

SOLANO COUNTY GENERAL SERVICES

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June 16, 2011

Honorable Scott D. Daniels
Presiding Judge of the Solano Superior Court
Hall of Justice
600 Union Avenue
Fairfield, CA 94533

RE: RESPONSE TO 2010-2011 GRAND JURY REPORT - "JUSTICE CENTER
DETENTION FACILITY (MAIN JAIL) AND CLAYBANK DETENTION FACILITY
(CLAYBANK)"

Honorable Scott D. Daniels:

The following information is provided to respond to the 2010-2011 Grand Jury Report entitled "Justice Center Detention Facility (Main Jail) and Claybank Detention Facility (Claybank)". The response is limited to the areas within the management responsibility of the General Services Department; specifically, Findings 4 and 5 of the Report.

General Services Department Response

Finding 4 – The Solano County Sheriff's Office is are (sic) using seven-year old purchasing and contracting policy manuals.

Department Response to Finding 4 – General Services partially agrees with this finding.

Recommendation 4 – The Grand Jury recommends the County consider reviewing the current edition of the County of Solano Purchasing and Contracting Policy Manual – Issued July 2004 for any required revisions. If the July 2004 version is not the latest edition, the County should ensure that the departments are using the latest edition.

Department Response to Recommendation 4 – General Services agrees with this recommendation. Although the date on the Solano County Purchasing and Contracting Policy Manual (herein after referred to as "Manual") is July 2004, the Manual has been subsequently updated several times.

When the Manual was approved by the Board on July 27, 2004, one of the recommendations for approval was to provide authority to the County's Purchasing Agent to make technical, not substantive, changes as warranted and update the Manual whenever the Board adopts policy changes as they apply to purchasing and contracting.

With each revision and update to the Manual, departments were notified electronically of all changes. The changes were incorporated into the master document and made available to all departments on the County's Intranet Central Services webpage.

Additionally on an annual basis, County Counsel hosts a workshop entitled, *Nuts and Bolts of Bids and Requests for Proposals*. This workshop is largely facilitated by the Central Services Manager. The workshop focuses on why and how to conduct a solicitation and provides insight with how to reference and comply with the Solano County Purchasing and Contracting Policy Manual. In the past, several representatives of the Sheriff's Office have attended these workshops.

Finding 5 – By circuitous interpretation of the *County of Solano Purchasing and Contracting Policy Manual – Issued July 2004*, the County departments can avoid the competitive bidding process without written justification.

Department Response to Finding 5 – General Services does not agree with this finding.

Recommendation 5 – The Grand Jury recommends the County consider reviewing the policy stated in the *County of Solano Purchasing and Contracting Policy Manual – Issued July 2004* to ensure it is consistent with the County's intent regarding competitive bidding. The Manual should also be re-written to eliminate policy modification by linking various portions of the Manual.

Department Response to Recommendation 5 – General Services partially agrees with this recommendation. The Solano County Purchasing and Contracting Policy Manual is clear and concise when a competitive solicitation is necessary. County Code Section 22-26(d) allows for certain types of professional service contracts to be let without competitive solicitations and/or allows Solano County to “piggyback” off of other governmental contracts for same services and/or commodities. This Code Section is included in the Manual Section 2.11, Exceptions to the Competitive Bid Process.

Representatives of the Sheriff's Office are diligent in conferring with Purchasing staff to ensure compliance with the County's Purchasing and Contracting Policy. In reviewing the contracts in Table II of the report, it is known that some of the contracts allowed for contract extensions in the initial solicitation; in these cases the contract for services were indeed competitively bid (Aramark, Anka). This is consistent with County policy.

In other cases, for example, the contract with Legal Research Associates, a non-competitively bid contract is permissible per Section 2.11 of the County's Purchasing and Contracting Policy Manual, which states:

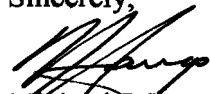
“Expert and professional services. Wherever State law expressly authorizes the execution of expert and professional services contracts. Definition of expert and professional services are defined by state law as those that involve extended analysis, the exercise of discretion and independent judgment in their performance, and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by prolonged course of study or equivalent experience such as accountants, physicians, social service consultants, labor consultants, investigators, attorneys, architects, surveyors and engineers.”

Departments are not permitted to modify or interpret the Solano County Purchasing and Contracting Policy Manual upon their discretion or for their convenience. The master document is accessible on the County Webpage through the link to Central Services.

End of Response

If additional information or assistance relative to the General Services Department's response to the Grand Jury Report is needed, please let me know.

Sincerely,



Michael J. Lango
Director of General Services

cc: Birgitta E. Corsello, County Administrator
Gary Stanton, Sheriff/Coroner