

**CHAPTER 3**  
**POLICIES, PROCEDURES AND BIDDING REGULATIONS**  
**GOVERNING PURCHASE OF SUPPLIES AND EQUIPMENT BY LAS**  
**GALLINAS VALLEY SANITARY DISTRICT**

PURPOSE. The purpose of these regulations is to adopt policies and procedures governing purchases of supplies, equipment and contractual services by the Las Gallinas Valley Sanitary District in accordance with Article 7, of Chapter 5, of Part I, of Division 2, of Title 5 of the Government Code. These regulations are not intended to conflict with applicable provisions of state law and shall be interpreted as supplementary thereto.

ARTICLE I. DEFINITIONS

Section 101. Except as otherwise specified herein, all definitions from Title 1, Chapter 1, Article II, shall apply herein.

ARTICLE II. PURCHASES

Section 201. Purchases By District. The purchase of supplies and equipment for the District or any department, office or other organizational unit thereof shall be made in conformity with the applicable provisions of the current purchasing policies in Policy F-90 of the District's codified Policies and Procedures Manual.

Section 202. Purchases By the Governing Body of District. The General Manager shall submit to the Board requests for purchase of equipment and/or supplies in amounts that exceed the purchasing authority limits set by Policy F-90. If the amount of expenditures is estimated to exceed the General Manager purchasing authority, bids shall be solicited by public notice, followed by award by the governing body of the District, except where it is exempted by state law or allowed by the Uniform Public Construction Cost Accounting Act (UPCCAA). The method and extent of public notice shall be prescribed by the District Counsel. All bids shall be submitted sealed to the District. The Board may reject any or all bids for any or all supplies and equipment. A tabulation of all bids received, whether accepted or rejected, shall be open for public inspection for a period of not less than thirty (30) days after the bid opening. In all cases, the award shall be made to the lowest responsible bidder. In determining the lowest bidder, the governing body of District shall take into consideration the quality offered and its conformity with the specifications, the delivery and discount terms and

conditions of the bid and other information and data required to prove their responsibility. However, price and quality being equal, preference may be given to responsible local bidders.

Section 203. Contractual Services. Requests for contractual services by the General Manager or any department, office or other organizational unit of District shall be submitted to the Board who may negotiate contracts or delegate negotiations for such services as it determines are necessary. Contract execution and retention of consultants is guided by the procedures established in Policy F-90 of the District.

Section 204. Emergency Purchases. Emergency purchases may be authorized by the General Manager, or their designee, when the supplies or equipment so purchased are necessary for the preservation of life or property. Such emergency purchases shall be submitted to the Board for ratification at its next regular meeting.

Section 205. Gratuities. The acceptance of any gratuity in the form of cash, merchandise, or any other thing of value by an official or any employee of the District from a vendor or contractor, or prospective vendor or contractor, shall be a cause for disciplinary action.

Section 206. Unlawful Purchases. Except as otherwise provided by law and subject to prior approval by the Board, no purchase or supplies, equipment or contractual services shall be made in excess of the amount of the appropriations allowed by the budget.

Section 207. Necessary Unique or Sole Source Purchases. Regardless of the requirements of Sections 201 and 202, above, in the event that it is necessary to purchase equipment or supplies that is/are unique or can only be purchased from a sole source, manufacturer or supplier, regardless if said equipment and/or supplies is/are new, used or custom-made, in accordance with § 3400 of the Cal. Public Contract Code, the General Manager or the District Board shall make findings that said Sole Source Purchase is necessary for any of the following purposes:

- a. In order that a field test or experiment may be made to determine the products suitability for future use;
- b. In order to match other products in use on a particular public improvement either completed or in the course of completion;
- c. In order to obtain a necessary item that is only available from one source;
- d. In order to respond to an emergency:

- 1) Declared by the Board and approved by a four-fifths vote of the Board; or
  - 2) Declared by the state, a state agency, or political subdivision of the state and only if the reasons for the finding of the emergency are set forth in the minutes of a meeting of the Board approving the resolution;
- e. The proposed equipment or supplies conforms with the requirements and/or specifications of the District;

The General Manager may approve sole source purchases within his purchasing authority and the District Board may approve the purchase of said equipment or supplies without compliance with the competitive bidding or notice procedures thereof pursuant to Section 202, above, or State law.