



Purchasing Policy Manual

December 31, 2021



Purchasing and Fleet Services
2980 Washington Street
Riverside, CA 92504

(951) 955-4937
<http://intranet.purchasing.co.riverside.ca.us>

TABLE OF CONTENTS

<u>SECTION</u>	<u>TOPIC</u>	<u>PAGE</u>
Section 1: INTRODUCTION – Page 1		
1	Introduction.....	2
1.1	Purpose.....	2
1.2	Scope.....	2-3
1.3	Distribution.....	3
1.4	Revisions.....	3
1.5	Recommendations.....	3
Section 2: DEFINITIONS – Page 4		
2	Definitions.....	5
2.1	Acknowledgement.....	5
2.2	Addendum.....	5
2.3	Amendment.....	5
2.4	Auction Techniques.....	5
2.5	Audit.....	5
2.6	Authority.....	5
2.7	Back-Door Buying or Selling.....	5
2.8	Best and Final Offer (BAFO)	5
2.9	Best Value.....	5
2.10	Bid Bond.....	5
2.11	Bidding Time.....	6
2.12	Buyer I/II.....	6
2.13	Change Order	6
2.14	Competition.....	6
2.15	Competitive Range.....	6
2.16	Consent of Assignment	6
2.17	Construction.....	6
2.18	Contract.....	6
2.19	Contractual Service.....	6
2.20	Cure.....	6
2.21	Department Head	6
2.22	Department	7
2.23	Department of Industrial Relations (DIR).....	7
2.24	Division	7
2.25	Emergency Procedures.....	7
2.26	Equal Clause.....	7
2.27	FOB – Destination.....	8
2.28	FOB – Origin.....	8
2.29	Formal Bid.....	8
2.30	Independent Contractor.....	8
2.31	Informal Bid.....	8

SECTION	TOPIC	PAGE
2.32	Invitation to Negotiate.....	8
2.33	Leveling.....	8
2.34	Liquidated Damages.....	8-9
2.35	Local Business	9
2.36	Low Value Purchase Authority (LVPA)	9
2.37	Low Value Purchase Order (LVPO).....	9
2.38	National Institute of Governmental Purchasing (NIGP) Code.....	9
2.39	Payment Bond.....	9
2.40	Payment Terms.....	9
2.41	PCS – Procurement Contract Specialist.....	9
2.42	PeopleSoft Contracts.....	9
2.43	Performance Bond.....	10
2.44	Personal and Professional Service Contracts.....	10
2.45	Pre-bid or Pre-Proposal Conference.....	10
2.46	Prevailing Wage Rate.....	10
2.47	Price Reasonableness.....	10
2.48	Procurement Card (P-Card).....	10
2.49	Proposal.....	10
2.50	Protest.....	10
2.51	Public Works	10
2.52	Purchase.....	10
2.53	Request for Information (RFI).....	11
2.54	Request for Proposal (RFP).....	11
2.55	Request for Qualification (RFQ).....	11
2.56	Request for Quotation (RFQ)	11
2.57	Responsible Bidder.....	11
2.58	Responsive Quotation/Bid.....	11
2.59	Single Source Purchase.....	11
2.60	Sole Source Purchase.....	11
2.61	Specifications.....	12
2.62	Statement of Work (SOW)	12
2.63	Total Cost/Life Cycle Cost.....	12
2.64	Transfusion.....	12
2.65	Turnkey.....	12
2.66	Types of Purchase Orders.....	13
2.67	Veteran	13
2.68	Veteran Business	13
2.69	Veteran Qualified Business	13

Section 3: PURCHASING AUTHORITY – Page 14

3	Purchasing Authority.....	15
3.1	Government Code 31000.....	15
3.2	County Ordinance 459.....	15
3.3	Purchasing Authority Limitations.....	15-16

SECTION	TOPIC	PAGE
3.3.1	Purchasing Authority Limitations Table	16
3.4	Delegation of Purchasing Authority.....	16
3.5	Requesting Appointment of Authority	17
3.6	P-Card Program.....	17
3.7	Code of Ethics.....	17
3.8	Compliance.....	18

Inappropriate and Unauthorized Purchase Activities

3.9	Splitting of Orders.....	18
3.10	Splitting of Public Works Projects.....	18
3.11	Unauthorized Purchases.....	18-19

Section 4: CONTRACTS and SOURCING – Page 20

4	Contracts and Sourcing.....	21
4.1	Tangibles.....	21
4.2	Professional Services.....	21-22
4.3	Insurance and Indemnification Requirements.....	22
4.4	Agreements with both Tangibles and Professional Services.....	22
4.5	Piggy-back Awards and Contracts.....	22-23
4.6	Multi-year Contracts.....	23
4.7	Non-Cancelable Contracts.....	23
4.8	Other Than Low Bid	23
4.9	Sole Source/Single Source	23
4.10	Emergency Purchases	24
4.11	Information Technology Procurements.....	24

Section 5: SOLICITING COMPETITION – Page 25

5	Soliciting Competitions	26
5.1	Exemptions to Obtaining Competition	26
5.2	Public Notice	26
5.3	Bidding Guidelines for Informal Bids.....	26
5.4	Bidding Time for Formal Bids	26
5.5	Create RFQ/Ps Bid #	26
5.6	Create RFQ/Ps	27
5.7	Mandatory vs. Non-mandatory Pre-Bid Conferences	27
5.8	Pre-Bid/Proposal Conference	27
5.9	RFQ/P Addendums	28
5.10	Modification and Withdrawal of Bid	28
5.11	Minor Informalities	28
5.12	Vendor Equipment Loan Agreement	28
5.13	Grant Funding	28

<u>SECTION</u>	<u>TOPIC</u>	<u>PAGE</u>
Section 6: SELECTION PROCESS and NEGOTIATION – Page 29		
6	Selection Process and Negotiation	30
6.1	Receipt of Bids	30
6.2	Bid Opening	30
6.3	Evaluation Criteria	30
6.4	Evaluation Team	30
6.5	Weight Factors	30
6.6	Local Preference	31-32
6.7	Veteran Incentive Purchasing Program	32
6.8	Pre-Negotiation Plans	33
6.9	Negotiation	33
6.10	Best and Final Offer	34
6.11	Debrief Session	34
6.12	Exercising Board Policy A-18	35
6.13	County Receives Only One Bid Solicitation	35
6.14	Vendor Requests for Line of Credit.....	35
Section 7: PUBLIC WORKS – Page 36		
7	Public Works.....	37
7.1	Public Contract Code 20150.11	37
7.2	Department Responsibilities.....	38
7.3	Purchasing Department Responsibilities	38
7.4	Prevailing Wage.....	38
7.5	Liability Insurance.....	38
7.6	Contractor Requirements	38-39
7.7	Bid Bond	39
7.8	Performance/Warranty and Payment Bonds	39
7.9	Posting of Notice>>>>	39
7.10	Department of Industrial Relations (DIR)	40
7.11	Advertising/Plan Rooms	40
7.12	Mandatory job walks	40
7.13	Bid Opening	40
7.14	Bid Evaluation	41
7.15	Contract Awards	41
Section 8: BID FOLDER CONTENTS – Page 42		
8	Bid Folder Documentation.....	43
8.1	Records Retention and Department Responsibilities for Bid Folders.....	43-44
Section 9: AWARD PROTESTS – Page 45		
9	Award Protest.....	46

SECTION	TOPIC	PAGE
9.1	Review of Solicitation Requirements and Specifications	46
9.2	Bid Protest Procedure	46-47
9.3	Protest Form and Content	47
9.4	Grounds for Protest	48
9.5	Protest After Bid Deadline	48
9.6	Intention to Protest	48
9.7	Protest Deadlines	48-49
9.8	Protest Appeal Process	49

Section 10: PUBLIC RECORDS REQUEST - 50

10	Public Records Request.....	51-52
10.1	Not Subject to Public Records Requests.....	52

Section 11: PEOPLESOFT PO MODULE CONTINGENCY PLAN - 53

11	PeopleSoft PO Module Contingency Plan	54
11.1	Requisitions	54
11.2	Emergency PO Coding	54
11.3	Official Disaster	55
11.4	System Restored	55
11.5	Workflow Down.....	55

Section 12: VENDOR RELATIONS - 56

12	Vendor Relations.....	57-58
12.1	Corresponding with Vendors	58
12.2	Vendor Debriefing.....	58
12.3	Vendor Contract Compliance.....	58-59
12.4	Veterans Owned, Disabled Veterans and Local Business Enterprises.....	59
12.5	Late Payment Complains.....	59

Section 13: Exhibits – Page 60

Exhibit A	– County of Riverside Purchasing Authority	61
Exhibit B	– Certificate of Appointment/Completion.....	62-63
Exhibit C	– Code of Ethics Policy	64-65
Exhibit D	– Policy and Procedures for Emergency Services	66-69
Exhibit E	– Request For Proposal Workflow	70-71

Section 1

Introduction



1. Introduction

The Purchasing Department is a service department organized to support the Executive Office, County Officers, Elected Officials, Departments and Agencies of Riverside County, Special Districts, and County Employees.

Purchasing involves the acquisition of equipment, furnishings, supplies, maintenance services, construction services and contractual services within pre-established budgetary constraints. Purchasing also includes preparing budget estimates; preparing bid specifications; initiating formal quotations, proposals and bids; conducting public bid openings; evaluating bids; and awarding and administering contracts until final completion or termination.

In accordance with County Ordinance 459 and 757, the Purchasing Department shall be responsible for the purchase or lease of all materials, supplies, furnishings, equipment, insurance and surety and fidelity bonds relating to vendors or other personal property, and personal and professional services in accordance with the limitations set forth herein.

The Director of Purchasing is the Purchasing Agent for the County of Riverside and shall be responsible for implementing and enforcing the policies and procedures as set forth in this Manual. The Assistant Director of Purchasing assists in the overall administration and operations of the Purchasing Department. The Purchasing Manager shall exercise functional authority over the County purchasing process for the purpose of implementing and enforcing these policies and procedures on a countywide basis, as well as in the Purchasing Department for its role in the process. The Procurement Services Officer plans, coordinates and manages a variety of operational services, programs and department projects for the Purchasing Department. Additionally, the Procurement Services Officer evaluates and audits all compliance requirements regarding the purchasing of goods and services.

This manual maintains uniform procedures relating to the purchase of commodities and services needed in the operation of the Departments and Agencies of Riverside County. The requirements stated herein shall apply to all purchases of commodities and services. Except as otherwise approved by the Board of Supervisors and as per Ordinance 459 the Purchasing Department is granted the authority to commit funds for the acquisition of commodities or services and is the initial point of contact for service contracts and agreements prior to any obligation or commitment of County funds.

1.1 Purpose – This Purchasing Manual shall serve as a source of instruction to all units of the Executive Office, County Officers, Elected Officials, Departments and Agencies of Riverside County, Special Districts and County Employees. This manual also includes the purchasing policies and procedures as required by County Ordinances 459 and 757.

1.2 Scope – The Scope of this Manual includes all units of the Executive Office, County Officers, Elected Officials, Departments and Agencies of Riverside County, and County Employees.

This Manual replaces all previous purchasing manuals and procedures. Any issues regarding the County purchasing process not covered in this Manual shall be addressed by the Purchasing Manager on an individual basis taking into consideration the requirements of County Ordinances 459 and 757 and advice of County Counsel, and Risk Management.

1.3 Distribution – This manual will be distributed to all units of the Executive Office, County Officers, Elected Officials, Departments and Agencies of Riverside County and County Employees involved in the purchasing process. This manual will also be available on the Purchasing and Fleet Services intranet web page. Purchasing's forms, manuals, and associated documents are located on the Purchasing and Fleet Services intranet website.

1.4 Revisions – This manual is to serve as a permanent, up-to-date guide to County Purchasing policies and procedures. As necessary changes are made in policies and procedures, appropriate revisions will be made. The Purchasing Department shall be responsible for accurately maintaining this manual and posting it on the department's intranet site.

1.5 Recommendations – County employees are encouraged to make recommendations on sections of the Manual that may need to be revised. County employees are also encouraged to make recommendations on new subjects not currently included in the Manual. Any such recommendations should be submitted to the Purchasing Manager.

Section 2

Definitions



2. Definitions

The following words, when used in the Manual are defined as follows:

2.1 Acknowledgment – A communication (written or electronic) used to inform the buyer that the supplier has accepted the purchase order. An acknowledgment creates a bilateral contract, as long as the terms of the acknowledgment are not substantively different from those of the purchase order.

2.2 Addendum – An addition to, deletion from, correction, modification or cancellation of a formal RFQ/P.

2.3 Amendment – An agreed addition to, deletion from, correction or modification to the terms and conditions, scope of work, specifications or provisions of a contract.

2.4 Auction Techniques – An unethical practice in which a buyer indicates to a potential vendor a cost or price that it must meet to obtain further consideration or furnishing information about other vendors prices or advising a potential vendor of its price standing relative to another vendor's. (However, it is permissible to inform a vendor that the County considers its cost or price too high or unrealistic.)

2.5 Audit – A detailed review and examination of records, documents, and the business processes with the confirmation by outside experts of a situation or condition concluding with a detailed report or findings.

2.6 Authority – The right to perform certain acts or prescribe rules governing the conduct of others.

2.7 Back-Door Buying or Selling – Unofficial, irregular, devious buying or selling, usually resulting from undue efforts to induce preference for a particular vendor with the intent of limiting competition, unauthorized actions. Also, evasive actions taken by the seller to circumvent the Purchasing Department and agency rules/regulations trying to influence or sell directly to the agency's internal user/customer department.

2.8 Best and Final Offer (BAFO) – A request to all bidders still in the competitive range for a best and final offer.

2.9 Best Value – The expected outcome of an acquisition that, in the County's estimation, provides the greatest overall benefit in response to the requirement.

2.10 Bid Bond - A "bid guaranty" consisting of a firm commitment that the bidder will, upon acceptance of its bid, execute such contractual documents as may be required within the time specified.

2.11 Bidding Time – The bidding time is the period of time between the date of distribution of Bids and the time and date of receipt of Bids, or closing date.

2.12 Buyer I/II – Buyer I-\$25,000 signature authority, Buyer II-\$50,000 signature authority. This series of the Buying staff develop and maintain vendor product information, review/renewal of blanket purchase orders, and perform purchasing of a less complex product line designed to meet the needs of an individual department. The Buyer I classification is distinguished from the advanced journey level Buyer II by the latter's assignment for complex value analysis, purchase forecasting, and negotiation of major contracts involving the purchasing of the full range product line of commodities and services. Buyer II's may serve in a lead capacity over support personnel. All Buyer position allocations and incumbent assignments must be approved in advance by Purchasing Department management. Promotion to the Buyer II class is achieved through the competitive recruitment process.

2.13 Change Order – a written notice advising the contractor of changes in the contract terms and conditions and internally to make encumbrance changes.

2.14 Competition – A valid response to a bid invitation, request for quotation, (RFQ), or request for proposal (RFP).

2.15 Competitive Range – The price range of all responsive bids.

2.16 Consent of Assignment - A legal consent by which a person (Assignor) agrees and acknowledges the assignment of specific rights and obligations to another person (Assignee).

2.17 Construction – The building, altering, improving, repair, or demolishing of any real property owned or leased by the County of Riverside.

2.18 Contract – An agreement or purchase order for the purchase or disposal of commodities or services.

2.19 Contractual Service – The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. It shall apply to those individuals who are not performing the duties of an authorized position (see section 2.29 Independent Contractor).

2.20 Cure – An opportunity given to a seller to correct product defects or other contract non-performance issues prior to an agreed-upon deadline.

2.21 Department Head – Appointed by the County Executive Officer and/or Board of Supervisors or Elected Official and the executive responsible for a County department, including its employees.

2.22 Department - The organization (employees and core function) which is led by a Department Head. A department may include an agency with multiple departments or divisions.

2.23 Department of Industrial Relations (DIR) - A department of the State of California, which is a regulatory agency for various functions, including enforceability of SB854, which now requires public works contractors subject to prevailing wage requirements to register annually with the Department of Industrial Relations and pay an annual fee. Effective March 1, 2015, the County of Riverside will accept public works bids from only those contractors and subcontractors who have complied with this requirement. Please refer to the DIR website:

<https://www.dir.ca.gov/Public-Works/PublicWorksContractorsAndSubcontractors.html>

2.24 Division – A sub-structure of the department but is led by a department head. A division may be comprised of employees, a core function/mission or both.

2.25 Emergency Purchase – The immediate purchase of commodities or services caused by a sudden, unexpected turn of events beyond the control of the County involving public health, welfare, safety, injury or loss. (see Exhibit D, Policy and Procedures for Emergency Services).

2.26 Equal Clause – Whenever reference to a specific brand name is used in the specifications of an RFP or RFQ, it is illustrative and to be construed as a specification which describes a component that has been tested or evaluated by the County as best meeting specific operational, design, performance, maintenance, quality and reliability standards and requirements of the County, thereby incorporating these requirements by reference within the specification.

- An equivalent (“or equal”) may be offered by the bidder, subject to testing or evaluation by the County prior to award of contract.
- The County shall be the sole judge of whether any proposed item will fulfill its requirements for the County’s intended purpose and reserves the right to reject proposed item as non-responsive.
- It shall be the sole responsibility of the bidder to provide, at bidder’s expense, any product information, test data, and other information or documents the County may require to fully evaluate or demonstrate the acceptability of the offered substitute.
- Where appropriate, independent testing or evaluation (including destructive testing) may be required as a condition of acceptance at a qualified test facility at the bidder’s expense.

2.27 FOB–Destination – Free on Board Destination. The title does not transfer from the supplier to the County until the products are received. The County is not responsible for products damaged in transit and should notify the supplier for a “no charge” replacement product(s).

2.28 FOB-Origin – Free on Board Origin. Indicates that the title of the goods transfer to the County as soon as they leave the vendor’s dock. The County is responsible for the transit of goods and must contact the delivery carrier to process a freight claim if products arrive damaged.

2.29 Formal Bid – A written and sealed offer for commodities or services, signed by an authorized representative and in response to a written request for proposal or quotation (RFP or RFQ). Formal Bids are required for all purchases of commodities and services that exceed \$50,000.

2.30 Independent Contractor – An individual hired to perform a specific service. Commonly referred to as a consultant, freelancer, contractor, etc., he or she is the master of his or her own time. Usually, a contractual relationship exists whereby the independent contractor is responsible for all aspects of the means and methods of the job. He or she is fully liable for any job-related actions and is not eligible for employee benefits. The County may require proof of adequate insurance from independent contractors.

2.31 Informal Bid – A written quotation between \$5,000 to \$50,000 for commodities or services not requiring a public opening at a specific date and time. Informal bids must have documentation that indicates the product/services are comparable in scope from each bidder.

2.32 Invitation to Negotiate – An invitation extended to prospective contractors whether by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities or contractual services. Cost may or may not be a consideration in the initial stages of negotiating.

2.33 Leveling – Helping a bidder bring its proposal up to the level of other proposals by coaching or providing solutions. Leveling is a form of fraud in which a contract is promised to a specific vendor, even though a public solicitation is being pursued for the sake of appearances by asking other vendors submit a bid. This form of collusion is illegal, and is a form of price fixing. Buyers who use leveling will be subject to applicable disciplinary processes and any other investigation by public safety agencies.

2.34 Liquidated Damages – Damages paid usually in the form of a monetary payment, agreed by the parties to a contract which are due and payable as damages by the party who breaches all or part of the contract. This may be applied on a daily basis for as long as the breach is in effect. However, it may not be imposed as an arbitrary penalty.

2.35 Local Business – Business firms with fixed offices located within the geographic boundaries of the County of Riverside, authorized to perform business within the County, and in doing so, credit all sales tax from sales generated within the County of Riverside to the County and who provide product or perform contracted work using employees of whom the majority are physically located in said local offices. The local business shall have a Riverside business street address. Post office box numbers, residential addresses or un-staffed offices does not qualify as a local business. (See section 6.6 Local Preference for further clarification).

2.36 LVPA – Low Value Purchase Authority. County staff may be granted LVPA upon successful completion of LVPO training. LVPA allows departmental staff the ability to issue LVPOs up to the amount of \$5,000 per day per vendor and issues purchase orders up to the dollar value of \$25,000 against existing RivcoPro or PeopleSoft contracts.

2.37 LVPO – Low Value Purchase Order - A purchase order of \$5,000 or less.

2.38 NIGP Code – The County has adopted the National Institute of Governmental Purchasing, Inc.'s (NIGP) pre-established commodity and services codes as the basis for entering item numbers (part number) into PeopleSoft.

2.39 Payment Bond - The payment bond protects most providers of material and labor to a job. It guarantees that the contractor will pay bills in accordance with the contract terms.

2.40 Payment Terms – The number of days in which the buyer has to pay an invoice. This may include a percentage discount offered off the invoice price for paying the invoice in a certain number of days. The County standard default terms are net 30, i.e., payable within 30 days.

2.41 PCS – Procurement Contract Specialist. This class is assigned to the Purchasing and Fleet Services Department and reports to the Director of Purchasing and Fleet Services or designee. Positions are assigned the full span of County purchasing responsibility which includes assisting and advising departments, districts, and affiliates in selection of the most equitable and efficient solicitation process, negotiations, and for major contract implementation.

2.42 PeopleSoft Contracts – A mechanism used to establish an administrative hierarchy with vendors. By itself, it does not commit any County funds or guarantee the purchase of any specified amount of goods or services.

2.43 Performance Bond - A bond issued by an insurance company to guarantee satisfactory completion of a project by a contractor.

2.44 Personal and Professional Service Contracts – Personal/Professional service contracts are those purchases in which the vendor performs a labor-intensive service (i.e., auditing, consulting, counseling, temporary help, equipment maintenance, etc.), rather than providing a product.

2.45 Pre-bid or Pre-Proposal Conference – When bids are complex in nature due to specifications, the number of suppliers bidding, the amount of business to be awarded, the critical nature of the resulting contract, and so on, a pre-bid or pre-proposal conference may be an appropriate way to communicate information to the potential suppliers.

2.46 Prevailing Wage Rate – The wage that contractors must pay its employees for a public works project, in accordance with Section 1720-1861 of the California Labor Code. The Director of the Department of Industrial Relations of the State of California, in the manner provided by law, has ascertained the general prevailing wage rate per diem wages and rate of legal holidays, and overtime work. Contractor must pay any labor therein described or classified in an amount not less than the rates specified.

2.47 Price Reasonableness – A price that does not exceed that which would be incurred by a prudent person in the conduct of a competitive business. A reasonable price is established by competition, market test, price or cost analysis, or through the experience and judgment of the Purchasing Director, or designee.

2.48 Procurement Card (P-Card) – A payment method whereby internal customers (requisitioner) are empowered to deal directly with suppliers for purchases using a credit card issued by a bank or major credit provider.

2.49 Proposal – An offer that, if accepted, creates a contract. A proposal may be made in response to a solicitation or may be unsolicited.

2.50 Protest – An oral or written objection by a potential interested party to a solicitation or award of a contract, with the intention of receiving a remedial result.

2.51 Public Works – Construction of, improvements to, repairs to, or remodeling of public owned land, buildings or attachments thereto.

2.52 Purchase – an acquisition of commodities or contractual services obtained by contract, whether by rent, lease, installment or lease purchase, or outright purchase. The following are not purchases: transfer, donations, sale or exchange of personal property or services between County Agencies

2.53 Request for Information (RFI) – An RFI is a questionnaire or inquiry into the supplier's background to gather, share and clarify information needed in the development of an RFQ/P, or as a tool used during budget preparation activities. An RFI

is not limited to suppliers but can also include input from consumers, community groups and other interested parties. An RFI can be written, oral, faxed, or e-mailed

2.54 Request for Proposal (RFP) – A competitive solicitation that is used whenever the County cannot specify with certainty the item or service needed and the vendor is asked to propose a solution to a particular situation. These proposals are not opened publicly and bidders may be called to clarify their responses and allow for further negotiations of the prices, terms and conditions of their offer. These are generally awarded to the vendor that best meets all the requirements listed in the RFP evaluation criteria.

2.55 Request for Qualifications (RFQu) - These procedures are used when a large or complicated purchase is being considered and the potential pool of suppliers must be pre-qualified. In this case an RFQu is a questionnaire or inquiry into the supplier's background. This is used to determine if the supplier meets the minimum standards needed to successfully bid on the project and, if awarded, successfully complete the project.

2.56 Request for Quotation – (RFQ) A competitive solicitation that is used whenever the County can specify with certainty the performance, functional or technical characteristics or the item or service needed. This bid is opened publicly and award is generally to the lowest cost bidder meeting the minimum specifications as specified in the bid document and has the ability to fulfill the obligation.

2.57 Responsible Bidder – A bidder who has the capability in all respects to perform the contract requirements fully, and whose integrity and reliability will assure good-faith performance.

2.58 Responsive Quotation/Bid – A quotation/bid determined by the Director of Purchasing, or designee, to be in substantial conformance with the specifications, delivery requirements, and conditions prescribed in the request for quotations or request for proposal, free of material mistakes or errors.

2.59 RivcoPROCUREMENT (RivcoPRO) – Riverside Countywide eProcurement & Contract Management System.

2.60 Single Source Purchase – A purchase of a commodity or service without obtaining competitive bids although more than one source is available.

2.61 Sole Source Purchase – A purchase of a commodity or service that is noncompetitive in price, specifications, use, or scope of work. The commodity or service is proprietary and no other vendor is qualified or willing to meet the County's specified requirements.

2.62 Specifications – Detailed statements describing the materials, dimensions, performance requirements, or workmanship of something to be built, installed, manufactured or processed to define what constitutes an acceptable product or service.

2.63 Statement/Scope of Work (SOW) – The SOW provides potential suppliers with a clear description of the work to be performed, including inspections, testing and acceptance, quality, support services, documentation, maintenance, results to be achieved, and any other requirements.

2.64 Total Cost/Life Cycle Cost – A comprehensive systems approach to analyzing purchases, processes, and supply chain-related decisions to include the purchase price, transportation cost, indirect handling, inspection, maintenance cost, disposables, installation, operation, training, and disposal.

2.65 Transfusion – Disclosure of technical or other information pertaining to one proposal that results in improvement of a competing proposal.

2.66 Turnkey – In construction procurement, a requirement whereby the contractor is responsible for the entire project including designing the project, contracting for construction and then furnishing the structure. In technology procurement, one vendor is responsible for the hardware, software, and support. This may also apply when contractor is totally responsible for an entire project, from start to finish.

2.67 Types of Purchase Orders – The County utilizes a variety of vehicles to procure goods and services. Selecting the specific Purchase Order type is an important function for the Buyer. The type of PO can affect several aspects of the order such as matching for payment, sales tax requirements and other reporting requirements. PeopleSoft has several different PO types available including:

Code	Description
BL-G	Blanket non-rollover for Goods. Blanket PO with multiple item or shipments over a year for Goods
BL-S	Blanket non-rollover for Services. Blanket PO with multiple item or shipments over a year for Services
RBLG	Roll Over Blanket for Goods that rolls over to a new fiscal year
RBLS	Roll Over Blanket for Services that rolls over to a new fiscal year
REGG	Regular P.O. for one time purchase of Goods
REGS	Regular P.O. for one time purchase of Services
LVPA	Low Value PO for Goods less than \$5,000
LVPA-S	Low Value PO for Services less than \$5,000
LEAS	Lease Purchase Payments to a 3rd party financing company
FIN	PO to vendor when goods are financed through third party
ELVP	Extended Low Value PO for Goods tied to a PS contract
ELVS	Extended Low Value PO for Services tied to a PS contract
CONV	Conversion PO from PS 8.8 to 9.2
PRNT	Printing PO's for Inventory Business Unit only For goods from Printing Services for Inventory units only
SPLY	Po for Supplies ordered from Supply Services for Inventory Units only
RLSP	Roll Lease Payments type PO that roll over to a new fiscal year
RSSG	Roll Over PO's for Sole Source Blanket Goods
RSSS	Roll Over POs for Sole Source Blanket Services
SS-G	Regular PO for Sole Source Goods-one time
SS-S	Regular PO for Sole Source Services-one time
SSBS	Blanket PO for Services that is Sole Sourced
SSBG	Blanket PO for Goods that is Sole Sourced

2.68 Veteran – As defined in Board Policy A-71, a person who has served or is currently serving in the U.S. armed services, reserves or active, and is serving honorably or has been honorably discharged.

2.69 Veteran Business – As defined in Board Policy A-71, a business that is at least fifty-one percent (51%) owned by one or more veterans.

2.70 Veteran Qualified Business – As defined in Board Policy A-71, a business which can provide proof of their workforce containing no less than 10% veterans.

Section 3

Purchasing Authority



3. Purchasing Authority

Purchasing authority is limited by law and regulations. Procurement of goods and services will be completed in compliance with all applicable laws, regulations, and procurement requirements, to support the best interests of the County and the constituents it serves. The Purchasing Agent shall have the authority to carry out specific duties prescribed in this manual and as provided by resolution of the Board of Supervisors, County Ordinances, and general laws of the State of California.

Departments cannot commit funds on behalf of the County; only individuals who have been delegated such authority as outlined in Table 3.4 - Authorized Delegations of Purchasing Authority may do so. The County is not bound by and does not recognize any promise or obligation made without proper approval and adherence to procurement procedures. Under the Purchasing Agent's authority, limitations have been set for delegated authority and department heads are responsible for ensuring their staff follows all purchasing policies and procedures.

3.1 California Government Code Section 31000 – This section provides the Board of Supervisors the following purchasing authority:

The Board of Supervisors may contract for special services on behalf of the following public entities: the county, any county officer or department, or any district or court in the county. Such contracts shall be with persons specially trained, experienced, expert and competent to perform the special services. The special services shall consist of services, advice, education or training for such public entities or the employees thereof. The special services shall be in financial, economic, accounting (including the preparation and issuance of payroll checks or warrants), engineering, legal, medical, therapeutic, administrative, architectural, airport or building security matters, laundry services or linen services. They may include maintenance or custodial matters if the Board finds that the site is remote from available county employee resources and that the county's economic interests are served by such a contract rather than by paying additional travel and subsistence expenses to existing county employees. The Board may pay for any available funds such compensation as it deems proper for these special services. The Board of Supervisors may by ordinance direct the Purchasing Agent to enter into contracts authorized by this section within the monetary limit specified in Section 25502.5 of the Government Code.

3.2 County Ordinance 459 - The Board of Supervisors delegated authority to the Purchasing Agent by ordinance to procure all services, materials, supplies, furnishings, equipment, and other personal property. Authority to purchase/contract is with, few exceptions, the exclusive right of the Board of Supervisors and the Purchasing Agent (including the Purchasing Agent's delegation of authority to employees). Please see Exhibit A for an illustration of purchasing authority within the County of Riverside.

3.3 Purchasing Authority Limitations - County Ordinance 459 and other governmental regulations set the limits for the purchase of goods and services to the Purchasing Agent.

The Purchasing Agent's authority is outlined in Table 3.3.1 - Purchasing Authority Limitations. Authority has been granted to individuals holding the applicable position/title identified in Table 3.4 - Authorized Delegations of Purchasing Authority and may act only within the limits of their power and delegation as shown. Any purchases or contracts exceeding the dollar thresholds noted must be approved by the Board of Supervisors. In the submittal to the Board for approval, the requestor may seek the Board to authorize the Purchasing Agent to provide administrative authority of the approved purchase/contract by allowing the Purchasing Agent to authorize amendments, renewals, and allocations of funds within a specific dollar amount, provided funding is available, and it does not change the substantiate terms of the agreement.

3.3.1. Purchasing Authority Limitations

Tangibles competitively bid	Unlimited
Professional Services Competitively Bid ¹	\$100,000
Sole Source Request	\$5,000 to \$50,000
Lease Purchase Agreements	\$0 or as approved by BOS
Public Works - Uniform Cost Accounting ²	\$175,000
Other than Low Bid	\$5,000
Bid Requirements:	
• No bids required - not to exceed \$25,000 per fiscal year per vendor, per department. Up to \$5,000 per PO transaction	Up to \$5,000
• Informal bids	\$5,000 - \$50,000
• Formal bids	\$50,000 and Up
• Public Works – formal bids ²	\$45,000 - \$175,000

¹ Per California Government Code 25502.5.

² Per California Public Contract Code 22032. Public Works projects over \$175,000 are managed by the Riverside County Facilities Management Department.

3.4 Authorized Delegations of Purchasing Authority

With the limitations noted, the Purchasing Agent has delegated its authority to individuals with varying limitations as follows:

Position/Title	Contract/PO Authority	Purchase Order's Against RivcoPRO /PeopleSoft Contracts
Low Value Purchase Authority (LVPA)	\$5,000 per day per vendor	\$25,000
Buyer I	\$25,000 per day per vendor	\$100,000
Buyer II	\$50,000 per day per vendor	\$100,000

Procurement Contract Specialist	Full Authority as delegated to the Purchasing Agent by Ordinance 459
Sr. Procurement Contract Specialist	Full Authority as delegated to the Purchasing Agent by Ordinance 459
Procurement Services Officer	Full Authority as delegated to the Purchasing Agent by Ordinance 459
Purchasing Manager	Full Authority as delegated to the Purchasing Agent by Ordinance 459
Assistant Director of Purchasing and Fleet Services	Full Authority as delegated to the Purchasing Agent by Ordinance 459

(See Exhibit A for a summary flow chart of authority.)

Purchases over \$400 require a purchase order unless the item or service was Board approved or is exempted by Ordinance 459.

3.5 Requesting Appointment of Low Value Purchase Authority (LVPA) – Departments seeking LVPA of non-procurement personnel (i.e., Office Assistants, Administrative Analysts, etc.,) shall direct their staff to enroll in a LVPA training class. Upon successful completion of the class, the employee will receive a Certificate of Appointment from the Purchasing Agent with a description of their spending limitations/guidelines (see Exhibit B). On an annual basis, the Purchasing Agent will send a letter to each Department Head notifying him/her of each personnel under their supervision with delegated signature authority. Staff authority may be revoked if procurement policies and guidelines are not upheld. Only the following classifications have the authority to issue purchase orders:

Buyer I and II
 Procurement Contract Specialists (PCS)
 Senior Procurement Contract Specialist (PCS)
 Purchasing Manager
 Procurement Services Officer (PSO)
 Assistant Director of Purchasing and Fleet Services
 Director of Purchasing and Fleet Services

3.6 P-Card Program

The County utilizes the State of California's Purchase Card Program known as CAL-Card. CAL-Card is a Visa purchase card which provides a flexible payment mechanism for limited purchases. Departmental staff may be issued a Procurement Card (P-Card) after successful completion of P-Card and LVPA training. The Purchasing Agent may waive the requirement of this training at their discretion. The individual will be required to complete a Cardholder Agreement for issuance of a card and the Department Head will be required to sign the Department Head Procurement Card Responsibilities and Agreement form.

Staff must follow the procedural requirements noted in the County of Riverside Procurement Card Program - Procedure Handbook. The P-Card Program is a payment vehicle only and does not exempt the cardholder from complying with all applicable laws, regulations, procurement policies and procedures described in this manual and set forth in County Ordinance 459. The Procurement Card Program - Procedure Handbook can be found at Purchasing and Fleet Services' Intranet site at:
<http://intranet.purchasing.co.riverside.ca.us/Purchasing/Procurement-Card>.

3.7 Code of Ethics – The Purchasing Division has established an ethical standard of conduct governing the performance of all persons exercising delegated purchasing authority by the Purchasing Agent in transacting Riverside County business and preventing potential conflicts of interest. All persons that the Purchasing Agent delegates authority to must agree to abide by the ethical guidelines. A signed copy of the ethics policy shall be on file at the Purchasing Division for all persons to whom authority has been delegated (see Exhibit C).

3.8 Compliance – County Purchasing will utilize its Procurement Services Officer or designee to audit department procurement activities to ensure compliance with County Ordinance 459.

Inappropriate and Unauthorized Purchase Activities

3.9 Splitting of Orders – The Purchasing Agent's authority is limited by public law and/or Board policy. Deliberate attempts to split orders, where the purpose is keeping total cost of each order down below bid limits, and failure to combine orders when practical for the best interest of the County in order to circumvent the limitations, is prohibited and may result in disciplinary actions including reduced or suspended purchasing authority.

3.10 Splitting of Public Works Projects – Splitting of public works projects is against the law and considered a Misdemeanor under Public Contract Code Section 22033. Appropriate action will be taken against those parties intentionally splitting a Public Works Project.

3.11 Unauthorized Purchases - Purchase transactions that are either entered into by an individual that is not authorized to contract on behalf of the County or entered into by an individual normally authorized to contract, but who uses an unauthorized procurement method, or exceeds their delegated authority will result in disciplinary actions. Repeated and/or flagrant violation of the authorization delegated to individuals, by the Director of Purchasing, may result in disciplinary action up to and including termination of employment.

An individual may be personally responsible for payments of charges incurred by an unauthorized purchase of goods or services. At the discretion of the Director of Purchasing or the employee's Department Head, the unauthorized individual may be required to pay:

- The full amount, whenever the purchase is found to cover unneeded items or unauthorized items that cannot be canceled/returned.
- The amount of any cancellation charges incurred, whenever the unauthorized purchase can be canceled/returned.
- The difference between the charges incurred and those the County would have incurred if proper methods had been used, provided the purchase is found to be otherwise proper.

If a department accepts responsibility for payment of incurred charges from an unauthorized purchase, the department must submit to the Purchasing Manager the following:

- A purchase requisition containing all required information.
- Evidence of the purchase and receipt of the item(s), i.e., invoices, packing slips, etc.

Section 4

Contracts and Sourcing



4. Contracts and Sourcing – Uniformity and consistency are desired for purchasing activities and contract development. There are standard contracts documents such as the County’s Professional Service Agreement and addendum template that was developed in cooperation with Central Purchasing and County Counsel. Departments are encouraged to use County standard forms/templates that are located within the Purchasing’s Intranet site. The utilization of vendor contracts documents may be acceptable; however, County Counsel review will be required to safeguard and protect the County’s interest. Purchasing can assist the department with legal aspects, competitive bidding, vendor selection, and proper procedures for contract development and submittal to the Board of Supervisors for approval.

Purchase contracts shall be entered into only after it has been determined that prices to be paid are reasonable considering all of the circumstances pertaining to the particular purchase under consideration:

- Price reasonableness can be established through competition sufficient to ensure an adequate market test or supported by an appropriate cost analysis.
- Particular attention must be given to pricing in a non-competitive purchase.
- Pricing techniques are utilized selectively in price or cost analysis, recognizing their fundamental soundness but also taking into consideration the different character and scale of purchases.
- A reasonable price need not be the lowest price available but is one that offers the best quality and value to the County.

4.1 Tangibles – Tangibles/personal property consists of equipment, goods, or supplies purchased by the County. This category includes most everything except services, public works, and real estate. See Section 3.3 Purchasing Authority Limitations for bidding requirements for tangibles.

The Purchasing Agent has unlimited authority to award contracts for tangibles as long as the item(s) are competitively bid. If there was no competition and the value is over \$5,000 the department must submit a sole source justification for the Purchasing Agent’s consideration and approval. If the purchase is over \$50,000 Board approval must be obtained; a sole source request signed by the Purchasing Agent must accompany the Form 11.

4.2 Professional Services – Govt. Code 25502.5 of the California law limits the Purchasing Agent’s authority to contract for competitively bid personal/professional services up to \$100,000 without Board of Supervisors’ approval; services above \$100,000 must go to the Board of Supervisors for approval.

- Board approval must be sought for services over \$100,000, if the service was not competitively bid.
- If there is an option to renew the agreement a motion must be included to delegate authority to the Purchasing Agent to exercise renewal options.
- It is at the department's discretion to request authorization of the Purchasing Agent to issue change orders to Board approved contracts/agreements within 10% of the original dollar amount provided it is within the department's budget, there are sufficient funds, and it does not significantly change the scope of work. If a department seeks this authority, the motion in the Form 11 must request the 10% authority for the Purchasing Agent. The department may request a different percentage (i.e., 5%, 15%, etc.) if there is a defensible reason for the requested percentage. See Purchasing's Intranet Forms Site for the *Form 11 Boilerplate Examples* for examples of motions to be included in a Form 11.

4.3 Insurance and Indemnification Requirements – must be addressed for professional services engagements. The county's insurance requirements are intended to protect the assets of the County when entering into contracts. Any time a consultant travels to a county facility and conducts onsite services the County is at risk. It is recommended that departments utilize the standard agreement templates provided on Purchasing's intranet site as they include Risk Management and County Counsel approved insurance and indemnification provisions. However, if alternate agreement documents are utilized for professional services engagements the department must refer to the County's Risk Management intranet site for requirements to include in the agreement documents. Additionally, review the *Understanding Insurance Requirements* PowerPoint presentation located at Purchasing's intranet site.

4.4 Agreements with both Tangibles and Professional Services - need to have each category clearly indicated and totaled separately. Regardless if competitively bid, if the professional services or ongoing support is greater than \$100,000, the agreement must be approved by the Board of Supervisors.

- If approved by the Board, to properly account for the costs, the issued Purchase Order must separate the tangibles, support and professional services into separate totals.
 - For example:
 - Professional Services \$100,000
 - Ongoing Support \$50,000
 - Hardware \$500,000

4.5 Piggy-back Awards and Contracts – Purchase of goods, equipment, and contractual services may be purchased off of other government and agency bids or cooperative purchasing agreements without additional competitive bidding as long as:

- The bid documents and selection procedures used by the other government or agency are consistent with the County's purchasing regulations and permit other governments to purchase from the bid;
- The purchase is approved by the Director of Purchasing or designee for the County of Riverside.

However, if the piggy-backed contract was not secured via a competitive bid process, the use of the contract will be viewed as sole source procurement as there was no competition. As such, if the purchase is between \$5,000 to \$50,000 the Purchasing Agent may approve the contract via a sole source request. If the purchase price is over \$50,000 the item must go before the Board for approval.

4.6 Multi-year contracts – Departments are encouraged to secure multi-year contracts.

4.7 Non-cancelable contracts – All non-cancelable contracts committing the County over one fiscal year must have Board approval.

4.8 Other than Low bid – Board approval is required when purchasing any item or service valued over \$5,000 from other than the lowest responsible/responsive bidder, including those procured under the veteran or local preference program(s).

4.9 Sole Source/Single Source – Board approval is required to purchase any item or service valued over \$50,000 without obtaining competitive bids. Sole sources requests between \$5,000 and \$50,000 require review and approval from the Purchasing Director, Assistant Director, or Procurement Services Manager via submittal of the Sole Source Justification Form (116-333) and must be signed by the requesting department's Department Head, Assistant Department Head or Deputy Director in the Department Head's absence. The request will be reviewed to determine if competitive pricing could be obtained and/or if the sole source request provides the best value for the County. An approval number will be issued to be referenced on purchasing documents. The PO processor must select the appropriate PO type to identify the sole/single source in PeopleSoft. A fiscal year limit of up to \$50,000 per vendor per department applies, regardless of the requested services of the vendor. Example: you cannot request a \$50,000 sole source request for Vendor A for engineering services and then submit another \$50,000 sole source request for Vendor A for grading services in the same fiscal year.

4.10 Emergency Purchases – Emergency situations exist when there is a clear and present danger to life or property. After normal working hours, departments may make emergency purchases to meet statutory deadlines and/or immediate unforeseen emergencies of all types, when the Purchasing Agent or his designees are not available. Such purchases shall be for statutory or emergency needs only and reported to the Purchasing Agent or his designee during the next scheduled work period and a requisition

entered into the PeopleSoft database. Departments should utilize their Departmental Buyer or assigned Procurement Contract Specialist (PCS) when possible to help with the emergency purchases. (See Exhibit D - Policy and Procedures for Emergency Purchases.)

4.11 Information Technology Procurements – As the scope is being developed, the Riverside County Information Technology Department must be consulted in the event a proposed procurement:

- a) Reaches \$500,000 annually or as a one-time purchase; or,
- b) Is a cloud-based procurement (regardless of dollar amount/value)

Prior to any release of an RFQ/RFP that meets either of these guidelines must be approved in writing by the County Information Officer or his/her designee. See Board Policy H-11, Acquisition and Management of Information Systems, Technology and Services for additional information.

Section 5

Soliciting Competition



5. Soliciting Competition – As prudent managers of public funds, the County utilizes open and competitive bidding from all responsible and responsive bidders as its principal means of vendor selection. It is important that all County solicitations are conducted with fairness and openness to eliminate any appearance of impropriety, favoritism, or collusion. It is the mission for all those involved in the procurement process to give all vendors an equal opportunity to earn County business when providing the lowest possible cost consistent with the quality and/or function of the product or service required and best practice.

5.1 Exemptions to obtaining competition – There are exemptions to obtaining competition as referenced in Ordinance 459, state or federal law, or by Board of Supervisors delegation. Ensure compliance accordingly.

5.2 Public Notice – Adequate public notice of the Request for Proposal/Request for Quotation shall be mailed, faxed, or emailed to a sufficient number of potential bidders, and/or published on County Purchasing's web page (RivcoPro and Public Purchase) for Public Works bids use (Planet Bids),, advertised in a general publication newspaper with a local circulation, or other approved media and shall include a description of the project and/or goods required, and where interested bidders may apply for consideration.

5.3 Bidding Guidelines for Informal Bids – informal bids may be obtained for purchases of \$5,000 to \$50,000. For those departments who conduct their own solicitations, a minimum of three (3) bids is required. Written quotes may be in the form of written proposals or email quotations. The department must maintain proof that competition was sought for the purchase. Guidelines and templates for conducting informal bids can be found on the Purchasing Intranet Forms Site, however there is no maximum number of bids. Although it is highly recommended to use the Purchasing template, it is not required. Ultimate responsibility for documentation on an informal bid rests with the soliciting department, so it is at the discretion of said department how to document their informal bid.

Staff should be aware that markets change, firms come and go, and new and better products and services are constantly introduced to the marketplace.

5.4 Bidding Time for Formal Bids and Solicitation Contents – A bidding time shall be set that affords bidders a reasonable amount of time to prepare the bids.

All formal solicitations shall contain the following elements:

- The purpose for the solicitation
- Contact information for the solicitation
- All relevant background information
- Submission format, required documents and submission deadline
- Timeline for all supplemental requirements, such as a job walk, interview or demonstration
- A well-developed scope of work, which utilizes all appropriate resources

- Evaluation criteria that include the precise method the evaluation will be based upon
- Disclosure of the County's intent to use a best value procurement method
- Tentative award date
- The basis for the vendor's right to appeal and the appeal process
- A minimum of 14 calendar days shall be provided unless a shorter time is deemed necessary for a particular procurement as determined by the **Purchasing Manager**.
- When a bid includes a pre-bid conference, the bid close date shall be no less than 14 calendar days after the bidder's conference or posted bid addendum/amendments.
- A minimum of 14 calendar days shall be provided unless a shorter time is deemed necessary for a particular procurement as determined by the Purchasing Manager.
- When a bid includes a pre-bid conference, the bid close date shall be no less than 14 calendar days after the bidder's conference or posted bid addendum/amendments.

5.5 Create RFQ/Ps Bid # – For the basic steps to generate an RFQ/RFPs bid number in the RivcoPro and PeopleSoft purchasing module contact Central Purchasing.

5.6 Create RFQ/Ps – A Request for Quotation or Proposal (RFQ/RFP) is initiated when a statement/scope of work (SOW) or technical specifications are sent to the Buyer/PCS.

- The SOW is developed by the subject matter expert (SME).
- The development of the scope of work (SOW) is the most tedious and time-consuming step when preparing a formal solicitation. It is within the scope of work that requirements will be addressed including technical and functional specifications. Depending on the service being solicited, the development of the SOW could include in-depth research, consultation from subject matter experts, feedback from multiple stakeholders or end users,
- and other time-consuming requirements. Failure to develop a scope of work meticulously will result in responding vendors submitting proposals that are not adequate to the County's needs thereby terminating the solicitation process.
- The SME forwards the SOW document (Word and/or Excel files) to the Buyer/PCS
- The Buyer/PCS will enter the SOW/specifications as an attachment to the PeopleSoft RFQ function to obtain a bid number.
- The Buyer/PCS will draft the RFQ/RFP document and submit the draft to the SME and any other departmental stakeholder for final review before posting.
- Upon final review/approval from the department's stakeholders, the Buyer/PCS will post the bid on RivcoPro/ Public Purchase for advertisement.

- Potential bidders should be directed to post any questions they have via Public Purchase. For transparency purposes, any questions the Buyer/PCS may receive via email should be transferred to Public Purchase. The Buyer/PCS will answer any questions RivcoPro/ via Public Purchase. /Planet Bids (for Public Works). (For a Flow Chart of an RFP event, see Exhibit E).

All RFQ/RFP templates and other forms are located on Purchasing's intranet website.

5.7 Mandatory vs. Non-mandatory Pre-Bid Conferences – It is at the discretion of the Procurement Contract Specialist (PCS) to determine if a pre-bid conference is needed. The requirement of a mandatory pre-bidders conference or job walk must be approved by Central Purchasing. The greater the complexity of the proposal the greater the need for a pre-bid conference to ensure responsive, useful and comparable bids are received. If a pre-bid conference is mandatory and attendance is made a condition for bidding, it is important that bidders are advised of this in any published pre-bid notice. When planning a mandatory pre-bid conference, adequate time must be allowed for the suppliers to receive the material and make plans to attend.

5.8 Pre-Bid/Proposal Conference – Conference location, date and time are to be specified in Request for Proposals and issued to vendors a minimum of ten (10) working days in advance of the conference date. Exceptions shall be addressed by the Purchasing Manager on an individual basis taking travel arrangements and urgency of need into consideration.

- The Procurement Contract Specialist (PCS) is to require all in attendance to sign in and retain the sign in sheet as part of the bid documentation.
- The PCS reviews all terms and conditions, the scope of work or product specifications, answers any questions that the attendees have, and defers the technical questions to the department representative for clarification.
- If it becomes necessary to make changes in a solicitation in matters such as quantity, specifications, delivery schedule, or date for receipt of proposals, or to clarify or correct ambiguities or defects, an addendum to the RFP must be issued. Addendums will be issued via RivcoPro.com/www.PublicPurchase.com.
- Any addendums resulting from the pre-bid/pre-proposal conference must be issued in sufficient time to permit bidders to consider the information in submitting or modifying their proposals.

5.9 RFQ/P Addendums – If there are any modifications to the RFQ/P the department will email the modification(s) as a Word or Excel attachment to Central Purchasing. The Buyer/PCS will issue the addendum to the RFQ/RFP on the County web page and email it

to those who attended the pre-bid conference. If the department wishes to cancel the RFQ/P the Buyer/PCS will issue an addendum for the cancellation.

5.10 Modification and Withdrawal of Bid – A bidder may modify or withdraw its bid at any time *before bid opening* if the modification or withdrawal is received before the time and date set for the bid opening in the location designation for the receipt of bids. All documentation relating to a withdrawal or modification of a bid shall be kept as part of the procurement file.

5.11 Minor informalities – Minor informalities in a bid may be waived if the Purchasing Manager deems it advantageous to the County.

5.12 Vendor Equipment Loan Agreement - Equipment issued to the county on a Temporary Trial or Loan Basis. Only Purchasing may accept the loan of a commodity on behalf of the County. Special liability release forms, available from the Purchasing Department, must be completed prior to delivery of any product/equipment left with the County for demonstration or loan. See Purchasing's Forms Intranet website for the *Vendor Equipment Loan Agreement*.

5.13 Grant Funding – Purchases made with grant funding will follow all applicable guidelines as outlined in this manual. The responsibility for advising the Purchasing Department of any grant-related purchasing restrictions or requirements shall remain with the requesting department and grant awardees. The requesting department may be required to provide a copy of the grant with their request to the Purchasing Department.

Section 6

Selection Process and Negotiation



6. Selection Process and Negotiation - Proposal evaluation is an assessment of both the proposal and the bidder's ability, as demonstrated by the proposal, to perform the prospective contract successfully. Proposals are to be evaluated based on the criteria stated in the solicitation document.

6.1 Receipt of Bids – Bids and bid modifications shall be received by appropriate staff, marked with the date and time of receipt and stored unopened in a secure location until the bid opening.

6.2 Bid Opening - RFQ's shall be opened publicly at the time, date, and location advertised in the bid document. The name of each bidder, the bid price, and other pertinent information shall be read aloud and recorded.

6.3 Evaluation Criteria – RFPs allow departments to utilize a weighted point method as a quantitative tool to assign different levels of importance to various factors. Departments must select the criteria to be evaluated prior to the release of the solicitation. Evaluation instructions are located on the Purchasing intranet website. The criteria should include, but is not limited to the following:

- Overall Cost to the County
- Technical Specifications (equipment) / Performance Outcomes (Services)
- Applicable Experience/Performance History
- References
- Overall Responsiveness to the Requirements of the RFP
- Managerial and Financial Stability

6.4 Evaluation Team –The evaluation team should be composed of qualified personnel based on their expertise of the services/scope of work to be provided. Generally, the role of purchasing personnel is to ensure procurement procedures and policies are followed. All evaluation material will be considered confidential while being reviewed by the evaluation team.

6.5 Weight Factors - Prior to the release of an RFP, departments are to establish a weight for each factor that reflects the importance of that factor in relation to the other factors and submit it to the PCS/Buyer with an evaluation plan. No assigned weight on criteria may be changed once the solicitation is posted.

When evaluating a bidder's proposed cost, the cost shall be 40% of the weighted factor. The Purchasing Director, Assistant Director, or Purchasing Manager's approval is required to assign a weight of less than 40% to the overall cost factor.

Example: Cost 40% Technical capability 20% Experience 40%

6.6 Procurement Preference Programs – Board Policy B-34 provides various preference programs to encourage and incentivize businesses which meet local and/or small business requirements, are owned by veterans, and/or employ veterans to compete for County of Riverside contracting opportunities. The procurement preference program shall apply to all county agreements, contracts, acquisition leases, and purchase orders for materials, services, professional services, professional consultants, or trainers from firms or individuals engaged in “for profit” business activities paid for in whole or in part out of county funds or funds administered by the county. Buyers/PCS must seek information on the source of funding for the intended purchase to determine if specific funding sources may prohibit the use of procurement preference programs (i.e., state or federal funds/grants).

If the overall low bidder is not a qualified local business, and there is a bid from a qualified local bidder that is within 5% of the overall low bidder, the local vendor shall be given the opportunity to match the price of the overall low bidder preference. If the local vendor chooses to match the low bidder’s price, the local vendor shall be awarded the bid as the lowest responsive and responsible bidder. If the low local bidder chooses not to match the price, then it shall be awarded to the low overall bidder.

6.7 Description of Preference Programs

Service-Disabled Veteran-Owned Business as used in this policy means a business/firm meeting the following requirements:

1. Be at least fifty-one percent (51%) directly and unconditionally owned and controlled by a combination of one or more service-disabled veterans.
2. A service-disabled veteran who served on active duty with the U.S. Armed Forces, Federal Reserves, or National Guard, and possesses either a disability rating letter issued by VA establishing a service-connected rating between 0 and 100 percent or disability determination from the Department of Defense.
3. Ability to provide a valid DD Form 214 or NGB Form 22 along with a VA disability rating letter for each veteran owner (s) to establish confirmation of military service and discharge status.

Veteran-Owned Business as used in this policy means a business/firm meeting the following requirements:

1. Be at least fifty-one percent (51%) directly and unconditionally owned and controlled by a combination of one or more veteran(s).
2. A veteran who served on active duty with the U.S. Armed Forces for any length of time and who was discharged or released under conditions other than dishonorable, Federal Reserves, or National Guard called to federal active duty, as well as Federal Reservists or National Guard members who have completed twenty (20) years of service and are eligible to receive Reserve component retirement.
3. Ability to provide a valid DD Form 214 (long form) or NGB Form 22 with proof of title 10 orders, or title 32 orders for each veteran owner(s) to establish confirmation of military service and discharge status.
4. Ability to provide a copy of retirement orders or Military identification card showing retired status from the reserves for National Guard members and Federal Reservists with twenty (20) years or more of service.

National Guard and Reserve Veteran-Owned Business as used in this policy means a business/firm meeting the following requirements:

1. Be at least fifty-one percent (51%) directly and unconditionally owned and controlled by a combination of one or more National Guard or Federal Reservist veteran(s).
2. A Federal Reservists or National Guard veteran who served honorably in the Reserves or National Guard but has no active duty time other than for training purposes only.
3. Ability to provide a valid NGB Form 22 for each Nation Guard veteran owner(s) to establish confirmation of service.
4. Ability to provide a valid DD Form 214 (long form) and an honorable discharge certificate for each owner.

Active Members of the US Armed Forces, National Guard, or Federal Reservist-Owned Business as used in this policy means a business/firm meeting the following requirements:

1. Be at least 51 percent directly and unconditionally owned and controlled by a combination of one or more active members of the U.S. Armed Forces, National Guard or Federal Reservist(s).

2. An active member who is a current member of the U.S. Armed Forces serving on active duty or who is a current member of the National Guard or Federal Reserve forces serving on Title 10 or Title 32 active duty or current members of the National Guard and Reserve forces.
3. Ability to provide proof of service orders or military ID card showing active Reserve, National Guard, or active duty status in the U.S. Armed Forces.

Veteran-Qualified Business as used in this policy means a business/firm meeting the following requirements:

1. Maintain a workforce in which no less than 10% of its total are veteran employees.
2. A veteran who served on active duty with the U.S. Armed Forces for any length of time and who was discharged or released under conditions other than dishonorable, Federal Reservists or members of the National Guard called to federal active duty or disabled from a disease or injury incurred or aggravated in the line of duty or while in training status, as well as those who have completed twenty (20) years of service and are eligible to receive Reserve component retirement.
3. Ability to provide a valid DD Form 214 (long form) or NGB Form 22 along with a VA disability rating letter for each veteran employee(s) to establish confirmation of military service and discharge status.
4. Ability to provide a copy of retirement orders or Military identification card showing retired status from the reserves for National Guard members and Federal Reservists with twenty (20) years or more of service.

Small Business as used in this policy, means a business/firms meeting the following requirements:

1. Be independently owned and operated.
2. Not be nationally dominant in its field of operation.
3. Operate primarily within the U.S. and make contributions to the U.S. economy through payment of applicable local, state, and federal taxes.
4. Meet size standards established by the U.S. Small Business Administration which specifies firm size by North American Industrial Classification System (NAICS) codes.

Local Business as used in this policy, means a business/firm meeting the following requirements:

1. Fixed offices located within the geographical boundaries of Riverside County.
2. Be authorized to perform business within the county, and in doing so, credit all sales tax from sales generated within Riverside County to the County, and have at least fifty-one (51%) of all employees, physically located in and performing business out of said local office.
3. Have a Riverside County business street address shall be open and staffed during normal business hours and the business must establish proof that it has been located and doing business in Riverside County for at least (6) six months preceding its certification to the County as a local business. Post office box numbers, residential addresses or un-staffed offices shall not suffice to establish status of a "local business".
4. Additional supporting documentation that may be requested by the County to verify qualification:
 - a. **A copy of current SS2 form** (State, Local & District Sales and Use Tax Return Form) This is the form businesses submit to the State Board of Equalization when paying the sales tax to the State of California indicating the amount of the payment to be credited to each jurisdiction (i.e. counties, cities).
 - b. **A current business license** if required for the political jurisdiction the business is located in.
 - c. **Proof of the current business address** The local business needs to be operating from a functional office that is staffed with the company's employees, during normal business hours.
 - d. **Local Business Qualification Affidavit** must be submitted in formal bid situations.
 - e. **Proof of Delegation of Authority to sign**

6.8 Applying Preference Program

The preference programs shall be applied to all applicable bids. Bidders shall indicate their intent to claim preference by submitting all appropriate forms and certifications. In the event of multiple bidders qualifying for preferences on a single bid, match opportunities will be given in the following group order and at the matching percent identified:

1. Service-Disabled Veteran-Owned Business (SDVOB) (5% preference)
2. Veteran-Owned Business (VOB) (5% preference)
3. National Guard and Reserve Veteran-Owned Business (5% preference)
4. Active members of the U.S. Armed Forces, National Guard or Federal Reservist-Owned Business (5% Preference)
5. Veteran-Qualified Business (VQB) (5% Preference)
6. Small Business (5% match)
7. Local Business (5% match)

In the event of multiple bidders on a single bid qualifying within the same preference designation, match opportunities will be given based on lowest to highest costs within said preference designation.

There will be a maximum cap of \$25,000 for the preference designations. The 5% preference cannot exceed a cost of more than \$25,000 from the lowest bid.

If the overall low bidder does not qualify for a preference program, and there is a bid from a qualifying bidder that is within five percent (5%) of the overall low bidder, the qualifying bidder shall be given the opportunity to match the price of the overall low bidder. If the qualifying bidder chooses to match the low bidder's price, the qualifying bidder shall be awarded the bid as the lowest responsive and responsible bidder. If the qualifying bidder chooses not to match the price, then it shall be awarded to the overall low bidder.

Board Policy B-34 designates the Purchasing Department, through its County Compliance Contracts Officer or designee, to develop, manage and implement the policy. The Compliance Contracts Officer or designee shall:

- Provide assistance and guidance to all County departments, agencies and special districts in matters related to the implementation, interpretation and enforcement of this policy.
- Develop a method for identifying and maintaining an inventory of Veteran businesses and Veteran-Qualified businesses, their capabilities, services and/or products.
- Participate in business opportunity meetings, conferences, seminars and community activities regarding Veteran's employment.
- Have the authority to request and receive information from County departments, agencies and special districts regarding compliance with this policy.

6.9 Pre-Negotiation Plans – Best practices utilize written Pre-Negotiation Plans prior to conducting negotiations as a tool to judge the overall reasonableness of the price proposed and to negotiate a fair and reasonable price or cost fee.

Pre-Negotiation Plans include specific objectives, which are acceptable to all organizational elements of the department/agency, such as pertinent issues to be negotiated, and cost objectives.

Pre-Negotiations require a reasoned analysis of the offertory's price, comprehensive market analysis (supply, available sources, price ranges, etc.), proposed technical specifications, terms & conditions, etc.

The plan should address areas of concern of various interested parties (Risk Management, County Counsel, etc.) in the development and approval of a unified negotiation position

so that internal differences of opinion can be resolved before negotiations begin, producing negotiation objectives that management can support.

6.10 Negotiation – Whenever appropriate, written or oral discussions may be held with bidders to resolve uncertainties in their proposals, or to provide an opportunity to reduce the overall cost to the County.

The Buyer/PCS is responsible for the conduct of the discussions, with the assistance or participation of technical, accounting, or legal specialists as necessary or appropriate. The content, form, and extent of the discussions are a matter of the Buyer/PCS's judgment.

The discussions should be conducted so as to:

- Advise the bidders of deficiencies in its proposal, in terms of County requirements, but not deficiencies relative to other proposals, nor deficiencies resulting from the bidder's lack of diligence or competence.
- Attempt to resolve uncertainties concerning aspects of the proposal.
- Resolve any suspected mistakes by calling them to the bidder's attention as specifically as possible without disclosing information concerning other bidder proposals or the evaluation process.
- Provide the bidder a reasonable opportunity to submit any cost or price, technical, or revisions to its proposal that may result from the discussions.
- Ensure that no one involved in the discussions, engages in leveling, transference or auction techniques.

6.11 Best and Final Offer – Upon completion of the discussions, the Buyer/PCS may issue to all bidders still in the competitive range a request for best and final offers (BAFO). Oral request for best and final offers must be confirmed in writing.

BAFO requests should include:

- Notice that the discussions are concluded;
- Notice of the opportunity to submit best and final offers in the form of revisions to any aspect of the solicitation or original proposal; and
- A common cutoff date and time that allows a reasonable opportunity for submission of written best and final offers.

Following evaluation of best and final offers, the Buyer/PCS must select for award the best and final offer offering the best value to the County, on the basis of the solicitation's stated evaluation factors.

6.12 Debrief Session – Upon Execution of Award, bid responses become public record. In accordance with the Freedom of Information Act, proposals are to be made available to the public for viewing.

- Confidential/Proprietary Information – Prior to debriefing session, Buyer/PCS is to review all responses to the RFQ/RFP for any sections marked “Confidential” or “Proprietary.” PCS is to then contact any vendors whose proposals were marked accordingly and request permission to disclose. If the vendor elects not to grant the County permission to disclose the confidential/proprietary information, they must agree in writing to cover all expenses incurred by the County to maintain the confidentiality, including litigation.
- Sealed Envelope – The sealed envelope in the front of the bid folder containing the evaluation materials is to be removed and not disclosed to any unauthorized persons. Unauthorized persons include everyone not part of the evaluation team, or not approved by the Purchasing Manager.
- Conduct of the Debrief Session – Bidders may take notes from the proposals presented and can ask questions that may assist them in responding to future bidding opportunities. The Buyer/PCS may answer questions in general as long as the answers do not disclose any information discussed by the evaluation team or contained in the evaluation materials.
- Copies of Bid Responses – Bidders may request copies of the other proposals by writing a letter to the PCS or Purchasing Manager. The PCS has 10 calendar days to respond to the request. Responses should include an approximate cost for the copies (small proposals can be faxed out). Cost must cover the expense of the copies, binders, labor, postage, etc. Copies are not to be made until payment has been received.

6.13 County Receives Only One Bid Solicitation - If only one proposal is received from a solicitation, the award may be made to the vendor if they are deemed responsive and responsible. This award will not be considered a sole source as competition was sought. Purchasing personnel must show in writing the list of vendors who received the solicitation and the list of vendors who accessed the solicitation.

Note: The receipt of only one award is not an automatic award to the one response as Purchasing personnel must exercise diligence to ensure the vendor can meet the requirements before an award is made. If the vendor does not meet the requirements, the bid should be cancelled and re-released. Discussions with the subject matter experts who prepared the Scope of Work (SOW) should occur

to determine if the SOW requirements need to be revised to encourage competition yet still meet the needs of the department.

6.14 Vendor Requests for Line of Credit -. All County employees are prohibited from applying for, opening, maintaining or procuring County purchases using any credit lines or credit cards other than the County issued Procurement Cards or the awarded Fleet Fuel Cards, unless authorized by the Board of Supervisors. For a sample memo to address a vendor's requests for completion of a credit application see Purchasing's Forms Intranet Site for the *Vendor Requests for Line of Credit Memo*.

Section 7

Public Works



7. Public Works – In July of 1995, the Board of Supervisors adopted the California Uniform Construction Cost Accounting Act (CUCCAC), which gives the Director of Purchasing authority up to \$175,000 for those jobs done under specific guidelines of the Act. Section 22020 of the Public Contract Code provides for the authority levels to be reviewed every 5 years and may be adjusted by the State Controller and further states “any adjustment shall be effective beginning with the fiscal year which commences not less than 60 days following the Controller’s notification letter to affected Public Agencies.” Such a letter was issued by the Controller John Chiang on April 25, 2011, thus increasing the Purchasing Agent authority for Riverside to \$175,000. Please refer to Board Policy B-11.

Public Work Purchase Orders must be generated by a Procurement Contract Specialist (PCS) as a designee of the Purchasing Agent; a departmental buyer or LVPO processors cannot process a public works bid. Additionally, unless otherwise exempted, the Facilities Management will be contacted by Purchasing to determine their level of involvement. Decision regarding the extent of EDA’s involvement will jointly involve the requesting department, the Purchasing Department and the Facilities Management Department.

Public Works over \$45,000 - Public Contract Code 22032 requires all non-UCAA public works projects over \$45,000 to be competitively bid and publicly advertised, and awarded only to contractors holding the proper state licenses, proper insurance and paying the prevailing wage.

Public Works under \$175,000, requesting departments must provide plans and specifications, and have the approval of assigned project manager EDA/Facilities Management, or TLMA, Waste, prior to submittal to Purchasing.

Exempt: The following departments are Exempt and eligible to utilize the California Uniform Public Cost Accounting Act (UCAA):

- County Service Areas
- Economic Development Agency (Date Festival & Housing Authority)
- Fire (Fire Stations)
- TLMA (Road projects only)
- Waste Management (Landfill projects only)

Public works contracts over \$175,000 and \$30,000 for road projects - are processed by EDA/Facilities Management and/or the originating department and awarded by the Board of Supervisors through the Clerk of the Board.

7.1 Public Contract Code 20150.11 - Splitting of Projects is Prohibited. It is unlawful (misdemeanor) to split or separate any public project for the purpose of evading the provisions of this article requiring public projects to be done by the contract after bidding.

7.2 Department’s Responsibilities – Responsibilities include:

- Develop plans and specifications – The requesting Department project manager will work with Facilities Management or authorized agency representative to develop the plans and specifications according to code, and suitable for distribution in the bid packets.
- Obtain approval of plans and specifications from Facilities Management or authorized agency representative prior to County Purchasing involvement.
- Notice of Completion/Acceptance – Upon completion and acceptance of a public works project, the requesting department project manager shall notify the PCS of acceptance in order to close the purchase order out. Notation will be made to void the performance and payment bonds in the P.O. file.

7.3 Purchasing Department Responsibilities:

Bid Development – Bids on public works projects require the use of the following forms and associated documents:

- ✓ Notice Inviting Bids Form (2 pages)
- ✓ Instructions to Bidder Form (2 pages)
- ✓ Contractor's Proposal Form (4 pages)
- ✓ Agreement Form (2 pages)
- ✓ Bid Bond Form (2 pages)
- ✓ Payment Bond Form (1 page)
- ✓ Performance Bond Form (1 page)
- ✓ General Conditions (8 pages)
- ✓ Appendix AA – Plans & Specifications

7.4 Prevailing Wage Rate - California Law states that if the total cost of a Public Works project does not exceed \$1000.00 the Contractor is **NOT** required to pay his employees the Prevailing Wage Rate.

7.5 Liability Insurance - A Contractor who performs work on County property must possess liability insurance. Risk Management determines the amount of coverage based on the scope of the project.

7.6 Contractor Requirements - Contractors must meet the following requirements to contract with the County of Riverside for public works projects:

- ✓ Be selected through the proper bid process.
- ✓ Properly licensed by the State of California
- ✓ Provide copy of Tax ID
- ✓ If a project exceeds \$1000.00, the contractor must pay its employees the Prevailing Wage Rate.

- ✓ If a project exceeds \$1000.00, the contractor must be registered under the State of California Department of Industrial Relations website. If the contractor is not registered, they cannot receive a bid notice nor be awarded a public works contract.
- ✓ Must have valid and current Worker's Comp and Liability Insurance.
- ✓ Must sign the County's Public Work Form which states that the contractor will adhere to all of the requirements listed above.
- ✓ May be required to provide Payment and Performance Bonds.
- ✓ Upon completion of Public Works project, Contractor shall notify the Department of industrial Relations:
Department of Industrial Relations web link: <http://www.dir.ca.gov>

7.7 Bid Bonds – All bonds and insurances must be issued against California admitted companies with a minimum A.M. Best rating of A:V or approved by County Counsel and Risk Management. Bid bonds or a certified check in the amount of 10% of the bidder's proposal is required on all Public Works projects over \$25,000.

7.8 Performance/Warranty and Payment Bonds – Bond are for a pre-determined percentage of the project cost and are held at County Purchasing until completion and full acceptance of the project, or upon inspection and full acceptance of product, as specified.

- Should the contractor fail, the performance bond provides funding up to the full cost of the contract for any cost incurred by the County in completing the contract through other means.
- Upon completion and acceptance of the project, or upon inspection and acceptance of product, this bond becomes void and is filed with the purchase order folder.

7.9 Posting of Notice - The first publication or posting of the notice shall be at least 10 days before the date of opening the bids.

7.10 Department of Industrial Relations (DIR) - California law (SB854) now requires public works contractors subject to prevailing wage requirements to register annually with the Department of Industrial Relations and pay an annual fee. Effective March 1, 2015, the

County of Riverside will accept public works bids from only those contractors and subcontractors who have complied with this requirement. Please refer to the DIR website: <https://www.dir.ca.gov/Public-Works/PublicWorksContractorsAndSubcontractors.html>

7.11 Advertising/Plan Rooms – The County must send the solicitation to the following plan rooms:

Southern California Builders Association
7740 Painter Avenue, #100
Whittier, CA 90602
Phone: 562-320-3600
Fax: 562-320-3603
e-mail: scba@socalbuilders.org
Imperial, Los Angeles, Orange, Riverside, San Bernardino, and San Diego

Bid America Online Plan room
41085 Elm Street
Murrieta, CA 92562
Phone: 951-572-3379
Fax: 951-600-0615
e-mail: planroom@bidamerica.com
Website: www.bidamerica.com
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura

Associated General Contractors of America
San Diego Chapter, Inc.
6212 Ferris Square
San Diego, CA 92121
Phone: 858-558-7444
Fax: 858-558-8444
e-mail: chartier@agcsd.org
Orange, Riverside, San Bernardino, and San Diego

7.12 Mandatory job walks - are required for all Public Works projects.

7.13 Bid Opening – All RFQs will be opened publicly.

7.14 Bid Evaluations – PCS will prepare a spreadsheet that will indicate: the proposal prices, contractor's license numbers, indicate if certificates of Insurance listing the County as additionally insured are on file in the Purchasing Office, and required bonds are complete.

7.15 Contract Award – Contract will be awarded to the lowest responsible/responsive bidder. The Director of Purchasing or designee will sign projects valued over \$25,000.

Section 8

Bid Folder

Documentation



8. Bid Folder Documentation – In addition to the electronic data that PeopleSoft retains/archives, Buyers/PCS's need to keep the following information in the RFP/Q Folders:

- ✓ Copy of RFP/Q
- ✓ Independent Contractor Check off List
- ✓ Copy of Addendum(s) – If applicable
- ✓ Bid List – List of Vendors & addresses or fax numbers that were notified
- ✓ Pre-bid or Pre-proposal Conference Sign-in sheets – If applicable
- ✓ The original responses (proposals/quotations)
- ✓ Spreadsheet (responsiveness comparison)
- ✓ Reference any award/contract that results from RFP/Q
- ✓ RFP/Q Check off List
- ✓ A sealed envelope marked “**Confidential – Do not Disclose**” include the following:
 - ✓ Evaluation Score Sheets
 - ✓ Evaluation Summary & Recommendation – The technical and price evaluators must be presented in sufficient depth to support the intelligent weighing of alternatives and the making of trade-off judgments by the evaluation committee.
 - ✓ Supporting documentation - Supporting documentation must show the relative differences among proposals and their strengths, weaknesses, and risks in terms of the evaluation factors. The supporting documentation must include the basis and reason for the decision.
 - ✓ Negotiation Documentation
 - ✓ Reference Checks

Note: Remove this envelope from the folder prior to conducting a debrief session. Contents of this envelope are not discussed/reviewed in a debrief session.

8.1 Records Retention and Department Responsibilities for Bid Folders:

- 1) All bids folders must be kept for a minimum of seven (7) years after the last activity on the bid. A purchase order or final payment against the contract is considered the last activity.
- 2) The Purchasing and Fleet Services Department maintains bid folder documentation pertaining to any competitive process completed by Purchasing and Fleet Services employees. County departments are responsible (and not the Purchasing and Fleet Services Department) to maintain all bid folder

documentation for competitive bid processes, sole/single source procurements, and approved Form 11's that did not involve Purchasing and Fleet employees.

- 3) In the event of an audit by the Auditor-Controller's Office, County Compliance Contracts Officer or external auditors, the County department is responsible for producing their bid folder documentation in cases where no Purchasing and Fleet Services employee was involved with the procurement process.

Section 9

Award Protests



9. Award Protests – As the Purchasing Agent’s designee, the assigned Procurement Services Officer shall be responsible for the review and disposition of any protest of a bid solicitation conducted under the statutory authority of the County Purchasing Agent. Through the procurement process a vendor has the right to protest if bypassed for an award, however the protest must be a legitimate request.

9.1 Review of Solicitation Requirements and Specifications - A vendor may seek a review of the solicitation requirements and/or specifications by written request to the Procurement Contract Specialist/Buyer conducting the solicitation provided that the written request is received prior to the timeline specified in the solicitation deadlines. If a potential bidder finds issues contained in the solicitation that may result in a protest it is incumbent upon the potential bidder to contact the Procurement Contract Specialist/Buyer responsible for the solicitation as soon as possible to express their concerns.

Note: Public Records Requests do not apply to contracts or bids that may still be in the evaluation process, and no recommendation for award has been determined. The vendor must follow the County’s Public Records Request policy that is available online at: www.Purchasing.co.riverside.ca.us.

9.2 Bid Protest Procedure - Notice of Intent to Award are posted on the County’s bid website. Non-selected vendors will have five (5) business days from the date the award notice is posted to file a formal bid protest with the assigned Procurement Services Officer and the Procurement Contract Specialist/Buyer who conducted the solicitation via email.

This appeal shall be delivered by the vendor in writing through e-mail and followed up with hard copy and include the specific facts, circumstances, reasons, and/or basis for the protest. The Purchasing website at www.purchasing.co.riverside.ca.us provides a list of the email for the Procurement Services Officer and the Procurement Contract Specialist/Buyers.

1. Bid protests must be filed prior to the award of contract or purchase order issued. Upon execution of the contract or purchase order to the selected vendor, the Procurement Services Officer may not take action on a bid protest if not received during the solicitation period.
2. If a vendor bid protest is appropriately filed (i.e., prior to the award), the Procurement Services Officer may delay the award of a contract or purchase order until the matter is resolved. There are, however, situations where the delay of an award may not be in the best interest of the County due to emergency and/or time critical acquisitions such as at the end of the County’s fiscal year or grant funding requirements. In these instances, the County has no obligation to delay or otherwise postpone an award of a purchase order or contract based on a vendor protest. In all cases, the County Procurement Services Officer reserves the right to make an award when it is determined to be in the best interest of the County of Riverside.

3. The assigned Procurement Services Officer may refer a protest of a technical nature to the requisitioning County department for further clarification, and will prepare a response to the protesting vendor, advising them of the pending action(s), and when a formal response can be expected.

9.3 Protest Form and Content - all protests shall be in writing and state that the bidder is submitting a formal protest, and the protesting vendor is responsible to assure the protest is received within the protest deadlines. If the County does not receive the protest within the specified deadline, the protest may be rejected. The mailing address for all protests:

County of Riverside
Purchasing and Fleet Services
Attention: Procurement Services Officer
2980 Washington Street
Riverside, CA 92504-4647

Include the following information in the protest letter. Failure to provide the following information could result in rejection of vendor's protest:

1. Company name, mailing address, phone number, and name of company individual responsible for submission of the protest
2. Please provide an email address for communication, clarification, and disposition of the pending protest
3. Specify the County Bid Number, bid title, closing date and proposed award date of the solicitation
4. State the specific action or decision protested
5. Indicate the basis for the protest
6. Indicate what relief or corrective action you believe the County should make
7. Demonstrate that every reasonable effort was made within the schedule provided, for you to resolve the basis of the protest during the process, including asking questions, seeking clarification, requesting addenda, and otherwise alerting the County to any perceived problems
8. Protest letter must be signed by an authorized agent of the company

9.4 Grounds for Protest - A formal protest must contain the following to be considered:

1. A specific identification of the statutory or regulatory provision(s) that the alleged action is in violation
2. A specific description of each act alleged to have violated the statutory or regulatory provision(s)
3. A precise statement of the relevant facts, and identification of the issue or issues to be resolved
4. Complaints about events or decisions made before the solicitation deadline
5. Complaints that the solicitation unduly constrains competition through improper minimum qualifications or specifications
6. Complaints that the pre-bid conference was not fair or accessible. (Please note that bidders must attend in person all mandatory pre-bid conferences).
7. Complaints that questions were not fully or properly addressed by the Procurement Contract Specialist/Buyer
8. Complaints that the Request for Proposal/Quote/Qualification did not provide adequate information or contained an improper criteria
9. Other matters known or that should have been known, to interested bidders by reading the solicitation document.

9.5 Protest after bid deadline - After the bid closing deadline, only vendors that submitted a bid are eligible to protest.

9.6 Intention to Protest - Notice of an intention to protest does not substitute for filing of a protest following the form and content required within the deadlines stated. Further, casual inquiry or complaint that does not specifically identify the purpose as a protest, and does not comply with the form, content and deadlines herein, are also not considered or acted upon as a protest action.

9.7 Protest Deadlines - Protests must be received in the County of Riverside Purchasing Office via email (with a follow up hard copy) with a formal letter no later than 4:00 p.m. Pacific Time five (5) business days after the date the solicitation award notice is posted on the Riverside County Purchasing web page under "Bid Results." Protests received after the time specified are untimely and may be denied on that basis unless the County concludes that the issue/s raised by the protest involve fraud, gross abuse of the procurement process, or indicate substantial prejudice to the integrity of the procurement process.

The County Procurement Contract Specialist/Buyer shall make efforts to distribute the announcement to the affected bidder(s), such as posting on the County's website. However,

it is the Bidder's responsibility to seek out and obtain the announcement from the County website. The County is not responsible for assuring the Bidders have learned of the announcement in time to file a protest.

9.8 Protest Appeal Process - The Procurement Services Officer will review the protest. All available facts will be considered, and the Procurement Services Officer shall issue a decision. This decision shall be delivered in writing by e-mail (will be followed up with a hard copy) or mail the notice to the protesting bidder within thirty (30) business days of confirmed receipt.

If the Protesting party believes the Procurement Services Officer has failed to consider a fact and has made an error in the protest decision, the protesting bidder has a right to appeal that decision to the County Purchasing Agent/Director.

The appeal is limited to only those matters brought forward to the County in the original protest. The appeal must clearly state why the Procurement Services Officer's decision is in error.

The protesting bidder shall issue a Protest Appeal Statement by 4:00 PM (Pacific Time) by the fifth (5th) business day following issuance of the Procurement Services Officer's decision. This appeal shall be delivered by the Protesting vendor, in writing through e-mail (must be followed up with a hard copy) or mailed notice to the County Purchasing Agent/Director.

The Purchasing Agent/Director will evaluate the appeal and issue a written decision within thirty (30) business days of confirmed receipt. The Purchasing Agent/Director decision is final.

Nothing herein shall diminish the authority of the County of Riverside to enter into a contract, whether a protest action or intention to protest has been issued.

Section 10

Public Records Requests



10. Public Records Requests - Pursuant to the California Public Records Act (Government Code sec. 6250 et seq.), the public has a right to access public information maintained by government agencies, such as the Purchasing Department.

Purchasing's Public Records Request form and procedure can be found on Purchasing's internet site under "Vendors."

The Purchasing Department will make any public record or any reasonably distinguishable portion of a public record available for inspection or copying.

"Records" as defined by Govt. Code § 6252(e) include any writing owned, used, or maintained by the department in the conduct of its official business. Writings include information recorded or stored on paper, computers, email, or audio or visual tapes.

The requestor must provide specific information about the records they seek. Information should be as specific as possible -- this includes, but is not limited to:

- Solicitation number and title
- Contract or Purchase Order number
- Vendor(s) name and location
- Procurement Contract Specialist/Buyer's name
- Fiscal year (s)
- Type of procurement/commodity

Upon receipt of a request for County Purchasing records, the Purchasing Department shall determine within ten (10) days if the records are accessible and available within the departments' records system and notify the requestor of such determination (Government Code Section 6250-6261).

Requests for records must be in writing. A Public Records Request Form can be submitted electronically online at <http://www.purchasing.co.riverside.ca.us/> or downloaded and mailed, faxed or delivered in person to:

County of Riverside
Purchasing Department
Attn: Procurement Services Officers
2980 Washington Street
Riverside, CA 92504
Telephone: 951-955-9580
Fax: 951-955-8474

NOTE: If a county agency conducted their own procurement the public record request will be forwarded to that department for processing.

Requests (inspection and copies) must be for records in the possession of, prepared, owned, used, or retained by the Purchasing Department and must be for clearly identifiable records. The department is not required by law to create a record or list from an existing record. Additionally, the department is not required to provide custom data files or formats if they do not exist. Copies will not be provided if the disclosure is exempt in accordance with State law.

The standard charge for copies of any specifically described and identified as a public record not exempt from disclosure is \$0.10 per page for black and white copies and \$0.25 per page for color copies. Records copied to CD are \$5.00 per CD. Records stored by the Purchasing Department in electronic format will be provided in the same electronic format when requested. The Purchasing Department is not required to produce records in an electronic format when the requested records are not available in electronic format at the time of the request. Mailing charges may apply, if necessary.

County Purchasing will provide an invoice for charges due. These charges are due and payable upon receipt of the invoice. Upon remittance of the invoice amount, the records request will be copied and sent to the requestor. If arrangements for payment and production are not made within ten (10) business days of the date of the Purchasing Department response, a new request may have to be submitted.

10.1 Not Subject to Public Records Requests - During a procurement process whereas an award has not been made, information pertaining to the ongoing bid regarding bid responses and participating bidders is not subject to the Public Records Act, until a public award is announced.

A public records request cannot be accommodated during a bid evaluation or prior to a formal award of a Request for Proposal, or Request for Qualification. This restriction is considered a "Deliberative Process Privilege." Disclosure of a vendor's bid submission prior to an award being made may expose the department's decision-making process in such a way as to discourage candid discussion within the department and undermine the department's ability to perform its function.

For additional information, contact the Procurement Services Officer at: County of Riverside, Purchasing Department, Attn Procurement Services Officers, 2980 Washington Street, Riverside, CA 92504, 951-955-9580.

Section 11

PeopleSoft PO Module Contingency Plan



11. PeopleSoft PO Module Contingency Plan – When the PeopleSoft system is down for a short period of time (less than 24 hours), users are requested to wait until the system comes back up and continue normal operations. However, when the system is down for an extended period of time or when needs arise that must be purchased immediately due to the nature of the requirement; a manual back up plan is in place.

11.1 Requisitions – When the systems is down and users cannot enter requisitions, departments may create their own paper requisitions containing all required information, obtain proper authorization signatures and forward to the appropriate buyer (LVPO Processor or PO Processor roles).

- No re-entry of the requisition into PeopleSoft will be required.
- Information provided to the buyer should include at a minimum:

- Requestor name and phone number
- Item Description(s)
- Item Number(s)
- Quantities
- Accounting streams
- Shipping & billing locations
- Vendor name
- Contract number (if known)
- Appropriate approver signatures

11.2 Emergency PO Coding – If system generated PO numbers cannot be obtained, Buyers or LVPA processors can generate their own emergency purchase orders using the following Emergency PO coding system:

Purchase Orders are to begin with the letter “E” for system down emergencies and are followed by:

1. The five (5) digit character business unit name, and
2. A sequentially assigned four-digit number

For example, the first system down purchase order for the Purchasing Department would be EPUARC-0001

Complete documentation of the transaction must be maintained by the person who assigned the PO in order to enter it into PeopleSoft once the system is restored.

11.3 Official Disaster – In accordance with Ordinance 533, During a declared disaster or emergency, authorized purchasing personnel are required to do whatever is necessary to obtain products or services to meet the needs of the Emergency Operations Center (EOC) and response teams. Where possible use of County awarded vendors for products or services should be the first resource.

When awarded vendors are not available, staff is encouraged to get two quotes whenever possible; however, depending on the requirement, the ability to delivery product and/or services may override this requirement or using the lowest cost vendor.

Staff must document this effort and maintain a log on all purchases for later entry of purchase orders, claiming purposes, and daily tracking of expenses associated with the event. If the Purchasing system is down, manually assign Purchase Order numbers to begin with the letter “D” during an official disaster where reimbursement from other agencies (FEMA) may be required, and followed by:

1. The five (5) digit character business unit name, and
2. A sequentially assigned four-digit number

For example, the first official disaster purchase order for the Purchasing would be DPUARC-0001.

Complete documentation of the transaction must be maintained by the person who assigned the PO in order to enter it into PeopleSoft once the system is restored.

11.4 System Restored – When the system is restored, a new PeopleSoft PO will be created referencing the emergency PO in the comment section of the PO.

The PO creator will need to provide a cross reference from the emergency PO to the PeopleSoft PO for the accounts payable staff to process the invoice(s).

If the vendor or item(s) did not exist in PeopleSoft at the time of the emergency, the data must be added at this time.

11.5 Workflow Down – If the system is functional but workflow routing is not functioning for an extended period of time, the department requisitioner must contact the appropriate chart-field/amount approvers in their department to manually budget/edit check and approve requisitions.

Once approved, the requisitioner needs to notify the appropriate buyer via phone or email of the pending requisition.

The Buyer is to manually open the requisition in PeopleSoft and work the requisition.

Section 12

Vendor Relations



12.0 Vendor Relations - Public purchasing embraces a fundamental obligation to the general public to ensure public procurement is accomplished in accordance with the intent of the laws enacted by the appropriate legislative body. Therefore, all County procurement procedures are conducted in a fair and impartial manner, with avoidance or appearance of impropriety.

- All qualified vendors have access to public business.
- No offeror is excluded arbitrarily or capriciously.
- Competition is sought to the maximum degree feasible.

It is the responsibility of procurement staff to exercise due diligence when seeking the lowest cost and best value for the County. Procurement staff also has the responsibility of maintaining good vendor relationships for the success of procurement activities.

The Purchasing Department endeavors to build and maintain professional and courteous relations with suppliers and sales representatives. Purchasing encourages departments to avail themselves of the expertise available from the procurement staff.

Specifications are designed to reflect the procurement needs of the purchasing body rather than to favor a particular vendor. When departments deal directly with vendor representatives, the following must be followed:

1. When researching a need, whenever possible, contact more than one vendor. The more alternatives and options you consider, the more likely your final choice will be the most advantageous to the County.
2. Provide the same information to all vendors. State law requires that every vendor be given an equal opportunity to compete for the County's business.
3. When comparing vendor products, look at the total cost of ownership – start-up, operating, maintenance, useful life, etc. Make certain you are comparing “apples to apples” and not to “oranges.” Use the criteria provided in the solicitation scope for work as your evaluation criteria.
4. Remember, no gratuities! State ethics laws prevent you from accepting direct or indirect gifts or payments or any other object of value from vendors even though the intent of the gesture may be honorable or a customary practice of the vendor.
5. Ask for product demonstrations. Most vendors will be happy to comply. However, if you want a sample for evaluation you must get permission from Central Purchasing prior to delivery of the sample to the County. Departments should complete the *Vendor Equipment Loan Agreement* (See Purchasing's Intranet Forms website).
6. Specifications should be based upon performance. What do you want the item or service to do? What is the desired end result?
7. If a department seeks vendor assistance in developing the scope of work for a solicitation, that vendor will not be permitted to place a bid on the solicitation.

8. If a sales representative asks you to sign a contract, order, or letter of intent, refuse to do so. Refer the representative to your Procurement Contract Specialist. All contractual terms and conditions must be reviewed by procurement staff or County Counsel, to protect yourself and the County.
9. Purchasing has a *Vendor Handbook* to help vendors better understands how to do business with the County. Supplies can be provided to you and this information can also be found on our website at: <http://www.purchasing.co.riverside.ca.us/>

12.1 Corresponding with Vendors - It is the County's practice that all contacts or correspondence pertaining to negotiations affecting purchases or prospective purchases that involve prices, terms, conditions and delivery shall be carried by procurement staff. Further, all correspondence pertaining to a purchase order that has been placed and which involves prices, terms, conditions, delivery, quantity substitution, complaints, or anything whatsoever involving the commitment, shall be carried on by Procurement Staff. Direct correspondence by non-procurement staff is accepted practice on all other subject matter, such as availability of specific requirements, technical information, requests for literature, etc. County non-procurement staff should refrain from correspondence that may be interpreted as committing the County to a binding contract.

No communication is permitted with bidders during the evaluation process unless done by the procurement staff during the formal evaluation process. Refer to the *RFP Evaluators Guide* located on the Purchasing Intranet Forms website for guidance.

12.2 Vendor Debriefing - Any vendor that has submitted a response to a solicitation can request a debriefing meeting with the buyer regarding the award status of the contract within five (5) business days of the receipt of award notification. Should the vendor have concerns with the award, the buyer will attempt to resolve in an informal resolution process. If a resolution cannot be reached, the vendor has the option of moving forward with a Vendor Protest using the procedures outline in Section 9.2 Bid Protest Procedure.

Note: Debriefing does not allow an extension of the protest period. At the time of debriefing the County has the authority to determine what documentation will be allowed for viewing.

12.3 Vendor Contract Compliance - Whenever a department determines a vendor has not satisfactorily delivered the goods or services contracted for by a purchase order and/or contract, the department should address the problem by initiating a Supplier Corrective Action Form located at Purchasing's Intranet Forms website. It should never be assumed that contract performance problems will work themselves out. Departments whenever possible should give vendors the opportunity to cure issues or problems.

Once a Corrective Action Form has been issued, follow up with the contractor until the problem is resolved or contact County Purchasing. A copy of the Corrective Action Form and all related correspondence should be placed in the vendor/contract file.

If the vendor does not correct the issues/problems the next step is to work with your procurement liaison to issue a cure notice. The final step in the compliance process is to issue a termination notice to the vendor. The issuance of the termination notice must be coordinated with the procurement liaison or the Procurement Services Officer.

If used correctly, these corrective action procedures can influence better vendor performance, improved contracts and increased customer satisfaction. Departments are encouraged to document and report all poor or deficient performance. End users need to understand the importance of ongoing documentation and reporting and not wait until it is time to award a new contract to decide that the product or service does not meet your needs. It is impossible for County Purchasing to disqualify products or services without previous documentation.

12.4 Veterans Owned, Disabled Veterans and Local Business Enterprises - On average, the County awards almost \$1 billion a year for goods and services. The County is committed to doing business with all vendors. Veterans, local, small, female and minority-owned businesses play a critical role in Riverside County's economic stature and are needed for their innovative solutions, quality, and cost saving ideas. The Board has adopted a position encouraging awards whenever possible to these firms.

12.5 Late Payment Complaints - Late payment complaints from vendors should be investigated internally and responses provided to the vendors. A history of poor payment may result in a vendor placing a department on C.O.D. or refusing to ship a commodity or provide a service.

Section 13

Exhibits



Exhibit A



County of Riverside Purchasing Authority

**County of Riverside
Board of Supervisors**
Govt Code 23004 and 25500

Director of Purchasing & Fleet Services
(Purchasing Agent)
Assistant Director, Designee
Ordinance 459.5

Purchasing Manager

**Procurement Services Officer
(PSO)**

**Senior Procurement
Contract Specialist (Sr. PCS)**

**Procurement
Contract Specialist
(PCS)**

Buyer II
Up to \$50,000
Per Day, Per Vendor

Buyer I
Up to \$25,000
Per Day, Per Vendor

LVPO
Up to \$5,000
Per Day, Per Vendor

Notes:

1. Other than LVPO, only Purchasing classifications are authorized to issue P.O.'s
2. If a department doesn't have an assigned PCS or Buyer I / II, then the department must utilize Central Purchasing



Exhibit B

Suzanna Hinckley, Asst. Director

Purchasing and Fleet Services Central Mail * Fleet Services * Purchasing

MEMORANDUM

TO:

FROM: Suzanna Hinckley, Assistant Director, Purchasing and Fleet Services Dept.

DATE:

SUBJECT: Certificate of Appointment/Delegated Purchasing Authority

The attached certificate appoints you with the role as a Low Value Purchase Order Processor with authority to assume those duties, which are within the limitations stated therein.

Under this appointment you will act within your proper authority as an agent of the County of Riverside. It is extremely important that you completely understand and properly exercise your authority to carry out your responsibilities with mature judgment and the utmost integrity. You should use the expertise and advisory services provided by the Purchasing Department in shaping your decisions and actions.

However, only you are charged and empowered to make those decisions that are within your authority as a LVPO Processor. Your authority is limited to a maximum of \$5,000 per day per vendor for purchases and up to \$25,000 or the maximum contract amount, whichever is less, for those purchases that are against an established County contract. Effective July 1, 2021 your authority for will increase from \$2,500 to a maximum \$5,000 per day per vendor for purchases.

You occupy a position of trust and responsibility. You must at all times exercise fairness in dealing with vendors and maintain the highest standard of conduct and accountability. You also have a responsibility for fostering certain socioeconomic programs and maintaining statistical information for reporting to the Board of Supervisors. The manner in which you perform will reflect on the County. To provide emphasis and recognition of your successful completion of the LVPO training program, I am pleased to present this Certificate of Completion.



Exhibit B

Suzanna Hinckley, Asst. Director

Purchasing and Fleet Services **Central Mail * Fleet Services * Purchasing**

MEMORANDUM

TO:

FROM: Suzanna Hinckley, Assistant Director, Purchasing and Fleet Services Department

DATE:

SUBJECT: Certificate of Completion

Congratulations on completing the 2014 Riverside County Purchasing Department Buyer Training Event. The attached certificate confirms your participation and successful completion of the Measurement of Understanding exercises.

Moving forward the Purchasing Department believes it is extremely important that you completely understand and carry out your responsibilities with mature judgment and the utmost integrity in any procurement related activity. You should use the expertise and advisory services provided by the Purchasing Department in shaping your decisions and actions.

This certificate does not extend you any signature authority; however, it does imply that you have met with the minimum requirements for future procurement opportunities that may afford you.

Remember, you must at all times exercise fairness in dealing with vendors and maintain the highest standard of conduct and accountability. You also have a responsibility for fostering certain socioeconomic programs and maintaining statistical information for reporting to the Board of Supervisors. The manner in which you perform will reflect on the County. To provide emphasis and recognition of your successful completion of the Riverside County Purchasing Department Buyer Training event, I am pleased to present this Certificate of Completion.



Suzanna Hinckley, Asst. Director

Purchasing and Fleet Services

Central Mail * Fleet Services * Purchasing



Suzanna

MEMORANDUM

TO: All Procurement Contract Specialists and Departmental Buyers
FROM: Suzanna Hinckley, Assistant Director, Purchasing and Fleet Services Dept.
SUBJECT: Riverside County Purchasing Department Code of Ethics Policy

The Purchasing Office has established the following ethical standards of conduct governing the performance of all persons exercising delegated purchasing authority by the Purchasing Agent in transacting Riverside County business and preventing potential conflicts of interest.

TO:

FROM:

DATE:

SUBJECT:

The Purchasing Agent

- To regard public service as a sacred trust, giving primary consideration to the interest of the public agency that employs us.
- To purchase without prejudice, seeking to obtain the maximum value for each dollar spent.
- To avoid unfair practices, giving all qualified vendors equal opportunity and consideration in an atmosphere of good faith, devoid of intentional misrepresentation.
- To honor our obligations and require that obligations to our public agency be honored.
- To accord vendor representatives courteous treatment, remembering that these representatives are important sources of information and assistance in solving our purchasing needs.
- To demand honesty in sales representation whether offered through the medium of a verbal or written statement, an advertisement, or a sample of the product.
- To refuse to accept any form of commercial bribery and zealously guard against any appearance of a conflict of interest.
- To be receptive to counsel from our co-workers and to cooperate with them to promote a spirit of teamwork and unity.

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- all qualified vendors equal opportunity and consideration in an atmosphere of good faith, devoid of intentional misrepresentation.
- To honor our obligations and require that obligations to our public agency be honored.
- To accord vendor representatives courteous treatment, remembering that these representatives are important sources of information and assistance in solving our purchasing needs.
- To demand honesty in sales representation whether offered through the medium of a verbal or written statement, an advertisement, or a sample of the product.
- To refuse to accept any form of commercial bribery and zealously guard against any appearance of a conflict of interest.

Exhibit C

- To be receptive to counsel from our co-workers and to cooperate with them to promote a spirit of teamwork and unity.
- To conduct ourselves with fairness and dignity and to demand honesty and truth in the purchasing process.
- To strive for greater knowledge of purchasing methods and of the materials we purchase.
- To cooperate with all organizations and individuals engaged in activities designed to enhance the development of the profession, remembering that our actions reflect on the entire purchasing profession.

I have received a copy of, am fully aware, and understand the Riverside County Purchasing Department's ethical guidelines; and I agree to abide by the terms of this policy. I also agree to remain apprised of future revisions to this policy and to abide by the terms of all such revisions. I understand that my purchasing authority may be revoked if I fail to comply with these ethical standards.

Department Name _____

Department Head Name _____
(Please Print)

Direct Supervisor of
Employee _____
(Please Print)

Employee Name: _____

Employee Signature: _____

Date: _____

Exhibit D

COUNTY OF RIVERSIDE PURCHASING AND FLEET SERVICES POLICY AND PROCEDURES FOR EMERGENCY PURCHASES

PURPOSE: To establish policy and procedures for the acquisition of goods and services on an emergency basis.

SCOPE: The scope of this policy shall be limited only to the emergency procurement of goods and services necessary to meet the emergency.

DEFINITION: Emergency procurement shall be defined as a sudden and/or 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.

PROHIBITIONS: These procedures shall not be allowed for satisfying preferences or conveniences, or for preventing funds from reverting at the end of a fiscal year or for any reason that seems to circumvent regular procurement methods. Departments must anticipate their needs for goods and services so as to avoid requesting emergency purchases that are as a result of inadequate forecasting or overlooked requirements.

PROCEDURES: Whenever an emergency condition exists and there is an immediate need to purchase goods, services, or equipment. The procurement procedures for such commodities shall be as follows:

1. The requesting department shall first identify those goods, services, or equipment necessary to meet the emergency. (Prior to seeking quotes, the using department is strongly encouraged to contact Central Purchasing or if you have Departmental buying personnel to determine if a contract exists that can meet the emergency need). Requesting departments shall limit the quantity to be purchased to that which is necessary to meet the emergency condition.
2. The requirement should be standardized and where possible, the requesting department shall seek at least three (3) written quotes/proposals from prospective vendors.
3. Upon determining the quote/proposal most favorable (not necessarily the low bidder) to the County (which mitigates the emergency) and prior to making the emergency purchase, complete the Emergency Justification Form, Exhibit A.
4. Send the form with all other documentation regarding the request to the appropriate requesting department head for approval.
5. Forward the approved form to the Director or Assistant Director of Purchasing.
6. Should the Director, Assistant Director of Purchasing, or Purchasing Manager determine an emergency exists – competitive bidding requirements will be waived, and the emergency approved, by signature on the Emergency Justification Form.
7. Upon receipt of the approved emergency request, either the requesting department designated procurement officer or Central Purchasing shall promptly issue a Purchase Order for the emergency purchase as long as it does not exceed their purchasing authority.

Exhibit D

8. The requesting departments shall not order goods or services prior to issuance of purchase order.

9. When the emergency occurs outside of normal working hours and the emergency needs immediate attention the Department Head or acting Department Head shall be appraised of the emergency, and they shall seek approval of the emergency procurement need via email or phone call. Attached is a list of the Central Purchasing individuals who can verbally approve emergency purchases with their authority level. If the dollar authority exceeds the Purchasing Agents authority the Department with the emergency must prepare a Form-11 to the Board to ratify the emergency purchase as soon as practical. The Purchasing Agent will sign off in the margin on all approved emergency purchases where they approved.

EXCEPTION: The exceptions to this policy are as follows:

Ordinance 533: Providing for the Administration of the Emergency Management Organization for the County of Riverside.

Ordinance 533 is adopted pursuant to Article XI, Section 7 of the California Constitution and the California Emergency Services Act, Government Code Sections 8550, et seq. (the "Act") which authorizes the counties to adopt ordinances to establish procedures for the general welfare, safety, and protection of the people of a county and to ensure that preparations of the county are adequate to deal with emergencies.

By resolution adopted pursuant to this Article, the Board designated the County Chief Executive Officer as the Director of Emergency Services and the Director of Emergency Services shall have the power to proclaim a Local Emergency.

Board Policy B-11: Award of Public Works Contracts Pertaining to County Facilities and Certain Other Improvements, Section VI, Emergency Action.

"...Through Resolution No. 2003-23, the Board delegated to the Director of Facilities Management, authority for emergency repairs and replacement within the county facilities without giving notice for bids to let contracts subject to the requirements and reporting procedures described in Chapter 2.5 of the California Public Contract Code, commencing with Section 22050.

Upon utilization of this authority a report will be made to the Board for ratification of all actions which exceed contractual authority of the Director of Facilities Management or the County Purchasing Agent."

Exhibit D

EXHIBIT A EMERGENCY JUSTIFICATION

This questionnaire has been designed to assist County of Riverside staff in providing information necessary in the processing of emergency requests for the purchase of goods, services, or equipment. Please complete and forward to Central Purchasing. If more space is needed, please attach additional page(s).

Emergency procurement shall be defined as a sudden and/or unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss of impairment of life, health, property, or essential public services.

Requisition No. _____ Total Dollar Amount: _____
(Attach itemized quote or invoice if available)
Vendor Name: _____ Vendor #: _____

1. State the goods, services, or equipment which will mitigate the emergency situation:
2. State the reason for the emergency purchase by explaining what the emergency is and/or what caused the emergency situation:
3. State the financial or operational damage/risk that will occur if needs are not satisfied immediately:
4. State why the needs were not or could not be anticipated, so that the goods/services could have been purchased following standard procedures:
5. State the reason and process used for selecting the vendor (Attach all quotes/proposals received, if applicable):

Department Head Signature Date

Purchasing Department Comments:

Approve Approve with Condition/s Disapprove

Purchasing Agent Date SSJ Approval #

Exhibit D

LIST OF CENTRAL PURCHASING STAFF WHO CAN VERBALLY APPROVE EMERGENCY PURCHASES

Please attempt to contact via the chain of command below:

Contact	Title	Email	Telephone
Suzanna Hinckley	Asst. Director, Purchasing & Fleet Services	SHinckley@Rivco.org	Office: (951) 955-4928 Cell: (951) 204-2695
Vanessa Manuel	Procurement Services Manager	VAmanuel@rivco.org	Office: (951) 955-9675 Cell: (951) 901-5751
Jessica Barajas	Procurement Services Officer	Jebarajas@rivco.org	Office: (951) 955-9580 Cell: (951) 539-6069
Lydia Bell	Procurement Services Officer	LydBell@rivco.org	Office: (951)955-8735 Cell: (951) 660-8655
Rick Hai	Sr. Procurement Contracts Specialist	RHai@rivco.org	Office: (951) 9553618 Cell: (951)776-6819
Ines Mark	Sr. Procurement Contracts Specialist	IMark@rivco.org	Office: (951) 955-4944 Cell: (951) 776-6819
Dirk Buesing	Sr. Procurement Contracts Specialist	DBuesing@rivco.org	Office: (951) 9554950 Cell: (951) 776-6819
Patricia Guerrero	Sr. Procurement Contracts Specialist	Pguerrero@rivco.org	Office: (951) 955-2986

Processing Request for Proposal (RFP) Documents

Exhibit E

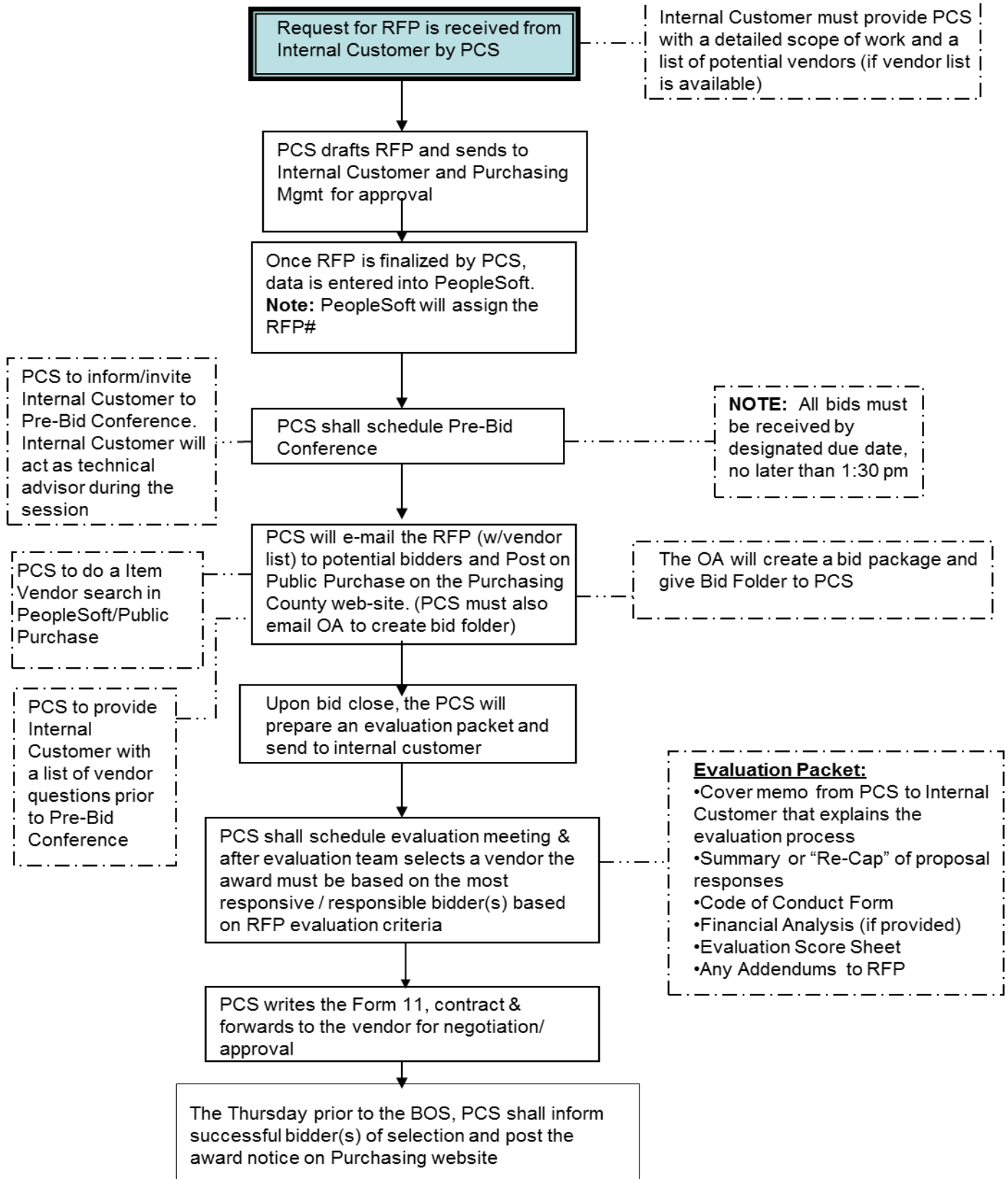


Exhibit E

