



City of Yuba City
Procurement Manual



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CITY OF YUBA CITY PURCHASING POLICIES AND PROCEDURES

Effective April 21, 2008

SECTION 1: PURPOSE AND POLICY STATEMENT

1-1. Purpose:

- 1-1.1 The purpose of these Policies and Procedures is to provide the City of Yuba City a means of assuring continuity and uniformity in its purchasing practices; to define the responsibilities of the Finance Department, operating departments, Engineering Division, and City Clerk, and to develop a Purchasing Manual.
- 1-1.2 Guidelines for purchasing materials, supplies and services are provided herein and the “City of Yuba City Procurement Card Policies and Procedures Handbook” which are available on CityNET.

1.2. Policy Statement:

- 1-2.1 The policies and procedures contained herein are promulgated under the authority of the Yuba City Municipal Code Title 2, Chapter 6, Section 24, which state: “The Purchasing Officer shall establish, and from time to time amend, all rules and regulations authorized by this chapter and others necessary to its operation. Such rules and regulations, and amendments thereto, shall be subject to the approval of the Council by resolution.”
- 1-2.2 The Finance Department is charged with the responsibility and authority for coordinating and managing the procurement of the City’s materials, supplies, and services.
- 1-2.3 Procedures outlined herein are to be followed by the Finance Department and operating departments when procuring materials, supplies, and services.

SECTION 2: GIFTS AND UNAUTHORIZED PURCHASES

2-1. Gifts and Special Considerations:

- 2-1.1 Employees of the Finance Department shall not procure or assist in procuring any materials, supplies, services or equipment for the personal use of any employee, officer or official of the City.
- 2-1.2 City employees, officers or officials by virtue of position are not entitled to any special consideration from vendors and merchants in their personal

affairs. Nor are they to attempt to procure materials for the personal use or any other person.

2-1.3 City employees shall not solicit or accept gifts, entertainment, or anything more than \$50.00 in value from vendors or others. Examples of acceptable gifts might include pencils, scratch pads, other advertising supplies.

2-2. Unauthorized Purchases:

2-2.1 Except for procurement card purchases, emergencies or other authorized exemptions, no purchases shall be made without an authorized Purchase Order number.

2-2.2 Such purchases are void and not considered an obligation of the City.

2-2.3 Invoices without an authorized Purchase Order number may be returned to the vendor unpaid. Procurement card purchases are exempt from this requirement.

2-2.4 The person ordering the unauthorized purchase may be held personally liable for the costs of the purchase or contract.

2-2.5 Purchase Order numbers shall be given to a vendor when ordering goods and services and not “after-the-fact” for completed work or material received.

2-2.6 Purchase Order numbers shall be provided to a vendor at time of purchase thereby, verifying the purchase is authorized and enabling the vendor to invoice the City and to reference the Purchase Order number on the invoice.

SECTION 3: RESPONSIBILITIES OF THE Finance Department

3-1. Finance shall perform the purchasing functions efficiently, assist operating departments, and is charged with the following responsibilities:

3-1.1 Maintain open communications with operating departments.

3-1.2 Coordinate department/division requisitions.

3-1.3 Purchase materials, supplies and services required by any department/division.

3-1.4 Follow-up, expedite, and resolve problems with orders as requested.

- 3-1.5 Identify, evaluate and utilize purchasing arrangements which best meet the needs of the City (e. g., cooperative purchases, Blanket Purchase Orders, contractual agreements, etc.) Finance Department may participate in purchases and contracts established by other political jurisdictions.
- 3-1.6 Assist operating departments with research and recommendations in developing specifications, to review specifications for completeness of information, and for open and competitive language.
- 3-1.7 Coordinate and establish vendor relations, locate vendors, and evaluate vendor performance, bids, and responses.
- 3-1.8 Recommend revisions to purchasing procedures when necessary and to keep informed of current developments in the field of purchasing.
- 3-1.9 Act as the City's agent in the disposal and transfer of surplus materials.
- 3-1.10 Prescribe and maintain all forms and records necessary for efficient operation.
- 3-1.11 Strive to obtain the highest quality goods consistent with operational needs, from the most responsible bidder, offering a price that is the most advantageous to the City.
- 3-2.** The Purchasing Officer or his/her designee shall:
 - 3-2.1 Be charged with the responsibility and authority for coordinating and managing the procurement of the City's materials, supplies, and services.
 - 3-2.2 Negotiate, purchase and/or contract for the City, the needed quality in equipment, supplies and services from the lowest responsible bidder.
 - 3-2.3 Endeavor to promote full and open competition on purchases.
 - 3-2.4 Monitor and ensure (or caused to be) that no single professional services provider/consultant/ vendor is paid more than \$50,000 without prior Council authorization.
 - 3-2.5 Revise and maintain these Policies and Procedures as needed to ensure code compliance and protect the interest of the City of Yuba City.

SECTION 4: RESPONSIBILITIES OF PUBLIC CONTRACT CODE IMPLEMENTATION

4-1. The City’s Engineering Division of Public Works Department is the focal point for all “Public Projects”. The City’s Finance Department will routinely complete public projects below the formal bid thresholds for facility maintenance.

4-2. Engineering Division will:

4-2.1 Maintain a bid numbering system to be used citywide for all informal and formal Public Contract Code bids.

4-2.2 Maintain the City’s required public record for all Public Contract Code bids.

4-2.3 Mail a written notice in November, of each year, to exchange houses in accordance with the Cost Accounting Polices and Procedures Manual of the California Uniform Public Construction Cost Accounting Commission.

4-2.4 Maintain a Public Works Construction Projects formal and informal bidding matrix.

4-2.5 Assign a project lead for all Public Works formal bid projects being conducted for the City.

4-2.6 Have a representative attend their bid opening to be held publicly.

4-3. Finance Department will:

4-3.1 Maintain an internet based vendor and contractor bidders list.

4-3.2 Provide all required documents for the public record filing on informally bid projects to the Engineering Division for any project bid by Finance.

4-3.3 Have a representative attend bid opening to be held publicly on any Finance bid project.

SECTION 5: BIDDING RESPONSIBILITIES OF CITY CLERK

5-1. Office of the City Clerk will:

5-1.1 Receive and hold both Finance formal and Public Contract Code bids over \$50,000 prior to the bid opening.

5-1.2 Date and time stamp bids at the time of receipt. Bids will also be logged into a logging system devised by the Office of the Clerk.

- 5-1.3 Open and read bids publicly at the location, date and time specified.
- 5-1.4 Maintain and publicly post the official bid clock; the clock shall be clearly visible and marked.

SECTION 6: RESPONSIBILITIES OF OPERATING DEPARTMENTS

- 6-1.** Operating departments shall:
 - 6-1.1 Maintain open communications with Finance Department.
 - 6-1.2 Monitor and inform Finance of any problems with vendor relations, shipping, (e.g., damaged goods, late delivery, wrong items delivered, incorrect quantity delivered, etc.) and any situations and/or concerns which should be brought to the attention of Finance allowing them to follow-up and resolve the problem.
 - 6-1.3 Provide annually, an authorized signature list to the Purchasing Officer or his/her designee designating those individuals who are delegated the authority to sign Purchase Orders, Request for Payment forms, and sign and verify invoices eligible for payment. The department head shall provide this authorized signature list on the form provided on the CityNet.
 - 6-1.4 Anticipate requirements sufficiently in advance, allowing the Finance Division adequate time to obtain materials, supplies, and services in accordance with the best purchasing practices.
 - 6-1.5 Communicate and coordinate with the Finance Division prior to requesting demonstrations and pricing from vendors.
 - 6-1.6 Provide detailed and accurate specifications to ensure materials, supplies, and services obtained are consistent with expectations and requirements.
 - 6-1.7 Prepare Purchase Orders/Requisitions carefully and properly in accordance with instructions.
 - 6-1.8 Minimize emergency and sole source purchases and when such purchases are necessary, each department will fully comply with the municipal code and this policy, including obtaining City Council or City Manager approval whenever necessary.
 - 6-1.9 Make written recommendations as required, for the lowest responsible bidder/proposer, based upon specification criteria; as well as, perform reference checks to assist in determining lowest responsible bidder/proposer.

SECTION 7: VENDOR RELATIONS

- 7-1.** It is to the City's advantage to maintain and promote good relations with suppliers. The City's vendor relations reflect the public image of the City organization. Purchasing and the operating departments are responsible to promote fairness, integrity, courtesy, and goodwill in their vendor relations.
- 7-2.** The Finance Division will normally serve as an intermediary between departments and vendors, interviewing vendors, arranging interviews with City staff, obtaining prices, catalogs, samples and general information on commodities. It may be to the advantage of the operating departments to make direct contact with vendors for such purposes as obtaining technical information and cost estimates for planning purposes.

SECTION 8: PURCHASING PROCEDURES

- 8-1.** The following procedures are established to provide efficient methods for purchasing materials, supplies, and services.
- 8.2 Bidding Limits - Supplies and Technical/Maintenance Services:**
- 8-2.1** Bidding limits are "per order" and are not to be split to circumvent the specified limits. Departments should contact Purchasing to coordinate volume bids of repetitive requirements (e.g., frequent purchases of chemicals, repairs, etc.). Repetitive requirements will be bid according to the estimated annual purchase volume.
- 8-2.2** Bidding limits refers to supplies and technical/maintenance services and do not include professional/consultant services (see Section 8-6).

The bidding limits are below.

- 8-2.3. UP TO \$1,000 (\$0.01 up to \$1,000.00):**
- Procurement Card is the preferred purchasing method.
 - Operating departments may make direct purchases up to a value of \$1,000.00 (including all charges i.e. sales tax, freight charges, etc.).
 - Purchaser can utilize the Procurement Card or Purchase Order systems. (Petty cash can only be used for purchases less than \$50.00).
 - City employee may be authorized by their department head to purchase items on Small Purchase Order or by Procurement Card.

- Items purchased under this method are not to be split in order to obtain materials, supplies, and services that exceed the \$1,000.000 limit (including all charges i.e. sales tax, freight charges, etc.).
- Department heads shall be responsible for monitoring and controlling the use of the Procurement Card and Small Purchase Order systems.
- This is a decentralized process that does not require bidding.
- Competitive quotations are not required, although encouraged whenever possible.

8-2.4

\$1,000.01 up to \$5,000.00:

- Purchase Orders are the preferred purchasing method.
- Operating Departments or Finance obtains three quotations.
- Competitive quotations are required through the informal bid process.
- User departments may submit a requisition form for Finance to obtain competitive quotations or may obtain quotations directly from the vendors.
- City departments may purchase equipment, materials and services up to a value of \$5,000.00 (including all charges i.e. sales tax, freight charges, etc.) without going to formal bid, providing they have obtained, documented, and maintained, as part of their department files for a public record, in accordance with the City’s public record retention policy, a minimum of three price quotes.
- Items purchased under this method are not to be split in order to obtain equipment, materials or services that exceed the \$5,000.00 limit.
- Sole source written justification (using Sole Source Form) is required if competitive quotes are not used; sole source form will be maintained by Finance.
- When user departments obtain bids directly, the user department shall submit a completed requisition with all attachments. Attachments shall include competitive prices, names, addresses, and telephone numbers of at least three vendors contacted. Also, the attachments shall include specifications and insurance requirements, when applicable. Finance shall review attachments and may contact other sources for additional quotations. Finance will issue the Purchase Order or provide an authorized Purchase Order number to the requesting department upon completion of all information. This process may be completed electronically.

8-2.5

\$5,000.01 up to \$25,000.00:

- Purchase Order is the purchasing method to be used.
- Operating Departments or Finance Division obtains three quotations; user departments may submit a requisition form for Finance to obtain competitive quotations or may obtain quotations directly from the vendor.
- Competitive quotations are required and the “Request for Quote” form must be used.

- Sole source written justification is required if competitive quotes are not used.
- Formal bid is not required.
- Records of the written quotations or sole source justification are to be forwarded to the Finance Division for approval prior to the issuance of a Purchase Order. These records will be maintained along with a copy of the Purchase Order as a public record in accordance with the City's retention guidelines.
- Requires approval by Finance Director.
- Items purchased under this method are not to be split in order to obtain equipment, materials or services that exceed the \$25,000.00 limit.

8-2.6 **\$25,000.01 up to \$50,000.00:**

- Purchase Order is the purchasing method to be used.
- Finance Division obtains three quotations or may delegate authority to operating departments.
- Competitive quotations are required and the "Request for Quote" form must be used.
- Sole source written justification is required if competitive quotes are not used; sole source justification which must be approved by the Finance Director, requesting department head, and City Manager.
- Records of the written quotations or sole source justification are to be forwarded to the Finance Division for approval prior to the issuance of a Purchase Order. These records will be maintained along with a copy of the Purchase Order as a public record in accordance with the City's retention guidelines.
- Formal bid is not required.
- Items purchased under this method are not to be split in order to obtain equipment, materials or services that exceed the \$50,000.00 limit.
- Purchases in this category require City Manager approval.

8-2.7 **OVER \$50,000.00:**

- Finance Division obtains competitive quotations.
- Competitive bidding is required unless otherwise authorized in these Policies and Procedures.
- Sole source written justification can be used in certain circumstances (requires City Council approval).
- Formal bid process is required.
- City Council approval is required.

8-2.8 **Purchase Exceptions:**

Only the City Finance Division is exclusively authorized to contract for purchase of the following equipment, material and services:

- a) New or replacement vehicles or equipment.
- b) Items purchased from State Contracts.

- c) Goods and services obtained through City contracts serving multiple sites or departments.
- d) Computer hardware and software (through the Information Technology Division).
- e) Office supplies.
- f) Other items as may be determined in the future.

8-2.9 **CDBG and Other Applicable Federal Grants:**

In compliance with the City's Community Development Block Grant, HOME funds, and other applicable Federal funds, procurement procedures shall comply with Federal regulations, 24CFR85.36.

8-3. **Formal and Informal Bids/Proposals:**

The complexity of materials, supplies, and/or services required along with the cost determines whether or not a formal or informal quotation process will be used. Standard, less complex specifications may be processed through the informal bidding process, while more complex specifications and negotiated procurements may require the formal bidding/proposal process. Finance shall determine which process is most appropriate for each procurement.

8-3.1 **Informal Bids:**

Informal bids which are written or verbal quotations for less complex goods, and services generally for dollar amounts up to \$50,000.00, do not require a formal closing time/date or public bid opening. Public Works projects as defined by the Uniform Construction Cost Accounting Act shall be awarded in accordance with the City's Municipal Code and the Public Contract Code.

8-3.2 **Formal Bids:**

Formal quotations are written bids or proposals requiring a formal closing time/date. Public notices are posted on a public bulletin board and/or may be advertised in the newspaper. Public Notice advertisements requesting invitations for bid will be published in the local newspaper at least 2 times. The first insertion must be at least ten days prior to the opening of the bids. Formal bids are opened in public and formal proposals are made public upon execution of a signed contract. The formal proposal process may be used in procurements involving complicated and performance-type specifications that may require involved negotiations or communications with vendors to clarify proposals submitted. The proposal process should be utilized in negotiated procurements or those procurements where the answer to a certain approach or a specific item necessary to satisfy the City's needs is unknown. All purchases over \$50,000.00 require a formal process. Formal bids for Public Works projects shall be done in accordance with Public Contract Code Section 22037.

- 8-3.3 **Late Formal Bids/Proposals:**
Formal bids and Public Contract Code informal bids over \$50,000 submitted after the designated closing time shall be returned as unacceptable. Due to the confidential nature of the proposal process, late proposals shall only be accepted upon recommendation by the Purchasing Officer or his/her designee and approval by the City Clerk.
- 8-4 **Blanket Purchase Orders:**
Blanket Purchase Orders may be issued at the discretion of the Purchasing Officer or his/her designee. Blanket Purchase Orders would include certain repetitive-use items which may be better purchased on an annual contractual basis.
- 8-5 **Change Orders and Termination of Purchase Orders:**
The department will notify Finance when initiating Change Orders which alter the purchase category. Taxes, shipping, handling and other such charges may exceed the authorized Purchase Order amount and therefore do not require a Change Order. Terminated Purchase Orders must be forwarded to Finance and Accounts Payable. The City Manager will approve any Change Orders that have the Purchase Order total amount exceeding \$25,000 and up to \$50,000. Change Orders cannot be requested that exceed Council approved appropriations or Council Contract award amounts.
- 8-6 **Professional Services:**
- 8-6.1 **Definition:**
Those services by independent contractors such as legal, engineering, programming, planning, environmental, economic, financial, testing, specialized temporary employee services, medical, dental, accounting, surveying, landscape architecture, advertising, design, etc., are to be considered to be “Professional Services”. This may also include services requiring peculiar or other specialized abilities and by State Law do not require competitive bidding.
- 8-6.2 **Decentralized:**
Contracting for professional services is decentralized and shall be the responsibility of each applicable department head.
- 8-6.3 **Solicitation of Proposals:**
Solicitation of professional service proposals is the responsibility of the operating departments. The Finance Division may be contacted to assist in the formal request for proposal process.
- 8-6.4 **Selection of Consultant:**

Contracts negotiated by the City for professional services will be based on demonstrated competence, professional qualifications for the services required, availability, and fair and reasonable cost. Competitive bidding is encouraged whenever possible. However, it is not mandatory.

8-6.5 **Contracts/Agreements:**

When professional service contracts do not exceed \$50,000, departments shall use the “Standard Form Contract for Professional Services”. Professional service contracts/agreements over \$50,000 require a professional services contract/agreements approved by the City Attorney.

8-6.6 **City Attorney Review and Approval:**

The City Attorney shall review and approve as to form: (1) All professional services contracts over \$50,000; (2) All professional services contracts which are to go to City Council for approval; and (3) All additions/deletions/changes to the “Standard Form Contract for Professional Services” for agreements less than \$50,000; and (4) The City Attorney shall review any contract provided by a vendor for use in place of the City standard form contract for professional services.

8-6.7 **Dollar Limits — Professional/Consultant Services:**

Specified dollar limits are per provider per fiscal year and are not to be split to circumvent the determined limits.

8-6.7.1 **Contracts of \$25,000 or Less:**

Operating departments should, whenever possible, contact three (3) consultants/firms, select the most qualified firm based on demonstrated competence, professional qualifications, availability, and fair and reasonable cost. Written justification shall be provided regarding the selection of the successful proposer. Contacting three (3) firms, although encouraged, is not required for contracts \$15,000 or less. Department heads are authorized to sign professional service contracts totaling \$25,000 or less.

8-6.7.2 **Contracts \$25,000.01 up to \$50,000:**

Operating departments should, whenever possible, contact three (3) consultants/firms, select the most qualified firm based on demonstrated competence, professional qualifications, availability, and fair and reasonable cost. Written justification shall be provided regarding the selection of the successful proposer. The City Manager is authorized to sign professional service contracts totaling \$50,000 or less.

No provider/consultant/vendor shall be awarded more than \$50,000 of professional services contracts for the City as a whole without prior Council authorization.

8-6.7.3 **Contracts Over \$50,000:**

Operating departments shall solicit written proposals and negotiate with a minimum of three (3) consultants/firms, whenever possible. Selection shall be based on demonstrated competence, professional qualifications, availability, and fair and reasonable cost. Written justification shall be provided regarding the selection of the successful proposer. When firms submitting proposals have been previously interviewed, selection may be made based on the City's previous knowledge of the firm's qualifications and experience. Professional service contracts over \$50,000 require City Council approval.

8-6.7.4

Operating Department Responsibilities:

- a) Prepare specifications, scope of work.
- b) Solicit, review and select qualified consultant/firm.
- c) Provide written documentation justifying selection of the successful consultant/firm.
- d) Prepare a City professional services contract.
- e) Submit the contract to the City Attorney for review and approval, if applicable.
- f) Secure and review required insurance certificates for conformance to City contract requirements. (insurance requirements available on CityNET).
- g) If between \$25,000.01 and \$50,000 obtain City Manager approval.
- h) If over \$50,000 obtain Council approval.
- i) Secure all necessary signatures on the contract.
- j) Submit requisition to Finance to issue a purchase order.
- k) Compile all exhibits/attachments described or referenced in the contract.
- l) Submit Original signed contract complete with exhibits and attachments to the City Clerk.
- m) Provide the consulting firm a signed copy of the contract.

8-7.

Technical/Maintenance Services:

Services of a more technical nature (as opposed to professional/ consultant services) involve limited discretionary judgment and shall require competitive bids or proposals. Such services would include preventive maintenance services, janitorial services, landscape maintenance, etc. See Section 8-2 for bidding procedures.

8-8.

Bidding may be dispensed with When:

8-8.1

The cost of materials, supplies, or services is under \$1,000.01.

8-8.2

When contracting for professional/consultant service, such contracts are not competitively bid, but shall be negotiated with the most qualified proposer. Refer to Section 8-6.

8-8.3 When it is in the best interest of the City to negotiate an extension of an existing contract for supplies or technical services, based upon satisfactory performance, such negotiated price must be fair and reasonable. This shall also apply to products or services purchased through prior recent bidding.

8-8.4 **Sole Source Purchases:**
When competitive quotations for goods and services are not possible, such purchases shall be made through negotiated procurement and coordinated through the Finance Division. Sole source includes emergency purchases and may require City Manager or City Council approval.

8-8.4.1 Commodities and services which can be obtained from only one vendor are exempt from competitive bidding. Sole source purchases may include proprietary items as well as standardization requests. A Sole Source Request form signed by the requestor's Department Head and City Manager (if applicable) then forwarded to the Finance Division and filed to justify sole source purchase. Sole source specifications should be avoided whenever possible as they minimize or eliminate competition.

8-8.4.2 **Sole Source is Appropriate When:**

The requested product is an integral repair part or accessory compatible with existing equipment and is only available from one (1) vendor.

The requested product has unique design/performance specifications or quality requirements which are essential to department operations and are not available in comparable products.

Only known manufacturer of this product.

The requested product is one with which department staff have specialized training and/or extensive expertise. Retraining would incur substantial cost in time and/or money.

Only vendor authorized to sell/service this product in our region.

Upgrade to existing software. Available only from the producer of this software who sells on a direct basis only.

Other (Emergency Purchase).

Special situations as they arise.

8-8.4.3 **City Manager Approval:**

Completed Sole Source Request forms between \$25,000.01 and \$50,000 require the approval of the City Manager.

8-8.4.4

City Council Approval:

Completed Sole Source Request forms over \$50,000 require the approval of the City Council.

8-8.4.5

Emergency Purchases up to \$50,000:

Emergency purchases may be made without benefit of competitive bidding when time is of the essence. Emergency purchases should be made only for the following reasons: (1) To preserve life, health or property; (2) Upon a natural disaster; (3) To correct or forestall a shutdown to maintain essential public services; or (4) other unforeseeable events (as authorized by the City Manager). Emergency purchases are not valid for contrived urgencies resulting from lack of planning and organization. Since emergency orders do not normally provide the City an opportunity to obtain competitive quotes, nor properly encumber funds, such orders should be kept to an absolute minimum. Emergency purchases shall be approved by department head or designee.

The completed Requisition/Purchase Order form should be submitted to Finance within 48 hours of the emergency, bearing an authorized signature.

8-8.4.6

Emergencies Over \$50,000:

Emergency Purchases forms over \$50,000 require the approval/signature of the City Manager.

City Manager shall provide a report after any emergency purchase over \$50,000 at the next City Council meeting following the emergency purchase.

8-8.4.7

Emergency Public Works Projects:

Public Works projects shall be completed according to Public Contract Code 22050 and the City's Municipal Code Section 2-6.15.

8-9.

Justification:

Whenever the bidding/proposal process is dispensed with or the lowest bidder is not used, recommendation and justification for doing so shall be in writing and forwarded to the Finance Division at the time the requisition is prepared. It shall be signed by the department head involved.

8-10.

Lowest Responsible Bidder:

8-10.1 Bids will be awarded to the responsive bidder who submits the lowest responsible bid that is most advantageous to the City. The term “lowest responsible bidder” as used in the City’s bidding documents shall mean the lowest bidder whose offer best responds in quality, fitness and capacity to the requirements of the proposed work or usage.

Sellers, vendors, suppliers, and contractors of supplies and equipment who maintain places of business located within the limits of the City shall be given preference if quality, price, and service are equal. In awarding the purchase, staff may consider the benefit derived by the City from sales tax revenues received by it in tabulating the lowest responsive bidder.

8-10.2 In determining the “lowest responsible bidder”, the following elements shall be given consideration (in addition to price):

- a) The ability of the product offered to provide the quality, fitness and capacity for the required usage.
- b) The ability, capacity and skill of the bidder to perform the contract or provide the service required.
- c) The character, integrity, reputation, judgment, experience and efficiency of the bidder, particularly with reference to past purchases by the City.
- d) Whether the bidder can perform the contract and/or deliver the materials, supplies, and services within the time required.
- e) The quality of performance and/or quality of products provided in previous contracts or services.
- f) Other information secured and having a bearing on the decision to award the contract.
- g) Continuity of service.

8-10.3 **Responsiveness:**
A responsive bid is one which is in substantial conformance with the requirements of the invitation to bid, including specifications and the City’s contractual terms and conditions. Bidders who substitute terms and conditions or who qualify their bids in such a manner as to nullify or limit their liability may be considered a non-responsive bidder. Conformance with the requirements of the invitation to bid may also include, but not be limited to, completion of forms, inclusion of references and attachments, and completion of required responses.

8-11. **Rejection of Bids/Proposals:**
The authority to reject is based on the authority to award. The City of Yuba City reserves the right: (1) to reject any or all bids or any part thereof and (2) to waive any informalities and/or negotiate minor deviations to the bid, with the successful firm. The City of Yuba City’s decision shall be final.

8-12. **Tie Bidders:**

If two or more bids are received which are in ALL respects equal, Finance may award as follows: to the local vendor. If both are local vendors or none are local vendors, Finance may draw lots, re-bid, or award may be made to the one deemed in the best interest of the City.

8-13. Contract/Agreement Review:

The City Attorney shall review and approve as to form all professional service contracts/agreements prior to City Council approval and all professional service contracts totaling \$25,000 and over. The City shall, whenever possible, use a City contract/agreement form as approved by the City Attorney. Anything under the \$50,000 level shall use the contract agreement as approved by the City Attorney and provided on the CityNet. Should another firm's contract/agreement be considered for professional or technical services, the firm's contract/agreement shall require City Attorney review and approval as to form prior to signature.

SECTION 9: SPECIFICATIONS

It is the responsibility of each department to provide detailed, accurate specifications when requisitioning supplies and services. Accurate specifications are essential for effective bidding. Therefore, specifications should be clear, accurate descriptions of the materials, supplies, or services required.

9-1. Standardization:

Standardization of specifications for items common to several divisions enables Finance Division to buy quantity and generally receive lower pricing due to larger orders. The Finance Division and operating departments should work together in the establishment of standard specifications for articles in common use.

9-2. "Or Approved Equal":

When brand names are specified, the words "or approved equal" must be added unless compelling reasons make only a single brand acceptable. In which case, a written justification must be signed by the department head and forwarded to Finance.

9-3 Specific Manufacturer Specifications:

Use of a brand name for "approved equal to" specifications should 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. Use of "approved equal to" specifications should, whenever possible, identify a minimum of two (2) brand names as approved equals. Using specifications provided by a specific manufacturer should be avoided and if used, the name of the manufacturer, model number, etc., should be indicated. It should also be stated, that use of the manufacturer's

specifications are for the sole purpose of establishing an “approved equal to” criteria. When specifications designate “or approved equal,” the City reserves the right to determine and approve any other as being equal or acceptable.

9-4. Vendor Assistance in Writing Specification:

There may be occasions when vendor assistance may be required in developing specifications. Such specifications should be written in general terms. The vendor should be clearly informed that the information provided might be used in developing specifications for a competitive bidding process. The Purchasing Officer or his/her designee shall approve such specifications.

9-5. Review of Specifications:

It is Finance responsibility to assure that specifications are complete and accurate. Finance will review for completeness of information, terms and conditions, insurance/compliance, and open and competitive language. To assure bid/proposal specifications and terms meet the City needs Finance may request specifications be reviewed by pertinent City staff prior to requesting bids/proposals (e.g., City Attorney, Engineering, Information Technology Division, etc.).

SECTION 11: OFFICE SUPPLIES

10-1. Ordering:

All office supplies will be from a specific vendor, as determined by Finance.

10-1.1 Operating Departments:

Each department will order its office supplies using the method specified by Finance.

10-1.2 Invoices:

Invoices will be sent to the using department for payment verification.

SECTION 12: PROTEST PROCEDURE AND ADMINISTRATIVE APPEAL

(Does not apply to public projects pursuant to the Public Contract Code)

11-1 Protest Procedure:

Anyone wishing to file a protest prior to bid opening concerning the specifications or bid procedure must do so in writing. This written protest must be received by Finance no later than four (4) working days prior to bid opening. If a protest that is received cannot be resolved by the designated time of the bid opening, the Director of Finance may delay the bid opening until the protest is resolved.

If anyone wishes to protest something that only became evident after the bid opening, they must file the protest in writing. This written protest must be received by the Director of Finance no later than five (5) working days after the City of Yuba City notifies all bidders of the contract award decision.

A protest bidder shall comply with the following procedures. Failure to comply in the manner prescribed shall automatically relieve the City of Yuba City from accepting that protest.

- a. The alleged aggrieved protesting bidder must file in writing to the Director of Finance the exact reason for the protest.
- b. The written document containing the reasons for protest must be received by the Director of Finance, not later than four (4) working days prior to the bid opening or within five (5) working days after the award decision.
- c. The Director of Finance shall review the written protest and within five (5) working days after receipt of the written protest issue a decision in writing. The decision shall state the reasons for the action taken as well as informing the protesting bidder the right of Administrative Appeal. A copy of the decision will be forwarded to the City Manager.
- d. A decision rendered by the Director of Finance under paragraph “Protest Procedure” shall be final and conclusive. If the alleged aggrieved protesting Bidder has complied with the “Protest Procedures” they shall have the right to commence an Administrative Appeal.

11-2

Administrative Appeals Procedures:

Administrative Appeals Procedures fall into the following categories:

(1) Informal: This category is for all purchases up to \$50,000.00. The City Manager will be the approving authority for all Administrative Appeals for this category. Appeals must be written and submitted to the City of Yuba City within five (5) working days after the aggrieved bidder is notified of the Director of Finance decision. A written decision will be issued within ten (10) working days after receipt of the written appeal. The decision by the City manager is final.

(2) Formal: This category is for all purchases over \$50,000.00. The City Council is the approving authority for formal appeals for the City of Yuba City. Appeals must be written and submitted to the City Manager within five (5) working days after the aggrieved bidder is notified of the Director of Finance decision. A written decision will be issued within thirty (30) working days after receipt of the written appeal. The appeal decision made by the City Council is final.