

**RESOLUTION 04.07.2025.1**

**A RESOLUTION OF TEHAMA COUNTY SOLID WASTE MANAGEMENT AGENCY  
ADOPTING THE CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST  
ACCOUNTING ACT AND A PURCHASING POLICY.**

**WHEREAS**, California Government Code section 54202 requires every local agency to adopt policies and procedures, including bidding regulations, governing purchases of supplies, materials and equipment and that said purchases shall be in accordance with said duly adopted policies and procedures; and

**WHEREAS**, California Government Code section 54204 requires that if a local agency other than a city or county creates a purchasing policy, it must be pursuant to a written rule or regulation, copies of which shall be available for public distribution; and

**WHEREAS**, Staff and the Board of Directors for the Tehama County Solid Waste Management Agency (“Agency”) have reviewed the purchasing practices of the Agency and determined that adoption of a new purchasing policy is necessary for the efficient operation of the Agency; and

**WHEREAS**, the proposed policy is modeled after the County of Tehama’s Purchasing Policy, which serves as a framework for the authorization, solicitation, and appropriate conduct of procurement activities related to acquiring goods and services; and

**WHEREAS**, the policy aims to ensure transparent, competitive, fair, and impartial process, while fostering effective business relationships with vendors and maintaining accountability in the Agency’s purchasing practices; and

**WHEREAS**, the Agency also seeks to adopt the California Uniform Public Construction Cost Accounting Act (“CUPCCAA”), set forth in Public Contract Code section 22032, et seq. to enable the Agency to utilize the bid authority permitted in that statutory scheme; and

**WHEREAS**, Staff recommends that the Board review and approved the attached Purchasing Policy for the Agency, which is attached to this Resolution as **Exhibit “A.”**

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Agency does hereby resolve, determine and order as follows:

- 1) The above recitals are hereby adopted by reference.
- 2) The Purchasing Policy attached as **Exhibit “A”** is hereby adopted by the Agency.
- 3) This resolution is effective immediately.

**PASSED AND ADOPTED** by the Board of Directors of the Tehama County Solid Waste Management Agency, a Joint Powers Authority, this 7<sup>th</sup> day of April, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Kris Deiters, Board Chair

ATTEST:

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\_\_\_\_\_, Board Secretary

## EXHIBIT A

### Agency Policy - PURCHASE OF SUPPLIES, EQUIPMENT AND CONTRACTUAL SERVICES

- **Section 1- Purpose**

The purpose of this Purchasing Policy is to establish guidelines for authorization, soliciting, and appropriate conduct of purchasing activities relating to goods and services for the Tehama County Solid Waste Management Agency. This policy is intended to provide a transparent, competitive, fair, and impartial process for conducting business with our vendor community.

The intent of this Purchasing Policy is to adopt the Tehama County Purchasing Policy as its purchasing policy, as modified below.

- **Section 2 - Definitions.**

A. "Contractual services" shall mean the rental of equipment and machinery; insurance; the services of attorneys, physicians, electricians, engineers, consultants, or other individuals or organizations possessing a high degree of technical skill; and all other types of agreements under which services are required by the county government but not furnished by its own employees.

B. "Emergency," as used in this chapter, shall mean any condition which would cause or be likely to cause injury to persons or loss of life, substantial damage to property, public or private, or which would substantially interfere with the normal operations of Agency operations thereby causing increased expense to the Agency.

C. "Local vendor" shall mean a firm or individual who regularly maintains a place of business in, transacts business in, and maintains an inventory of merchandise for sale in, the county of Tehama.

D. "Utility services" shall mean any and all gas, water, electric and power services.

E. "Fixed asset" shall mean any singular equipment purchase with a total acquisition cost equal to or greater than five thousand dollars. The total acquisition cost shall include purchase price, taxes, shipping costs, set up costs and any other cost or fee necessary to bring the fixed asset into service.

- **Section 3 - Purchasing agent.**

The purchasing agent of the Agency shall be the Agency Manager.

- **Section 4 - Purchasing Agent—Amount authorized by board of directors to make purchases.**

The board of directors hereby authorizes the purchasing agent to make purchases of equipment, supplies or materials in the amount of fifty thousand dollars or less. All budget units are responsible for coordinating with the purchasing agent to make purchases at the most favorable price for the Agency.

- **Section 5 - Purchasing agent—Procedure when amount exceeds amount authorized by board of directors.**

A. When the amount of a proposed capital expenditure is estimated to exceed fifty thousand dollars, the purchasing agent shall submit simultaneously:

1. To the board of directors, a written request for approval of said purchase. The request shall contain statements of justification for the board's consideration. If the purchasing agent is requesting a waiver of the bidding process, the written request shall include the basis for the finding that bidding procedures would not be in the best interest of the people.

2. To the clerk of the board, complete specifications, plans and details or other data that would be used by the board in its determinations and that would subsequently be used in soliciting competitive bidding. The board, shall upon approval of the purchase, either:

a. Instruct the purchasing agent to proceed with bidding procedures and authorize the purchasing agent to award the bid to the lowest responsive bidder, or

b. Make a finding and record it in the minutes of the board that bidding procedures would not be in the best interest of the people.

B. Upon award of a bid or acceptance of a contract, the purchasing agent shall issue a properly prepared purchase order covering said purchase and forward same to the auditor and mail, deliver or otherwise transmit the original or a facsimile to the vendor or contractor. An award may not be made without board approved budget appropriations in place.

C. The method and extent of bidding procedures and/or public notice, either published or otherwise, shall be prescribed by the board. All bids shall be submitted sealed to the purchasing agent, unless otherwise allowed by bidding instructions. The board may reject any and all bids for any or all supplies or equipment. The board may waive any irregularity in submitting bids where it feels that the public interest would not be affected thereby. A tabulation of all bids received, whether accepted or rejected, shall be open for public inspection for a period of not less than thirty days after the bid opening. In all cases, the awarding shall be made by the board to the lowest responsible bidder. The

board shall take into consideration the quality offered, its conformity with specifications, the delivery and discount terms and conditions of the bid, and other information and data required to prove the bidder's responsibility.

- **Section 6 - Local business preference.**

A. For purposes of this section, "local business" means a business enterprise, including but not limited to a sole proprietorship, limited liability company, partnership, or corporation, that meets all of the following criteria:

1. Has its principal business office, or a satellite office with at least one full-time employee, physically located within incorporated or unincorporated area of the County of Tehama; and
2. Holds a valid business license issued by a jurisdiction in Tehama County, if located in a jurisdiction that issues business licenses; and
3. Has been in operation, transacting business in the county, for a minimum of six months prior to publication of the invitation for bids; and
4. Is not delinquent in the payment of any taxes, charges or assessments owing to the county or incorporated city within the county;

B. Where competitive bidding is utilized pursuant to Section 5, and the lowest responsible bidder is not a local business, any responsible local business bidder that submitted a responsive bid which was within five percent of the lowest bid shall have the option of submitting a new bid within three business days after the bid opening. It is the responsibility of the local business to verify the bid results by contacting the purchasing agent. Such new bids must be in an amount less than or equal to the lowest bid. If the Agency receives any such new bids from local business bidders who have the option of submitting new bids hereunder, it shall award the contract to the local business submitting the lowest responsive bid. If no new bids are received, the award shall be made to the original low bidder.

C. In instances where a local business and a non-local business submit equivalent, lowest responsive bids, the board shall give preference to the local business.

D. No contract awarded to a local business under this section shall be assigned or subcontracted in any manner that permits more than fifty percent of the dollar value of the contract to be performed by an entity that is not a local business.

E. Any bidder claiming to be a local business as defined above shall so certify under penalty of perjury in its bid, on a form to be provided by the Agency. The board of directors shall have sole discretion to determine if a bidder meets the definition of local business.

F. The Agency is not responsible for the failure of any person or business to qualify as a local business, or the failure of any local business to timely submit a new bid when authorized under this section.

G. This section shall not apply to contracts required by state or federal statute or regulation to be awarded to the "lowest responsible bidder," or otherwise exempted from local preference.

- **Section 7 - Utility services and repairs-Approval of expenditures and issuance of warrants.**

The board hereby authorizes the purchasing agent to approve expenditures and issue warrants for utility services and repairs in amounts as budgeted and approved in the final budget document.

- **Section 8 - Purchasing agent—Authorization by board of directors to approve contractual services.**

The board of directors hereby authorizes the purchasing agent to approve agreements for contractual services in the amount of fifty thousand dollars or less.

- **Section 9 - Competitive bidding factors.**

In determining whether or not the public interest would be served by not requiring competitive bidding, the board or purchasing agent may consider any of the following factors:

A. Where the equipment being purchased is the same as that being used and there is no other equipment of substantially the same kind available;

B. Where there is only one supplier who can feasibly supply the Agency with equipment that is needed. The board may take into consideration factors where the equipment to be purchased would be considered with like equipment owned by the Agency in determining whether or not there is more than one available supplier.

- **Section 10 - Disciplinary action for acceptance of any gratuity.**

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

- **Section 11 - Purchases must be within budget appropriations.**

Except as otherwise provided by law, no purchases of supplies, equipment or contractual services shall be made in excess of the amount of the appropriations allowed by the budget.