

RESOLUTION NO. 09-05

RESOLUTION OF THE BOARD OF TRUSTEES OF THE MOSQUITO AND VECTOR MANAGEMENT DISTRICT OF SANTA BARBARA COUNTY ESTABLISHING REVISED RULES AND REGULATIONS FOR THE ACQUISITION OF MATERIALS, SUPPLIES, EQUIPMENT, VEHICLES AND OTHER PERSONAL PROPERTY

WHEREAS, the Mosquito and Vector Management District of Santa Barbara County (the "District") adopted rules and regulations for the acquisition of materials, supplies, equipment and other personal property on November 13, 2008 by passing Resolution No. 08-09; and

WHEREAS, the Board of Trustees of the District deems it to be in the District's best interests to adopt revised rules and regulations to update and supersede Resolution No. 08-09.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Mosquito and Vector Management District of Santa Barbara County that the following revised rules and regulations for acquisitions are hereby established:

Section 1. All purchases and contracts for the acquisition of materials, supplies, furnishings, equipment, vehicles and other personal property required by the District shall be made on behalf of the District by the District's Board of Trustees or the District's General Manager in accordance with this Resolution. Lease transactions relating to materials, supplies, furnishings, equipment, vehicles and other personal property shall be subject to the requirements and procedures of this Resolution, provided that the total expenditures payable during the term of the lease, not including interest and finance charges, exceed the amount set forth herein for purchases and acquisition contracts.

Section 2. If the amount of the expenditure would or could reasonably be expected to exceed \$15,000, formal written bids shall be solicited through a request for bid or request for proposal process. The request shall be published at least twice, not less than five days apart, in a newspaper of general circulation, circulated within the District. The first publication shall be at least 10 days before the date of opening the bids. The notice shall state the date for the opening of bids and shall specifically identify the item(s) sought to be acquired by the District. In addition to publishing the request in a newspaper as provided above, but not in lieu thereof, the District may solicit bids in any commercially reasonable manner, which may include but shall not be limited to making direct requests to potential suppliers, or the publication of a request for bids or proposals in trade journals. The District shall not be required to award the contract to the lowest bidder. Bids will be reviewed with consideration given to lowest price, highest quality of product and any other factors which the District deems relevant. The District may give preference to bidders located in the County of Santa Barbara or within the State of California. The District may, in its discretion, reject all bids. The award of the bid and the purchase of the item(s) in question shall require approval by the Board of Trustees.

Section 3. If the amount of the expenditure is estimated to be between \$5,000 and \$15,000 the General Manager or his designee shall solicit a minimum of three (3) informal bids or

proposals from readily available sources. Such solicitation may be in any commercially reasonable manner, which may include but shall not be limited to making direct requests to potential suppliers, or the publication of a request for bids or proposals in newspapers and/or trade journals. The District shall not be required to award the contract to the lowest bidder. Bids will be reviewed with consideration given to lowest price, highest quality of product and any other factors which the District deems relevant. The District may give preference to bidders located in the County of Santa Barbara or within the State of California. The District may, in its discretion, reject all bids. The award of the bid and the purchase of the item(s) in question shall require approval by the Board of Trustees.

Section 4. If the amount of the expenditure is estimated to be less than \$5,000, the General Manager may authorize the purchase and report the transaction to the Board of Trustees at the next regularly scheduled meeting, without the need for formal or informal bid solicitation or approval of the Board of Trustees. The Board of Trustees, however, has instructed the General Manager to use his best judgment in making these purchases so as to minimize the expense incurred.

Section 5. As alternatives to the acquisition procedures set forth above, as authorized by Government Code Section 54205, the District's General Manager may instead, on a case by case basis: (a) request the State Department of General Services to make purchases on behalf of the District pursuant to Public Contract Code Section 10298, or (b) request the purchasing agent for Santa Barbara County to make purchases on behalf of the District pursuant to Government Code Section 25500 et seq.; provided, however, that the District shall utilize such alternative procedures only where the acquisitions can be made upon the same terms, conditions and specifications at a cost lower than the District can obtain through its normal acquisition procedures.

Section 6. If there is only a single supplier of any materials, supplies, equipment, vehicles or other personal property, sought to be acquired by the District, or where competitive bidding would otherwise produce no advantage or would be undesirable, impracticable or impossible, the District's Board of Trustees may authorize the acquisition without competitive bidding. Upon authorization by the Board, the District may expend any sum required for the acquisition without soliciting bids.

Section 7. If there is an emergency situation that endangers life, health or property, such as a fire, flood, storm, earthquake, accident or breakdown of or damage to the District's facilities, the District's Board of Trustees may pass a resolution declaring that the public interest and necessity require the immediate expenditure of District funds to safeguard life, health, or property. Upon adoption of the resolution, the District may expend any sum required by the emergency without soliciting bids. In the event that it is not feasible for the Board of Trustees to pass a resolution to respond to the emergency in a timely manner, the General Manager may expend any sum required by the emergency without soliciting bids. The Board of Trustees shall, as soon as reasonably feasible, review and, as appropriate, ratify the action of the General Manager through adoption of a resolution declaring that the public interest and necessity required the immediate expenditure of District funds to safeguard life, health, or property.

Section 8. The General Manager shall exercise diligence in consolidating and scheduling orders to the end that the District may benefit from quantity prices and the most favorable market. No requisition shall be broken into smaller units to evade any requirement of this Resolution, except that unrelated items required may be separated to provide different lists to vendors dealing in different commodity classes.

Section 9. Any transaction failing to comply with this Resolution in any respect is voidable in the discretion of the Board of Trustees of the District.

Section 10. The General Manager may, at his discretion, issue procedural regulations to further amplify this Resolution and its application within the normal operating procedures of the District.

Section 11. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or of the State of California, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Trustees of the District hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 12. As of the effective date hereof, Resolution No. 08-09 and all other ordinances, resolutions, rules and regulations of the District regarding purchases and contracts for the acquisition of materials, supplies, furnishings, equipment, vehicles and other personal property required by the District are repealed in their entirety and are replaced by this Resolution.

PASSED AND ADOPTED by the Board of Trustees of the Mosquito and Vector Management District of Santa Barbara County on the 8th day of October, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David Pritchett, Board President

ATTEST:

Ron Hurd, Board Secretary

CERTIFICATION MADE UNDER PENALTY OF PERJURY (C.C.P. 2015.5)
COUNTY OF SANTA BARBARA

I certify (or declare) under penalty of perjury that the foregoing is a full, true and correct copy of the Resolution duly adopted by the Board of Trustees of the Mosquito and Vector Management District of Santa Barbara County District on October 8th, 2009.

Dated: _____

Ron Hurd, Board Secretary