RESOLUTION NO. 22-002

RESOLUTION OF THE COMMISISON FOR THE SANTEE-LAKESIDE EMERGENCY MEDICAL SERVICES AUTHORITY TO APPROVE PURCHASING POLICY

WHEREAS, the Commission for the Santee-Lakeside Emergency Medical Services Authority ("Authority") is the governing body of the Authority; and

WHEREAS, the Board of Chiefs ("BOC") has heretofore reviewed and wishes to establish a comprehensive purchasing policy that will serve as a guideline for operation, and instructional in making related purchases; and

WHEREAS, the BOC is submitting to the Commission a purchasing policy for consideration and adoption; and

WHEREAS, the policy establishes purchasing practices, and brings the Authority in compliance with modern standards and establishes overall procedures for purchasing related activities; and

WHEREAS, an adequate purchasing policy serves as sound guidance to ensure that the Authority receive the best values for purchases, and to establish proper controls, cooperative assistance and lawful practices that is efficient and effective in obtaining the supplies and services needed.

NOW, THEREFORE, BE IT RESOLVED, the Santee-Lakeside Emergency Medical Services Authority hereby resolves, determines, and orders as follows:

SECTION 1: The above recitals are true and correct andare deemd to be findings by the Commission.

SECTION 2: The purchasing policy is hereby approved and adopted as submitted and attached hereto as Exhibit A.

PASSED and ADOPTED *by the Commission of the Santee-Lakeside Emergency Medical Services Authority, County of San Diego, State of California, on the 17th Day of November 2022, by the following vote:*

AYES: Baker, Bingham, Koval

NOES:

ABSTAIN:

ABSENT: Hall

Laura Koval
Chairperson

Janise Bocskovits
Secretary of the Commission

EXHIBIT A

SANTEE-LAKESIDE EMS AUTHORITY

Effective Date: November 17, 2022

Procurement Guidelines

1.0 Purpose and Scope

The purpose of these guidelines is to ensure best practices are met for purchases and to guide in the purchasing goods and services on behalf of the Authority. These guidelines are intended to govern standard purchasing activities in seeking the best use of Authority funds by establishing authorization levels and outlining statutory regulations.

These guidelines are not intended to address every issue, exception, or contingency that may arise in the course of purchasing activities. When applicable, the basic standard that should always prevail is to exercise good judgment in the appropriate use and stewardship of Authority resources.

2.0 Responsibility

The Chair of the Board of Chiefs and the Authority's Administrative Services Provider ("ASP") with approval of the Chair of the Board of Chiefs may purchase goods and services to be utilized by the Authority in meeting its mission in administering, funding, managing and overseeing coordination of Advanced Life Support ("ALS") ambulance transport services by the member agencies of the Authority. Purchases shall be consistent with the budget approved by the Commission. For purchases that do not require the informal or formal bidding process, the Chair of the Board of Chiefs or the ASP, as the case may be, is encouraged to research, evaluate, and assure that the best price is obtained for the items.

3.0 Procurement Objectives

3.1 **Lowest cost:** secure goods and services at the lowest cost possible consistent with quality requirements.

3.2 **Authority Level:** establish authority, responsibility and accountability for purchasing activities conducted on behalf of the Authority.

3.3 **Competitive pricing:** ensure competition and impartiality in all purchasing transactions to the maximum extent possible.

3.4 **Standards of ethical conduct and prohibited practices:** standardize procedures where appropriate to ensure that organization-wide policies and goals are achieved.

4.0 Definitions

4.1 **Formal Bidding** shall be used primarily for purchases of $10,000 or greater and requires the use of competitive bidding under the California Public Contract Codes 20812 and/or 20813, depending on which is applicable to the transaction.

4.2 **General Services** shall mean all services which are not Special Services, including the following:

(a) Maintenance or nonstructural repair of Authority buildings, structures or improvements which does not require engineering plans, specifications or design, including but not limited to unscheduled replacement of broken window panes, fire extinguisher maintenance, minor roof repairs, and pest control;

(b) Repair, modification, and maintenance of Authority equipment and software;

(c) Analysis, testing, moving, removal or disposal (other than by sale) of Authority materials, supplies, and equipment; or other tangible personal property.

(d) Replanting, care or maintenance of public grounds, including but not limited to trees, shrubbery, flowers, lawns;

(e) Provide temporary personnel services;

(f) Provide other miscellaneous services to facilitate Authority operations;

(g) Perform repair, demolition or other work required to abate nuisances;

(h) Licensing software;

(i) Leasing or renting of personal property for use by the Authority.

4.3 **Informal Bidding** shall mean a cost-effective competitive process for canvassing the marketplace to identify vendors most likely to provide appropriate supplies or services at a reasonable price and in an efficient manner.

4.4 **Lowest Responsive, Responsible Bidder** shall mean a bidder that has submitted a bid conforming in all material respects to the requirements of the bid documents, demanded the least compensation from the Authority, and, by reference to bid documents or public records, has the capability in all respects to perform fully the contract or bid requirements, and the ability, tenacity, perseverance, experience, skill, integrity, reliability, capacity, facilities, equipment, and credit which will assure good faith performance.

4.5 **Open Market Purchases** shall mean off-the-shelf purchases of items or services.

4.6 **Professional Services** shall mean all services provided by private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms, as described in Government Code section 4526.

4.7 **Public Project** shall have the same meaning set forth in California Public Contract Code section 20161 which defines "Public Project" as:

(a) A project for the erection, improvement, painting, or repair of public buildings and works;

(b) Work in or about streams, bays, waterfronts, embankments or other work for protection against overflow;

(c) Street or sewer work except maintenance or repair;

(d) Furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers.

4.8 **Purchasing and Contracting Officer** shall mean the Chair of the Board of Chiefs and/or the ASP with approval of the Chair of the Board of Chiefs authorized to approve a particular purchasing transaction or award a contract after completion of the applicable selection process.

4.9 **Request for Proposal** shall mean a written description of the goods and services the Authority desires to purchase, and which is used to solicit bids from appropriate bidders.

4.10 **Special Services** shall have the same meaning set forth in Public Contract Code section 20812 which provides that Special Services includes only "the fields of accounting, administration, ambulance, architecture, custodial, economics, engineering, finance, insurance, labor relations, law, maintenance, mechanics, medicine, planning, science, technology, and other services which are incidental to operation of the [Authority]."

4.11 **Tangible Personal Property** shall mean goods, material, supplies, vehicles, machinery, furnishings, equipment and any other tangible article; Tangible Personal Property shall not include financial instruments including bonds, stocks, certificates of deposit, or insurance.

5.0 Bidding and Purchasing Guidelines

5.1 **Open Market Purchases** do not involve any formal or informal solicitation and evaluation of competitive bids, but rather relies on the experience and judgment of the Purchasing and Contracting Officer to quickly and efficiently make the best decision among purchase sources, based on the same criteria used to determine the Lowest, Responsive, Responsible Bidder. This purchase is typically utilized for small, frequent retail items necessary for the Authority's day-to-day operations, particularly when convenience and immediate availability are critical.

5.2 **Informal Bidding** procedures require the Purchasing and Contracting Officer solicits written, faxed, e-mailed or verbal price quotations from a minimum of three (3) vendors. The solicitation may be either written or verbal, as dictated by the circumstances and judgment of the Purchasing and Contracting Officer. The bid shall be awarded to the Lowest Responsive, Responsible Bidder as defined above.

5.3 **Formal Bidding** procedures require compliance with the following:

5.3.1 **Plans and Specifications:** The Authority shall prepare plans and specifications providing adequate direction to enable any competent contractor or other builder to carry them out.

5.3.2 **Notice:** Notice requesting sealed bids shall set a date for the opening of sealed bids. The first publication or posting of the notice shall be at least ten (10) days before the date of opening the sealed bids. Notice shall be published at least twice, not less than five (5) days apart, in a newspaper of general circulation in

the Authority, or if there is none, it shall be posted in at least three public places within the Authority's boundaries.

5.3.3 **Posting Bonds:** Subject to the provisions of Chapter 5 (commencing with Section 9550) of Title 3 of Part 6 of Division 4 of the Civil Code, the Commission may require in the public notice for bids that the bidder provide bidder's security, insurance, and/or the posting of those bonds it deems desirable as condition to the filing of a bid or the letting of a contract. A surety insures the faithfulness of the bid and insures the performance of a contract. The intent is to protect the Authority from losses, damages, claims and liabilities in the event the vendor fails to execute a contract. For all Public Projects in excess of $25,000 posting of a bond shall be required.

5.3.4 **Time Stamping Bids:** Bids received shall be time-stamped by the Clerk and deposited unopened in the bid file. Any bid received subsequent to the time closing as stated on the request for bid shall be time-stamped and returned to the bidder.

5.3.5 **Tendering Bids:** Bidders shall be entitled to the return of bid security, except that a successful bidder shall forfeit its bid security upon refusal or failure to execute the contract within ten (ten) days after the notice of award has been mailed, or a time agreed upon in writing by both the successful bidder and the Authority, unless the Authority is responsible for the delay. The Purchasing and Contracting Officer may, on refusal or failure of the successful bidder to execute the contract, award the contract to the next Lowest Responsive, Responsible Bidder. The amount of the lowest bidder's forfeited security shall be applied by the Authority to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder. The successful bidder's check or bond will be held until submission of the performance bond/

5.3.6 **Cost Records:** Cost records of the work shall be kept in the manner provided in Chapter I (commencing with Section 4000) of Division 5 of Title 1 of the Government Code.

5.3.7 **Bid Opening Procedure:** In the case of construction contracts, and pursuant to the Public Contract Code, sealed bids shall be submitted to the Authority and must be identified as a sealed bid on the envelope. Sealed bids must be opened only at the time and place stated in the public notice. Assumption of all sealed bids received must be prepared by the Purchasing and Contracting Officer and must be made available for public inspection during regular business hours for a period of not less than thirty (30) days after the bid opening. The Authority shall not accept any bid unless it is in writing.

5.3.8 **Award of Bid:** If any bid is awarded, it shall be awarded to the Lowest Responsive, Responsible Bidder using the criteria defined within this resolution.

5.3.9 **Tie Bids:** Pursuant to Public Contract Code sections 20812 and 20813, if two or more bids are the same and the lowest, the Purchasing and Contracting

Officer may accept the bid of any of the Lowest Responsive, Responsible Bidders. The Purchasing and Contracting Officer may also determine by lot which bid shall be accepted.

5.3.10 **Rejection of Bids:** The Purchasing and Contracting Officer may reject any bid. If the Commission rejects all bids, it may either re-advertise or, in the case of contracts for Special Services, adopt a resolution by two-thirds vote, declaring the service can be performed more economically by the Authority or obtained at a lower price in the open market. Upon adoption of the resolution, the Commission may undertake the service contract without further complying with this section.

5.3.11 **Contractor Requirements:** Contracts authorized by the Commission shall be let only to a holder of a valid State Contractor's license unless such work is exempt from such licensing requirement by any other provision of law.

5.4 **General Service Contracts** involve the following procedures:

5.4.1 For all General Service Contracts under $10,000, no comparison shopping or bidding shall be required, and the Purchasing and Contracting officer shall utilize the Open Market Purchase process and his or her own discretion when selecting the most appropriate vendor to provide the service.

5.4.2 For all General Service Contracts of $10,000 or more, the Informal Bidding Procedure shall be utilized. Formal bidding shall not be required for contracts or purchase orders for General Services.

5.5 **Professional Service Contracts** involve the following procedures:

Consistent with Government Code section 4526, professional service contracts shall be awarded on the basis of demonstrated competence and on the professional qualifications necessary for satisfactory performance of the services required. whether a bidder is "responsible" shall be utilized when making this determination. Consistent with Government Code section 4528, the Chair of the Board of Chiefs and the ASP with approval of the Chair of the Board of Chiefs shall procure professional services by issuance of a Request for Proposals, and shall negotiate with the best qualified firms until one of the firms agrees to an amount the Chief and/or his designee determines is fair and reasonable.

5.6 **Special Service Contracts** involve the following procedures:

5.6.1 Consistent with Public Contract Code section 20812, for all Special Service Contracts under $25,000, no comparison shopping or bidding shall be required, and the Purchasing and Contracting Officer shall utilize the Open Market Purchase process and his or her own discretion when selecting the most appropriate vendor to provide the service.

5.6.2 For all Special Service Contracts above $25,000, the formal Bidding Procedure shall be utilized.

5.7 **Public Projects** involve the following procedures:

5.7.1 For all Public Projects under $10,000, informal bidding process shall be required, and the Purchasing and Contracting Officer shall utilize the Open Market Purchase Procedure and his or her own discretion when selecting the Lowest Responsive, Responsible Bidder.

5.7.2 Pursuant to Public Contract Code section 20813, for all contracts for Public Projects of $10,000 or more, the Formal Bidding Procedure and all other applicable procedures required by the Public Contract Code shall be utilized.

6.0 Exceptions to the Bidding Process

Notwithstanding the amount of the proposed contract or purchase, the open market procedure may be utilized in the following circumstances:

(a) When a patented proprietary item is being purchased.

(b) The purchase is made under the circumstances of an Emergency, as defined in the Public Contract Code section 1102 which is "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, essential public services," in which case the Authority shall comply with Public Contract Code section 22050.

(c) When the following types of personal property or services are being acquired, obtained, rented or leased: (i) advertising; (ii) books, recordings, films, subscriptions; (iii) election supplies; (iv) insurance; (v) public utility services; (vi) travel services; (vii) property or services provided by or through other governmental agencies; or obtainable from suppliers which have in force a current contract with another governmental agency for the same item or service; or (viii) property or services the price of which is fixed by law.

(d) When undergoing the purchasing procedures set forth herein would be futile, unavailing or would not produce an advantage, including when there is only one party who can provide the supplies, materials, equipment or services, examples include:

(i) Supplies, materials, or equipment that are produced only by one manufacturer or are available from only one source, such as supplies, materials, or equipment that are unique or have special design/ performance features, or characteristics that are deemed essential to the needs of the Authority as determined by the Purchasing and Contracting Officer.

(ii) Services are from a consultant with specific expertise and/ or it is essential to the needs of the Authority.

(e) Purchases of investment instruments.

(f) The Purchasing and Contracting Officer may join with other public jurisdictions in cooperative purchasing plans, programs, or master agreements, including, but not limited to, the California Communities Purchasing Program (CCPP), the California Department of General Services (CADGS), the California Multiple Award Schedule (CMAS), the National Association of Counties (NACo) or similar arrangements or plans as determined by the purchasing agent to be in the Authority's best interest.

(i) Consistent with Public Contract Code sections 10298 and 10299 when a purchase is made through a master agreement, multiple award schedule or cooperative agreement with any federal, state or local agency wherein the original agreement was properly awarded through the appropriate public bid process.

(g) The Purchasing and Contracting Officer may also buy directly from a vendor at a price established by a competitive or competitively negotiated bid by another public jurisdiction in substantial compliance with the formal purchasing procedures as provided in these Procurement Guidelines even if the Authority had not joined with that public agency in a cooperative purchase.

7.0 Purchasing Authority

The Purchasing and Contracting Officer has authority to approve the purchase of goods and services if included in the annual budget approved by the Commission valued at up to and including $50,000.00. Any purchases over $50,000.00 shall be approved by the Commission.

8.0 Prohibited Acts

In no event shall the Purchasing and Contracting Officer allow any unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration in fulfilling the requirements of these Procurement Guidelines, nor shall any individual participate in the selection process when he or she has a financial interest as defined in Government Code 87100, such as with a person or business entity seeking a contract.

9.0 Protest Procedure

After the award of any contract, any unsuccessful bidder may challenge the bid procedure by filing a written protest with the Purchasing and Contracting Officer. The protest must set forth the reasons for the challenge and must be filed within ten (10) days of the award of the contract. The Contracting Authority shall review the protest and provide a written reply in an expeditious manner. The decision of the Contracting Officer with respect to the protest shall be final. Failure to file a timely protest shall be deemed a waiver of any challenge to the selection procedure or the award of a contract. Notice of this procedure shall be included in any formal or informal Authority solicitation for the purchase of supplies, materials, equipment, or performance of services.

10.0 Splitting Orders Prohibited

Consistent with Public Contract Code sections 20116, 20123.5, 20150.11 and 22033, it shall be unlawful to split or separate purchases, orders or contracts for services into smaller quantities or amounts for the purpose of avoiding the competitive bidding provisions or the Purchasing and Contracting Officer provisions of these Procurement Guidelines.

11.0 Inspection and Testing

The Purchasing and Contracting Officer shall have the power to inspect all supplies, materials, and equipment delivered pursuant to any Authority purchase or any service provided by Authority contract to determine their conformance with the specifications for the involved supplies, materials, equipment or service. The Purchasing and Contracting Officer shall also have the power to require chemical and physical tests of samples submitted with bids and samples of deliveries, as necessary to determine their quality and conformance with specifications and applicable law.

12.0 Environmentally Preferable Purchases

The Authority seeks to maximize the environmental benefits of its activities by encouraging the purchase of services and products that minimize environmental impacts, reduce waste, and maximize recyclability and recycled content. Whenever feasible, products made from recycled material, containing environmentally preferable materials, having demonstrated water, energy or resource savings shall be specified in Authority purchasing documents. Bidders able to supply recycled products and products containing recycled and environmentally preferable materials that meet performance requirements are encouraged to offer them in bids and requests for proposals. The Commission may establish policies and procedures to promote environmentally preferable purchasing, including incentives for products with demonstrated energy, water, or other resource savings.

13.0 Digital Signatures

At its option, the Authority may use digital signatures. Digital signature means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature. The use of digital signatures shall comply with the requirements of Government Code Section 16.5, and Title 2 California Code of Regulations Sections 22000-22005.