

ATTACHMENT A

ORDINANCE NO. 4084

AN ORDINANCE REPEALING ORDINANCE NO. 3720
AND AN ORDINANCE TO GOVERN THE ACTIVITIES
OF THE PURCHASING AGENT OF VENTURA COUNTY

The Board of Supervisors of the County of Ventura does ordain as follows:

1. Ordinance No. 3720 is hereby repealed.
2. The following ordinance is enacted to govern the activities of the Ventura County Purchasing Agent:

Section 1. OFFICE OF PURCHASING AGENT.

Pursuant to the provisions of section 25500 of the Government Code of the State of California, the Office of the Purchasing Agent of the County of Ventura has previously been established pursuant to County ordinance and is hereby reaffirmed and organizationally assigned to the Materials Management Division of the General Services Agency of the County of Ventura.

Section 2. 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, this ordinance and the resolutions of the Board of Supervisors. He/she may appoint such deputies, assistants and other employees as may be currently authorized by the Board of Supervisors. He/she may appoint such special deputies as he/she deems reasonably necessary to the performance of his/her job-related responsibilities. All such special deputies shall act without additional compensation. The Purchasing Agent may revoke such appointments at any time as he/she may see fit. The Purchasing Agent shall furnish the Ventura County Chief Administrative Officer with such reports and information as the said officer may from time to time request. Except as otherwise provided by law, the provisions of this ordinance or the resolutions of the Board of Supervisors, no purchase of personal

property by any person other than the Purchasing Agent shall bind the County or constitute a lawful charge against any fund of the County.

Section 3. SPECIFIC DUTIES.

The Purchasing Agent shall:

- (a) Purchase for the County and its offices all materials, supplies, furnishings, equipment, livestock and other personal property of whatever nature.
- (b) Rent for the County and its offices, furnishings, equipment and livestock.
- (c) Negotiate and execute as agent for the County all equipment service contracts and lease purchase agreements of personal property.
- (d) Sell, lease, dispose of or exchange any personal property of the County that the Purchasing Agent has found to be not required for public use.
- (e) When purchasing personal property for which it is not necessary to advertise for bids, the Purchasing Agent may solicit and accept advantageous trade-in allowances for County personal property which has scrap value of less than the sum specified in section 25503 of the Government Code and which has been previously determined by the Purchasing Agent to be not further required for public use.
- (f) Engage independent contractors to perform services for the County and its offices, with or without the furnishing of material, where the aggregate cost thereof does not exceed the maximum sum specified in section 25502.5 of the Government Code.
- (g) Employ independent contractors to construct or repair any of the buildings or structures set forth in section

22032 of the Public Contract Code of the State of California and purchase furnishings, materials and supplies for use in such construction or repair where the total estimated cost of such construction or repair, including the estimated cost of all furnishings, materials and supplies to be used therein, does not exceed the maximum sums specified in the foregoing section 22032 and he/she may do this without the formalities of advertising, obtaining bids, letting contracts or preparing specifications.

- (h) When authorized as provided by law, purchase personal property for the Superintendent of Schools or other public officers.
- (i) When authorized by law, sell, lease, exchange or dispose of personal property of any special district and pay or return the proceeds thereof into the treasury of the district.
- (j) Perform such other services as the Board of Supervisors or Chief Administrative Officer may direct.
- (k) Whenever the board of supervisors finds that the estimated expense of any work to be done upon any County highway is equal to or less than the sum specified in sections 20394 or 20394.5 of the Public Contract Code, the Board or the Purchasing Agent may let a contract covering both work and material, or purchase the material and let a contract for doing the work, or purchase the materials and do the work by day labor, without calling for bids.
- (l) Whenever the Board of Supervisors find that the estimated expense of any work to be done on any County bridge is equal to or less than the sum specified in section 20403 of the Public Contract Code, the Board or the Purchasing Agent may let a contract covering both work and material, or purchase the materials and let a contract for doing the work, without calling for bids.

- (m) Contract for the County, for any County officer or department, or any district or court in the County, but only as permitted by Government Code section 31000 for special services within the monetary limit specified in section 25502.5 of the Government Code.
- (n) Make purchases and contracts for the Ventura County Flood Control District in the same manner as they are performed for the County, subject to the monetary limitations provided by the laws applicable to said district.
- (o) Notwithstanding any other limitations, the Purchasing Agent shall have authority to use the bidding procedure for maintenance projects as such authority is granted under section 22003 of the Public Contract Code.

Section 4. EMERGENCY PURCHASES.

Emergency purchases may be made by any person or official authorized to sign requisitions when the Purchasing Agent or any of his/her assistants in the Purchasing department authorized to make purchases is not immediately available and the item or items so purchased are immediately necessary for the continued operation of the office or department involved, or are immediately necessary for the preservation of life or property. Such emergency purchases shall be subsequently approved and confirmed by the Purchasing Agent, or if he/she refuses such confirmation, the Board of Supervisors may subsequently approve and confirm such purchase by a four-fifths vote of the members present at any of its regular meetings. Unless such purchases are so approved and confirmed by either the Purchasing Agent or the Board of Supervisors, the cost thereof shall not constitute a legal charge against the County.

Section 5. OPERATING FUND.

The Purchasing Agent is authorized to establish a bank checking account, not to exceed \$175,000.00, to be used for the payment of miscellaneous and emergency purchases of services and

supplies by purchase order check. The procedures for the issuance of such purchase order checks and the administration, including replenishment of such account, shall be established by resolution of the Board of Supervisors.

Section 6. PURCHASING PROCEDURE.

Except as to purchases from the funds provided in section 5 of this ordinance, or as otherwise provided by general law or ordinances of this County, the Purchasing Agent shall make purchases, leases, rentals and contracts only upon proper written requisition, the forms for which will be made available to the several offices of the County. No purchase order shall be issued until the County Auditor has certified that sufficient money is available in the proper budget appropriation to pay for such purchase, rental or contract.

If the cost of any purchase cannot be readily ascertained, the Purchasing Agent may estimate such cost and the County Auditor may make the aforesaid certification based upon such estimated cost. The head of any County office, agency or department is hereby authorized to submit requisitions for purchases, leases, rentals and contracts for such office, agency, or department, and to delegate such authority to one or more of his/her deputies or assistants by filing written authorization therefor with the Purchasing Agent.

Section 7. COMPETITIVE BIDDING NOT REQUIRED.

- (a) Except as otherwise required by general law or this ordinance, the Purchasing Agent may, without public notice, preparation of specifications, or the securing of competitive bids or price quotations, make any purchase of personal property, contract or rental agreement authorized by this ordinance; provided however that, when he/she purchases any individual item (as distinct from the total purchase) costing more than \$25,000.00 without securing competitive bids or price quotations thereon, he/she shall thereafter report this in writing to the Chief Administrative Officer, giving full details thereof; and provided further that, if he/she does

secure competitive bids or price quotations, and accepts any such bid or quotation other than the lowest upon any individual item costing more than \$10,000.00, he/she shall likewise report this, stating his/her reasons therefor, to the Chief Administrative Officer.

- (b) The Purchasing Agent may from time to time adopt written bidding regulations and such other regulations as will assist him/her in the proper and efficient performance of his/her duties under this ordinance.
- (c) Notwithstanding any other provision of this ordinance to the contrary, the Purchasing Agent must utilize formal or informal competitive bidding procedures before making any agreement for the purchase, hire or rental of any apparatus used in the construction, improvement or maintenance of highways when the estimated expense of the work exceeds \$25,000.00.

Section 8. PERSONAL PROPERTY NOT REQUIRED FOR PUBLIC USE.

- (a) Whenever the head of any County office, agency or department shall determine that any item of County personal property in his/her possession or under his/her control is no longer needed for the use of his/her office, agency or department, he/she shall report this to the Purchasing Agent who shall make a finding as to whether such item is still required for public use. If found to be not required for public use, the Purchasing Agent shall sell, lease, dispose of or exchange such item in the manner provided in this ordinance; provided that, where the Purchasing Agent has reason to believe that some other County office, agency or department needs any such item, he/she shall first determine if such item is so needed, and, if it is needed, he/she shall cause such item to be delivered into the possession or place under the control of the head of such other office and cause proper entries to be made in the inventory accounts of the County to record such change of possession.

- (b) In the event any item of County personal property, found by the Purchasing Agent to be no longer required for public use, is also found to have no resale value, or the sale proceeds will not recover the cost of a sale, the Purchasing Agent may direct that such item be destroyed or disposed of in any manner he/she may see fit.

Section 9. NOTICE OF SALE.

When personal property has been found to be no longer required for public use and has a value that exceeds the cost of a sale, notices of sales shall be posted by the Purchasing Agent in the Hall of Administration and in the Office of the Purchasing Agent, Service Building, 800 South Victoria Avenue, Ventura, California. Such posting shall be for a period of not less than five business days.

Section 10. ADVERTISING SALE.

In the disposition of any surplus personal property pursuant to Government Code section 25504, the Purchasing Agent may purchase advertising space and may advertise the proposed sale or other disposition of the personal property in such newspapers, magazines and other periodicals as in his/her judgment will best publicize the proposed sale or other disposition to those persons most likely to bid for or purchase the personal property. The Purchasing Agent shall determine the amount, nature, makeup and content of such advertising.

Section 11. STANDARDS COMMITTEE.

The Purchasing Agent may organize "Standards Committees" as needed to establish standards with respect to the type, design, quality or brand of a certain article or group of related articles or services purchased by the County. The membership of the committee shall be the Purchasing Agent, who shall be chairman, the Chief Administrative Officer and the heads of each county office, agency or department that is a primary user of the item

or group of items for which the committee is appointed. Any members may appoint representatives who shall be authorized to act in their place for purposes of this section. Any member of the committee may act through a representative appointed by him/her.

PASSED AND ADOPTED this 10th day of January, 1995, by the following vote:

AYES: Supervisors Lacey, Schillo, Kildee, Mikels
and Flynn.

NOES: None.

ABSENT: None.

Margie Kildee
CHAIR, BOARD OF SUPERVISORS

ATTEST:

RICHARD D. DEAN, County Clerk,
County of Ventura, State of
California, and ex officio
Clerk of the Board of Super-
visors thereof.

By Roberta Rodriguez
Deputy Clerk



EMERGENCY JUSTIFICATION FORM

RE: RX NUMBER: _____ COST: \$ _____

VENDOR: _____

Emergency purchases should be made only (1) to preserve life, health or property; (2) upon a natural disaster; (3) to correct or forestall a shutdown to maintain essential public services, or (4) other unforeseeable events.

Please complete this form and forward it to Purchasing Services within 3 working days of the emergency purchase.

Please describe the nature of the emergency and justification for the emergency purchase. Attach any cost comparisons, quotations, or other pertinent information.

Department/Division _____

Department/Division Signature _____ Date: _____

*(Emergencies estimate/totaling over \$35,000 require department/division head approval signature.)

PURCHASING OFFICE USE ONLY:

APPROVED: _____ NOT APPROVED: _____

BUYER: _____ DATE: _____

**COUNTY OF VENTURA
VENDOR INSURANCE REQUIREMENTS**

Contractors doing work for or on behalf of the County of Ventura must be held responsible for their work. To protect the County against loss due to accidents or injuries caused by contractor operations, the County has established vendor insurance requirements. In general, contractors are required to protect their own workers with workers' compensation insurance, and protect their own company and the County with commercial or general liability insurance, as well as auto insurance and professional liability coverage, where appropriate. Requirements vary, depending on the nature of the work to be done. These guidelines outline requirements that will be applicable to the majority of operations. Contractors are required to submit proof of compliance with these requirements, as outlined below. Questions should be directed to Risk Management at 654-3197.

RISK EXPOSURE - E X A M P L E S		
<p><u>LOW Risk Contractor</u> Seminars, workshops, classroom training, clerical duties, (filing, word processing, photocopying, data entry), web site design, reports development, low to moderate physical activity training (yoga, light exercise), office equipment maintenance and/or repair, research projects, project/ program development, data processing services (consulting, testing, custom programming). Works primarily with County employees.</p>	<p><u>STANDARD Risk Contractor</u> Minor road repair (potholes, etc.) flood control channel cleanup/repair, mechanics (equipment, vehicle or watercraft repair), equipment rental with operator (excluding cranes), towing, transport, solid waste recycling or disposal, filming projects, project/program management, most lessees, other activities in and around areas with public exposure. Frequent contact with non-county persons.</p>	<p><u>HIGH Risk Contractor</u> Hazardous materials abatement / disposal, road design, building design, construction projects, crane equipment rental with operator, aircraft repair, airport/aviation, fuel suppliers, ambulance services, health care services, carnivals, harbor/marine, fireworks exhibitions, restaurants/cafeterias/ snack bars, any services provided to minors.</p>
<p><u>LOW Risk Insurance Requirements</u> Commercial General Liability \$500,000 per Occurrence \$500,000 Annual Aggregate</p> <p>Commercial Automobile Liability:* \$300,000 ea accident</p> <p>Workers Comp (statutory):** \$500,000 Employers Liability</p>	<p><u>STANDARD Risk Insurance Requirements</u> Commercial General Liability \$1,000,000 per Occurrence \$2,000,000 Annual Aggregate</p> <p>Commercial Automobile Liability:* \$1,000,000 ea accident</p> <p>Workers Comp (statutory): ** \$1,000,000 Employers Liability</p>	<p><u>HIGH Risk Insurance Requirements</u> Commercial General Liability Specific Insurance Requirements Determined by Risk Management</p> <p>Commercial Automobile Liability:* \$1,000,000 ea accident</p> <p>Workers Comp (statutory):** \$1,000,000 Employers Liability</p>
<p>Additional Insured Endorsement: General and Commercial Liability policies should add the County of Ventura as an additional insured with a policy endorsement.</p> <p>Evidence of Insurance Coverage: Vendors must provide GSA-Procurement Services a certificate of insurance and policy endorsements evidencing the required insurance coverage.</p>		
<p>*Automobile liability coverage: Contractors required to transport County employees, County clients or using their vehicle in the course of their work for the County (i.e. tow trucks, and cranes) are required to provide commercial auto insurance.</p> <p>**Workers' compensation policies should include, a Waiver of Subrogation, which is evidenced with a policy endorsement. Workers' compensation insurance is not required if the vendor is a sole proprietor/partner/corporate officer with no employees. Evidence of this exemption must be submitted to procurement.</p>		

**PROFESSIONAL LIABILITY(ERRORS & OMISSIONS/MEDICAL MALPRACTICE) COVERAGE
\$1,000,000 per Occurrence / \$2,000,000 Annual Aggregate**

In some cases, professional liability coverage will be required. Some professionals that require this type of coverage include: licensed health care providers, surveyors, attorney's, architects, and engineers.

