
BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE X OF CHAPTER TWO OF THE LAKE COUNTY CODE TO
INCLUDE INCREASED PURCHASING LIMITS, ADDITIONAL DEFINITIONS, MODIFY REQUIREMENTS
FOR EXEPTIONS FROM COMPETITIVE BIDDING AND ADDITIONAL PROCEDURES FOR INFORMAL
AND FORMAL BIDDING

THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE, STATE OF CALIFORNIA,
ORDAINS AS FOLLOWS:

Section 1: Sections 2-36 through 2-39 of Article X of Chapter Two of the Lake County Code is
hereby amended to read as follows:

Sec. 2-36. Powers and Duties.

36.1 The County Purchasing Agent shall, subject to the provisions of this article and applicable
provisions of State law:

- (a) As required by County agencies, purchase supplies, materials, equipment, and contractual services in amounts or estimated amounts of one hundred thousand dollars (\$100,000.00) or less unless otherwise provided in this article.
- (b) Negotiate contracts for special services and, on behalf of the County, execute such contracts in amounts of one hundred thousand dollars (\$100,000.00) or less. Contracts negotiated for amounts in excess of one hundred thousand dollars (\$100,000.00) shall be submitted for approval and award to the Board of Supervisors.
- (c) Pursuant to the procedures specified in this article, coordinate purchases for supplies, materials, equipment, and contractual services in amounts exceeding one hundred thousand dollars (\$100,000.00).
- (d) Coordinate the transfer of surplus property between agencies.
- (e) Use standard specifications wherever they are applicable to purchase orders and contracts.
- (f) Exchange, trade-in or sell those supplies, materials and equipment which are surplus, obsolete or unused and which are found by the Board of Supervisors or the Purchasing Agent, as applicable, not to be required for public use; provided, however, that said actions are in accordance with all applicable provisions of federal, state, and local laws.
- (g) Develop, with the approval of the County Counsel as to legal sufficiency, standard forms and conditions of invitations to bid and purchase orders and contracts for use by County agencies as well as the development of other forms required in carrying out the provisions of this article; and amend or eliminate any such forms.
- (h) Execute purchase orders.

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- (i) Monitor County purchasing activities for compliance with procedural regulations and assist agencies in proceeding in the proper manner when correct procedures have not been observed. Compliance includes the obligation of the Purchasing Agent and Assistant Purchasing Agents to not participate in procurement activities in which they have a financial or other interest, or accept/solicit gratuities from contractors or potential contractors.
 - (j) Upon request of the Board of Supervisors, and subject to its approval of each transaction, perform all delegable functions in connection with acquisition and disposal of real property, except for County highways as defined in the Streets and Highways Code.
 - (k) Shall assign to Assistant Purchasing Agents responsibility to assist in the performance of various duties prescribed in this article.
 - (l) Enter into a Purchasing Agreement with the State Department of General Services for purchases of commodities on behalf of the County of Lake if price is less than what can be obtained in the open market.
 - (m) For volume purchasing benefits, enter into cooperative agreements with other public agencies for the purchase of supplies, materials, equipment, and contractual services in amounts not exceeding one hundred thousand dollars (\$100,000.00).
 - (n) Determine, in the procurement of supplies, materials, equipment, and contractual services not exceeding one hundred thousand dollars (\$100,000.00), whether or not a bidder is an irresponsible bidder except for those bids for road construction and/or repair or for the purchase of road heavy equipment, provided however, that a bidder may appeal the determination of the Purchasing Agent to the Board of Supervisors.
 - (o) Dispose of supplies, materials, and equipment which are obsolete, inoperable, or otherwise have no practical resale value.
 - (p) Approve an exemption from competitive bidding in the procurement of supplies, materials, equipment, and contractual services up to one hundred thousand dollars (\$100,000) as outlined in section 2-38.

Sec. 2-37. Delegation of Authority and Unlawful Purchases.

37.1 Assistant Purchasing Agents are hereby delegated the authority of the Purchasing Agent in exercising those powers and fulfilling those duties as specified in Sections 2-36.1(a), (b), (c), (e), (g), (h), (i), (l) and (o). The Purchasing Agent may rescind such delegation by written notice to any Assistant Purchasing Agent(s).

37.2 When exercising the duties delegated herein, Assistant Purchasing Agents shall comply with all regulations and procedures specified in this ordinance. Any failure to do so shall constitute an unlawful purchase.

37.3 Any purchases or contracts for supplies, materials, equipment or contractual services made contrary to the provisions of this article shall be void and of no effect. The person approving such purchase order or contract may be held personally responsible for its payment. If the amount of such purchase order or contract has already been paid for out of County funds, the amount thereof may be recovered in the name of the County in an appropriate action therefore.

37.4 It shall be unlawful for any agency to circumvent or evade the provisions of Section 39 of this article by manipulating the requirements for supplies, materials, equipment, personal and contractual services.

The Purchasing Agent and/or the Assistant Purchasing Agent shall not split purchases or contracts for supplies, materials, equipment, and contractual services to evade the informal or formal purchasing process. Purchases or contracts for the same supplies, materials, equipment, or contractual services from the same vendor throughout the year are subject to the corresponding solicitation method under Section 2-39.1 based on the purchase or contract amount for said year.

Sec. 2-38. Exemptions from Competitive Bidding.

38.1 *Extension of annual agreements.* The County Purchasing Agent, or Assistant Purchasing Agent, as applicable, may, if he determine such action to be a cost advantage and in the best interest of the County, extend existing equipment lease agreements or contracts for service for an additional period or periods of time without competitive bid if the cost of the equipment lease or service contract per physical or time unit is not increased by more than the consumer price index (San Francisco-Oakland-Hayward) as determined by the United States Department of Labor.

38.2 *Not in the public interest.* Notwithstanding the provisions of Section 2-39, competitive bidding is not required when competitive bidding would not be in the public's interest because of any of the following:

- (1) A state of emergency,
 - A) An "emergency purchase" is a purchase made in response to an emergency as defined in Section 34.1(k) herein.
 - B) Any emergency purchase shall be made in compliance with Sections 42.1, 42.2 and 42.3.
- (2) The unique nature of the goods or services precludes competitive bidding,
 - A) Use of this criterion requires documentation demonstrating both why the goods or services contracted are unique and why competitive bidding is precluded. Appropriate documentation shall be attached to the Memorandum to the Board of Supervisors at the time the item is submitted for consideration of Agenda placement.

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- (3) Services are provided by another governmental agency that is not County government or a County Agency.

38.3 *Purchase of undercover vehicles.* Sections 2-39.1 and 2-41 of this article shall not apply to the purchase or lease of Sheriff's undercover vehicles costing more than fifty thousand dollars (\$50,000.00). In the purchase of such vehicles, the Sheriff shall obtain authorization from the Board of Supervisors to issue a purchase order for the procurement of said vehicles after obtaining at least three (3) written quotes, at least one (1) of which must be obtained from a local vendor.

38.4 *Cooperative Purchases.* Subject to the conditions and requirements described herein, the County may "piggyback" or use other agencies' competitively awarded contracts for the same or similar products or services. The competitive bidding requirements of this article shall be deemed fulfilled when materials, supplies, equipment and services have been competitively bid and awarded by another awarding authority that is a governmental agency, an entity constituted for a governmental purpose, or a cooperative purchasing consortium. In addition to the foregoing, the following requirements must be met:

- (1) Permission has been explicitly granted by both the awarding authority and the vendor.
- (2) A copy of the bid solicitation, award and executed contract has been obtained.
- (3) Unless otherwise approved by the Board of Supervisors, the County's award will be in accordance with all the terms and conditions, prices, time frames, and other criteria established in the bid solicitation issued by the awarding authority.

Professional services that solely provide for labor or installation are not eligible for this exemption.

38.5 *Purchase of patented or proprietary articles.* When the County requires supplies, materials or equipment which are produced by only one (1) manufacturer, such manufacturer's make or brand shall be specified in the invitations to bid and competitive bids shall be obtained from authorized dealers or distributors of such manufacturer.

If one (1) manufacturer, dealer or distributor is the sole source of supply, the County Purchasing Agent or Assistant Purchasing Agent, as applicable, is authorized to negotiate a purchase order or contract with the manufacturer, dealer or distributor at prices and on terms most advantageous to the County.

When the County requires supplies, materials or equipment which are patented or proprietary and which are obtainable in two (2) or more equally satisfactory and competitive makes, brands, or types, they shall be listed in the invitation to bid. Such lists shall also include the phrase "or equal" to permit bidders to bid on alternate or additional makes, brands, or types.

It shall be incumbent on each such bidder to prove to the satisfaction of the County that the alternate or additional make, brand or type which they offer is equal in quality or performance to those listed in the invitation for bids.

38.6 *Federal Procurement Standards*. When expending federal monies Chapter 8 "Federal Procurement Standards" of the Lake County Policies and Procedures Manual shall supersede Section 2-38.

38.7 *Elections materials and polling places*. Pursuant to Election Codes 13001 and 14100, the Registrar of Voters may directly authorize payment, rather than Purchase Order, for postage, delivery/courier services, and printed paper goods (such as ballots, ballot inserts, and envelopes) needed for the conduct of any election. The Registrar of Voters may also directly authorize payment for the items (such as extension cords, writing supplies, posters, and flags) necessary to maintain the individual precinct supply kits. In addition, the Registrar of Voters may sign short-term licenses or agreements for space to be used as a polling place where the space is to be used for fewer than twenty (20) days.

38.8 *Atypical Procurement*. When the County is legally bound to provide special services as defined in Section 2-34.1(e) and where competitive procurement has proven to be unsuccessful where no responses are received on at least 2 separate occasions for at least 2 years, the requirements of Section 2-39.1 shall not apply for said special services purchase orders or contracts. Documentation and the completed Atypical Procurement form must be submitted to the Purchasing Agent with the Auditor-Controller prior to requesting the expenditure.

38.9 *Specific Exemptions*. Due to the confidential nature of legal services retained by the District Attorney, Public Defender, County Counsel and Risk Management, such services are expressly exempt from this policy. The selection of outside counsel retained by the County, Public Defenders, Bond Counsel, Appraisal Services, expert witness services and Public Liability/Workers' Compensation Actuarial Consultants are exempt from this policy.

Sec. 2-39. Solicitation Methods and Awarding Authority.

39.1 For purchases of, and contracts for, supplies, materials, equipment, and contractual services, the solicitation method and awarding authority is specified as follows:

- (a) For expenditures not exceeding five thousand dollars (\$5,000.00), competitive quotes are not required. The Purchasing Agent or Assistant Purchasing Agent may purchase such items or services by either verbal or written order.
- (b) For expenditures in excess of five thousand dollars (\$5,000.00), but not exceeding fifty thousand dollars (\$50,000.00), informal written quotes are required to be solicited by the Purchasing Agent or Assistant Purchasing Agent pursuant to Section 2-40.2. After evaluating the quotes pursuant to Section 2-40.3, the Purchasing Agent or Assistant Purchasing Agent shall procure the item or services by issuing a written purchase order or executing a contract. A contract for services or purchase order under this expenditure shall be approved as to form by the Office of the County Counsel.

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- (c) For expenditures in excess of fifty thousand dollars (\$50,000.00), but not exceeding one hundred thousand dollars (\$100,000.00), either an RFP or IFB through a formal bid process is required to be solicited by the Purchasing Agent or Assistant Purchasing Agent pursuant to Section 2-41. After evaluating the bids or proposals pursuant to the criteria set forth in Section 2-41, the Purchasing Agent or Assistant Purchasing Agent shall create a purchase order or contract for services. A contract for services or purchase order under this expenditure shall be approved as to form by the Office of the County Counsel.
 - (d) For expenditures in excess of one hundred thousand dollars (\$100,000.00), either an IFB or RFP is required. Said invitation for bids or proposals shall be advertised by the Purchasing Agent or Assistant Purchasing Agent pursuant to Section 2-41. After evaluating the bids pursuant to Section 2-41, the bid or contract shall be awarded by the Board of Supervisors and signed by the Board of Supervisors or designee pursuant to Section 2-41. A contract for services or purchase order under this expenditure shall be signed approved as to form by the Office of the County Counsel. Professional contractual services are exempt from Section 2-41, but shall be governed by Chapter 4 of the Lake County Policies and Procedures Manual.

Section 2: Sections 2-53 of Article X of Chapter Two of the Lake County Code are hereby amended to read as follows:

Sec. 2-53. Bidding Procedures for Public Projects.

53.1 *Informal Bidding Procedures.* Public projects of two hundred twenty thousand dollars (\$220,000.00) or less may be let to contract by informal bidding procedures established pursuant to Sections 22032 et seq., of the Public Contract Code. If all bids received are in excess of two hundred twenty thousand dollars (\$220,000.00), the Board of Supervisors may by passage of a resolution by a four-fifths (4/5) vote, award the contract, at two hundred thirty five thousand dollars (\$235,000.00), or less, to the lowest responsible bidder, if it determines that the cost estimate of the County was reasonable pursuant to Sections 22034 et seq., of the Public Contract Code. When expending federal monies the threshold shall be reduced to an absolute maximum of one hundred fifty thousand dollars (\$150,000.00).

- (a) *Contractors List.* A list of qualified contractors, identified according to categories of work, may be developed and maintained by the Public Works Department in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.
- (b) *Notice Inviting Informal Bids.* Where a public project is to be performed pursuant to the provisions of this section, a notice inviting informal bids, as set forth below, may be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with subsection (a), or 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 agency head soliciting bids; provided however, that if there is no list of qualified contractors maintained by the County for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the California Uniform Construction Cost Accounting Commission; or 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. All noticing to contractors and construction trade journals shall be completed not less than ten (10) calendar days before bids are due. The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place for the submission of bids. When expending federal monies, noticing shall be publicly advertised.

- (c) *Award of Bid.* The County Purchasing Agent, Public Services Director, Public Works Director, Water Resources Director, and Special Districts Administrator are each authorized to award contracts for public projects, let by informal bid procedures, up to two hundred twenty thousand dollars (\$220,000.00). When expending federal monies the threshold shall be reduced to an absolute maximum of one hundred fifty thousand dollars (\$150,000.00).

53.2 *Formal Bidding Procedures.* Public projects of more than two hundred twenty thousand dollars (\$220,000.00) shall, except as otherwise provided herein, be let to contract by the following formal bidding procedures.

- (a) Notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. The Purchasing Agent shall be present for all bid openings. The notice shall be published at least fourteen (14) calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the County. The notice inviting formal bids shall also be mailed to all construction trade journals specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. The notice shall be submitted at least thirty (30) calendar days before the date of opening the bids. In addition to notice required by this section, the agency head may also give such other notice as it deems proper.
- (b) *Plans and Specifications Required.* Pursuant to provisions of Section 22039 of the Public Contract Code, the Board of Supervisors shall adopt plans, specifications and working details for all public projects exceeding the amount specified hereinabove.
- (c) *Award of Bid.* In accordance with State and federal statutes and/or regulations, the Board of Supervisors shall award contracts to the lowest responsible bidder, for public projects let by formal bid procedures.

53.3 *Public Projects exempt from Bidding Procedures.* Public projects of seventy-five thousand dollars (\$75,000.00) or less may be performed by County employees by force account, by negotiated contract, or by purchase order signed by the Purchasing Agent, Public Services Director, Public Works Director, Water Resources Director or Special Districts Administrator acting as Assistant Purchasing Agents. Public projects of more than seventy-five thousand dollars (\$75,000.00) shall be let to contract by formal or informal bidding procedures as set forth herein.

53.4 Pursuant to the provisions of Section 22003 of the Public Contract Code, the Purchasing Agent, Public Services Director, Public Works Director, Water Resources Director, and the Special Districts Administrator may also utilize the above procedures when contracting for maintenance work as defined in Section 22002 of the Public Contract Code including contracting for the purchase of materials and supplies to perform said maintenance work.

53.5 Pursuant to the provisions of Section 22031 of the Public Contract Code, nothing in Section 2-53 shall prohibit the Board of Supervisors or the County Road Commissioner from utilizing, as an alternative to the procedures set forth in this section, the procedures set forth in Article 25 (commencing with Section 20390) of Chapter one of the Public Contract Code.

Section 3: It can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment.

Section 4: All ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict and no further.

Section 5: This Ordinance shall take effect immediately, and within fifteen (15) days after adoption of the Ordinance, the Clerk of the Board of Supervisors shall publish a summary of the Ordinance with the names of those supervisors voting for and against the ordinance and the Clerk shall post in the office of the Clerk to the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the Ordinance.

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The foregoing Ordinance was introduced before the Board of Supervisors on the _____ day of _____, 2025, and passed by the following vote on the _____ day of _____, 2025.

AYES:

NOES:

ABSENT OR NOT VOTING:

ATTEST: SUSAN PARKER
Clerk to the Board of Supervisors


COUNTY OF LAKE

By: _____
Deputy

Chair, Board of Supervisors

APPROVED AS TO FORM:
LLOYD GUINTIVANO
County Counsel

AUDITOR ACCOUNTING REVIEW:
JENAVIVE HERRINGTON
Auditor-Controller



[Lloyd Guintivano \(Dec 3, 2025 13:02:04 PST\)](#)
