

## COUNCIL COMMUNICATION

TO THE CITY COUNCIL  
FROM: THE CITY MANAGER'S OFFICE

DATE  
March 20, 1987

NO.

SUBJECT:

Report of City Attorney Regarding Bidding Procedure Requirements.

PREPARED BY: City Attorney

The question was asked of this office by the Lodi City Council as to when the City must go bid. In answering said inquiry, there are two areas which must be distinguished. The first is the question of public works contracts by the local agency, and the second is the purchase of supplies and equipment.

As to public works contracts, Public Contract Code Section 20160 et seq. provides the procedure for bidding on public works contracts. Section 20161 (copy attached) defines "public project" to include:

- "(a) A project for the erection, improvement, painting, or repair of public buildings and works.
- (b) Work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow.
- (c) Street or sewer work except maintenance or repair.
- (d) Furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers."

Public Contract Code Section 20162 (copy attached) provides that when the expenditure for a public project exceeds five thousand dollars (\$5,000), it shall be contracted for and let to the lowest responsible bidder after notice.

As to the second area, purchase of supplies and equipment by local agencies, Government Code Section 54201 (copy attached) provides that every local agency shall adopt policies and procedures, including bidding regulations governing purchases of supplies and equipment. Government Code Section 54203 (copy attached) provides that the procedures and policy must be adopted by ordinance in a manner as provided by law or charter, as the case may be.

Lodi Municipal Code Sections 3.20.010 et seq. (copy attached) provides for a purchasing system, and further provides that all purchases of supplies, services and equipment, and the sale of personal property shall be by bid procedures pursuant to 3.20.100 and 3.20.110.

Page Two  
Honorable Mayor and Council Members  
Bidding Procedure Requirements

Bidding shall be dispensed with only when:

- 1) an emergency requires that an order be placed with the nearest available source of supply,
- 2) when the amount involved is less than one hundred dollars, or
- 3) when the commodity can be obtained from only one vendor.

Further, 3.20.110 provides that purchases of supplies, equipment, contractual services and sales of personal property of an estimated value in the amount of five thousand dollars or less may be made by the purchasing officer in the open market without observing the procedures prescribed by Section 3.20.100.

a) Specifically, under the open market procedure, the purchasing agent must:

- 1) wherever possible, obtain at least three bids,
- 2) award the bid to the lowest responsible bidder.

b) The purchasing officer shall solicit bids

- 1) by written requests to prospective vendors,
- 2) by telephone, and
- 3) by public notice posted on a public bulletin board in the City Hall.

c) Sealed written bids shall be submitted to the purchasing officer.

Further, Iodi Municipal Code Section 3.20.040 (copy attached) permits an exemption from centralized purchasing, where the purchasing officer, with the approval of the city council, may authorize in writing any agency to purchase or contract for specified supplies, services and equipment independently of the purchasing department; however, this section does require that such purchases or contracts be made in conformity with the procedures established by Chapter 3.20, and shall further require periodic reports from the agency on the purchases and contracts made under such written authorization.

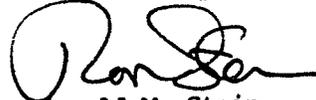
Under said IMC Sec. 3.20.040, the purchasing officer is permitted to obtain equipment through the State cooperative purchasing system, where the State

Honorable Mayor and Council Members  
Bidding Procedure Requirements  
Page Three

has gone through the bidding process for particular items such as typewriters, vehicles, or other types of equipment. This is not only pursuant to Lodi Municipal Code, but also through Government Code Section 54205 (copy attached) which reads in part:

"Any local agency may request that the State Department of General Services to make purchases of materials, equipment or supplies on its behalf in accordance with the provisions of Government Code Section 14814." (copy attached)

Respectfully submitted,



Ronald M. Stein  
City Attorney

RMS:vc

cccbids2/txta.01v

CAL AGENCIES  
Div. 2

Construction of any  
camps or juvenile  
commencing with  
the Welfare and  
on work is to be  
to such camps,  
oners pursuant to  
projects involving  
or work training

pealed; see, now,  
vided for resolution  
project may be per-  
ally after a county  
for a public project,  
rovisions of Gov.C.  
now § 20121), which  
dures in counties of  
Ops.Atty.Gen. 744,

LOCAL AGENCY PUBLIC CONSTRUCTION  
Pt. 3

§ 20161

Section

- 20169. Publication of legal notices; bids; contract.
- 20170. Bids; presentation; bidder's security.
- 20171. Bidder's security; amount.
- 20172. Bidder's security; forfeiture.
- 20173. Bidder's security; deposit.
- 20174. Refusal or failure to execute contract; award to next bidder; disposition of original bidder's security.

*Article 4 was added by Stats.1982, c. 465, p. 1921, § 11.*

*Heading of Article 4 was amended by Stats.1984, c. 1128, § 10, to add the word "Cities".*

✓ § 20160. Cities; contracts; application of article

The provisions of this article shall apply to contracts awarded by cities subject to Title 4 (commencing with Section 34000) of the Government Code.

(Added by Stats.1982, c. 465, p. 1921, § 11.)

✓ § 20161. Public project defined

As used in this chapter, "public project" means:

(a) A project for the erection, improvement, painting, or repair of public buildings and works.

(b) Work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow.

(c) Street or sewer work except maintenance or repair.

(d) Furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers.

(Added by Stats.1982, c. 465, p. 1921, § 11.)

Historical Note

Derivation: Gov.C. former § 37901, added by Stats.1949, c. 79, p. 165, § 1, amended by Stats.1978, c. 491, p. 1624, § 3.

Stats.1883, c. 49, p. 274, § 874; Stats.1891, c. 59, p. 55, § 1; Stats.1897, c. 87, p. 89, § 1; Stats.1913, c. 27, p. 32, § 1; Stats.1929, c. 294, p. 598, § 3; Stats.1931, c. 131,

p. 183, § 5; Stats.1933, c. 516, p. 1334, § 27; Stats.1939, c. 306, p. 1579, § 1; Stats.1941, c. 741, p. 2259, § 1; Stats.1941, c. 1034, p. 2672, § 1; Stats.1883, c. 49, p. 258, § 777; Stats.1891, c. 53, p. 54, § 1; Stats.1915, c. 663, p. 1304, § 1; Stats.1941, c. 741, p. 2260, § 2; Stats.1941, c. 1034, p. 2673, § 2.

Library References

Words and Phrases (Perm. Ed.)

ffense.

s or modifications.  
ntical bids; none

ation.

§ 20161

CONTRACTING BY LOCAL AGENCIES

Div. 2

Notes of Decisions

- In general 1
- Competitive bidding 2
- Garbage disposal 3

1. In general

Use of city work forces for extensions of city-owned electrical and water facilities was a "municipal affair" with respect to which competitive bidding requirements or "public projects" were inapplicable absent evidence of a statewide impact. *Smith v. City of Riverside* (1973) 110 Cal.Rptr. 67, 34 C.A.3d 529.

As generally used in statutes pertaining to construction of public improvements, word "street" or "roadway" includes curbs and gutters. *Martin v. City of Corning* (1972) 101 Cal.Rptr. 678, 25 C.A.3d 165.

Gov.C. § 37901 (repealed; see, now this section) and Gov.C. § 37902 (repealed; see, now, § 20162), as applicable in 1946 and 1947, requiring municipalities to take bids for construction of facilities including water and sewer mains were inapplicable to city's agreement to furnish water and sewer mains for housing development as it was up to city to determine in what manner it would install facilities. *Carruth v. City of Madera* (1965) 43 Cal.Rptr. 855, 233 C.A.2d 688.

The lighting of streets by electric arc lights placed above the intersections of streets was not "street work," within Mun. Corp. Act, § 777, as amended by Stats.1891, p. 54, providing that all street work shall be done by contract let after notice by publica-

tion. *Elec. Light & Power Co. v. City of San Bernardino* (1893) 34 P. 819, 100 C. 348.

2. Competitive bidding

State bidding procedures did not preempt nonconflicting local regulation of contract letting by home rule charter city with respect to work on city-owned pier; thus, work did not have to be put to competitive bidding. *Piledrivers' Local Union No. 2375 v. City of Santa Monica* (App. 2 Dist.1984) 198 Cal.Rptr. 731, 151 C.A.3d 509.

City acted in excess of its authority when it permitted its own employees to replace service lines to water main, at total cost in excess of \$3,500, without submitting such "public project" to competitive bidding. *Killeen v. City of San Bruno* (1976) 128 Cal.Rptr. 760, 56 C.A.3d 479.

3. Garbage disposal

Gov.C. § 37902 (repealed; see, now, § 20162) providing that when expenditure required for a "public project" exceeded \$1,000, it shall be contracted for and let to lowest responsible bidder after notice, did not include a contract for disposal of garbage by city in view of Gov.C. § 37901 (repealed; see, now, this section) defining a "public project" as a project for erection, improvement, and repair of public buildings and works, work in and about streams, bays, waterfronts, embankments, or other work for protection against overflow, street or sewer work except maintenance or repair, and the furnishing of supplies or materials for any such project. *Davis v. City of Santa Ana* (1952) 239 P.2d 656, 108 C.A.2d 669.

✓ § 20162. Bids; expenditure requiring; notice

When the expenditure required for a public project exceeds five thousand dollars (\$5,000), it shall be contracted for and let to the lowest responsible bidder after notice.

(Added by Stats.1982, c. 465, p. 1921, § 11.)

Historical Note

Derivation: Gov.C. former § 37902, added by Stats.1949, c. 79, p. 165, § 1, amended by Stats.1953, c. 295, p. 1654, § 1; Stats. 1959, c. 1024, p. 3047, § 1; Stats.1969, c. 594, p. 1226, § 1; Stats.1975, c. 916, p. 2024, § 1.

Stats.1883, c. 49, p. 274, § 874; Stats. 1891, c. 59, p. 55, § 1; Stats.1897, c. 87, p. 89, § 1; Stats.1913, c. 27, p. 32, § 1; Stats. 1929, c. 294, p. 598, § 3; Stats.1931, c. 131, p. 183, § 5; Stats.1933, c. 516, p. 1334, § 27; Stats.1939, c. 306, p. 1579, § 1; Stats.1941,

LOCAL Pt. 3

c. 741, p. 2  
2672, § 1;  
Stats.1891,

Municipa  
ding for pa  
L.R. 210.

Municip  
C.J.S.  
1148.

In genera  
Lowest re  
Public pr  
Purpose  
Void cont

1. In gen

State in  
nonconflic  
letting by  
spect to  
work did  
bidding.  
v. City of  
198 Cal.F.

Use of  
city-own  
was a "  
which co  
"public p  
evidence  
City of R  
C.A.3d 5

Cost e  
tion of c  
bring pr  
(repealed  
that, wh  
exceeds  
and let  
notice.  
Rptr. 67

Gov.C  
section)  
expendi  
tracted  
bidder  
gutter

Article 7

PURCHASES OF SUPPLIES AND EQUIPMENT BY LOCAL AGENCIES

Sec.

- 54201. "Local agency", defined.
- 54202. Policies and procedures.
- 54203. Adoption of policies by city or county.
- 54204. Adoption of policies by other local agencies.
- 54205. Purchases by department of general services.

Article 7, added as Article 6 by Stats.1957, c. 1912, p. 3344, § 1, was renumbered Article 7 and amended by Stats. 1961, c. 84, p. 1086, § 36.

Cross References

Resource conservation districts, purchasing policies and procedures, see Public Resources Code § 9457.

✓ § 54201. "Local agency," defined

As used in this article, the term "local agency" means every city, county, city and county, district, or any other local governmental body or corporation empowered to expend public funds for the acquisition of property.

(Added by Stats.1957, c. 1912, p. 3344, § 1.)

Library References

Words and Phrases (Perm.Ed.)

§ 54202. Policies and procedures

Every local agency shall adopt policies and procedures, including bidding regulations, governing purchases of supplies and equipment by the local agency. Purchases of supplies and equipment by the local agency shall be in accordance with said duly adopted policies and in accordance with all provisions of law governing same. No policy, procedure, or regulation shall be adopted which is inconsistent or in conflict with statute.

(Added by Stats.1957, c. 1912, p. 3344, § 1.)

Forms

See West's California Code Forms, Government.

Library References

Counties ↪ 113, 114. Municipal Corporations ↪ 226, 227.

C.J.S. Counties §§ 175, 177. C.J.S. Municipal Corporations §§ 973, 976 et seq.

I. Insurance Cities, coun not required surance only and any such

§ 54203

If the policies pr in the mar (Added by

In general Insurance

I. In gene Where b by ordinan competitive a bid whic tions if th viation is mination and if not

§ 542

If ty, the means ble for (Added

§ 54

A Service behalf (Adde p. 112

The "State

Depar

Notes of Decisions

1. Insurance

Cities, counties and school districts are not required by state statutes to buy insurance only after competitive bidding, and any such requirement, and procedure

to be followed, must be found in the charter or ordinances of the local body or in rules and regulations adopted under such charter and ordinances. 38 Ops.Atty.Gen. 92.

✓ § 54203. Adoption of policies by city or county

If the local agency is a city, a county, or a city and county, the policies provided for in Section 54202 shall be adopted by ordinance in the manner provided by law or by charter, as the case may be.

(Added by Stats.1957, c. 1912, p. 3344, § 1.)

Notes of Decisions

In general 1  
Insurance 2

to county for all compensation received. 47 Ops.Atty.Gen. 129, 4-19-66.

1. In general

Where board of supervisors is required by ordinance to contract for purchases by competitive bidding, the board may accept a bid which deviates from bid specifications if the board determines that the deviation is inconsequential, and such determination is subject to review by courts and if not upheld, vendor would be liable

2. Insurance

Cities, counties and school districts are not required by state statutes to buy insurance only after competitive bidding, and any such requirement, and procedure to be followed, must be found in the charter or ordinances of the local body or in rules and regulations adopted under such charter and ordinances. 38 Ops.Atty.Gen. 92.

§ 54204. Adoption of policies by other local agencies

If the local agency is other than a city, county, or city and county, the policies provided for in Section 54202 shall be adopted by means of a written rule or regulation, copies of which shall be available for public distribution.

(Added by Stats.1957, c. 1912, p. 3344, § 1.)

✓ § 54205. Purchases by department of general services

Any local agency may request the State Department of General Services to make purchases of materials, equipment, or supplies on its behalf in accordance with the provisions of Section 14814.

(Added by Stats.1961, c. 2121, p. 4381, § 2. Amended by Stats.1965, c. 159, p. 1124, § 12; Stats.1965, c. 371, p. 1576, § 215.)

Historical Note

The 1965 amendments substituted for "State Department of Finance" and "State Department of General Services" "Section 14814" for "Section 13409".

Cross References

Department of general services, see § 14600 et seq.

MENT BY

1957, c. 1912,  
ended by Stats.

dures, see Public Re-

means every city,  
cal governmental  
nds for the acqui-

cedures, including  
s and equipment  
ipment by the lo-  
pted policies and  
ame. No policy,  
nconsistent or in

75, 177.  
orporations §§ 973,

entitled to the exemption. (Ord. 1333 § 1(3)(C)(part), 1984)

**3.16.110 Administration by county.**

The county recorder shall administer this chapter in conformity with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any county ordinance adopted pursuant thereto. (Prior code § 23-32)

**3.16.120 Refunds.**

Claims for refund of taxes imposed pursuant to this chapter shall be governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the state. (Prior code § 23-33)

**3.16.130 Operative date.**

This chapter shall become operative upon the operative date of any ordinance adopted by the county, pursuant to Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the state, or upon the effective date of the ordinance codified in this chapter, whichever is the later. (Prior code § 23-34)

**Chapter 3.20**

**PURCHASING SYSTEM**

**Sections:**

- 3.20.010 Purpose.
- 3.20.020 Purchasing officer—Established.

- 3.20.030 Purchasing officer—Powers.
- 3.20.040 Exemptions from centralized purchasing.
- 3.20.050 Estimates of agency requirements.
- 3.20.060 Requisitions.
- 3.20.070 Bidding.
- 3.20.080 Purchase orders.
- 3.20.090 Use of unencumbered funds required.
- 3.20.100 Formal contract procedure.
- 3.20.110 Open market procedure.
- 3.20.120 Inspection and testing of purchases.

**3.20.010 Purpose.**

In order to establish efficient procedures for the purchase of supplies, services and equipment, to secure for the city 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, a purchasing system is adopted. (Prior code § 2-55)

**3.20.020 Purchasing officer—Established.**

There is created the position of purchasing officer. He shall be appointed by the city manager. The purchasing officer shall be the head and have general supervision of the purchasing department. The duties of the purchasing officer may be combined with those of any other office or position. (Prior code § 2-56)

**3.20.070 Bidding.**

Purchases of supplies, services, equipment and the sale of personal property shall be by bid procedures pursuant to Sections 3.20.100 and 3.20.110. Bidding shall be dispensed with only when an emergency requires that an order be placed with the nearest available source of supply, when the amount involved is less than one hundred dollars, or when the commodity can be obtained from only one vendor. (Prior code § 2-61)

**3.20.080 Purchase orders.**

Purchases of supplies, services and equipment shall be made only by purchase orders. (Prior code § 2-62)

**3.20.090 Use of unencumbered funds required.**

Except in cases of emergency, the purchasing officer shall not issue any purchase order for supplies, services or equipment unless there exists an unencumbered appropriation in the fund account against which the purchase is to be charged. (Prior code § 2-63)

**3.20.100 Formal contract procedure.**

The advertisement for bids will be conducted as provided for in the Government Code.

A. Notice Inviting Bids. Notice inviting bids shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured and the time and place for opening bids.

1. Published Notice. Notice inviting bids shall be published at least ten days before the date of opening of the bids. Notice shall be published at least once in

a newspaper of general circulation, printed and published in the city, or if there is none, it shall be posted in at least three public places in the city that have been designated by ordinance as the places for posting public notices.

2. Bidders' List. The purchasing officer shall also solicit sealed bids from all responsible prospective suppliers whose names are on the bidders' list or who have requested their names to be added thereto.

3. Bulletin Board. The purchasing officer shall also advertise pending purchases or sales by a notice posted on a public bulletin board in the City Hall.

B. Bidder's Security. When deemed necessary by the purchasing officer, bidder's security may be prescribed in the public notice inviting bids. Bidders shall be entitled to return of bid security; provided, that a successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten days after the notice of award of contract has been mailed, unless the city is responsible for the delay. The city council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. Thereafter, if the city council awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the city to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

C. Bid Opening Procedure. Sealed bids shall be submitted to the purchasing officer and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the

3.20.030

**3.20.030 Purchasing officer—Powers.**

The purchasing officer shall have authority to:

A. Purchase or contract for supplies, services and equipment required by any using agency in accordance with purchasing procedures prescribed by this chapter, such administrative regulations as the purchasing officer shall adopt for the internal management and operation of the purchasing department and such other rules and regulations as shall be prescribed by the city council or city manager.

B. Negotiate and recommend execution of contracts for the purchase of supplies, services and equipment;

C. Act to procure for the city the needed quality in supplies, services and equipment at least expense to the city;

D. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases;

E. Prepare and recommend to the city council rules governing the purchase of supplies, services and equipment for the city;

F. Prepare and recommend to the city council revisions and amendments to the purchasing rules;

G. Keep informed of current developments in the field of purchasing, prices, market conditions and new products;

H. Prescribe and maintain such forms as reasonably necessary to the operation of this chapter and other rules and regulations;

I. Supervise the inspection of all supplies, services and equipment purchased to insure conformance with specifications;

J. Recommend the transfer of surplus

or unused supplies and equipment between departments as needed and the sale of all supplies and equipment which cannot be used by any agency or which may become unsuitable for city use;

K. Maintain a bidders' list, vendors catalog file and records needed for the efficient operation of the purchasing department. (Prior code § 2-57)

**3.20.040 Exemptions from centralized purchasing.**

The purchasing officer, with the approval of the city council, may authorize in writing any agency to purchase or contract for specified supplies, services and equipment independently of the purchasing department; but he shall require that such purchases or contracts be made in conformity with the procedures established by this chapter and shall further require periodic reports from the agency on the purchases and contracts made under such written authorization. (Prior code § 2-58)

**3.20.050 Estimates of agency requirements.**

All using agencies shall file detailed estimates of their requirements in supplies, services and equipment in such manner, at such time and for such future periods as the purchasing officer prescribes. (Prior code § 2-59)

**3.20.060 Requisitions.**

Using agencies shall submit requests for supplies, services and equipment to the purchasing officer by standard requisition forms. (Prior code § 2-60)

public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty calendar days after the bid opening.

D. Rejection of Bids. In its discretion, the city council may reject any and all bids presented and readvertise for bids.

E. Award of Contracts. Contracts shall be awarded by the city council to the lowest responsible bidder except as otherwise provided in this chapter.

F. Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal and if the public interest will not permit the delay of readvertising for bids, the city council may accept the one it chooses or accept the lowest bid made by negotiation with the tie bidders at the time of the bid opening.

G. Performance Bond. The city council shall have authority to require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interests of the city. If the city council requires a performance bond, the form and amount of the bond shall be described in the bidding documents. (Ord. 1333 § 1(3)(A, D), 1984; prior code § 2-64)

**3.20.110 Open market procedure.**

Purchases of supplies, equipment, contractual services and sales of personal property of an estimated value in the amount of five thousand dollars or less may be made by the purchasing officer in the open market without observing the procedure prescribed by Section 3.20.100:

A. Minimum Number of Bids. Open market purchases shall, wherever possible, be based on at least three bids, and shall be awarded to the lowest responsible bidder.

B. Notice Inviting Bids. The purchasing officer shall solicit bids by written requests to prospective vendors, by telephone and by public notice posted on a public bulletin board in the City Hall.

C. Written Bids. Sealed written bids shall be submitted to the purchasing officer who shall keep a record of all open market orders and bids for a period of one year after the submission of bids or the placing of orders. This record, while so kept, shall be open to public inspection. (Ord. 1333 § 1(3)(E), 1984; prior code § 2-65)

**3.20.120 Inspection and testing of purchases.**

The purchasing officer shall inspect supplies and equipment delivered, and contractual services performed, to determine their conformance with the specifications set forth in the order or contract. The purchasing officer shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications. (Prior code § 2-66)

**Chapter 3.24**

**LOST AND UNCLAIMED PROPERTY**

**Sections:**

**3.24.010 Retention for six months.**

**§ 14813 DEPARTMENT OF GENERAL SERVICES Title 2**

specifying in detail the ground of the protest and the facts in support thereof.

(Added by Stats.1965, c. 371, p. 1556, § 179.)

**Historical Note**

Derivation: Former § 13407, added by Stats.1955, c. 1738, p. 3195, § 8, amended by Stats.1961, c. 532, p. 1663, § 1.

**Administrative Code References**

Dismissal of frivolous or nonmeritorious protests, see 2 Cal.Adm.Code 872.  
Requests for hearing, see 2 Cal.Adm.Code 870.

**Law Review Commentaries**

Due process in public contracts: Pre-award hearings to determine responsibility of bidders. (1974) 5 Pacific L.J. 142.

**Library References**

States ⇐98.

C.J.S. States §§ 160 to 167.

**§ 14814. Purchases on behalf of local agency; service charge; rules and regulations**

The Department of General Services is authorized to make purchases of materials, equipment, or supplies, other than printed material, on behalf of any city, county, city and county, district, or other local governmental body or corporation empowered to expend public funds for the acquisition of property, upon written request of such local agency; provided that such purchases can be made by the Department of General Services upon the same terms, conditions and specifications at a price lower than the local agency can obtain through its normal purchasing procedures. The state shall incur no financial responsibility in connection with purchases for local agencies under this section. No purchase shall be for less than five hundred dollars (\$500) and the local agency shall accept sole responsibility for payment to the vendor. All purchases shall be subject to audit and inspection by the local agency for which made.

The competitive bidding requirements of this chapter shall apply to purchases made under this section.

Purchases under this section shall be subject to the provisions of Section 14813.

No purchase shall be made under this section when bids have been received by the local agency for the furnishing of such materials, equipment, or supplies, unless the purchase by the Department of General Services can be made at a lower price upon the same terms, conditions and specifications.

Div. 3

A charge this service, department c department in instances v agency prior department.

The Dep. regulations a: (Added by Stat

Derivation: Fo Stats.1961, c. 212

Community colleg partment of

Purchases on beha

States ⇐67, 85

**§ 14815.**

Each quar city, county, ci lic corporation of consumable with a list of s The departmen supplement of and specificatio (Added by Stats.

States ⇐90, 94.

d the facts in support

im.Code 872.

§ 160 to 167.

ncy; service charge;

orized to make pur-  
c than printed mate-  
ty, district, or other  
ed to expend public  
n request of such lo-  
made by the Depart-  
nditions and specifi-  
n obtain through its  
ncur no financial re-  
l agencies under this  
ive hundred dollars  
sponsibility for pay-  
subject to audit and

s chapter shall apply

to the provisions of

on when bids have  
ing of such materi-  
/ the Department of  
on the same terms,

A charge shall be made to each local agency availing itself of this service, such charge to be not less than the estimated cost to the department of rendering the service, including costs incurred by the department in preparation for a purchase requested by a local agency in instances where such request is canceled or withdrawn by the local agency prior to award of the contract or purchase order by the department.

The Department of General Services may adopt such rules and regulations as are necessary for the purposes of this section.  
(Added by Stats.1965, c. 371, p. 1557, § 179.)

Historical Note

Derivation: Former § 13409, added by Stats.1961, c. 2121, p. 4380, § 1, renum- bered § 13408.5 and amended by Stats. 1963, c. 630, p. 1625, § 1.

Cross References

Community college districts, application of Education Code to purchases through department of general services, see Education Code § 81643.

Administrative Code References

Purchases on behalf of local agencies, see 2 Cal.Adm.Code 1895 et seq.

Library References

States ⇐67, 85 et seq. C.J.S. States §§ 120, 121, 136 to 138, 140, 145.

§ 14815. List of items available for purchase

Each quarter the department shall upon request provide each city, county, city and county, district, local government body or public corporation empowered to expend public funds for the acquisition of consumable materials and supplies and other interested parties with a list of such items available for purchase under Section 14814. The department may supplement the quarterly lists with a monthly supplement of changes, additions and deletions. Terms, conditions and specifications shall be provided upon request.

(Added by Stats.1971, c. 1984, p. 2062, § 1.)

Library References

States ⇐90, 94. C.J.S. States §§ 154, 155 to 157, 160.