

Resolution 19-329
(Rescinding Resolution No. 02-159)

WHEREAS, California Government Code Sections 54202 requires local agencies to adopt policies and procedures for the purchase of supplies and equipment; and

WHEREAS, the purpose for competitive bidding over \$25,000 is to procure supplies and equipment at the lowest possible cost equal with the quality needed, and to exercise positive financial controls; and

WHEREAS, California Government Code § 54204 states that if the local agency is other than a city, county, or city and county, the policies provided for in Section 54202 shall be adopted using a written rule or regulation (*resolution*), copies of which shall be available for public distribution; and

THEREFORE, IT IS NOW RESOLVED, by the Board of Directors of the Mission Hills Community Services District, as follows:

Purchases of supplies or equipment less than \$25,000 shall be made based on General Manager's approved purchasing guidelines.

Purchases of supplies or equipment greater than \$25,000 shall be approved by the Board of Directors, using one of the following; Request for Proposal (RFP), Invitation for Bid (IFB), Cooperative Agreement, Sole Source, or as an Emergency Purchase.

1. Request for Proposal (RFP), Invitation for Bid (IFB)

- a. By publication of a notice for RFP or IFB at least once in a newspaper of general circulation printed and published in the County of Santa Barbara. Such notice shall state the time and place for the opening of bids and shall state the specifications for the supplies or equipment to be purchased. Said publication must be made at least ten (10) days before the time set for the opening of bids. In addition to publication, the General Manager of the District may notify prospective bidders by letter or telephone. At the time and place fixed for the opening, the bids shall be opened by either the General Manager, the bids tabulated, and the contract of the purchase awarded by the Board of Directors to the lowest responsible bidder.
- b. The Board of Directors, instead of publication, may authorize the General Manager to submit specifications to at least three prospective bidders and request that bids be submitted at a time and place specified, which shall be at least ten (10) days after the request for bids. At the time and place fixed for the opening, the bids shall be opened by either the General Manager, the bids tabulated, and the contract of the purchase awarded by the Board of Directors to the lowest responsible bidder. The Board of Directors reserves the right to reject any bids, in which case the Board may call for new bids.

2. Cooperative Agreement

- a. California Government Code § 54205. Any local agency may request the Department of General Services, California Multiple Award Schedules (CMAS) to make purchases of materials, equipment, or supplies on its behalf in accordance with Section 10298 of the Public Contract Code;
- b. California Public Contract Code § 10298. The director may consolidate the needs of multiple state agencies for goods, information technology, and services, and, pursuant to the procedures established in Chapter 3 (commencing with Section 12100), create contracts, master agreements, multiple award schedules, cooperative agreements, including agreements with entities outside the state, and other types of agreements that leverage the state's buying power, for acquisitions authorized under Chapter 2 (commencing with Section 10290), Chapter 3 (commencing with Section 12100), and Chapter 3.6 (commencing with Section 12125). State and local agencies may contract with suppliers awarded these contracts without further competitive bidding.

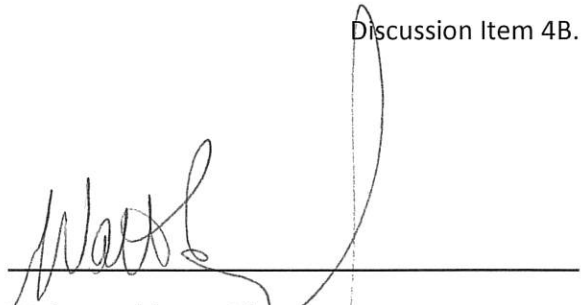
3. Sole Source

- a. As part of the policy of encouraging competition, public agencies are generally prohibited from the inclusion of provisions in the bid documents which limit competition in the bidding process, or which call for a sole source of materials or products. These prohibitions are outlined in Public Contract Code §3400. The essence of this prohibition is consistent with the purpose of public competitive bidding as it is designed to prevent favoritism in the award of public contracts.
- b. A "sole source" procurement can be defined as any contract entered without a competitive process, based on a justification that only one known source exists or that only one single supplier can fulfill the requirements. Examples of acceptable exceptions from the competitive procurement process may include: only one known source exists for supplies or services as determined by documented research; no other reasonable alternative source exists that meets the District's requirements.

4. Emergency Purchase

- a. An emergency as defined by Public Contract Code (PCC) section 1102 is "a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."
- b. If in the judgment of the District Manager, supplies or equipment are needed in order to make emergency repairs, construction, or maintenance, that will not allow the standard procedure of calling for bids or securing the approval of the Board of Directors, the Manager may purchase all necessary supplies and equipment on the open market without the necessity of calling for bids. The General Manager shall make a complete report of the circumstances constituting the emergency to the Board of Directors at its next meeting.

Passed and approved this 19th day of June 2019



Walt Fasold, President
Board of Directors

ATTEST:



Kayla Cunningham, Board Secretary

Resolution 19-329

I hereby certify that the foregoing is a full, true and correct copy of Resolution No. 19-329, duly and regularly passed and adopted by the Board of Directors of the Mission Hills Community Services District, County of Santa Barbara, State of California, this 19th day of June, 2019, by the following vote:

AYES, AND in favor thereof, Directors : Dietrich, Fasold, Heavin, Nix

NOES, Directors : None

ABSENT, Directors : Naughton



Kayla Cunningham, Board Secretary

