

## **SONOMA COUNTY LIBRARY**

### **PURCHASING POLICY AND PROCEDURES**

**Adopted August 1, 2016**

### **BID PROTEST PROCEDURES**

**Adopted May 6, 2019 – to be incorporated  
into, and become part of, the Library's  
Purchasing Policy**

## Purchasing Policy and Procedures

### **PURPOSE**

In order to establish efficient procedures for the acquisition of supplies, services and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function, and to assure the quality of purchases.

### **PURCHASING OFFICER**

Purchasing authority for the Library is delegated to the Library Director.

### **PROCEDURES AND GUIDELINES**

The Director shall direct and verify that the proper purchasing methods for equipment, supplies and services be utilized as follows:

- A. A purchase order is required for all purchases exceeding \$200, except for utilities and routinely contracted expenditures (i.e. janitorial services). A purchase order has to be approved and signed before a purchase can be made.
- B. Purchases up to \$5,000.  
No competitive quotations are required.
- C. Purchases of \$5,000 to \$30,000.  
A minimum of three competitive quotations are required.
- D. Purchases of more than \$30,000.  
Written Requests for Proposals will be sought from responsible vendors or contractors, and a minimum of three shall be received and reviewed.

### **EXCEPTIONS**

- The Library will use CMAS (California Multiple Awards Schedule) services for purchases whenever possible, eliminating the need to seek quotations, proposals, or bids.
- The Library may take advantage of cooperative purchasing arrangements with other government agencies without adherence to the policies and procedures above.
- The procedures above may be waived in the case of purchases from sole source on a case-by-case basis.
- An emergency situation may make it impossible to use the normal purchasing procedures for purchases of over \$5,000.00. The Library Director or designee may authorize an emergency purchase, which authorization must be provided in advance of the purchase.

An emergency purchase that circumvents normal purchasing procedures shall be presented to the Commission as soon as practical for review and ratification of the emergency occurrence, and the purchase and process used. An emergency is defined as a circumstance that constitutes a threat to public safety, life or property; or a condition that requires immediate intervention.

- The publications and materials marketplace and related procurement is highly specialized. As a result, the purchase of books, periodicals, non-print materials, online services and computer based products may be exempt from the competitive bidding process. The Library Director or designee shall have the authority to determine whether the procurement of print or non-print materials will be subject to competitive bidding.

### **AWARD**

The Library reserves the right to reject any and all quotations, proposals, and bids, and to accept that which appears to be in the best interest of the Library. In determining and evaluating the best quotation, proposal, or bid, the price will not necessarily be controlling, but quality, equality, efficiency, utility, general terms, delivery, suitability of the service offered, and the reputation of the vendor will also be considered with any other relevant factors.

### **PERFORMANCE BONDS**

The Library shall require contractors to pay prevailing wages and provide performance bonding when deemed appropriate or necessary. These are generally required for major public works projects, labor intensive projects, and when using local, state, or federal funds.

### **LIABILITY INSURANCE AND WORKERS' COMPENSATION**

All contractors and service providers shall be required to present proof of adequate liability insurance as determined by the Library's insurance broker, as well as sufficient workers' compensation coverage.

### **ON-GOING SERVICE CONTRACTS**

All renewable service or supply or supply contracts exceeding \$50,000 annually will be reviewed by the Library Director no less than every three years.

## Bid Protest Procedures

### **I. Applicability**

Protests with respect to contracts awarded by the Sonoma County Library pursuant to a bidding process (such as through a Request for Proposals) are required to comply with the terms set forth below.

These bid protest procedures do not apply to contracts for public works projects or employment of Library employees.

### **II. Submitting a Protest**

#### **A. Written Protest Required**

Any directly-affected person or entity aggrieved in connection with the solicitation or award of a contract by the Sonoma County Library through a bidding process may file a protest. Such protests must be in writing and delivered or sent to:

Library Director  
Sonoma County Library  
6135 State Farm Drive  
Rohnert Park, CA 94928

#### **B. Time to Submit Protests**

Protests must be received by the Library within seven (7) calendar days from the date the Notice of Intent to Award the contract is issued by the Library. Failure to timely submit a protest shall constitute a waiver of any right to protest. Untimely protests will not be accepted or considered.

#### **C. Content of Protests**

Protests shall include the following information:

- Identification of the protesting person or entity, including contact information;
- Identification of the bidding process and contract award subject to the protest;
- Detailed information regarding each and every ground asserted for the protest;
- Citations to applicable laws, regulations, procedures or bid provisions on which the protest is based; and
- Specification of the remedy sought.

### **III. Protest Resolution Process**

#### **A. Informal Resolution**

After receiving a bid protest, the Library Director or designee will, at the earliest convenience, contact the protesting party to seek an informal resolution and/or to clarify the issues raised in the protest.

#### **B. Review and Response**

Absent an informal resolution, the Library Director shall review and investigate all protests as appropriate, and consult with the Library's General Counsel prior to issuing a response.

Within fourteen (14) calendar days following contact with the protesting party for informal resolution, the Library Director shall provide a written letter responding to the protesting party and specifying which actions, if any, are to be taken by the Library with respect to the protest. The letter constitutes the Library's final decision on the protest and shall be considered the final agency action.

### **C. Remedies**

If the Library Director determines that a bid solicitation or award of a contract is in violation of any applicable laws or regulations, or the policies, procedures or Bylaws of the Library, then the Library Director has several remedial options, including but not limited to: (1) proceeding forward with the contract if the person or entity awarded the contract has acted in good faith; (2) refusing to execute the contract or refraining from presenting it to the Library Commission for approval; or (3) taking actions to terminate the contract if it has been executed.

### **IV. No Stay of Actions During a Protest**

Nothing in these procedures shall be construed to prevent the Sonoma County Library from proceeding with negotiations, awarding a contract, or executing a contract while a protest is pending.