



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 20-887

Board Meeting Date: 11/17/2020

To: Honorable Board of Supervisors

From: Michael Callagy, County Manager

Subject: Adopt an Ordinance Amending the San Mateo County Ordinance Code to Update Certain Procurement-Related Provisions

RECOMMENDATION:

Adopt an ordinance amending: (1) Section 2.84.030 of Chapter 2.84, Sections 2.85.010 and 2.85.020 of Chapter 2.85, and Section 2.88.020 of Chapter 2.88 of the San Mateo County Ordinance Code to align with changes to the Government Code and Administrative Memo B-1; and (2) Section 2.88.020 of Chapter 2.88 of the San Mateo County Ordinance Code to use the same term as the United States Department of Labor, Bureau of Labor Statistics for the metropolitan area that includes San Mateo County, previously introduced on November 10, 2020, and waive the reading of the ordinance in its entirety.

BACKGROUND:

Section 2.83.060 of Chapter 2.83 states that the County's "Purchasing Agent shall have the duty to engage independent contractors to perform services for the County, with or without the furnishing of materials, when the aggregate cost does not exceed that amount established by the Government Code as the limit of the Purchasing Agent's authority." Effective January 1, 2019, Government Code Section 25502.5 was amended to increase that amount from \$100,000 to \$200,000.

Following this amendment to the Government Code, the County Manager, which is the County's Purchasing Agent, updated its Administrative Memo B-1, effective September 1, 2020, to align County purchasing procedures with this new threshold. As a result of these changes, approval from the Board of Supervisors is no longer needed for contracts with not-to-exceed amounts up to and including \$200,000.

Additionally, following the proclamation of an emergency, the Board of Supervisors may exercise authority under Government Code Section 25502.7, to direct the County Manager, as the County's Director of Emergency Services and Purchasing Agent, to engage independent contractors to perform services related to that emergency, with or without the furnishing of materials, as long as the contract amounts do not exceed \$500,000. The Ordinance Code amendments clarify that in such

instances, or any other instances where authorized by the Board of Supervisors, approval of such contracts by the Board of Supervisors is not required.

DISCUSSION:

The Ordinance Code changes at issue further align various of the County's contract requirements with the updates to Government Code Section 25502.5 and Administrative Memo B-1. In addition, the changes authorize designees with authority to enter into certain kinds of contracts on behalf of the County with the authority to waive certain contract requirements when it is deemed to be in the best interest of the County to align with the new Government Code threshold. As a result, there will be no need to obtain approval from the Board of Supervisors for such waivers when the underlying contract is of a type or amount such that the contract itself does not require Board approval.

In addition, Section 2.88.020(g) of Chapter 2.88 of the San Mateo County Ordinance Code, concerning the Living Wage Ordinance Pilot Program, defines CPI-U as "the consumer price index for urban consumers for the San Francisco-Oakland-San Jose metropolitan statistical area, as determined by the United States Department of Labor, Bureau of Labor Statistics." The United States Department of Labor, Bureau of Labor Statistics recently stated that San Mateo County is in the "San Francisco-Oakland-Hayward, CA metropolitan area." Accordingly, Section 2.88.020(g) is being updated to refer instead to the San Francisco-Oakland-Hayward, CA metropolitan area.

FISCAL IMPACT:

None