

EXHIBIT D

ARTICLE 1

PURCHASES*

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~~* Prior ordinance history: Ord. 221; Ord. 1421; Ord. 1580; Ord. 1816; Ord. 2008; Ord. 2237.~~

Sec. A-IV 1.1 Purchasing Agent - Office Established

Pursuant to the provisions of Cal. Gov't Code Sections §§ 25500 - 25509, et seq., the Office of Purchasing Agent of the County is hereby established. (Ord. 2468, ~~(06/11/2019)~~)

Sec. A-IV 1.2 Consolidation of Information and General Services and Office of Purchasing Agent

The Purchasing Division Unit is a subpart of the Department of Information and General Services Agency, and all references herein to the Purchasing Agent shall also include the ~~Director of~~ Information and General Services Director. (Ord. 2468, ~~(06/11/2019)~~)

Sec. A-IV 1.3 Purchasing Agent - Duties

The ~~Director of~~ Information and General Services Director (“Director”), acting as the ex-officio ~~P~~Purchasing ~~a~~Agent, or ~~his or her~~their designee, shall have the duties and powers prescribed for county purchasing agents by the provisions of ~~Government Code Sections~~Cal. Gov’t Code §§ 25500, ~~- 25509 et seq.~~, the Public Contracts Code, this ~~Chapter Article~~ and by such policies or procedures as established by the Nevada County Board of Supervisors. The Director, or designee, shall administer the Purchasing ~~D~~Division ~~of the Department of~~ Information and General Services Agency in an efficient and economical manner. The ~~P~~Purchasing Agent, or designee, shall have the authority to:

- A. Purchase, rent, or lease for the County all personal property pursuant to ~~Government Code Sections~~Cal. Gov’t Code §§ 25501 and 25502 when the annual aggregate cost does not exceed Two Hundred Fifty Thousand Dollars (\$250,000).
- B. Sell, lease, trade or otherwise dispose of personal property that has been found not to be required for public use in accordance with ~~Government Code Sections~~Cal. Gov’t Code §§ 25503, 25504, 25504.5 and 25505.
- C. Engage independent contractors to perform services for the county and its offices when the annual aggregate cost does not exceed Fifty Thousand Dollars (\$50,000).
- D. Employ bidding procedures in accordance with ~~Public Contract Code Section~~Cal. Pub. Cont. Code §§ 20150 ~~- 20150.14., et seq.~~
- E. Negotiate and execute in the name of the County of Nevada as lessee all rentals of real property for a term not to exceed five years and for a rental not to exceed ~~Seven Thousand Five Hundred Dollars (\$7,500)~~Ten Thousand Dollars (\$10,000) per month pursuant to ~~Government Code Section~~Cal. Gov’t Code §- 25350.51.
- F. Perform such other services as the Board of Supervisors or County Executive Officer may direct.
- G. The Purchasing Agent shall also be empowered to exercise the authority set forth in this Section on behalf of the Nevada County Sanitation District; any ~~CSAs, PRDs~~County Service Areas, Permanent Road Divisions, or special districts under the direct control of the Board of Supervisors; and any other special districts as specifically authorized by the Board of Supervisors. Unless expressly prohibited by law, the Purchasing Agent shall charge for any services provided to any special districts or other government agencies. (Ord. 2468,; 06/11/2019)

Sec. A-IV 1.4 Emergency Purchases

- A. In the event of a local emergency as proclaimed by the Emergency Services Director and/or the Board of Supervisors, or a state or federal emergency declared by the Governor or President respectively, the Purchasing Agent is authorized to purchase or rent supplies, materials, equipment, and other personal property of whatever kind or nature, and may engage independent contractors to perform services, with or without the furnishing of materials, in an amount not to

exceed One Hundred Fifty Thousand Dollars (\$150,000) or in such other maximum contract amounts as may be established by said emergency proclamation. Such emergency purchases shall be approved and confirmed by the Board of Supervisors when required by law.

B. Emergency purchases of goods and materials may be made by any person or official authorized to sign requisitions when the Purchasing Agent, or any of ~~his or her~~ their ~~d~~Deputies are 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 the Purchasing Agent refuses or is unable to perform such a confirmation, the Board of Supervisors may subsequently approve and confirm such purchases by a four-fifths vote of the entire Board. Unless such purchases are so approved and confirmed by either the Purchasing Agent or the Board of Supervisors, the costs thereof shall not constitute a legal charge against the County. (Ord. 2468,; (06/11/2019))

Sec. A-IV 1.5 Purchasing Policies, Rules, Regulations, and Procedures

The Board of Supervisors may, by resolution, establish such policies, rules, or regulations, as the Board deems necessary to effectuate the purposes of this Chapter Article. The Purchasing Agent may develop purchasing procedures consistent with this Article-Chapter and any policies, rules, and regulations, as may be adopted by the Board of Supervisors from time to time or as necessary. (Ord. 2468,; (06/11/2019))

Sec. A-IV 1.6 Delegation of Purchasing Agent Authority

The Purchasing Agent may delegate purchasing authority for small dollar purchases to Department Heads or their designees for individual purchases of products and services with an estimated total cost of Four Thousand Dollars (\$4,000) or less, including tax, installation, and freight, if in the opinion of the Purchasing Agent such direct purchases would be in the best interest of the County. (Ord. 2468,; (06/11/2019))

Sec. A-IV 1.7 Local Vendor Preference

Pursuant to ~~Public Contract Code Section~~Cal. Pub. Cont. Code § 2002, and in recognition of the sales tax that is apportioned to Nevada County as a result of sales made by businesses located within the County, a local preference credit of five percent (5.0%) but not cumulatively greater than Five Thousand Dollars (\$5,000) for Nevada County businesses shall be permitted when evaluating competitive solicitations for supplies, equipment and materials that are not part of a public project, unless otherwise prohibited by law.

For purposes of this Section, a local business qualifying for local vendor preference must meet all of the following criteria:

A. The local business shall have established a lawful place of business within Nevada ~~County~~ ~~County~~ Nevada ~~County~~ at least six months prior to the close of the bids.

B. If state sales tax is applicable to the purchase, the local business must possess a valid resale license from the State Franchise Tax Board evidencing the business' local address within Nevada County.

Local businesses who wish to receive this preference shall be required to submit a statement which demonstrates compliance with the provisions of this Section. The statement shall be in a format prescribed by the Office of County Purchasing Division ~~-Agent division~~ and shall be signed under penalty of perjury. Any person, firm, corporation, or entity who submits a false statement or other information to the County in an attempt to qualify for local preference may be prohibited from bidding ~~on to provide products and services to the County of Nevada~~ County products and services. (Ord. 2468, ~~(06/11/2019)~~)

Sec. A-IV 1.8 Acceptance of Gratuities Prohibited; Removal or Other Disciplinary Action Against Officer, Irresponsible Bidder ~~Etc.~~

A. The acceptance of any gratuity in the form of cash, merchandise or any other thing of value by an official or employee of the County from any vendor or contractor, or prospective vendor or contractor, shall be deemed to be a violation of this Chapter and shall be cause for removal or other disciplinary action.

B. The offer of any such gratuity to any official or employee of the County by any vendor or contractor, or prospective vendor or contractor, shall be cause for declaring such individual or firm to be an irresponsible bidder and for debarring them ~~him~~ from bidding. (Ord. 2468, ~~(06/11/2019)~~)