasing
24 agents.
- 25 3.08.040 Duties and authorities of purchasing agents.
- 26 3.08.050 Authority of assistant purchasing agents.
- 27 3.08.060 Procedure for purchases by purchasing agent
28 and assistant purchasing agents.

1 3.08.070 Purchases by board of supervisors.

2 3.08.080 Bulk purchasing.

3 3.08.090 Contractual services.

4 3.08.100 Gratuities--Disciplinary action.

5 3.08.110 Unlawful purchases.

6 3.08.120 Violation of Chapter 3.08.

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9 3.08.010 Purpose.

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

19
20 3.08.020 Definitions.

21 As used in this chapter:

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

28 B. "Contractual services" means any and all

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

11
12 3.08.030 Purchasing agent and assistant purchasing
13 agents.

14 Pursuant to California Government Code Section
15 25500 the board of supervisors shall appoint a purchasing
16 agent for Mariposa County, and the individual appointed
17 shall serve as the purchasing agent for Mariposa County,
18 at the pleasure of the board. Each department head of
19 the County of Mariposa, or the acting department head
20 shall serve as assistant purchasing agents for purposes
21 of their respective budgets only. The board shall have
22 the authority to appoint, by Resolution, other assistant
23 purchasing agents.

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25 3.08.040 Duties and authorities of purchasing agent.

26 The purchasing agent shall purchase for the county and
27 its offices all materials, supplies, furnishings,
28 equipment, livestock and other personal property. The

1 purchasing agent shall further rent for the county and
2 its offices furnishings and livestock. The purchasing
3 agent shall make purchases, rentals, and contracts only
4 upon proper written requisition.

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6 3.08.050 Authority of assistant purchasing agents.

7 Assistant purchasing agents authority shall be limited
8 to the purchase of items which are contained in the
9 assistant purchasing agents' approved budget. Such
10 purchases shall not need approval of either the purchasing
11 agent or the board of supervisors, unless specifically
12 required by the board of supervisors. The board of
13 supervisors shall retain final authority for all purchases.
14 However, any single item or inter-related items purchased
15 by an assistant purchasing agent, in excess of Three
16 Thousand Dollars (\$3,000) shall be approved by the
17 purchasing agent and the board of supervisors prior to
18 purchase. Inter-related items shall not be purchased
19 in increments of less than Three Thousand Dollars
20 (\$3,000) for the purpose of avoiding the requirements
21 contained herein. The assistant purchasing agents
22 shall purchase items at the best possible price, giving
23 due consideration to the use and quality of the item
24 being purchased.

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26 3.08.060 Procedure for purchases by purchasing
27 agent and assistant purchasing agents.

28 All purchases by either the purchasing agent or

1 assistant purchasing agents shall be accomplished by
2 virtue of a written invoice received from the seller.
3 Each invoice shall be signed and approved by the purchasing
4 agent, or assistant purchasing agent prior to forwarding
5 any request to the auditor's office for payment of the
6 item(s) purchased, and shall contain an itemization of
7 the items purchased, date of purchase, the price of the
8 item(s) and terms of the purchase. Any request for
9 payment not accompanied by an invoice and approved, in
10 writing, by either the purchasing agent or the assistant
11 purchasing agent will be returned without action by
12 the auditor. Any and all purchases in excess of \$3,000
13 shall require the written approval of the purchasing
14 agent and the board of supervisors prior to any request
15 being forwarded to the auditor's office for payment.
16 Failure to forward such written approval to the auditor
17 will result in the request being returned without
18 action by the auditor.

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21 3.08.070 Purchases by board of supervisors.

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

1 item and/or service required. At all other times bids
2 shall be solicited by public notice followed by an
3 award by the board of supervisors, except where the
4 board of supervisors makes a finding recorded in its
5 minutes that competitive bidding would not be in the
6 public interest. The method and extent of public
7 notice shall be prescribed by the board of supervisors.
8 All bids shall be submitted sealed to the clerk of the
9 board. The board of supervisors may reject any or all
10 bids for all or any portion of the items bid. A tabulation
11 of all bids received, whether accepted or rejected,
12 shall be open for public inspection for a period of not
13 less than thirty (30) days after the bid opening. In
14 all cases, the award shall be made by the board of
15 supervisors to the lowest responsible bidder. In
16 determining the lowest responsible bidder, the board of
17 supervisors shall take into consideration the quality
18 of the item offered and its conformity with the speci-
19 fications, the delivery and discount terms and conditions
20 of the bid, service of item, and other information and
21 data required. This section shall not apply to labor,
22 materials or equipment for public construction projects
23 unless the requirements specified in this Title for
24 such projects have been satisfied. Nothing contained
25 herein shall alter the purchasing procedures required
26 by State or Federal law.

1 3.08.080 Bulk purchasing.

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

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10 3.08.090 Contractual services.

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

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17 3.08.100 Gratuities--Disciplinary action.

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

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24 3.08.110 Unlawful purchases.

25 Except as otherwise provided by law, no purchase
26 of supplies, equipment, or contractual services shall
27 be made in excess of the amount of the appropriations
28 allowed by the budget.

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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
BEVERLY BARRICK
Chairman, Board of Supervisors

ATTEST:

Gerald M. Carthy
GERALD MC CARTHY, County Clerk and
Ex Officio Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Jeffrey G. Geen
JEFFREY G. GEEEN, County Counsel