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## **CHAPTER 1. GENERAL INFORMATION**

### **1.1. CONTROLLING REGULATIONS**

Controlling regulations for the Purchasing function are set forth in the City of Rohnert Park Municipal Code, and California Government Codes Sections 54202 and 54203. In the event of any conflict between the Purchasing Policies and the City of Rohnert Park Municipal Code and/or any City Council Resolution, then the Municipal Code or City Council Resolution shall take precedence.

- 1.1.1.** Purchasing Policies shall be modified by means of periodic Resolution of the City Council.
- 1.1.2.** Nothing within the Purchasing Policies shall be construed as requiring a department, purchaser, or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time. Additionally, nothing within the Purchasing Policies shall be construed as requiring the City, department, purchaser, or contractor to take any action that conflicts with local, State, or federal requirements.
- 1.1.3.** Purchasing procedures may be developed and/or modified to facilitate compliance with Purchasing Policies, subject to City Manager approval.
- 1.1.4.** Purchases related to the conduct of Public Projects may be subject to additional and/or different requirements, as described in these Policies.

### **1.2. ETHICS AND ACCOUNTABILITY**

Purchasing Policies are developed under the authority of Chapter 3.04 Purchasing Program of the City of Rohnert Park Municipal Code. The City Manager (or his/her designee) serves as the Purchasing Agent, and is charged with the responsibility and authority for coordinating and controlling the City's purchasing function in accordance with Purchasing Policies.

- 1.2.1** The Purchasing Agent and all departments shall adhere to the Purchasing Policies when procuring materials, supplies, equipment, vehicles and services. All purchases shall be limited to the approved budget or as otherwise authorized by City Council, City Manager, or Assistant City Manager. Purchasing dollar limits specified in the Purchasing Policies are "per order" unless otherwise indicated.
- 1.2.2** Applicable competitive bidding categories, authorization limits or contract award procedures will be based on unit cost, total purchase cost for consolidated bid items, or fiscal year aggregates in the case of standing purchase orders or similar ongoing purchasing arrangements. Staging of



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purchases to avoid competitive bidding procedures or authorization limits is prohibited.

**1.2.3** All personnel engaged in the purchasing function shall exercise good judgment in the use and stewardship of City resources, and all Purchasing functions shall be conducted with absolute integrity and objectivity. Purchases are subject to public scrutiny; employees shall follow a strict rule of personal conduct that will not compromise the City in the conduct of its business. Any employee intentionally and/or repeatedly making purchases in a manner that circumvents ignores or fails to comply with the Purchasing Policy will be subject to disciplinary action, in accordance with City Personnel procedures.

**1.3. PURCHASING AGENT RESPONSIBILITIES**

The City Manager or his/her designee shall act as the City's Purchasing Agent. The Purchasing Agent is responsible for procurement of materials, supplies, equipment, vehicles and services; administration of Purchasing Policy and procedures; and management of surplus City property. To perform these functions efficiently and assist departments, the Purchasing Agent shall:

- A.** Coordinate and manage procurement of the City's materials, supplies, equipment, vehicles and services from the lowest responsive and responsible bidder when required by the Purchasing Policies.
- B.** Ensure full and open competition on all purchases as required by the Purchasing Policies, and make purchase award recommendations to the appropriate authority.
- C.** Identify, evaluate and utilize purchasing methods that best meet the needs of the City (cooperative purchases, standing purchase orders, contractual agreements, etc.).
- D.** Recommend revisions to Purchasing Policy and procedures when necessary, and keep informed of current developments in the field of Public Purchasing.
- E.** In consultation with the Finance Director act as the City's agent in the transfer and disposal of surplus equipment and materials.

**1.4. DEPARTMENT RESPONSIBILITIES**

Each Department is responsible for facilitating prudent, efficient and cost-effective purchases. To meet these responsibilities, Departments shall:

- A.** Ensure staff is trained on the terminology and requirements set forth in the Purchasing Policy and procedures.
- B.** Each Department Head shall provide a list with sample signature to the Finance Director and Purchasing Agent of staff authorized to approve



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requisitions, blanket or standing purchase orders, authorize confirming purchase orders, invoices and the dollar limit for each individual.

- C. Minimize urgent and sole source purchases, and provide written findings and documentation when such purchases may be necessary.
- D. Prohibit splitting orders or projects for the purpose of avoiding procurement requirements or authorization limits.
- E. Anticipate requirements sufficiently in advance to allow adequate time to obtain goods in accordance with best purchasing practices.
- F. Maximize coordination of purchases to take advantage of cost savings for bulk purchases of commonly used goods and services.
- G. Identify the account from which purchases will be made and provide evidence that encumbrance appropriation are available in the budget.
- H. Provide a business justification for each purchase.
- I. Provide appropriate documentation that goods or services have been received, including properly signed off packing/receiving slips and confirmation that items have been received in good condition.
- J. Invoices related to contracts or purchases authorized by the City Council or City Manager or Assistant City Manager can be approved for payment by the Department Head or their designee.

## **CHAPTER 2. ENCUMBRANCE OF FUNDS**

Except in emergency or urgent situations, the Purchasing Agent shall not issue any Purchase Order nor shall any contract be approved for materials, supplies, equipment, vehicles or services unless there exists an unencumbered appropriation in the department budget against which said purchase or contract is to be charged. Funds shall be encumbered by means of Purchase Order for all purchases exceeding \$3,000.

## **CHAPTER 3. PURCHASING METHODS**

### **3.1 PETTY CASH**

Departments may request petty cash for use in purchasing small or immediately needed items, for expenditures that would be impractical to process through the Purchase Order system. Petty cash "banks" may be established and maintained for this purpose as authorized by the City Manager or Finance Director.

- A. Department Heads or designee shall be responsible for assuring compliance with the petty cash policy and procedures, and for the security of petty cash in the Department.



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- B. Each Department that requests a petty cash banks shall appoint a custodian of the bank that is responsible for controlling the bank and requesting reimbursement to replenish funds.
- C. Department staff may make small or urgent purchases in amounts not to exceed \$50 per request. Multiple petty cash slips shall not be used to “split” orders so as to circumvent this limit.
- D. Petty cash slips shall include the business justification for the purchase, and be signed by appropriate supervisory staff.
- E. Petty cash may not be “loaned” to any individual for any reason.

Department’s petty cash “bank” will be replenished based on submittal of signed petty cash slips and receipts to Finance for expenditures made. The Finance Department shall periodically audit Department’s petty cash “bank”.

### **3.2 CREDIT CARDS**

Under certain circumstances, use of a City credit card may be the most appropriate method for purchases.

- 3.2.1. City credit cards will be distributed on an as-needed basis to staff at the discretion of the Department Heads. Delegated spending authority will be consistent with or lower than spending limits for Purchase Orders.
- 3.2.2. City credit cards shall be utilized for purchase of supplies and materials, and shall not be used to contract for or purchase services, including professional services.
- 3.2.3. All purchases by credit card shall be shipped or delivered to a City address.
- 3.2.4. All credit card purchases must be documented in the same fashion as regular purchases including properly signed off packing/receiving slips, confirmation that goods have received in good condition and business justifications for the purchases.
- 3.2.5. If sales tax has not been paid at the time of purchase, this must be noted so that Finance can ensure that sales/use tax is paid to the State.
- 3.2.6. Use of the City credit card for personal purchases, cash advances or to purchase alcohol is prohibited.
- 3.2.7. Failure to comply with established procedures may result in discontinuance of use of the credit card by the employee/department, and may subject the employee to disciplinary action, in accordance with City Personnel procedures.



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**3.3 PURCHASE REQUISITIONS**

Departments shall submit requests for goods and equipment to the Purchasing Agent by standard Requisition Form. Signature authority for Requisitions shall be the same as that for Purchase Orders.

**3.3.1** Departments shall submit completed Requisitions for purchases in excess of \$3,000 that have yet to be made and for which the Purchasing Agent shall complete the purchase.

**3.4 PURCHASING LIMITS**

**3.4.1** Authorized approvers of Requisitions and Contracts shall be limited as indicated in the table below:

\$1 to \$1,000	Staff as delegated by Department Head
\$1 to \$3,000	Supervisor/Manager as delegated by Dept. Head
\$1 to \$15,000	Department Head, includes contracts
\$1 to \$100,000	City Manager/Assistant City Manager, includes contracts
Informal Bid Limit	City Manager/Assistant City Manager, Construction Projects threshold as defined by California Uniform Public Construction Cost Accounting Act (CUPCCAA) as set forth in Public Contract Code section 22032, as it may be amended from time to time.

**3.5 CONTRACTS FOR GOODS AND SERVICES**

**3.5.1** City contracts shall be consistent with State and federal laws, and shall be fully executed prior to the performance of any contract work. Each contract shall be approved as to form by the City Attorney, unless such contract is developed consistent with a template pre-approved as to form by the City Attorney (in which case the individual contract need not receive separate attorney approval).

**3.5.2** Contract signature authority shall be aligned with that for purchasing limits, as designated in the Rohnert Park Municipal Code, Section 3.04, and as per contract. The City Manager, Assistant City Manager or designee may execute any contract for which authorization has been granted pursuant to Ordinance, Resolution, or other action of the City Council, providing sufficient unencumbered funds exist. Contracts or Agreements related to transfer of title to real property must be signed by the Mayor or designee. Any contract made, or purported to be made, by the City in violation of this section shall be void and of no force or effect.



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**3.5.3** The term or life of an Agreement shall be set, including, e.g., dates for required performance, with dates for phase completion if applicable, as well as for overall project completion. An Agreement may be made for a project in which completion of required work extends beyond one year; such an Agreement is not considered a multi-year agreement in the context of this Policy.

**3.5.4** Multi-year agreements are encouraged for ongoing general services and consultant/professional services with a defined scope of work such as, but not limited to, janitorial and landscape maintenance, attorneys and accountants, and printing. The annual value of multi-year contracts and single year contracts with options to renew shall be considered in obtaining the appropriate signature authority. Any renewal periods for such contracts shall require a contract amendment, including proper signatures, executed prior to performance of the additional work or provision of the additional goods.

**3.5.5** The City Manager, Assistant City Manager, or designee may approve alternative selection, evaluation, and award procedures for a specific contract or class of contracts (except as provided herein), if available information demonstrates that a substantial cost savings, enhancement in quality or performance, or other public benefit will result from use of the alternative contracting method. The alternative contracting method shall meet the purpose and goals of the Purchasing Policies and shall substantially promote the public interest in a manner that could not be achieved by complying with the competitive procurement methods otherwise available under the Purchasing Policies.

**3.5.6** In event of emergency or urgent circumstances City Manager and Assistant City Manager has the authority to authorize service contracts and follow up with City Council at the earliest opportunity. Except in an emergency or urgent circumstance, as approved by the City Manager, no work shall commence, until all required contract documentation (e.g., insurance certificates and endorsements, licenses, permits) has been provided to the City.

**3.6 TYPES OF CONTRACTS**

**A. Standing Supply Agreements** - Department Heads, or designees, may negotiate Standing Supply Agreements with vendors for purchase of repetitive-use, non-capital equipment as defined in Chapter 11 “Capital Equipment” of the Purchasing Policy, items common to one or several departments. The Purchasing Agent will coordinate Standing Supply Agreements and process transactions by means of Purchase Order; signature authority and dollar values apply accordingly.

**B. Master Service Agreements** – Department Heads may establish Master Service Agreements with specific vendors to provide services over time. A





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Contract/Task Order including a written outline of the scope of work and payment terms is required for services made through Master Service Agreements; a new contract for each purchase is unnecessary. Contract dollar limits and signature authority are applicable, and requirements such as insurance and indemnification may vary depending on the type of service required. Funds shall be encumbered in an adequate amount to complete the task or order; unused funds will be unencumbered following completion of the purchase.

**C. Cooperative Purchase Agreements** - The Purchasing Agent has the authority to: join with other public jurisdictions in Cooperative Purchasing Agreements; buy directly from a vendor at a price established by competitive bidding by another public jurisdiction in substantial compliance with this document, even if the City has not joined with that public agency in a formal agreement; and, purchase from the United States of America, any state, municipality or other public corporation, or agency, without following formal purchasing procedures as defined in the Purchasing Policy. A Purchase Order is required for purchases made through Cooperative Purchase Agreements, subject to approvals and dollar limitations accordingly.

**D. Consultant and Professional Services Agreements** - The City Manager or designee shall prescribe the procedures governing the solicitation and selection of proposals, and award of consultant service Agreements, including professional services. Contracts may be awarded through a competitive or negotiated process based on solicitation of qualifications and proposals of at least three providers (which may be waived at the discretion of the City Manager or Assistant City Manager based on State law, and for sole source, urgent and emergency purchases, or as otherwise provided in the Purchasing Policy). Such procedures shall have the express purpose of obtaining contractual services of the highest quality together with the most cost-effective pricing. Proposals and/or Qualifications solicited for Professional Services shall be evaluated based on criteria other than pricing, as defined in the solicitations (such as demonstrated competence and professional qualifications), and the City may then negotiate with the most responsive and responsible vendor

For grant funded projects, the City shall follow any procurement requirements imposed under the grant agreement or required for use of grant funding. For state and federally funded transportation projects, the City shall procure architectural and engineer services agreements in accordance with the State of California Department of Transportation Local Assistance Procedures Manual, Chapter 10, as may be subsequently amended, in order to maintain eligibility for reimbursement.



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**E. Contracts for Non-Public Works Projects, Goods, and General Services-**

Contracts may be established for non-public works projects and purchases of goods and general (i.e., non-consultant) services, utilizing informal or formal processes for submission of proposals or bids. Contracts shall be developed based on the requirements for those processes as indicated in the Purchasing Policy and procedures

**F. Contracts for Public Projects -**

Accounting procedures were established by the California Uniform Public Construction Cost Accounting Commission, and are detailed in the Commission’s Accounting Policies and Procedures Manual. PCC §22000-22050 describe both the informal and formal bidding procedures, project dollar thresholds, bidding and noticing requirements, rejection of bids, the definition and procedure for emergency Public Projects, and other mandates related to CUPCCAA.

Rather than the City’s Purchasing Ordinance or Policy, Public Projects are subject to definitions, terms and conditions specified in the California Uniform Public Construction Cost Accounting Act (CUPCCAA), Public Contract Code Section 2200, *et seq.*, as may be amended from time to time. When Public Contract Code (PCC) requirements contradict City requirements, the PCC will apply. PCC § 22002(c), as may be amended, defines a “Public Project” as:

(a) "Public project" means any of the following:

- (i) *Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.*
- (ii) *Painting or repainting of any publicly owned, leased, or operated facility.*
- (iii) *In the case of a publicly owned utility system, "public project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.*

(b) "Public project" does not include maintenance work. For purposes of this section, "maintenance work" includes all of the following:

- (i) *Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.*
- (ii) *Minor repainting.*
- (iii) *Resurfacing of streets and highways at less than one inch.*



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- (iv) *Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.*
- (v) *Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.*
- (c) For purposes of this chapter, "facility" means any plant, building, structure, ground facility, utility system, subject to the limitation found in paragraph (3) of subdivision (c), real property, streets and highways, or other public work improvement.

City Council adopted Ordinance No. 710 and Resolution No. 2004-70 in March 2004, thereby electing that the City become subject to CUPCCAA. The competitive bidding process is not required for public projects less than \$3,000.

The City Manager and Assistant City Manager are authorized to award Public Project contracts solicited through CUPCCAA informal bidding processes. Contracts exceeding the informal bid limit set forth in Public Contract Code section 22032 (as it may be revised from time to time), are let in accordance with CUPCCAA formal bidding procedures, and awarded by the City Council.

In accordance with Government Code section 830.6, the City Engineer shall have authority to review and approve the plan or design of any construction work or work of improvement to public property, for contracts for construction subject to approval by the City Manager or Assistant City Manager. For contracts to be awarded by the City Council, the City Engineer shall review such plans and designs and shall recommend the approval of such plan or design by the City Council as part its of award of such contract.

PCC § 22037, as may be amended, describes the formal bidding process as follows:

*Notice inviting formal bids shall state the time and place for receiving and opening of sealed bids and distinctly describe the project. The notice shall be published at least 14 calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the jurisdiction of the public agency; or if there is no newspaper printed and published within the jurisdiction of the public agency, publication shall be by posting the notice in at least three places within the jurisdiction of the public agency as have been designated by ordinance or regulation of the public agency as places for the posting of its of its notices. The notice inviting formal*



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*bids shall also be sent electronically, if available, by either facsimile or electronic mail and mailed to all construction trade journals specified in Section 22036. The notice shall be sent at least 15 calendar days before the date of opening the bids. In addition to the notice required by this section, the public agency may give such other notice as it deems proper.*

### **3.7 CHANGE ORDERS, TASK ORDERS, AND CONTRACT AMENDMENTS**

A substantial change to a Purchase Order or Contract (i.e., pricing, terms and conditions, specifications and/or scope of work) shall be documented as a Change Order, Task Order, or Contract Amendment.

- 3.7.1** City Manager, Assistant City Manager and Department Heads may sign Change Orders, Task Orders, and Contract Amendments for purchases and contracts up to the maximum of the limits set forth in section 3.4.1.
- 3.7.2** Change Orders, Task Orders, and Contract Amendments generally should not exceed 10% of the original contract amount, unless authorized by the applicable signing authority. A new scope of work and/or a new contract may be required when the change exceeds 10% of the original amount. The individual designated in the initial Contract or Council Action shall make that decision.
- 3.7.3** A Change Order, Task Order, or Contract Amendment is not required when taxes, shipping and/or handling cause a purchase to exceed the authorized amount; the signatory limit may also be exceeded in that circumstance.

### **3.8 URGENT AND EMERGENCY PURCHASES**

Sound judgment shall be used in keeping urgent, disaster and emergency purchases to an absolute minimum. Specific procedures for managing these purchases shall apply, as determined by the Finance Director and Purchasing Agent.

- 3.8.1 Urgent Purchases** – Immediate purchases of material, supplies, equipment, and/or services may be made when an urgent circumstance (as defined in the Purchasing Policy Appendix) exists, and procurement should not be delayed by use of normal competitive and financial procedures. Urgent purchases shall be authorized by the City Manager or designee. Urgent purchases shall be followed, as soon as practical, with submission of a Confirming Requisition that includes a written justification for the purchase having been made outside normal procedures, and Council will be notified as soon as practicable. Lack of planning does not constitute justification for an urgent purchase.
- 3.8.2 Disaster and Emergency Purchases** – In a disaster or emergency (as defined in the Purchasing Policy Appendix), the City Manager or his/her



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designee may authorize deviation from the purchasing practices required by the Purchasing Policy, including, but not limited to, the immediate purchase of material, supplies, equipment, and professional services, including those in excess of his/her City Council-approved signature threshold, in the manner provided for in the Purchasing Policy Appendix.

#### **CHAPTER 4. INFORMAL COMPETITIVE PRICING – GOODS AND GENERAL SERVICES, NON-PUBLIC WORKS PROJECTS**

##### **4.1 COMPETITIVE QUOTES**

The Department or the Purchasing Agent may purchase goods and services in the open market based on evaluation of competitive quotes. A minimum of three (3) competitive quotes shall be solicited for purchases greater than \$3,000 and less than \$100,000. Requests for quotations must be made or distributed, utilizing Request for Quotation forms or alternate forms as may be approved. Written documentation of quotes must be provided.

- 4.1.1** Competitive quotes are not required for purchases below \$3,000, but shall be solicited prior to completing Purchase Orders if reasonably possible.
- 4.1.2** The City Manager/Designee may award the purchase to the lowest responsive and responsible party whose quote fulfills the intended purpose, quality, and delivery needs of the solicitation. In lieu of awarding the purchase, the City Manager/Designee may reject the quotes, or may negotiate further to obtain terms more acceptable to the City.
- 4.1.3** The City Manager/Designee may dispense with quotes in emergency and urgent circumstances, as outlined under Section 3.8 "Urgent and Emergency Purchases" of the Purchasing Policy.

#### **CHAPTER 5. FORMAL COMPETITIVE PRICING – GOODS AND GENERAL SERVICES, NON-PUBLIC WORKS PROJECTS**

When purchases are anticipated to exceed \$100,000, and/or require City Council approval, formal competitive procedures must be completed. These procedures include sealed proposals solicited through a Request for Proposal (RFP) and sealed bidding solicited through an Invitation for Bid (IFB).

##### **5.1 REQUESTS FOR PROPOSALS (RFP)**

- 5.1.1** A contract or purchase agreement may be entered into by means of sealed proposals solicited through a Request for Proposal (RFP). The Request for Proposal shall state the criteria for evaluation and the relative importance of price and other factors.



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**5.1.2** The Purchasing Agent shall determine the RFP procedures, including whether and where public notice of formal proposals shall be made. Sealed proposals shall be submitted to the Purchasing Agent by the date and time specified on the prescribed forms.

**5.1.3** No work shall be performed unless and until a contract has been executed, except under urgent and emergency circumstances as defined in this policy.

**5.2 INVITATION FOR BID (IFB)**

A contract or purchase may be entered into by means of sealed proposals solicited through an Invitation for Bid (IFB). The Purchasing Agent shall determine the procedures for IFBs for non-public projects, and no work shall be performed unless and until a Purchase Order has been issued, except under urgent and emergency circumstances as defined in the Purchasing Policy.

**CHAPTER 6. LOCAL VENDOR/BIDDER PREFERENCE**

**6.1** A bid price preference of 1% shall be granted to local vendors/bidders (those providing goods or services in the City of Rohnert Park, or elsewhere in Sonoma County); however, the preference shall not exceed \$5,000.

**6.2** Rohnert Park vendors/bidders will be given priority in the selection process over those from other Sonoma County cities if the Rohnert Park bid is evaluated equally to any of those cities. To qualify for the preference, local vendors/bidders must submit proof of the address of their principal place of business and a copy of a current City business license.

**6.3** The local vendor/bidder preference shall apply when written proposals or bids are solicited, but shall not apply to Public Projects or purchases made in cooperation with other jurisdictions. The local vendor/bidder preference will be waived when prohibited by federal, State or other law or regulation, or by conditions specified by grantors, as determined by the Purchasing Agent.

**CHAPTER 7. EXEMPTIONS FROM COMPETITIVE PRICING - GOODS AND GENERAL SERVICES, NON-PUBLIC PROJECTS**

**7.1** Purchases not readily adaptable to the open market and bidding processes may be eligible for exemption from competitive pricing. These purchases include, but are not limited to utilities, subscriptions, memberships, software licenses, advertisements, temporary services, insurance or bond premiums and travel expenses. Exemptions are restricted to those items appearing on a list maintained by the Purchasing Agent. Departments may submit written requests to the Purchasing Agent for additional exemptions, which will be approved if appropriate and added to the list.



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**7.2 Sole Source Purchases** - Upon recommendation of the Department Head, the City Manager or Assistant City Manager may waive bidding requirements for sole source purchases if he/she determines sufficient justification exists. Sole source purchases shall be coordinated by the Purchasing Agent, and may include proprietary items sold directly from the manufacturer, items that have only one distributor authorized to sell in Sonoma County, items that perform a complex or unique function or purchases when a certain product is the only one proven to be acceptable or compatible with existing equipment. Sole source purchases should be kept at a minimum, to encourage competition and more favorable prices.

**7.3 Cooperative Purchases** as defined in the Purchasing Policies are exempt from competitive pricing conducted by the City.

## **CHAPTER 8. PURCHASE SPECIFICATIONS**

**8.1** Use of brand names in specifications shall be for the purpose of describing the standard of quality, performance, and characteristics the City desires, and not be intended to limit or restrict competition. If a brand name is incorporated into a specification, a minimum of two acceptable brands shall be listed whenever possible and shall be followed by the statement "or approved equal" unless the sole source policy applies.

**8.2** Use of specifications provided by a specific manufacturer should be avoided, however, if used, the name of the manufacturer, model number, etc., should be indicated. The bid document shall clearly state that the use of the manufacturer's specifications are for the sole purpose of establishing the level of quality desired. The Purchasing Agent will determine and approve any product submitted as an "or equal."

**8.3** The Purchasing Agent may limit bidding to a specific product type or a brand name product when purchasing equipment or supplies required to be compatible with existing equipment or to perform complex or unique functions.

**8.4** Public Contract Code § 3400 requirements should be reviewed when brand names and/or manufacturer specifications are being considered for inclusion in a bid solicitation.

## **CHAPTER 9. DISPOSAL OF SURPLUS PROPERTY**

The City Manager or designee is authorized to exchange, trade-in, sell and dispose of surplus personal property having salvage value in the open market, by public auction, by competitive sealed bids or by exchange or trade in for new goods. The sale or lease of surplus personal property to a governmental, public or quasi-public agency may be without advertisement for or receipt of bids. Employees are not eligible to receive or purchase surplus property, however, employees may receive personalized items, and receive or



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purchase at market value items considered to be memorial or commemorative in nature, subject to City Manager approval.

### **9.1 PROPERTY WITH NO SALVAGE VALUE**

Surplus personal property with no salvage value, as determined by the Purchasing Agent, shall be disposed of in a manner that salvages recyclable components, if practical.

### **9.2 UNCLAIMED, SEIZED OR ABANDONED PROPERTY**

The Purchasing Agent, with City Manager approval, is authorized to sell or dispose of all goods in the possession or custody of the Department of Public Safety which are unclaimed, seized and/or abandoned and may be legally disposed of by the City.

### **9.3 REPORTING**

The Purchasing Agent shall provide reports to Finance Director indicating surplus personal property disposed of, the method of disposal, and the amounts received from disposal, and shall maintain records for public inspection relative to the disposal of surplus personal property for a period of time in compliance with State law and the City's records retention schedule.

### **9.4 DONATIONS OF SURPLUS PROPERTY**

Upon approval in advance in writing by the City Manager, surplus personal property may be donated to governmental, public or quasi-public agencies, charitable or non-profit organizations on a first-come first-served basis to be utilized for non-profit purposes.

## **CHAPTER 10. PURCHASE AND USE OF RECYCLED PRODUCTS**

In purchasing paper products (including printing and writing paper), the City shall require the following:

- (1) If fitness and quality are equal, City employees and departments shall purchase and use recycled-content paper products, that consists of at least 30 percent by fiber weight postconsumer fiber, instead of non-recycled products whenever recycled paper products are available at the same or lesser total cost than non-recycled items. Whenever recycled content paper products are procured, they shall meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12.
- (3) The City shall require that vendors certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the paper products sold to the City. This certification requirement may be waived if the percentage of postconsumer material in the paper products, printing and writing paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.





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(4) The City shall require that vendors certify in writing, on invoices or receipts provided, that the paper products offered or sold to the City is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).

(5) Provide records to the City's procurement recordkeeping designee of all paper product purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any department or employee of the City. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content paper products are provided, include a description of why recycled-content products were not procured.

### **10.1 RECYCLED PRODUCTS**

Recycled products covered under this policy include: paper (printing and copy), paper products, plastic, printer cartridges, antifreeze, glass, metal, oil, paint, solvents, tires, tire-derived products, compost and aggregate, such as those used in building construction, road construction, office products and fleet maintenance.

### **10.2 EXCEPTIONS**

Exceptions to this policy are granted under the following conditions:

- A.** The cost is greater than 105% of the cost of a comparable non-recycled product.
- B.** A recycled product option cannot be identified, after a due diligence search.
- C.** Critical performance criteria cannot be met by any recycled product.
- D.** A recycled product is not available within a reasonable amount of time.
- E.** Other exceptions as granted by consent of the City Manager or Assistant City Manager.

## **CHAPTER 11. CAPITAL EQUIPMENT**

Purchase of equipment or furniture at a unit cost of \$5,000 or greater with a useful life greater than 5 years shall be capitalized in accordance with the City's capitalization policy. A Purchase Order must be issued; Standing Purchase Orders may not be substituted. At the time of receipt, a tracking number shall be issued and affixed to the asset.

## **CHAPTER 12. INFORMATION TECHNOLOGY-RELATED PURCHASES**

To keep costs under control and assure implemented technologies work together harmoniously and meet staff needs, the City of Rohnert Park Information Technology



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Department (IT) shall standardize and control all purchases of equipment touching the Data and Telephone networks, as well as desktop computers.

- 12.1** With limited exceptions, the Information Technology Department shall include in its annual budget funding to support all cross-department technologies, and shall work cooperatively with the Purchasing Agent to identify technology vendors and purchasing methods. While the Information Technology Department may provide support for specific departmental technology needs, those needs may be funded through department budgets.
- 12.2** The list of those authorized by the City Manager or Assistant City Manager to request technology purchases shall be maintained by the Information Technology Department.

### **CHAPTER 13. RISK MANAGEMENT**

- 13.1** The Purchasing Agent shall adhere to and follow the insurance requirements and monitor compliance as established by the City's Risk Management Agency. In accordance with the type of services to be provided. The Purchasing Agent shall ensure the proper insurance requirements are included in any standard contract for services. Contracts will not be fully executed until all required insurance certificates and endorsements have been received, reviewed and approved; additional requirements may apply to Public Projects.
- 13.2** Requirements for contract bonds, such as Performance Bonds, Labor and Material Bonds and/or Fidelity Bond shall be determined by the Project Manager's Department Head, with advisement from the Purchasing Agent when required. Bonds are maintained by the project manager, and forwarded to the City Clerk's office upon contract completion. Requirements related to Public Projects may vary from those for non-public projects.

### **CHAPTER 14. CONTRACTOR'S OPERATING REQUIREMENTS**

- 14.1** Any person doing business in the City must possess a current City of Rohnert Park Business License, as required by the Rohnert Park Municipal Code.
- 14.2** Prior to contract award, the project manager shall verify that the contractor's State Contractors License is valid and in good standing, and the Contractor has not been debarred by the Federal Government. Verification shall be documented in the permanent contract file.
- 14.3** No contractor or subcontractor may be listed on a bid proposal or awarded a contract for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].



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**14.4** All contractors (including consultants and service providers) and their respective subcontractors who meet any of the following criteria shall be required to successfully pass a California Department of Justice Live Scan Fingerprinting background check conducted by the City of Rohnert Park Department of Public Safety:

- Work with children when performing on-site services
- Access City of Rohnert Park computers

Contractors shall be responsible for obtaining Live Scan Fingerprinting prior to performing work and shall bear the cost thereof at the time of fingerprinting.



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**APPENDIX – DEFINITION OF TERMS**

1. **AMENDMENT** – any change or modification in the terms and conditions of a contract, accomplished by agreement of the parties; similar function to a change order
2. **AWARD** – a contract or purchase made with a vendor that successfully completes a bidding or competitive proposal process
3. **BIDDER’S LIST** – list of responsible prospective suppliers and contractors to whom notice of Invitations for Bid on Public Projects may be delivered
4. **CHANGE ORDER** – document used to detail a substantial change to a Purchase Order or construction contract
5. **CITY** – City of Rohnert Park, California
6. **COMPETITIVE QUOTE** – verbal or written pricing quotation made by vendor(s) regarding specific purchases; typically three are required prior to purchasing item or service (also known as Informal Competitive Pricing)
7. **CONSULTANT SERVICES** – services of an advisory nature that provide a recommended course of action or personal expertise, and that have an end product which is basically a transmittal of information
8. **CONTRACT** – all types of City agreements, regardless of what they may be called, for the procurement or disposal of goods, supplies, services, professional or consulting services, or construction
9. **CONTRACTS FOR GOODS AND VARIOUS SERVICES** – for purchases of goods and services through non-pre-qualified vendors for non-public projects, utilizing informal or formal processes for submission of proposals or bids, based on the requirements for these processes
10. **CONTRACTOR** – any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier, vendor, printer, or other entity not in the employment of the City that has entered into a binding contract with the City, or serves in a subcontracting capacity with an entity having a contract with the City, to provide goods, supplies, services, professional services, construction or disposal of surplus supplies
11. **EMERGENCY PURCHASE** – purchase or service procured under circumstance of a Federal, State or City declared disaster or where a circumstance poses clear, substantial, and imminent danger (e.g., fire, flood, explosion, storm, earthquake, epidemic, riot, civil defense) and immediate action is necessary to prevent or mitigate major loss or significant impairment of life, health, property, or essential public services; procurement should not be delayed by use of normal competitive and



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financial procedures. Emergency purchases related to Public Projects must meet requirements established by CUPCCA.

12. ENCUMBRANCE – placement of a financial hold on a specified amount of funds designated for a particular purpose, prior to making a purchase or payment on a contract related to that purpose, and preventing the use of those funds for any other purpose
13. EXEMPT PURCHASE – a purchase not readily adaptable to the open market and formal bidding or competitive pricing processes, such as magazine subscriptions and membership dues; also emergency and other purchases as detailed in the Purchasing Policy
14. GENERAL SERVICES – the furnishing of labor, time or effort by a vendor primarily through use of manual or technical skills that may or may not produce a tangible commodity; e.g., janitorial work, landscape maintenance, equipment repair and service, rubbish and waste removal, clothing rental and cleaning, and minor repainting (non-public projects)
15. JOB ORDER CONTRACT – a contract competitively bid for a base year and multiple option years for Public Projects of minor construction and renovation, alterations, painting and repair of existing facilities
16. LOWEST RESPONSIBLE, RESPONSIVE BIDDER – bidder submitting the bid or proposal meeting all requirements of the specifications, terms, and conditions of the Invitation for Bids or Request for Proposal resulting in the lowest cost to the City in a total cost concept or based solely on price, taking into consideration the financial and practical ability of the vendor to perform the contract and past performance of the vendor
17. PERFORMANCE BOND – a bond issued to the City as a guarantee against the failure of a contractor to meet obligations specified in the contract
18. PROFESSIONAL SERVICES – services provided by an educated, certified or licensed specialist, or technical expert, that may be subject to procurement restrictions in accordance with State law, and City contract requirements, beyond that of regular (non-professional) consultant services
19. PURCHASE ORDER – A document representing a contract between the City and the vendor, utilized for ordering goods and services, and subject to specific signature authorities based on the dollar value of the purchase(s)
20. REQUEST FOR STATEMENT OF QUALIFICATIONS (RSQ) – document providing details regarding a desired purchase (typically a service), and soliciting qualifications from vendors



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21. REQUEST FOR PROPOSALS (RFP) – document providing details regarding a desired purchase, and soliciting pricing quotations from vendors
22. REQUEST FOR QUOTATIONS (RFQ) – process to invite suppliers to provide written or verbal pricing and/or other details regarding products and services of interest to the City; facilitating vendor comparison and purchase under the best available terms
23. SOLE SOURCE PURCHASE – commodities and services that can be obtained from only one vendor, proprietary items sold directly from the manufacturer, items that have only one distributor authorized to sell in this area, or items that perform a complex or unique function; exempt from bidding
24. SURPLUS PROPERTY – personal property which the City no longer has use for, has fully depreciated, or which has exhausted its intended life; also goods in the possession or custody of the Department of Public Safety that are unclaimed, seized and/or abandoned
25. TASK ORDER – issued under Master Agreements to secure services from the consultant as needed; include the specific scope of work required by the City, the compensation due for that specific scope of work, and any terms and conditions that may pertain solely to the task; creates a financial obligation for the City
26. URGENT PURCHASE – a purchase made when a sudden, unexpected occurrence, while not an emergency as defined in the Purchasing Policies, necessitates expedited action to prevent or mitigate loss, protect property or public health and safety, and ensure essential public services (e.g., street signal outage, heating system failure at the Senior Center in winter, off-site fire truck repair)

**REVISION HISTORY:**

Purchasing Policy amended on 5/24/2022 by Resolution 2022-052

Purchasing Policy amended on 1/11/2022 by Resolution 2022-003

Purchasing Policy passed on 6/14/2016 by Resolution 2016-51



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT/TITLE:	POLICY NO:	APPROVED BY:	APPROVAL DATE:
APPENDIX TO PURCHASING POLICY: EMERGENCY AND DISASTER PURCHASING POLICY	2.04.001 APPENDIX	<input checked="" type="checkbox"/> RESO NO: 2018-154	NOVEMBER 27, 2018

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**1. GENERAL INFORMATION**

**1.1. Purpose and Scope.**

- 1.1.1. This Emergency and Disaster Purchasing Policy (“Policy”) modifies the City’s normal purchasing practices to assure that, in exigent circumstances caused by a proclaimed Emergency or Disaster, the City is able to acquire the goods and services required to address an immediate threat to life, public health, or safety or an immediate threat of significant damage to improved public and private property while still maintaining an effective purchasing process and complying with applicable local and state purchasing laws. Where the City is included in a major disaster or emergency declared by the President of the United States, this Policy also assures that City procurements comply with federal regulations applicable to FEMA (Federal Emergency Management Agency) disaster grant reimbursement.
- 1.1.2. This Policy does not govern emergency purchases related to Public Works projects, which are subject to the procedures set forth in the Public Contract Code sections 20168 and 22050 et seq. Emergency purchases to repair or replace public facilities may proceed prior to adoption of the working details, drawing, plans, and specifications, only when in accordance with the Public Contract Code. Staff responsible for Public Projects shall be held accountable for compliance with these requirements.
- 1.1.3. For purposes of this Policy, an Emergency and Disaster shall be deemed to exist when a condition exists that presents an immediate threat to life, public health, or safety, or an immediate threat of significant damage to improved public or private property, and a local Emergency or Disaster has been proclaimed. Any purchases that do not meet the standard of being necessary for responding to an immediate threat to health, safety, or improved property shall follow the City’s regular Purchasing Policy.



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**1.2. Definitions.** For purposes of this Policy:

- 1.2.1. A proclaimed disaster or emergency exists if: (1) the Governor has declared a state of emergency for an area which includes the geographic territory of the City; or (2) the City has declared an emergency in the City in the manner provided for in Chapter 2.52 of the Rohnert Park Municipal Code.
- 1.2.2. "Director of Emergency Services" means the person designated as the director of emergency services as specified in Rohnert Park Municipal Code Section 2.52.050, as may be amended from time to time.

**2. DELEGATION OF PURCHASING AUTHORITY IN EMERGENCY**

**2.1 City Manager Authority.** In an emergency, if the City Manager or Director of Emergency Services determines that material, supplies, equipment, and/or services must be procured before the City Council is able to assemble and approve these purchases, the City Manager has authority, subject to the limitations set forth in sections 2.1.1 and 2.1.2, to approve the immediate rental or purchase of any equipment, supplies, services or other items necessary to respond to an immediate threat to health, safety or improved property.

**2.1.1 Limits of Single Purchase Authority.** The City Manager or Director of Emergency Services or his/her designee shall have the authority to make individual purchases up to and including \$500,000 on his or her signature alone. The City Manager or Director of Emergency Services or his/her designee shall have the authority to make purchases in excess of \$500,000, up to a maximum of \$1,000,000 when countersigned by the Mayor or in the Mayor's absence countersigned by another councilmember. If the Mayor or a councilmember is physically unavailable to provide a physical signature, then approval by electronic or verbal means shall be permitted and such approval shall be documented by the City Manager or Director of Emergency Services.

**2.1.2 City Council Authorization.** Nothing contained in this Policy shall limit the authority of the City Manager to make purchases and take such other emergency steps as are, or may be, authorized by the City Council, including opening a line or lines of credit to accommodate necessary purchases.

**2.2 Sub-Delegation of Purchasing Authority.** At any time that the City Manager is not available to approve purchases as allowed in this chapter, the duty shall be carried out by the Director of Emergency Services.





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**2.3 Sub-Delegation of Purchasing Authority to Department Heads.** If none of the people designated in the order of succession as Director of Emergency Services are available, and the delay in getting his/her signature would pose an immediate threat to health, safety, or improved property, the City Department Directors (including Public Safety, Public Works, Human Resources, Development Services, and Finance) or his/her designee, shall each have authority to procure in accordance with other requirements of this Policy any equipment, supplies, services, or other items necessary for his or her department to respond to the immediate threat to health, safety, or improved property, up to a maximum of \$100,000.

## 3. PROCUREMENT PROCEDURES

### 3.1 Compliance with Federal Regulations.

All purchases made under this Policy shall comply with the applicable provisions of 2 CFR Part 200, as those regulations may be amended from time to time.

### 3.2 Requisition.

3.2.1 **Competition.** All procurements must be conducted in a manner that promotes full and open competition.

3.2.2 **Procurement Methods.** The following methods of procurement may be utilized by the City Manager or Director of Emergency Services or his/her designee using the methods of procurement set forth in 2 CFR section 200.320, as may be subsequently amended from time to time. At the time of adoption of this Policy, the federal procurement thresholds, as set forth in 2 C.F.R. section 200.320 are:

Under \$10,000      Micro-Purchases: no solicitation required so long as the price is deemed reasonable.

\$10,000 to \$250,000      Small Purchases: informal procurement required via receipt of an adequate number of price quotes.

\$250,001 and above      Sealed Bids or Competitive Proposals.  
  
Sealed Bids: require formal advertising, two or more bidders are willing and able to respond, and a public opening of the bids. A fixed price contract is awarded to lowest responsive and responsible bidder.



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Competitive Proposals: when sealed bids is not appropriate, requires advertising, includes a written method for conducting the technical evaluation, and responses must be solicited from an adequate number of qualified sources, normally more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded.

**3.3 Non-Competitive Purchasing.** Procurement by solicitation from a single source is allowable only when one or more of the following situations apply: (1) the item is available only through a single source; (2) public exigency or emergency will not permit delay required from competitive solicitation; (3) the purchase will be reimbursed from a federal grant, and the federal awarding agency or pass-through entity has expressly authorized a noncompetitive process; (4) after solicitation of a number of sources, competition is deemed inadequate.

**3.4 Justification of Non-Competitive Purchasing.** Any use of non-competitive purchasing shall be justified and documented prior to purchase.

3.4.1 The City Manager or Director of Emergency Services may determine procurement by non-competitive purchasing is appropriate if sufficient justification exists.

3.4.2 If the decision to use non-competitive purchasing is solely based on public exigency or emergency, then the procurement should be limited to that which must be performed immediately, allowing subsequent procurement by competitive proposals. Examples of such acquisitions include, but are not limited to: (1) placement of emergency protective measures; (2) procurement of scarce commodities, goods, or services; or (3) acquisition or rental of emergency equipment, emergency consulting services, emergency road clearance or other emergency requirements.

**3.5 Solicitation Procedures for Non-Competitive Proposals.** Even where exempt from competitive solicitation, telephonic or other electronic bid solicitation from potential vendors or suppliers, in lieu of written and/or sealed bids, shall be conducted in an effort to obtain multiple competitive proposals, when and if time allows in light of the exigent circumstances. If reimbursement under a federal grant award is anticipated for the purchase, then in accordance with 2 CFR section 200.323, the City Manager or the Director of Emergency Services shall ensure that profit is negotiated as a separate element of the price for each contract in which there is no price competition.



# CITY OF ROHNERT PARK

## CITY COUNCIL POLICY

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### 3.6 Solicitation Requirements for Competitive Proposals.

- 3.6.1 **Locations of Postings for Requests for Proposals or Solicitation of Bids.** The City Manager or the Director of Emergency Services may waive requirements for public posting of requests for proposals or solicitation of bids, provided the invitation for bids or request for proposals is advertised or publicized. Notices soliciting bids or requests for proposals may be posted at the Emergency Operations Center or Alternate Emergency Operations Center, if the primary Emergency Operations Center is not being used.
- 3.6.2 **Length of Time for Posting Requests for Proposals or Solicitation of Bids.** The City Manager or the Director of Emergency Services may shorten any bid period to expedite the award of contracts for emergency equipment, goods, or services, and should seek to assure that the shortened bid period allows multiple suppliers to submit bids.
- 3.6.3 **Number of Bids Required.** Solicited bids that are non-responsive shall count towards the minimum numbers of bids required when there is a declared Emergency and Disaster in the City.

**3.7 Contract Price Analysis.** For a purchase over \$250,000, if reimbursement under a federal grant award is anticipated, the City Manager or the Director of Emergency Services shall ensure that a cost or price analysis in accordance with 2 CFR section 200.323 is performed prior to receiving bids or proposals, and that profit is negotiated as a separate element of the price for each contract.

## 4. REPORTING AND CONTRACTING

- 4.1 **Reporting.** As soon as reasonably possible after purchases are made pursuant to this Policy, the Director of Emergency Services or department head shall submit to the Finance Director, or his or her designee, a requisition and notation that the commodity has been ordered on an emergency basis from the vendor designated together with justification **for the purchase having been made pursuant to this Policy.** Upon receipt of requisitions, the Finance Director, Purchasing Agent, or his/her designee, shall prepare purchase orders for the emergency equipment, supplies, services, or other items in accordance with the requirements of this Policy.
- 4.2 **City Council Notification.** The Finance Director or his/her designee, shall inform the City Council, at its next regular or special meeting or as soon as reasonably possible thereafter, of any purchases made in excess of \$100,000, or whenever the aggregate of purchases is greater than \$500,000.



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- 4.3 **Public Posting of Contract Awards.** All contracts awarded that exceed \$100,000 shall be provided to the City Council within thirty (30) days of award, and thereafter shall be publicly posted.
- 4.4 **Authority to Cancel Emergency Procurements.** Any purchase order or contract procured under this Policy shall include a provision indicating that the City has the authority to rescind or terminate a contract for non-performance when a contractor or vendor, once awarded a contract, is unable to perform under the terms of the contract and the resulting delay or non-performance presents an immediate threat to health, safety, or improved property.
- 4.5 **Requirement for Separate Invoicing.** All contracts and purchase orders made under this Policy shall require separate invoicing from routine (non-disaster related) purchases, and require invoices to state the goods, services, or equipment provided and shall specify the location where the goods or services were delivered.
- 4.6 **Mandatory Federal Terms.** If reimbursement under a federal grant award is anticipated for a purchase, then the purchase orders or contract for such purchase shall contain all provisions required under 2 CFR section 200.326.