

RESOLUTION # 2023-002
OF THE MURPHYS CEMETERY DISTRICT OF THE COUNTY OF CALAVERAS, CALIFORNIA

**POLICIES AND PROCEDURES FOR PURCHASING OF SUPPLIES AND EQUIPMENT, FOR PROCURING
PROFESSIONAL AND MAINTENANCE SERVICES, AND FOR THE DISPOSAL OF SURPLUS PROPERTY**

The Murphys Cemetery District does resolve as follows:

Section 1 Adoption of purchasing system.

In order to establish efficient procedures for the purchase of supplies and equipment, to secure supplies and equipment at the lowest possible cost commensurate with quality and quantity needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function through the use of purchase orders, contracts and other authorized procedures, the purchasing system set forth in this division is adopted for the Murphys Cemetery District (MCD).

Section 2 Authority and responsibility.

(a) The authority and responsibility for the purchase of supplies and equipment, procurement of professional services and disposition of surplus property is vested in the MCD Board. The Board may designate a person to serve as the purchasing officer and delegate to that person the duties and responsibilities imposed by this division on the purchasing officer.

(b) In addition to administering and implementing these policies and procedures, the Board or its Designee shall do each of the following:

(1) Before purchasing supplies and equipment, first consider sources of supplies and equipment located within the county. In keeping with this policy, MCD Board shall make every attempt to purchase supplies and equipment from Calaveras County businesses whenever practicable.

(2) Keep informed of current developments in market conditions and direct the maintenance of a bidder's list, vendors catalogue files or other records needed for the efficient purchase of supplies and equipment.

(3) Direct the inspection of supplies and equipment delivered to determine their conformance with specifications.

(4) Consider and encourage the purchase and use of recycled and recyclable materials and products, whenever practicable.

Section 3 Determination of purchasing requirements and surplus.

(a) The adopted budget for each fiscal year shall include funding for the necessary supplies and equipment for each department during the fiscal year.

(b) The Board or its Designee shall ensure that sufficient documentation is submitted with a request for purchase to demonstrate compliance with established policies and procedures and to justify the acquisition and acceptance of supplies and equipment.

(c) All equipment on hand that is no longer useful to the MCD may be used as a trade-in or disposal or donation of such equipment in accordance with the procedures set forth in this division.

Section 4 Purchasing limitations.

For the purchase of supplies and equipment, such purchases may be made by the MCD Board are subject to compliance with the procedures and limitations contained in this section.

a. For purchases of \$200.00 or less, it is not required that bids be obtained.

- b. For purchases over \$200.00 but less than \$2,000.00, the Board or its Designee must approve the purchase. No purchase order is necessary, and it is not required that bids be obtained for such purchases.
- c. For purchases that are equal to or exceed \$2,000.00 but are less than \$5,000.00, the Board must approve and execute the purchase order or contract for the purchase. It is not required that bids be obtained for such purchases.
- d. For purchases that are equal to or exceed \$5,000.00, but are less than \$20,000.00, the Board must approve the contract for the purchase. Before the purchase is made, three bids must be obtained from vendors and each of these bids must be documented.
- e. For purchases of \$20,000.00 or more, the Board must approve the contract for the purchase. Prior to Board approval, three written bids must be obtained from prospective vendors. The Board may authorize that such purchase orders or contracts be executed by its Designee.

Section 5 Competitive Bidding Procedures

For purchases of supplies or equipment with a value of \$5,000.00 or more at least three bids must be obtained; and the Board or its Designee shall solicit bids by telephone or written request to prospective vendors. Further, the purchase order or contract for such purchases shall be awarded to the lowest responsible vendor, consistent with the quality, quantity and delivery requirements. The lowest responsible bidder shall be determined by such factors as reputation, ability, references, quality of supplies and equipment, and price.

Section 6 Use of vendors selected by another agency or through cooperative purchasing agreements.

The purchasing officer may authorize the purchase of supplies or equipment, for which the MCD would normally follow its own bid procedures, from a vendor who has been awarded by another public agency a contract for the purchase of the same supplies or equipment, if said agency utilized procedures substantially the same as those normally utilized by the city in awarding its contract to the vendor. The amount of said purchase shall be based upon the price bid in the other jurisdiction.

Section 7 Exemption from bidding.

The bidding requirements set forth in this division may be waived, at the discretion of the MCD Board if:

- a. The product is proprietary.
- b. After a reasonable attempt has been made to obtain bids, and it has been determined that no additional vendors can be located.
- c. The MCD Board or its Designee finds that emergency conditions require the immediate purchase of supplies or equipment.
- d. Sufficient, satisfactory bids are not received.
- e. Supplies or equipment are procured through a cooperative purchasing program with the federal, state, county, or other public agencies.
- f. The commodity is unique, including, but not limited to, acquisition of data processing, telecommunications and word processing equipment, goods and services.
- g. The product or service can be obtained from only one vendor (sole source).
- h. The purchase of a specific brand name, make or model is necessary to match existing equipment or facilitate effective maintenance and support.
- i. The bidding requirements of this division are waived by the MCD Board.

Section 8 Professional service contracts; exempt from bidding.

(a) Professional services are defined as services provided by any specially trained and experienced person or firm in the areas of accounting, administration, architecture, construction management, economics,

environmental analysis, engineering, finance, landscape architecture, law, surveying, or other matters involving specialized expertise or unique skills.

(b) Contracts awarded for the performance of services in the above-listed areas shall be awarded on the basis of the demonstrated competence of the contractors, and on the contractor's professional qualifications necessary for the satisfactory performance of the services required, and on the fairness and reasonableness of the cost of the services to the city, and shall not be awarded solely on the basis of cost. The competitive bidding requirements set forth in Section 5 are not applicable to the procurement of professional services.

(c) MCD Board is specifically prohibited from engaging in any unlawful activity, including, but not limited to, receipt of rebates, kickbacks, or other unlawful consideration, and is specifically prohibited from participating in the selection process when those board members have a relationship with a person or firm seeking a contract which would subject the board members to the prohibition of Government Code Section 87100 et seq.

(d) Subject to compliance with the procedures set forth in this section, the MCD Board may enter into and execute contracts or purchase orders for professional services when the cost of such services is less than \$25,000. MCD Board approval is required for all contracts for professional services when the cost of the services is \$25,000 or more.

(e) Notwithstanding the above provisions of this section, all contracts for the performance of the annual audit of the MCD's financial statements shall be competitively bid by obtaining at least three proposals for providing the required services, evaluating the proposals pursuant to criteria set forth in subsection (b), and awarding the contract based on the best proposal. Further, the award of all such contracts regardless of cost shall be approved by the MCD Board.

Section 9 Maintenance contracts.

For the award of contracts for the maintenance and repair of MCD facilities, the following procedures shall be followed:

- a. For contracts for which the estimated cost of services is \$50,000.00 or more, a request for proposal shall be prepared and submitted to prospective bidders, bids shall be obtained from prospective bidders and reviewed, and the contract shall be awarded based on the responsiveness of the bids to the request for proposal, the qualifications and experience of the contractors and the amount of the price or prices included in the bids.
- b. Contracts for which the estimated cost of services is less than \$50,000.00 may be awarded without obtaining bids. Such contracts shall be awarded based on:
 1. The qualifications and experience of the contractor and the amount of the contract prices.
- c. Maintenance and repair contracts for which the cost of services is \$50,000.00 or more shall be awarded by the MCD Board, and the Board shall execute such contracts. Contracts in which the estimated cost of services is less than \$25,000.00 may be awarded by and executed by the Board or its Designee.

Section 10 Disposal of surplus or obsolete property.

- (a) The MCD Board may declare supplies or equipment held by them as surplus.
- (b) The MCD or its Designee shall have the authority to exchange for or trade in on new supplies or equipment all supplies or equipment which have been deemed surplus.
- (c) The MCD Board shall have the authority to dispose of surplus property or equipment by auction or sale or otherwise after receiving bids or proposals which, in its judgement, provide the best return to the District.
 1. Sale on the open market. The MCD Board shall cause to be published at least three days before the sale, in a locally adjudicated newspaper, a notice of sale setting forth a general description of the

property to be sold, the day, time and location of the sale. The terms of all such sales shall be cash in the amount of the full purchase price.

2. Sale by sealed bid or auction. As an alternative to the sale on the open market, the MCD Board may, when in its judgement it is in the best interest of the city, sell surplus property by means of sealed bid or public auction.

a. In the case of sale by sealed bid or public auction, the MCD Board shall cause to be published at least three days before the sale, in a locally adjudicated newspaper, a notice setting forth a general description of the property to be sold, the day, time and location of the sale. The terms of all such sales shall be cash in the amount of the full purchase price.

b. In conducting an auction, the MCD may contract with a professional auctioneer and allow a flat fee, hourly fee or percentage of the amount of the sale to be paid based upon that which is common and customary method and rate for such auctioneering services.

(d) The MCD Board may, when in its judgement, sale or auction of surplus property is infeasible or will result in minimal return, arrange for surplus property be donated to any non-profit corporation or school located within the MCD boundaries, or sold to MCD employees at fair market value. Such surplus property shall only be donated or sold upon approval of the MCD Board.

Section 11 Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The MCD Board hereby declares that it would have adopted this Resolution and each section, subsection, subdivision, sentence, clause, phrases, or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

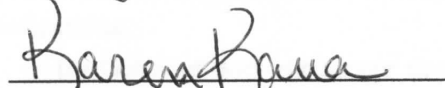
PASSED, APPROVED AND ADOPTED this 16th day of November 2023 by the following votes:

Ayes: 5 Patti Cripe, Karen Kaua, Maureen Elliott, Jeff St. Louis, Jackie Reeves

Nays: 0

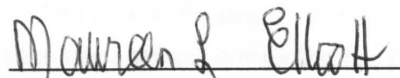
Abstain: 0

Absent: 0



Karen Kaua

MCD Board President



Maureen L. Elliott

MCD Board Secretary