

ORDINANCE NO. 1652

AN ORDINANCE OF THE COUNTY OF SUTTER AMENDING THE SUTTER ORDINANCE CODE BY AMENDING CHAPTER 16 RELATING TO THE PROCUREMENT OF SUPPLIES, MATERIALS, EQUIPMENT, PRODUCTS AND SERVICES BY THE COUNTY AND THE DISPOSAL OF SURPLUS PERSONAL PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF SUTTER ORDAINS AS FOLLOWS:

SECTION 1: The Sutter County Ordinance Code is amended by amending section 16-020 of Chapter 16 to read in its entirety as follows:

16-020 OFFICE ESTABLISHED

Under Sections 25500 and following of the Government Code of the State of California and consistent with the provisions of Chapter 15 of this ordinance code, the office of purchasing agent is established and the purchasing agent shall be the County Administrative Officer.

SECTION 2: The Sutter County Ordinance Code is amended by amending section 16-030 of Chapter 16 to read in its entirety as follows:

16-030 GENERAL DUTIES

The Purchasing Agent shall have the duties and powers prescribed by the laws of the State of California relating to county purchasing agents, by this ordinance, and by resolutions of the Board of Supervisors. The Purchasing Agent, in conjunction with the General Services Director, shall be the head of the purchasing department of the county and shall establish policies and procedures to be utilized by the purchasing department. The Purchasing Agent may appoint the deputies, assistants, or other employees as, from time to time, shall be authorized, including the appointment of department heads and county officers as such deputies and assistants. The Purchasing Agent shall give the Board of Supervisors and designated departments reports and information which the Board of Supervisors from time to time requires.

SECTION 3: The Sutter County Ordinance Code is amended by amending section 16-050 of Chapter 16 to read in its entirety as follows:

16-050 EQUIPMENT, PRODUCTS AND SUPPLIES

Except as otherwise provided by ordinance or general law, where the annual aggregate cost does not exceed Fifty-Thousand (\$50,000.00) dollars, the Purchasing Agent, or any designee of the Purchasing Agent, may purchase, lease, or rent for the County of Sutter, equipment of whatever kind and nature, products, including computer software, insurance and other intangible items, and supplies without notice, advertisement, or the securing of competitive bids or quotations. In exercising this authority, the Purchasing Agent shall take advantage of modern communications to obtain fair and reasonable prices, consistent with the needs of Sutter County, including, but not limited to, the use of the telephone, the internet and email, and, when feasible, to use reasonable means to solicit quotes or proposals from local vendors. Purchases, leases, or the rental of equipment and products where the annual aggregate cost exceeds Fifty-Thousand (\$50,000.00) dollars shall be subject to the requirement of either a request for proposal (RFP) or notice, advertisement, and competitive bidding unless the Board of Supervisors, in the

exercise of its discretion, determines in each case that such a purchase may be made without such requirements. For the purposes of this section, approval of the contract for the purchase, lease or rental by the Board of Supervisors shall be deemed sufficient evidence of the Board of Supervisors having made such a finding. No bidding will be required for the purchase of supplies.

(A) If the RFP process is utilized, the specific procedural details of each RFP shall be provided in the text of the request but shall include the following:

(1) A statement that the County reserves the right to negotiate directly with any party responding thereto and may enter into a contract with any responding party regardless of price if it is advantageous for the County to do so.

(2) No public opening of proposals shall be required.

(B) Prior to distribution or publication, the request for proposal shall be submitted to the County Counsel's office for review as to legal form and sufficiency.

SECTION 4: The Sutter County Ordinance Code is amended by amending section 16-060 of Chapter 16 to read in its entirety as follows:

16-060 INDEPENDENT CONTRACTORS

Except as otherwise provided by ordinance or general law, the Purchasing Agent may engage independent contractors to perform services for the county and the offices thereof, with or without the furnishing of material, where the annual aggregate cost does not exceed Fifty-Thousand (\$50,000.00) dollars without notice, advertisement, or the securing of competitive bids or quotations. Services in excess of Fifty-Thousand (\$50,000.00) dollars annually shall be subject to the requirements of either a request for proposal (RFP), or notice, advertisement, and competitive bidding unless the Board of Supervisors, in the exercise of its discretion, determines in each case that such a service may be obtained without such requirements. For the purposes of this section, approval of a contract for the services by the Board of Supervisors shall be deemed sufficient evidence of the Board of Supervisors having made such a finding.

(A) If the RFP process is utilized, the specific procedural details of each RFP shall be provided in the text of the request but shall include the following:

(1) A statement that the County reserves the right to negotiate directly with any party responding thereto and may enter into a contract with any responding party regardless of price if it is advantageous for the County to do so.

(2) No public opening of proposals shall be required.

(3) If the request seeks architectural design services requiring an expenditure in excess of ten thousand dollars (\$10,000.00), the request shall also include, in bold type, a disclosure that the contracting architect may be required to indemnify and hold harmless the County of Sutter against any and all liability, whether or not caused by the activity of the contracting architect.

(B) Prior to distribution or publication, the request for proposal shall be submitted to the County Counsel's office for review as to legal form and sufficiency.

SECTION 5: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 6: This ordinance shall take effect thirty (30) days after the date of its adoption and before the expiration of fifteen (15) days from the date of passage thereof shall be published at least once in a newspaper of general circulation, in the County of Sutter, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

The foregoing Ordinance was duly passed and adopted at a regular meeting of the Board of Supervisors of Sutter County on the 26th day of June 2018, by the following vote:

AYES: Supervisors Sullenger, Flores, Munger, Whiteaker, and Conant

NOES: None

ABSENT: None

DAN FLORES, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:
DONNA M. JOHNSTON, CLERK

By:
Deputy



FILED

JUN 27 2018

BOARD OF SUPERVISORS
DONNA M. JOHNSTON
Clerk of the Board
By: Deputy