



El Dorado County Emergency Services Authority

Policy Subject Matter: **2.2.1 Purchasing Procedures**
Review Date: **12.15.2021**
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I. Purpose:

The purpose of this policy is to adopt policies and procedures governing the purchase of materials, services, and supplies by the El Dorado County Emergency Services Authority (JPA) in accordance with the Government Code, Section 54201.

II. Definitions

- A. Formal Bid: means the procurement procedure in which the request for bid for product is submitted in writing, circulated to all vendors on an established bidders list for the commodity, received in writing by a stated deadline and awarded at a regular meeting of the JPA Board of Directors.
- B. Informal Bid: means the procurement procedure in which the request for quote for product is done by telephone, email communication, or internet search, solicited from a minimum of three vendors, for amounts in excess of \$5,000 and awarded by the JPA Board of Directors.
- C. Fixed Asset: means any item of equipment having an estimated useful life of three years or more, and/or a purchase price of \$5,000 or more, is capable of being permanently identified as an individual unit of property, and belongs to one of the general classes of property considered a fixed asset in accordance with generally accepted accounting practices.
- D. General Conditions: (Attachment A) shall be attached to each bid specification. These conditions inform bidders of the JPA's terms and conditions for brands, taxes and awarding of the bid.

III. Forms and Procedures

- A. The JPA Board Chair, Executive Director or Deputy Director may approve and sign direct purchase orders and/or approve purchases in the total amount of four thousand nine-hundred ninety-nine and 99/100 dollars (\$4,999.99) or less.
- B. The JPA Board Chair, Executive Director or Deputy Director shall strictly adhere to written purchasing procedures as issued from time to time by the Board of Directors.

IV. Emergency Purchases

- A. Emergency purchases may be made by any person or official authorized to sign purchase orders when the JPA Executive Director is not immediately available and the item or items so purchased are immediately necessary for the preservation of life or property. Such emergency purchases shall be subsequently submitted by the originating person to the JPA Executive Director for approval and confirmation by the JPA Board of Directors. The purchase order shall contain a brief statement of the nature of the emergency.

V. Purchase Over Budget Prohibited

Except as otherwise provided by state law, no purchase of materials, supplies, fixed assets or contractual services shall be made in excess of the appropriations allowed therefore in the JPA budget.

VI. Gratuities

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

VII. Bid Calling and Award

Anyone involved in the bid preparation and award process should disqualify themselves if they have any financial interest in any of the bidders' organizations or if they have any personal relationships with any of the bidders.

1. Informal Bid

The procedure to obtain a quote for furnishing materials, services, and supplies to the JPA where the unit price is in excess of five thousand dollars (\$5000.00) and less than fifty thousand dollars (\$50,000.00) or the amount allowed by Government Code, whichever is greater, is as follows:

- a. Price quotes shall be obtained from three vendors in which the request for quote for product is done by telephone, email communication, or internet search, and awarded by the JPA Board of Directors.
- b. Selection of the vendor should be based on best buy (best quality for reasonable price), not necessarily the lowest priced product.

The JPA Board Chair, Executive Director or Deputy Director shall review the quote, compute and determine the most responsive bidder, submit a summary and recommendation of the quote award for inclusion as a regular agenda item to the JPA Board of Directors. In the event the JPA Board Chair, Executive Director or Deputy Director cannot for reasons of omission or errors determine a best responsive bidder then the JPA Board Chair, Executive Director or Deputy Director shall cancel the quote and the quote process will be repeated until the lowest responsible bid can be determined and recommended.

2. Formal Bid

The procedure for letting a contract for furnishing materials, services, and supplies, to the JPA where the unit price is in excess of fifty thousand dollars (\$50,000.00) or the amount allowed by Government Code, whichever is greater, and such other contracts and sales as the JPA may designate shall be as follows:

- a. Call for Bids- Request for price quotes or bids should be appropriately advertised to attract bidders.
- b. Opening Bids – At the times fixed for opening bids the JPA Board Chair, Executive Director or Deputy Director shall publicly open the bids received and announce the name of each bidder. The JPA Board Chair, Executive Director or Deputy Director shall return unopened any bids received after the time fixed for opening bids with the notation that the bid was filed too late. The JPA Board Chair, Executive Director or Deputy Director shall review the bids, compute and determine the most responsive bidder. The JPA Board Chair, Executive Director or Deputy Director shall submit a

summary and recommendation of bid award for inclusion as a regular agenda item to the JPA Board of Directors. In the event the JPA Board Chair, Executive Director or Deputy Director cannot, for reasons of omission or errors determine a best qualified bidder, then the JPA Board Chair, Executive Director or Deputy Director shall cancel the bid and the bid process will be repeated until the lowest responsible bidder as determined by the bid award selection criteria can be determined and recommended.

- c. Award or Reject Bid – Following recommendation for award, the JPA Board of Directors shall consider the bids received and may:
 - 1) In its discretion, waive minor irregularities or informalities,
 - 2) Reject any and all non-responsive bids,
 - 3) Reject all bids and determine whether to rebid, and/or
 - 4) Award the contract to the lowest responsive responsible bidder. In determining a lowest responsive, responsible bid, the JPA Board of Directors shall also consider the quality of the items offered and their conformity to the bid specifications, the delivery and discount terms, any conditions attached to the bid, and other information considered pertinent to the decision making process. A selection committee composed of the JPA Executive Director, Deputy Director and members appointed by the JPA Board of Directors may review the bids and make a recommendation to the JPA Board of Directors to either accept or reject the bid.
- d. Executing Contract – After awarding the bid, and before performance by the successful bidder, a written contract shall be executed by the JPA Board Chair or Executive Director on behalf of the JPA and the successful bidder, as deemed appropriate by circumstances. As a general rule, the JPA purchase order form shall serve as contract with the successful bidder, providing all preceding steps on award of bids in excess of fifty thousand dollars (\$50,000) or the amount allowed by Government Code, whichever is greater, have been observed.
- e. Dispensing with Bids – The JPA Board of Directors may dispense with the bidding procedures required by this section and make the purchase or contract with any firm or person on such items as deems advisable when and if the JPA Board of Directors finds that competitive bidding would not be in the public interest because of emergency or because the unique nature of the property or service required precludes receiving bids. With the approval of the JPA Board of Directors, the JPA may “piggy-back” on another governmental agency’s awarded contracts as long as the contract was awarded through a competitive bid process. Such findings and the reasons therefore shall be recorded in the minutes of the Board.
- f. Purchasing Protest Procedure – The protest procedure is an extension of the formal bid process, which allows recourse to bidders who wish to protest bid results or the method by which a bid request was processed. This procedure is only made available after all informal methods have failed to reach a solution. Upon the completion of the bid evaluation and concurrently with recommendation to the JPA Board of Directors for award, the Executive Director or Deputy Director shall notify “all bidders” of the successful bidder: brand, model, and price quoted: any other pertinent information, and the date on which the award will be made by the JPA Board of Directors. All bidders may attend the JPA Board of Directors meeting and address the JPA Board of Directors at that time.

3. Procedure

If a bidder wishes to protest the award, the procedure shall be as follows:

- 1) Within five (5) days from the date of the “all bidders” letter, protesting bidder shall submit a letter of protest to the Executive Director, specifically stating the reason for the protest, such as the law, rule, regulation or criteria on which the protest is based.
- 2) If the Executive Director finds the protest to be valid, the recommendation and/or award may be rescinded. If the Executive Director does not find the protest valid, response stating the reason for refusal shall be submitted in writing to protestor within five (5) working days from the receipt of the protest.
- 3) In the event the Executive Director and the vendor are unable to reach an agreement, the protest may be submitted to the JPA Board of Directors requesting the JPA Board of Directors to consider the protest as a regular agenda item. The decision of the JPA Board of Directors shall be final in accepting or rejecting the protest.

VIII. Records

The location of purchasing records developed pursuant to the provisions of this policy shall be at the business office of the JPA. All such records including, but not restricted to, bid documents and purchase orders shall be open and available for perusal by all members of the public and government.

Attachment A

GENERAL CONDITIONS

Instructions to Bidders:

- (1) Bidders are responsible to see that the bid is received at the JPA Business Office prior to the bid opening deadline. Late bids will be returned unopened.
- (2) All bids must be submitted on the bid form. Cover letters, additional sheets, etc. may be included. The total bid excluding sales tax must appear on the Bid Form as indicated on the cover page. Bids will be accepted via hard copy or electronic submission. Hard copy bids must be mailed in to the JPA Business Office. Bids may not be dropped off.
- (3) Erasures are NOT acceptable. Changes must be lined out and corrections inserted adjacent and initialed by the bidder's authorized representative. Use of correction fluid or tape is not acceptable.
- (4) All bids must include the company name and address and must be signed by an authorized representative of the company; signature must be an original signature, or an original signature stamp, on the Bid Form.
- (5) Alternate or incomplete bids will NOT be accepted.
- (6) The JPA, at its sole option, may correct arithmetic or extension errors, and obtain clarification, if necessary.
- (7) If no terms discount is to be offered, the terms portion of the bid form shall state "NET".
- (8) If delivery specified is impossible, bidder must state best delivery available on the Bid Form. Number of days shall mean calendar days After Receipt of Order (ARO). Bids quoting delivery beyond any deadline specified in the Bid invitation may be rejected.
- (9) Bid modifications, corrections, or additions received beyond the bid deadline will NOT be considered.
- (10) Telephone or facsimile bids will NOT be accepted.
- (11) Bid prices shall be firm for a minimum of sixty (60) calendar days from the bid opening unless otherwise indicated on the bid form.

Samples:

- (1) Samples of items, when required, must be furnished to the JPA at the bidder's expense. If possible, samples will be returned upon request and at the bidder's expense.
- (2) Samples of selected items may be retained for comparison.

Bonds:

- (1) The JPA reserves the right to require the successful bidder to provide a performance bond in an amount determined by the JPA.
- (2) Certification of the performance bond shall be required following bid award and prior to the release of a purchase order.
- (3) Unless specifically required on the Bid Form, bidder's bonds will NOT be required.

Award:

- (1) Regardless of amount, unless specifically approved by the JPA Board of Directors, award shall be made to the lowest responsive responsible bidder.
- (2) In determining qualified bidders, consideration will be given to quality, delivery, warranty, compatibility with existing equipment, and any other information considered to be in the best interests of the JPA.
- (3) If applicable, the bidder must confirm that it is an equal opportunity employer (EOE).
- (4) If the bid is on an all or nothing basis, bidder shall so state. The JPA reserves the right to make awards on individual items of a multiple item bid if deemed to be in the best interest of the JPA.
- (5) The JPA reserves the right to reject any and all bids, or to waive any informality or non-substantial irregularity in any bid.
- (6) The JPA reserves the right to purchase quantities by necessity only regardless of approximate quantities

(12) By submitting a response to this Invitation to Bid, Bidder acknowledges and accepts the JPA's standard terms and conditions as listed in the Bid Packet.

(13) Any alteration to the Invitation to Bid must be added in addendum form, and must be issued by the JPA.

(14) Protest Procedure: JPA Policy provides the procedure for the protest process. A copy of the policy is available upon request.

Brands:

(1) The use of brand and/or manufacturer names in the bid specification is for descriptive purposes only. Unless otherwise specified, products of comparable quality and performance will be considered.

(2) Bidders offering other than the referenced brands are to note their brand name and catalog model number on the bid form.

Taxes:

(1) Bidders shall NOT include Federal Excise Taxes. An exemption certificate will be furnished to the successful bidder upon request.

indicated on the bid form. Bidder shall also have the right to refuse sale in reduced quantities; in such instances, the award shall go to the next lowest qualified bidder.

(7) In case of default by vendor, the JPA may procure the articles or service from other source and may recover the loss occasioned thereby from any unpaid balance due the vendor or by proceeding against performance bond of vendor, if any, or by legal process against vendor. The prices paid by JPA shall be considered the prevailing market price at the time such purchase is made.