

CHAPTER 3

POLICIES, PROCEDURES AND BIDDING REGULATIONS GOVERNING PURCHASE OF SUPPLIES AND EQUIPMENT BY LAS GALLINAS VALLEY SANITARY DISTRICT

PURPOSE. The purpose of these regulations is to adopt policies and procedures governing purchases of supplies, equipment and contractual services by the Las Gallinas Valley Sanitary District in accordance with Article 6, of Chapter 5, of Part 1, of Division 2, of Title 5 of the Government Code. These regulations are not intended to conflict with applicable provisions of state law and shall be interpreted as supplementary thereto.

ARTICLE I. DEFINITIONS. As used in these regulations:

Section 101. **DISTRICT** means the Las Gallinas Valley Sanitary District or any of the departments, offices, or other organization unit thereof.

Section 102. **BOARD** means the Sanitary Board of said District.

Section 103. **SUPPLIES** and **EQUIPMENT** mean any and all articles, materials or things which shall be furnished to or used by District, but excluding services or materials furnished "in kind" in lieu of cash to indigents.

Section 104. **CONTRACTUAL SERVICES** mean any and all telephone, gas, water, electric light and power services; the rental of equipment and machinery; insurance; the services of attorneys, physicians, electricians, engineers, consultants or other individuals or organizations possessing a high degree of technical skill; and all other types of agreements under which the contract provides services which are required by the District but not furnished by its own employees. Purchase of space for legal advertising shall not be subject to the provisions of these regulations.

Section 105. **LOCAL BIDDER** means a firm or individual who regularly maintains a place of business and transacts business in or maintains an inventory of merchandise for sale in the county in which District is located.

ARTICLE II. PURCHASES.

Section 201. By the Board. The Board hereby authorizes the Secretary of the District to purchase supplies and equipment for the District or any department, office or other organizational unit thereof in amounts, or estimated amounts, of One Hundred Dollars (\$100.00) or less; but such purchases shall be made in conformity with the applicable provisions of these rules and regulations. The Board may rescind or modify this authorization by resolution. Subject to approval by minute order of the Board, the Secretary may delegate his authority to purchase under this section to a deputy or assistant. The Secretary is responsible for making all such purchases at the most favorable price for the District, consistent with efficient operation. The Secretary shall, whenever possible, secure competitive quotations before making such purchases. When the District has entered into a contract with a vendor to supply all District's requirements for specified supplies or equipment, the Secretary shall not have authority to purchase such supplies or equipment pursuant to these regulations.

Section 202. By the Governing Body of District. The Secretary shall submit to the Board requests for purchase of supplies and equipment in amounts, or estimated amounts, in excess of One Hundred Dollars (\$100.00). Purchase of supplies and equipment in amounts, or estimated amounts, between One Hundred Dollars (\$100.00) and Two Thousand Five Hundred Dollars (\$2,500.00) may be made by the Secretary with prior approval of the governing body of District. If the amount of expenditure is estimated to exceed Two Thousand Five Hundred Dollars (\$2,500.00), bids shall be solicited by public notice, followed by award by the governing body of the District, except where it makes a finding, recorded in its minutes, that competitive bidding would not be in the public interest. The method and extent of public notice shall be prescribed by the governing body of District. All bids shall be submitted sealed to the Secretary. The governing body of the District may reject any or all bids for any or all supplies and equipment. A tabulation of all bids received, whether accepted or rejected, shall be open for public inspection for a period of not less than thirty (30) days after the bid opening. In all cases, the award shall be made to the lowest responsible bidder. In determining the lowest bidder, the governing body of District shall take into consideration the quality offered and its conformity with the specifications, the delivery and discount terms and conditions of the bid and other information and data required to prove his responsibility. However, price and quality being equal, preference may be given to responsible local bidders.

Section 203. Contractual Services. Requests for contractual services by the Secretary or any department, office or other organizational unit of District shall be submitted to the Board who may negotiate contracts for such services as it determines are necessary.

Section 204. Emergency Purchases. Emergency purchases may be made by the Secretary when the supplies or equipment so purchased are necessary for the preservation of life or property. Such emergency purchases shall be submitted to the Board for ratification at its next meeting.

Section 205. Gratuities. The acceptance of any gratuity in the form of cash, merchandise, or any other thing of value by an official or any employee of the District from a vendor or contractor, or prospective vendor or contractor, shall be a cause for disciplinary action.

Section 206. Unlawful Purchase. Except as otherwise provided by law and subject to prior approval by the Board, no purchase or supplies, equipment or contractual services shall be made in excess of the amount of the appropriations allowed by the budget.