

## PURCHASING SYSTEM

### Sections:

- 3.20.010 Purpose.**
- 3.20.020 Purchasing Officer Established.**
- 3.20.030 Purchasing Officer-Powers.**
- 3.20.050 Estimates of Department Requirements.**
- 3.20.060 Requisitions.**
- 3.20.070 Bidding for Public Projects.**
- 3.20.080 Bid Opening and Contract Award.**
- 3.20.090 Rejection of Bids or If No Bid Received.**
- 3.20.100 Purchase Orders.**
- 3.20.110 Use of Unencumbered Funds Required.**
- 3.20.120 Collusion with bidder.**
- 3.20.130 Cooperative Purchasing Agreements with Other Agencies.**
- 3.20.140 Maintenance and Other Work.**
- 3.20.150 Inspection and Testing of Purchases.**

### **3.20.010 Purpose**

In order to establish efficient procedures for the purchase of supplies, services and equipment for the City at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is adopted in accordance with the Uniform Public Construction Cost Accounting Act (“Act”), as provided in the Public Contract Code sections 22000 *et seq.*, and the California Uniform Construction Cost Accounting Commission’s (“Commission”) policies and procedures manual and cost accounting review procedures, as each may be amended from time to time. The specific policies and procedures used to implement this chapter

shall be provided in the City of Ripon Procurement Policy (“Procurement Policy”) as adopted by Resolution of the City Council. (Ord. 898 § 2, 2020)

### **3.20.020 Purchasing Officer Established.**

There is created the position of Purchasing Officer. The Purchasing Officer shall be appointed by the City Administrator. The Purchasing Officer shall be the head and have general supervision of the purchasing department. The duties of the Purchasing Officer may be combined with those of any other office or position.

### **3.20.030 Purchasing Officer-Powers**

The Purchasing Officer shall have authority to:

A. Purchase or contract for supplies, services and equipment required by any City department in accordance with purchasing procedures prescribed by this Chapter and the Procurement Policy, and such other rules and regulations as shall be prescribed by the City Council or City Administrator;

B. Negotiate and recommend execution of contracts for the purchase of supplies, services and equipment;

C. Act to procure for the City supplies, services and equipment, of appropriate quality and quantity, at the least expense to the City;

D. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases;

E. Prepare and recommend to the City Council revisions and amendments to the Procurement Policy as needed;

F. Keep informed of current developments in the field of purchasing, prices, market, conditions and new products

G. Prescribe and maintain such forms as are reasonably necessary to the operation of this Chapter, the Procurement Policy, and other rules and regulations;

H. Supervise the inspection of all supplies, services and equipment purchased to insure conformance with specifications;

I. Recommend the transfer of surplus or unused supplies and equipment between department as needed and the sale of all supplies and equipment which cannot be used by any department or which may become unsuitable for City use per Section 3.32 of this Code;

J. Maintain a bidders' list, vendors catalog file and records needed for the efficient operation of the purchasing department. (Ord. 898 § 2, 2020)

### **3.20.050 Estimates of Department Requirements.**

All departments shall file detailed estimates of their requirements in supplies, services and equipment in such manner, at such time and for such future periods as the Purchasing Officer prescribes.

### **3.20.060 Requisitions.**

All City departments shall submit requests for supplies, services and equipment to the Purchasing Officer by standard requisition forms.

### **3.20.070 Bidding for Public Projects.**

#### **A. Informal Bid Procedures.**

Public projects, as defined by the Act and in accordance with the limits and procedures listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures, including the following:

##### **1. Contractors List**

The City may develop and maintain a list of qualified contractors, identified according to categories of work for all projects and any

scheduled projects, in accordance with the Act.

#### **2. Notice Inviting Informal Bids**

Where a public project is to be performed which is subject to the provisions of this Chapter, a notice inviting informal bids shall be circulated using one or both of the following alternatives:

a. Notices inviting informal bids may be mailed, faxed, or emailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 3.20.070 A(1) above. All mailing of notices to contractors pursuant to this subdivision shall be completed not less than 10 calendar days before bids are due.

b. Notices inviting informal bids may be mailed to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the department/agency soliciting bids, provided, however, that if the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

3. The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

#### **B. Formal Bid Procedures**

When a public project is to be performed, in excess of the informal bidding limits listed in Section 22032 of the Public Contract Code, it may be procured through the Procurement Policy and in compliance with the formal procedures prescribed by Section 22037 of the Act as follows:

### 1. Notice Inviting Formal Bids

The Purchasing Officer, or his/her designee, shall publish a notice inviting formal bids at least fourteen (14) calendar days before the date of bid opening or more than fourteen (14) calendar days before the date of bid opening if the longer period of advertising is deemed necessary by the department as follows:

a. in a newspaper of general circulation published in the county in which the project is located.

b. electronically by either fax or email to all construction trade journals specified in the Act. In addition, the public notice may be published electronically on the City's Web Site.

### 2. Notice Content

At a minimum, the notice inviting formal bids shall include the following: description of the project in general terms, how to obtain more detailed information about the project, the date, time and place for the submission of sealed bids, and any other information required by state or local law. (Ord. 898 § 2, 2020)

### **3.20.080 Bid Opening and Contract Award**

At the time provided in the notice, all formal and/or informal bids timely received shall be opened. Unless all bids are rejected, the contract shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the City may accept the one it chooses. The City Council is authorized to award such informal and/or formal public projects.

For informal bids, if all bids received are in excess of the amount as defined in subdivision (d) of section 22034 of the Public Contract Code, the City Council may, by adoption of a resolution by a four-fifths vote, award the contract in accordance with per Section 22034(d) of the Public Contract Code to the lowest responsible bidder, if it

determines the cost estimate of the City was reasonable. (Ord. 898 § 2, 2020)

### **3.20.090 Rejection of Bids or If No Bids Received**

The City may, in its sole and absolute discretion, reject all formal and informal bids presented pursuant to Section 22038 of the Act. If no bids are received, the project may be performed by the employees of the City by force account or negotiated contract. (Ord. 898 § 2, 2020)

### **3.20.100 Purchase Orders.**

Purchases of supplies, services and equipment may be made using purchase orders or similar forms approved by the Purchasing Officer. Purchase orders may also be used for public projects as defined under Public Contract Code Section 22032 (a). (Ord. 898 § 2, 2020)

### **3.20.110 Use of Unencumbered Funds Required.**

Except in cases of emergency, the Purchasing Officer shall not issue any purchase order for public projects, supplies, services or equipment unless there exists an unencumbered appropriation in the fund account against which the purchase is to be charged. (Ord. 898 § 2, 2020)

### **3.20.120 Collusion with bidder.**

Any officer or employee of the City, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish supplies or nonprofessional services at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the supplies called for, or who shall knowingly accept supplies of a quality inferior to those called for by the contract, or to the receipt of a greater amount or different kind of

supplies than has been actually received, shall be deemed guilty of a misdemeanor. (Ord. 898 § 2, 2020)

their quality and conformance with specifications.

### **3.20.130 Cooperative Purchasing Agreements with Other Agencies.**

To foster greater economy and efficiency, the City may avail itself of state and local intergovernmental agreements for procurement or use of common goods and services. Joint procurements, state cooperative purchasing programs, and assignment of existing contract rights (“piggyback” procurements) with other public agencies may be used when consistent with applicable state and federal statutory or grant requirements. The City Administrator or his/her designee is empowered and authorized to act under the provisions of this chapter to procure for the City supplies, equipment, and services in conjunction with such voluntary cooperative purchasing agreements or programs which may be available and advantageous to the City. (Ord. 898 § 2, 2020)

### **3.20.140 Maintenance and Other Work.**

When contracting for “maintenance work” or any other work which does not fall within the definition of “public project,” as defined by PCC § 22002, the City shall follow the procedures set forth the Procurement Policy. (Ord. 898 § 2, 2020)

### **3.20.150. Inspection and Testing of Purchases.**

The Purchasing Officer shall inspect supplies and equipment delivered and contractual services performed, to determine their conformance with the specifications set forth in the order or contract. The Purchasing Officer shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine