

COUNTY OF PLUMAS

PURCHASING POLICY

Adopted – December 13, 2022

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

Procurement involves the process of selecting and vetting vendors, establishing payment terms, strategically negotiating contracts, and the actual purchasing of goods.

Procurement is concerned with acquiring (procuring) all goods, services, and work vital to an organization.

This manual establishes a Board of Supervisors policy that requires competitive procurement processes, defines the various methods thereof, and sets forth exemptions and exceptions thereto for certain goods and services. This policy also establishes criteria where the exemptions and exceptions may be used, and the process for using such exemptions and exceptions. This policy implements the provisions of the applicable State of California and County of Plumas laws and regulations governing the County's purchase of goods and services.

Each County department is responsible for the purchase of supplies, equipment and services for the County unless otherwise specified by the policy or other Board policy.

1.1 PURPOSE

The purpose of this Purchasing Policy is to establish guidelines for authorization, soliciting, and appropriate conduct of purchasing activities relating to the acquisition of approved goods and services for Plumas County Offices. This policy is intended to provide a transparent, competitive, fair, and impartial process for conducting business with Plumas County's vendor community. Each department shall maintain a Purchasing Manual, including this policy as well as any applicable departmental protocols or policies. As revisions or supplements are approved by the Board and distributed by the Purchasing Agent, each department is responsible for ensuring that such items are added to its Purchasing Manual. All purchases must be made in accordance with this policy, other County policies and procedures, as well as any and all applicable laws. All purchases are subject to audit at any time.

This Purchasing Policy shall constitute a "bidding procedure plan" pursuant to Plumas County Code Section 3-1.11.

1.2 PURCHASING AGENT

The County Administrative Officer has been designated Plumas County's Purchasing Agent. The duties and authority of the Purchasing Agent are defined by California statute, the Plumas County Code, and other resolutions and orders of the Board of Supervisors. Under that authority, the Purchasing Agent is responsible for the following activities:

- Assist departments in matters related to the identification of possible supply sources, alternative product examinations, specification preparation, order follow-up and material expediting, and adherence to all contract terms and conditions.
- Assist departments in determining the appropriate method of acquisition and solicitation.
- Purchase, rent or lease of supplies, equipment, and services.
- Sell, lease, trade, or otherwise dispose of personal property that is no longer needed for County use.
- Prepare, maintain, and amend the procedures to implement the Purchasing Policy.

Should the position of County Administrative Officer be vacant, the duties of the Purchasing Agent shall pass to the Chair of the Board of Supervisors.

1.3 RESPONSIBILITIES FOR COUNTY DEPARTMENTS

Departments are responsible for the following activities:

- Ensure that all purchases are made for official county business and make appropriate use of County funds.
- Submit request for acquisition of goods and services in a manner suitable to the type of solicitation required.
- Assure all requests are properly budgeted in the appropriate account.
- Provide adequate descriptions, specifications, scopes of work, or other instructions to ensure a clear understanding of the requirements, including special conditions required by any grant or alternative funding source to be used for the purchase.
- Provide punctual responses to questions throughout the procurement process.
- Provide adequate inspection, receiving, and quality control practices for all purchases.
- Assure receipt and payment for goods and services are documented and submitted to the Auditor in a manner consist with the approved contract and within the applicable prompt payment discount timeframes.
- Consult with Purchasing Agent as needed for assistance with resolving problems with product or service delivery and vendor performance.
- Registration of County-owned vehicles and heavy equipment.

- Ensure all vendors and contractors have not been suspended or debarred from participation in federal awards prior to entering into the contract of more than \$25,000. This is done through either by (1) self-certification by vendor or contractor or (2) by checking the federal System for Award Management (SAM) website at <https://sam.gov/content/home>. Click on the Search button and type in the name of the vendor or contractor. It is suggested that a screen shot of the negative results page be kept with the procurement/contract records to support eligibility verification occurred prior to entering into the transaction.

1.4 RESPONSIBILITIES FOR COUNTY AUDITOR

The County Auditor is responsible for the following activities:

- Administration of Procurement Card (credit card) program.
- Timely payment of invoices properly submitted by the county departments to take advantage of discount timeframes and avoid late fees.

SECTION 2

COMPETITIVE PROCUREMENT

It is the policy of Plumas County to make appropriate use of County funds and promote transparency through the use of open and full competition to the maximum extent possible. Contracts for the purchase of County personal property or services shall be awarded as the result of a competitive process, except as otherwise provided for in this policy or by law where a competitive process is required.

2.1 THRESHOLDS

The following thresholds apply to procurement activities for the purchase of any goods or services required by Plumas County departments and agencies where a competitive process is required, except for public projects.

Plumas County Threshold		
Equal to or less than	\$5,000	Informal Solicitation
Between	Over \$5,000 and under \$25,000	Informal or Formal Solicitation depending on complexity
At or Above	\$25,000	Formal Solicitation

Public projects are governed by the California Public Contract Code, have different thresholds, and must be solicited in accordance with the applicable State Code and requirements. Through Plumas County Resolution 06-7301, Plumas County has elected to be subject to uniform public cost accounting procedures for public projects as defined in Public Contract Code section 22002. The current limits are set forth in the Procurement Procedures Manual. Public projects include, but are not limited to, construction, improvement, or repairs of County facilities.

Purchases shall not be artificially divided to circumvent any competitive bidding requirements. In addition, no department or employee shall draft or cause to be drafted any specifications in such a manner as to limit the bidding directly or indirectly to any one specific vendor, or any specific brand, product, thing, or service, except for those items that are standardized for a particular purpose, are approved as exempt from competitive bidding requirements, or are approved as sole source purchases.

2.2 SMALL PURCHASES

Department heads or designees are authorized to make individual purchases of products and services with an estimated total cost of \$5,000 or less, including tax, installation, and freight, if in the opinion of the department head, such direct purchases are in the best interest of the County.

The delegation of authority to make small purchases is not intended to be a substitute for centralized purchasing, or to be used to engage in repetitive purchasing without adequate analysis and competition. The following products and services are not authorized for direct purchase without prior approval from the Purchasing Agent:

- Construction, improvements, and maintenance of facilities
- Information technology software and hardware
- Telecommunications equipment
- Road projects, including parking lots and trails
- Vehicles and heavy equipment
- Any products or services available through department or Countywide contracts

2.3 INFORMAL SOLICITATIONS

Purchases of goods and services with an estimated cost of less than \$25,000 may be conducted through informal solicitation, depending on the complexity. The Purchasing Agent may require that a formal solicitation process be used if, in the Purchasing Agent's judgment, a formal solicitation is in the best interest of the County.

Informal solicitations may be handled either by the department or the Purchasing Agent. A minimum of three quotes for goods or services will be sought and evaluated to determine the lowest responsive bidder or the best value for the County. Any award based on an informal solicitation shall be documented with the applicable reason and justification for the award.

2.4 FORMAL SOLICITATIONS

Purchases of good or services with an estimated total cost of \$25,000 or more shall be made in accordance with the applicable procedures for Formal Solicitations and this section, which sets forth the requirements for competitive sealed solicitations, including, but not limited to, Invitations for Bids, Requests for Proposals, Requests for Qualifications, Requests for Information, and any other formal solicitation method.

A. Public Notice and Solicitation Period

Public notice of formal solicitation shall be issued not less than ten (10) County working days prior to the opening. A notice shall be posted in a public forum. The public notice must specify the place where solicitation documents may be obtained, if a fee applies, and the time and place for submission of solicitation responses.

B. Specifications/Scope of Work

Specifications and scopes of work shall permit free and full competition to the maximum extent possible under the attendant circumstances. Purchasing Agent shall make the final determination of the acceptability of specifications and scope of work requirements to be included in any solicitation.

A firm or vendor may be utilized as a professional consultant to assist the County with the development of the specifications. Any such firm or vendor who participates in this capacity is prohibited from responding to the resulting solicitation.

Solicitation documents shall identify all criteria which will be considered in an award recommendation.

C. Addenda to Solicitations

Addenda shall be distributed to all firms known to have received solicitation documents. Addenda which are issued within four (4) County working days of the solicitation due date shall also include an extension of the due date. The extension shall not be less than four (4) County working days from the date the addendum is issued. Addenda which cancel a solicitation in its entirety may be issued at any time prior to the solicitation's posted due date.

D. Receipt of Responses/Opening

Vendors shall respond in the manner set forth in the solicitation.

Late responses to the County's solicitations shall not be accepted.

Formal solicitations shall be received via a secure method which prevents anyone from viewing the responses until after the deadline specified in the solicitation.

All responses shall be opened in the presence of one or more witnesses and in a public forum, at the time and place designated in the solicitation, and shall be administered by the Purchasing Agent.

E. Public and Confidential Records

Responses to Requests for Proposals and Requests for Qualifications shall be considered confidential records upon receipt and throughout the evaluation process.

Responses to Invitations for Bids shall be considered public records immediately upon the opening of the responses. Copies of the bid responses and other associated documents shall be made available upon request.

Records maintained by the Purchasing Agent to document processing and award of any solicitation shall be kept in accordance with the County's document retention policy.

F. Solicitation Clarifications

A firm shall be permitted the opportunity to furnish other information called for by the solicitation and not supplied in the original response, provided it does not affect the price of the contract and does not give the responding firm an advantage or benefit not enjoyed by other respondents, in accordance with the criteria established in the solicitation.

A firm shall not be permitted to correct a response for errors of judgment.

The Purchasing Agent shall maintain complete and sufficient records of evidence used to identify the oversight and the clarified response.

G. Option to Reject, Waiver, and/or Re-Solicit

The Purchasing Agent shall maintain complete and sufficient records of evidence used to justify any action taken under this section.

1. The County reserves the right to reject a response which is in any way incomplete, irregular, amplified, unqualified, conditional, or otherwise not in compliance with the solicitation documents in all material respects.
2. The County may waive any informality, irregularity, immaterial defects, or technicalities in any response.
3. The Purchasing Agent may reject or cancel a solicitation, prior to or after receipt of responses, if it is determined that an award would not be in the best interest of the County and in accordance with applicable federal, state or local laws or ordinances, rules, regulations, and policies. If the responses are rejected or the solicitation is cancelled, the County may re-advertise the product or service or negotiate, whichever is in the best interest of the County.

H. Evaluation and Award

Responses to a solicitation shall be evaluated and awarded based on the criteria specified in the solicitation. Responses shall be inspected, reviewed and evaluated by the Purchasing Agent, who may request input and/or assistance from other County staff. Awards shall be made to the firm who submitted the lowest responsive and responsible bid, or to the highest ranked firm, as determined by the method specified in the solicitation. All evaluations shall provide sufficient justification for the award recommendation.

Notice of awards shall be made in a public forum and include the date of the award, the successful vendor name and location, and the contract amount.

I. Option to Cancel Award

Failure on the part of the awarded firm within the time allowed to execute an awarded contract, furnish an acceptable performance bond, or comply with any other requirement imposed prior to execution of the contract shall be considered just cause for cancellation of the award and forfeiture of any applicable bid security. The Purchasing Agent or designee may award a contract to the next lowest responsible and responsive bidder, or to the next highest ranked firm, as determined by the method specified in the solicitation, re-advertise the solicitation, or take any other actions deemed appropriate by the County.

2.5 EXCEPTIONS TO COMPETITIVE SOLICITATION

The use of competitive solicitation process is required unless there is an authorized basis for an exception, as defined below, or as permitted for by law. Exceptions must be not exercised indiscriminately as a method of circumventing the competitive process and related County policies.

- A. Purchases made from other public agencies competitive solicitations, or by use of Joint Powers Agreements, Cooperative Purchasing programs, Pooling Agreements, and other recognized types of agreements used by government agencies to combine agency requirements for purchases.
- B. Expert and professional services which involve extended analysis, the exercise of discretion and independent judgment in their performance, and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience.
- C. Purchases of commodities and services from public and non-profit corporations operating work centers for the handicapped as defined by the Welfare and Institutions Code.
- D. The Purchasing Agent or designee determines that it is in the best interest of the County to extend or renew a contract, provided the extension or renewal does not adversely affect the integrity of the original award. Such extensions or renewals shall not be excessively utilized without Board approval.
- E. The Purchasing Agent or designee determines that competitive proposals do not produce any advantage, or it is impractical to obtain what is required and to observe a competitive process.

2.6 SOLE SOURCE/SINGLE SOURCE

A contract or purchase may be awarded without a competitive process if it meets either of the following criteria:

- A. Sole Source – a product or service which is the only product or service that satisfies the department's operational requirements, usually because of a technological, specialized, or unique character, or proprietary nature.
- B. Single Source – a product or service that can only be obtained from a sole provider.

The Purchasing Agent shall approve all sole source and single source purchasing prior to the County entering into a contract.

2.7 EMERGENCY PURCHASES

An Emergency is defined as an unexpected and pressing situation which requires swift and immediate procurement action precluding regular procurement policy and is essential to public life, health, safety, or improved property of the County.

- A. Department Level Emergency – In the event of an emergency which requires immediate action at the department level and limits the ability of the County to conduct a competitive solicitation, the department director or authorized designee may authorize an exception to the standard Purchasing Policy and related procedures to address the immediate need. Emergency purchases under \$5,000 are subject to ratification by the Purchasing Agent. Emergency purchases of \$5,000 or more are subject to ratification by the Board of Supervisors as required by Section _____.
- B. Local Emergency – In the event of a local emergency proclamation, procurement actions necessary to acquire the goods and services required to address an immediate threat to life, public health, or safety, or to eliminate/reduce an immediate threat of significant damage to improved public or private property through cost-effective measures, may be performed outside the existing policy requirements. The existing policy may be modified, waived or suspended, where deemed necessary, subject to the approval of the Board of Supervisors, as prescribed in Public Contract Code Section 22050.
- C. State & Federal Emergency – In the event of an emergency declared at either a State or Federal level, all procurement actions necessary to acquire the goods and services required to address an immediate threat to life, public health, or safety, or to eliminate/reduce an immediate threat of significant damage to improved public and private property through cost-effective measures shall be pursuant to applicable State and/or Federal policies and procedures.

2.8 PROHIBITION AGAINST PROJECT LABOR AGREEMENTS

Except and unless as otherwise authorized by State or Federal law as a contracting or procurement obligation or as a condition of the receipt of State or Federal funds, the County shall not require a contractor on a County public project to execute or otherwise become a party to a project labor agreement as a condition of biddings, negotiating, award or performance of the public project.

2.9 UNAUTHORIZED PURCHASES

All purchases must be made in accordance with this policy, other County policies, as well as any and all applicable laws, and are subject to audit at any time. Departments are responsible for ensuring that all purchases are made for official county business and make appropriate use of County funds.

The Purchasing Agent shall investigate any Unauthorized Purchase that is brought to his/her attention and determine the actions necessary to correct the matter. Actions may include, but are not limited to: approval or ratification of the purchase by the Purchasing Agent or the Board of Supervisors; return of the purchased items, and/or; refer the issue to the applicable Department Head for disciplinary action.

SECTION 3

PLUMAS COUNTY PREFERENCE

3.1 LOCAL PREFERENCE

In recognition of the economic benefits provided by businesses located within Plumas County, a local preference credit of 5%, but not cumulatively greater than five thousand dollars (\$5,000), for Plumas County businesses shall be permitted when evaluating competitive solicitations for supplies, equipment, materials and services that are not part of a public project. The Purchasing Agent's determination regarding a business' local preference credit shall be final.

A business qualifying for a local preference credit shall meet the following criteria:

- Establish a place of business within Plumas County at least six (6) months prior to publication (or posting) of applicable competitive solicitation.
- Possess a valid resale license from the State Franchise Tax Board evidencing the business' local address within Plumas County and that payment of the local share of the applicable sales tax goes to either a city within Plumas County or to Plumas County.
- Payment of applicable business and/or real property tax to Plumas County for the most recent tax year.
- Maintain proper certification on file with the Purchasing Agent that demonstrates compliance with the provisions of this section.

3.2 RECYCLED PRODUCTS

The County will require suppliers to offer recycled products that meet the County's performance requirements. A preference of up to 10%, but not cumulatively greater than five thousand dollars (\$5,000) may be given to solicitations for products meeting the definition of recycled product cited in California Public Contract Code. Discretion is given to the Purchasing Agent to make a determination as to whether to apply the discount and to what extent at the time of the development of the solicitation. Such discount will have measurable standards and shall be applied when required by statute or grant requirements.

The County shall require all businesses from whom it purchases paper products and printing and writing paper to certify in writing:

(1) The minimum percentage, if not the exact percentage, of postconsumer material in the paper products and printing and writing paper offered or sold to the jurisdiction. The certification shall be furnished under penalty of perjury in a form and manner determined by the jurisdiction. A jurisdiction may waive the certification requirement if the percentage of postconsumer material in the paper products, printing and writing paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor Internet website.

(2) That the paper products and printing and writing paper offered or sold to the jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in 16 CFR Section 260.12 as published January 1, 2013, which is hereby incorporated by reference.

Pursuant to 14 California Code of Regulations (C.C.R) 18993.4, County departments are required to implement record keeping which includes, but is not limited to, the following:(1) Copies of invoices, receipts or other proof of purchase that describe the procurement of paper products by volume and type for all paper purchases.

(2) Copies of all certifications or other verification required under 14 C.C.R. Section 18993.3.

Said, records are to be forwarded to the Plumas County Solid Waste Division.

The County requires recycled paper products to consist of at least thirty (30) percent, by fiber weight, of postconsumer recycled content fiber, as specified below and in California Public Contract Code section12209(b):

(1) Other paper products shall consist of at least 30 percent, by fiber weight, of postconsumer recycled content fiber, except as specified below:

(A) Toilet paper shall consist of at least 45 percent, by fiber weight, postconsumer recycled content fiber.

(B) Paper towels shall consist of at least 40 percent, by fiber weight, postconsumer recycled content fiber.

(C) Facial tissue shall consist of at least 10 percent, by fiber weight, postconsumer recycled content fiber.

(D) Toilet seat covers shall consist of at least 20 percent, by fiber weight, postconsumer recycled content fiber.

(E) General purpose paper wipers shall consist of at least 40 percent, by fiber weight, postconsumer recycled content fiber.

(F) Food serviceware, including, but not limited to, napkins, plates, bowls, food trays, takeout boxes, placemats, etc. shall consist of at least 40 percent, by fiber weight, postconsumer recycled content fiber.

SECTION 4

PROTESTS

Any bidder or offeror who is aggrieved in connection with a solicitation or award of a solicitation, shall have the right to protest to the Purchasing Agent. The aggrieved party shall submit a formal written protest to the Purchasing Agent within five (5) County business days after such aggrieved party should have known the facts giving rise thereto. The alleged grounds for protest shall be limited to the following: (1) the County failed to follow the procedures or requirements specified in the bid document, Request for Proposals, or other solicitation; (2) County employees or evaluation committee members engaged in misconduct or impropriety, or; (3) the County's

delegation of the protesting bidder as non-responsive was incorrect due to an issue of fact or law not apparent on the face of the bid document or proposal. A formal written protest shall state all grounds claimed for the protest and include supporting documentation. Failure to file a formal written protest within the time prescribed shall constitute a waiver of all protest rights.

The Purchasing Agent shall issue a decision within seven (7) County business days after receipt of the protest. The Purchasing Agent's investigation shall respond to the protest on the grounds stated within the protest. The Purchasing Agent's decision shall be final.

In the event of a timely and properly filed protest, the County shall not proceed further with the recommended award until the protest is addressed by the County unless the Purchasing Agent, in consultation with the head of the requesting department, makes a determination that the award of a contract without delay is necessary to protect a substantial interest of the County.

SECTION 5

CONTRACT APPROVAL AUTHORITY

The Board of Supervisors, the County Administrative Officer, the Purchasing Agent (or his/her designee), or a Department Head are responsible for the approval of County issued contracts within the limits contained in this Policy, unless otherwise permitted by ordinance or as expressly authorized by the Board. The following policies set forth the requirements for execution of purchasing related matters.

5.1 BOARD OF SUPERVISORS APPROVAL REQUIRED

- A. All contracts required by law to be approved by the Board of Supervisors.
- B. All contracts with a total cost of \$10,000 or more.
- C. All contracts covering more than one fiscal year that are \$10,000 or more.
- D. Approval of recommended Qualified Lists and extensions thereof.
- E. Change orders, alterations or addenda to a Board of Supervisors' approved contract for a public project which exceeds the limits prescribed in California Public Contract Code section 20142.
- F. Change orders, alterations or addenda to a Board of Supervisors' approved contract.
- G. Sale, transfer, or disposal of surplus personal property, having an individual current value of more than \$5,000 as identified in the Plumas County Capital Assets Inventory, unless otherwise prohibited by law.
- H. Emergency purchases of good or services which require Board action in accordance with Section 2.7 of this Policy.

- I. Rejection of all responses to a solicitation, or cancellation of a solicitation, with a value of more than \$10,000. Board approval may be requested concurrently with approval to award the new solicitation.
- J. All contracts where the contractor has provided services prior to the date of County signature.

5.2 **BOARD OF SUPERVISORS RATIFICATION REQUIRED**

- A. Change order to construction contracts which ordinarily require Board of Supervisors approval, but are approved by the County Administrative Officer or the administering department because of emergency, damage, decay, or where the public interest would suffer by delay, shall be submitted by the administering department at the next regularly scheduled Board meeting for ratification.
- B. Emergency purchases of more than \$5,000 must be submitted by the responsible department at the next regularly scheduled Board meeting.

5.3 **PURCHASING AGENT OR DESIGNEE APPROVAL AUTHORITY**

- A. All contracts over \$5,000 but under \$10,000.
- B. All multi-year contracts under \$10,000.
- C. Change orders, alterations, or addenda to a Board of Supervisors approved contract that changes or amends the contract in an amount that is not more than ten percent (10%) of the Board-approved amount, not to exceed \$10,000, provided the change does not adversely affect the integrity of the original award, and authority for such changes was included with the original Board approval.
- D. Rejection or cancellation of solicitations with an apparent contract award amount of less than \$10,000.
- E. Ratification of Department Level Emergency Purchase of less than \$5,000.
- F. Contracts for environmental impact reports (EIRs) for County-funded projects up to the limit authorized by California Government Code Section 25502.3

5.4 **DEPARTMENT HEADS AUTHORITY**

- A. Department Heads may authorize Small Purchases of goods and services in accordance with Section 2.2 of this policy.
- B. When the Department Head is authorized to execute contracts, subsequent change orders, alterations, or addenda to a Board of Supervisors' approved contract that changes or amends the contract in an amount that is not more than ten percent (10%) of the Board-approved amount, not to exceed \$5,000, provided the change does not adversely affect the integrity of the original award, and authority for such changes was included with the original Board approval.

SECTION 6

ETHICS

Plumas County employees shall adhere to the Plumas County Code of Ethics and shall perform their duties impartially so as to assure fair competitive access to the County's procurement process by all responsible suppliers, contractors, and providers of services and to foster public confidence in the integrity of the County's procurement process.

County employees shall not solicit or accept any fee, compensation, gift, payment of expenses, or promise of compensation in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a requirement, specification, standard, or contract. Employees shall discourage any inappropriate contact or encroachment on one's official duties by anyone who seeks to influence a procurement decision, and shall conduct their dealings with all suppliers of goods or services in a fair and impartial manner that guards against even the appearance of impropriety.

CONFLICT OF INTEREST

No contracts shall knowingly be issued to any current County employee or his/her immediate family, or to any former employee or his/her immediate family until two years after separation, without prior notice to the County Administrative Officer.

Upon discovery of an actual or potential conflict of interest, an employee shall promptly (1) notify his/her supervisor or the County Administrative Officer and (2) withdraw from further participation in the transaction involved. County Counsel may be consulted for an opinion whenever there is any question of a conflict of interest.

Department heads are responsible for determining whether consultants contracted by the County are subject to the reporting requirements of the County's Conflict of Interest Code. Should the department head determine that the consultant is not subject to the County's Conflict of Interest Code reporting requirements, the department head shall make a written finding to that effect and shall attach a copy of the finding to the contract documents.

GIFTS AND OTHER CONSIDERATION

County employees, officers, or officials, by virtue of their positions, shall not receive any special consideration from vendors or merchants in their personal affairs nor shall they attempt in their official capacities to procure goods, supplies, equipment or services for the private use of any person, including any employee, officer, or official of the County.

County employees shall not accept gifts, entertainment, or anything of more than nominal value from vendors or potential vendors. Any such gifts received by an employee shall be returned to the giver. Examples of acceptable gifts might include pencils, scratch pads, calendars, other advertising supplies where such items can be shared at a public counter, or promotional items

offered to such employees in their private capacity in the same manner as to any other member of the public.

The acceptance of any gratuity in the form of cash, merchandise, or anything of value by an official or employee of the County from any vendor is a violation of County policy and may be cause for disciplinary action. The offer of any such gratuity to any official or employee of the County by any vendor shall be cause for declaring such individual or firm to be irresponsible vendor and debarring such vendor from bidding or otherwise doing business with the County, subject to the opportunity to appeal provided in Section 8 of this Policy.

SECTION 7

COUNTY COUNSEL APPROVAL

All contracts for goods or services of \$1,000 or above must come to County Counsel for approval. All required exemption approvals must be obtained from the Purchasing Agent prior to review.

SECTION 8

VENDOR APPEALS AND DEBARMENT

After consultation with County Counsel and after reasonable notice to the vendor involved and reasonable opportunity for the vendor to be heard, the Purchasing Agent shall have the authority to debar a person for cause from consideration for award of contracts. This determination may be appealed to the Board of Supervisors.

SECTION 9

FEDERAL AND STATE CONTRACT REQUIREMENTS

For all applicable contracts, including contracts with FEMA Reimbursement, the County will ensure compliance with the Equal Employment Opportunity provisions in 41 CFR § 60-1.4(b); the Davis Bacon Act in 40 U.S.C. 3141–3148; the Copeland “Anti-Kickback” Act in 40 U.S.C. 3145; the Contract Work Hours and Safety Standards Act in 40 U.S.C. 3701–3708; the Clean Air Act and Federal Water Pollution Control Act in 42 U.S.C. 7401–7671q and 33 U.S.C. 1251–1387; the Energy Policy and Conservation Act in 42 U.S.C. 6201; the Byrd Anti-Lobbying Amendment in 31 U.S.C. § 1352, and other applicable sections under the United States Code and Code of Federal Regulations. Additionally, the County will ensure contractors will not use DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre-approval. All changes to these contracts will be in writing, and access to records will be provided to FEMA or the Comptroller General of the United States. If the contract involves a “funding agreement” pursuant to 37 CFR § 401.2 (a), the contractor will comply with the requirements of 37 CFR Part 40.

The County will also ensure compliance with Senate Bill 1120 (Chapter 1170, Statutes of 1990), the Drug Free Workplace Act of 1990, the Federal Drug Free Workplace Act of 1988 (41 USC 701) and federal law under 28 CFR Part 67, Subpart F, Sections 615 and 620.

For all contracts where the County will seek FEMA reimbursement, the Department will ensure all vendors and contractors have not been suspended or debarred from participation in federal awards by checking the federal System for Award Management (SAM) website at <https://sam.gov/content/home>.