

ORDINANCE NO. 10158 (N.S.)

AN ORDINANCE AMENDING SECTIONS 401 AND 404 OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES, RELATING TO PROCUREMENT AND UNIT PRICE CONTRACTS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Section 401 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

SEC. 401 PROCUREMENT

(a) Except in the case of emergency as provided in Section 402, below, or as otherwise provided by State or federal law, County ordinance, or Board Policy, the Director shall have exclusive authority to take the actions described in this section on behalf of the County.

(b) The Director has authority to enter into contracts to purchase, rent, or lease all personal property for the County, including any insurance, supplies, materials, furnishings, equipment, and computer hardware and software systems and the development of those systems (collectively, “non-service contracts”). Unless otherwise provided for in this Code of Administrative Ordinances, the Director also has authority to engage independent contractors to perform services for the County (“service contracts”). The Director may enter into the following contracts without obtaining the approval of the Board of Supervisors:

(1) All service contracts (except for “professional services,” as defined in Board Policy and as otherwise provided for in this Code of Administrative Ordinances) where the total estimated value of services provided during the entire term of the contract is under \$100,000; and

(2) All service contracts (except for “professional services,” as defined in Board Policy and as otherwise provided for in this Code of Administrative Ordinances) and all non-service contracts where the total anticipated value provided is under \$100,000 per year and Board Policy sets forth a procedure for excepting the procurement from competition; and

(3) All service and non-service contracts, except as noted below, where the total anticipated value of the services or non-services provided are under \$1,000,000 per year, subject to the following conditions:

a. The Board of Supervisors has exempted the category of services or non-services (including “professional services,” as defined in Board Policy and as otherwise provided for in this Code of Administrative Ordinances) provided under the

subject contract from competitive bidding requirements pursuant to Board Policy exempting specific classes of procurement from such requirements; or

b. The contract is awarded pursuant to a “competitive negotiated procurement” procedure, as defined in Board Policy.

(4) All service and non-service contracts, with no maximum limitation on contract value, where the Director awards the contract in accordance with a process of either “formal bidding” or “reverse auction,” and non-service contracts for goods acquired from other government agencies or contracts competitively awarded by those agencies.

(5) The Director may amend any contract, without obtaining approval of the Board of Supervisors, in accordance with provisions of this Section 401. The Director’s authority to amend contracts awarded pursuant to Subdivision (b)(3) of this Section 401 shall include the authority to adjust the annual contract price up to an additional \$250,000.

(c) For contracts to purchase, rent or lease personal property, and for contracts to engage independent contractors to perform services, the Director has authority to enter into a particular or individual contract where the Board has specifically authorized the Director to negotiate and award or amend that contract, in accordance with any conditions and pricing terms specified by the Board as applicable to such contract and any amendments thereto.

(d) The Director is authorized to enter into public works contracts (as described in section 20121 of the Public Contract Code) without obtaining the approval of the Board of Supervisors as follows:

(1) The estimated cost of the work is less than the amounts prescribed by the Public Contract Code.

(2) The work is performed by an entity that State or federal law has excepted from the bidding requirements of the Public Contract Code or applicable federal law.

(e) The Director is authorized to enter into contracts for highways (as described in section 20390 et seq. of the Public Contract Code) or a bridge or a subway (pursuant to Article 26 of the Public Contract Code) or for a project under the Improvement Act of 1911 (pursuant to Article 27 of the Public Contract Code) or under the County Sanitation District Act (pursuant to Article 50 of the Public Contract Code) or for construction by the San Diego County Flood Control District (pursuant to Article 120 of the Public Contract Code). The Director of Purchasing and Contracting may enter into these contracts, without obtaining approval of the Board of Supervisors, if the Director, Department of Public Works, estimates the cost at less than the amount prescribed by the

Public Contract below which threshold the requirements of the Public Contract Code for contracting are inapplicable.

Section 2. Section 404 of the San Diego County Code of Administrative Ordinances is hereby amended to read as follows:

SEC. 404 ORDERS BY BOARD OF SUPERVISORS UNDER UNIT PRICE CONTRACTS.

Approval by the Board of Supervisors of departmental budgets, or of appropriation transfers or of appropriations of unanticipated or over-realized revenues, which include repair or remodeling costs shall be deemed an order of the Board for purposes of Public Contract Code section 20128.5 and shall authorize the Director to direct that the work be done according to unit prices in any annual contract awarded under that provision. The Director may issue work-orders or a work-order under the unit price contract to the full value of that contract.

Section 3. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption. Within fifteen (15) days after the date of adoption of this Ordinance, a summary shall be published once with the name of those members voting for and against the same in the newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 12th day of July, 2011.

Approved as to form and legality:

THOMAS E. MONTGOMERY, County Counsel

By

David Smith, Senior Deputy