

## First 5 Commission of San Diego

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### **Subject: Contracting and Procurement Policy**

Policy Number: F5C-013

Effective Date: June 29, 2015

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### **Purpose**

To facilitate compliance with the Health and Safety Code Section 130140 (d) (4) (B) requiring the county commission to adopt, in a public hearing, contracting and procurement policies that are consistent with state law. And to comply with Health and Safety Code Section 130151(b) (1) requiring that the county commission's contracting and procurement policies contain provisions to ensure that its grants and contracts are consistent with the Commission's strategic plan.

### **Background**

Companion bills AB 109 (Chan) and SB 35 (Florez) were adopted by the California State Legislature and signed into law by the Governor on September 23, 2005. The new law is found in Chapters 243 and 284, Statutes of 2005, now codified in the California Health and Safety Code Section 130140 et seq. The California First 5 Commission has informed county commissions that they must comply with the new laws by July 1, 2006, in order to receive funding under the California Children and Families Program.

The County of San Diego Code of Administrative Ordinances, Article IIIp, Sections 84.100-84.111, effective December 8, 1998, establishes the First 5 Commission of San Diego (Commission).

The Professional Services Memorandum of Understanding (MOU) between the County of San Diego (County) and the First 5 Commission of San Diego, entered into on June 13, 2000, provides that:

- The Commission retains the final authority and responsibility regarding contractual terms of all Commission contracts. (Article 1.1 (b))
- Commission contract decisions regarding acquisition of supplies and services or distribution of Commission funds may be accomplished by use of the County Purchasing Agent and County Procurement Procedures. (Article 1.5)
- The Auditor/Controller of the County shall process all Commission claims for payments. (Article 2.10.2)

### **Policy**

It is the policy of the First 5 Commission of San Diego that the Commission and staff will comply with state law mandates and the Commission Strategic Plan in all matters regarding the Commission's contracting and procurement activities.

With respect to the purchasing of services, supplies and equipment, the Commission, as part of the County of San Diego, affirms the use of the County of San Diego Policies and Procedures Manual and the Department of Purchasing and Contracting Procurement Procedures, provided

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however that Commission mandates set forth in state law and Commission policies shall take precedence where they pertain to contracting and procurement policies and procedures of the Commission. Any updates to the County of San Diego Policies and Procedures Manual and the Department of Purchasing and Contracting Procurement Procedures will be strictly adhered to by the Commission, except where otherwise required by state law or where a specific Commission Policy has been adopted or is adopted hereafter and applicable to a purchasing and contracting activity of the Commission.

The Commission further affirms that Commission staff shall follow specifically adopted Commission policies regarding contracting and procurement undertaken by the Commission with respect to:

- A. Policy F5C-003: Commission Funding Process, pertaining to the allocation of funds for programs and services to fulfill the Commission's mandate.
- B. Policy F5C-006: Protest Procedures for Award of Solicitations, pertaining to the handling of protests of the award of Solicitations.
- C. Policy F5C-021: Contract Extensions, pertaining to the guidelines for extending the terms of grants and contracts.
- D. Such contracting and procurement policies as have been or may be specifically adopted or updated by the Commission in accordance with State law and the Commission Strategic Plan.

The First 5 Commission of San Diego further provides that its adherence to the County of San Diego Policies and Procedures Manual and the Department of Purchasing and Contracting Procurement Procedures shall continue to be applied to Commission matters as follows:

- A. Where applicable and where forms are available, Commission staff shall continue to use contractual forms provided by the County, provided that revisions to such forms to meet the unique needs of the Commission may be inserted without approval of representatives of the County Department of Purchasing and Contracting.
- B. Where contract negotiation is called for, Commission staff shall be responsible for conducting such negotiation with the assistance of the Department of Purchasing and Contracting, as requested.

Sunset Review: June 2018

Originally approved: June 19, 2006 (5)

Revised: April 27, 2009 (1), June 4, 2012 (2)

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