

REPEALED BY ORD NO 47

ORDINANCE NO. 19

AN ORDINANCE OF THE CONTRA COSTA COUNTY WATER DISTRICT PROVIDING FOR THE PURCHASE OF SUPPLIES AND EQUIPMENT.

The Board of Directors of the Contra Costa County Water District does ordain as follows:

Section 1: ADOPTION OF PURCHASING SYSTEM. In order to establish efficient procedures for the purchase of supplies and equipment, to secure for the District supplies and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is hereby adopted.

Section 2: PURCHASING OFFICER. There is hereby created the position of Purchasing Officer. He shall be appointed by the Board of Directors. The duties of Purchasing Officer may be combined with those of any other office or position. The Purchasing Officer shall have authority, with the concurrence of the District Manager, to:

- (a) Purchase or contract for supplies and equipment required by the District in accordance with purchasing procedures prescribed by this ordinance, such administrative regulations as the Purchasing Officer shall adopt and such other rules and regulations as shall be prescribed by the Board of Directors.
- (b) Negotiate and recommend execution of contracts for the purchase of supplies and equipment.
- (c) Act to procure for the District the needed quality in supplies and equipment at least expense to the District.
- (d) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.
- (e) Prepare and recommend to the Board of Directors rules governing the purchase of supplies and equipment for the District.
- (f) Prepare and recommend to the Board of Directors revisions and amendments to the purchasing rules.
- (g) Keep informed of current developments in the field of purchasing, prices, market conditions and new products.
- (h) Prescribe and maintain such forms as are reasonably necessary to the operation of this ordinance and other rules and regulations.
- (i) Supervise the inspection of all supplies and equipment purchased to insure conformance with specifications.

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- (j) Maintain a Bidders' List, Vendors Catalog file and records. ~~needed for the efficient operation of the Purchasing Department.~~

Section 3: BIDDING. Purchases of supplies and equipment shall be by bid procedures pursuant to Sections 4 and 5. Bidding shall be dispensed with only when an emergency requires that an order be placed with the nearest available source of supply, when the amount involved is less than ~~(two hundred dollars (\$200.00))~~, or when the commodity can be obtained from only one vendor.

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Section 4: FORMAL CONTRACT PROCEDURE. Except as otherwise provided herein, purchases and contracts for supplies and equipment of estimated value greater than ~~two thousand dollars (\$2,000.00)~~ shall be by written contract with the lowest responsible bidder pursuant to the procedure prescribed herein.

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- (a) Notice Inviting Bids. Notices inviting bids shall include a general description of the articles to be purchased, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.
 - (1) Published Notice. Notice inviting bids shall be published at least ten days before the date of opening of the bids. Notice shall be published at least once in a newspaper of general circulation, printed and published in the District.
 - (2) Bidders' List. The Purchasing Officer shall also solicit sealed bids from all responsible prospective suppliers whose names are on the Bidders' List or who have requested their names to be added thereto.
 - (3) Bulletin Board. The Purchasing Officer shall also advertise pending purchases by a notice posted on a public bulletin board in the District's office.
- (b) Bidder's Security. When deemed necessary by the Purchasing Officer, bidder's security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security; provided that a successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten (10) days after the notice of award of contract has been mailed, unless the District is responsible for the delay. The Board of Directors may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the Board of Directors awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the District to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

- (c) Bid Opening Procedure. Sealed bids shall be submitted to the Purchasing Officer and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening.
- (d) Rejection of Bids. In its discretion, the Board of Directors may reject any and all bids presented and re-advertise for bids.
- (e) Award of Contracts. Contracts shall be awarded by the Board of Directors to the lowest responsible bidder except as otherwise provided herein.
- (f) Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal and if the public interest will not permit the delay of re-advertising for bids, the Board of Directors may accept the one it chooses or accept the lowest bid made by negotiation with the tie bidders at the time of the bid opening.
- (g) Performance Bonds. The Board of Directors shall have authority to require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interests of the District. If the Board of Directors requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.

Section 5: OPEN MARKET PROCEDURE. Purchases of supplies and equipment of an estimated value in the amount of ~~two thousand dollars~~ ²⁵⁰⁰ (\$2,000.00) or less may be made by the Purchasing Officer in the open market without observing the procedure prescribed by Section 4.

- (a) Minimum Number of Bids. Open market purchases shall, wherever possible, be based on at least three bids, and shall be awarded to the lowest responsible bidder.
- (b) Notice Inviting Bids. The Purchasing Officer shall solicit bids by written requests to prospective vendors and by telephone.
- (c) Written Bids. Sealed written bids shall be submitted to the Purchasing Officer who shall keep a record of all open market orders and bids for a period of one year after the submission of bids or the placing of orders. This record, while so kept, shall be open to public inspection.

Section 6: INSPECTION AND TESTING. The Purchasing Officer shall inspect supplies and equipment delivered to determine their conformance with the specifications set forth in the order or contract. The

*or his representative
authorized by him,
(initials)*

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Purchasing Officer shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications.

Section 7: SEVERABILITY. If any section, subsection, subdivision, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would have passed this ordinance, and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

Section 8: EFFECTIVE DATE. This ordinance shall take effect and be in force thirty (30) days after its final passage and adoption.

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First read at a regular meeting of the Board of Directors of Contra Costa County Water District held April 16, 1958, and finally passed and adopted as read at a regular meeting held May 7, 1958, by the following vote:

Ayes: Directors Bollman, Olney, Richards, Thompson and Hanrahan

Noes: None

Absent: None

Cleaver Landucci
Secretary

Approved:

Robert Bollman
President