



**Superior Court of California
COUNTY OF ALAMEDA**

Finance and Facilities Division
René C. Davidson Courthouse
1225 Fallon Street, Oakland, CA 94612

TITLE: Local Contracting Manual

EFFECTIVE DATE: Revision effective March 14, 2022

CONTACT: Procurement, Finance and Facilities Division

GOVERNING STATUTES AND RULES: Judicial Branch Contracting Manual (JBCM)

RELATED COURT PROCEDURES AND POLICIES: Disabled Veteran Business Enterprise Program and Small Business Preference Program.

FORMS AND REFERENCES: See Appendices.

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1.0 Purpose

This Local Contracting Manual was adopted by the Superior Court of California, County of Alameda (referred to as “Court” throughout the remainder of this document) in accordance with the requirements of the Judicial Branch Contracting Manual (JBCM). This Local Contracting Manual supersedes and replaces all previous Local Contracting Manuals. This manual supplements and incorporates by reference the provisions of the JBCM.

2.0 Assignments

In accordance with JBCM Chapter 1, Section 1.1.C.1, the Court assigns the following persons or positions to perform the specified procurement or contracting activity:

| Assignment | Person(s) or Position(s) Assigned | Roles and Responsibilities |
|----------------------------------|---|--|
| Procurement and Contract Analyst | Eddie Sanchez, Procurement and Contract Analyst | <ul style="list-style-type: none"> • Responsible for all procurement and contracting within the JBE. • Ensures that all procurement and contracting activities within the JBE comply with applicable procurement laws. • Provides the necessary resources to ensure that all staff are properly qualified and trained in all aspects of the procurement process. • Oversees development of the Local Contracting Manual. |
| Buyer* | Jennifer Buentello-Gilligan; Caroline Ficenec, Fiscal Services Specialist | <ul style="list-style-type: none"> • Performs day-to-day purchasing and contracting activities. • Is knowledgeable about applicable procurement laws and best practices. • Ensures that the needs of the JBE are met within applicable procurement laws. • Maintains the procurement file and related documentation. |
| ADA Coordinator * | Adam Byer, Administrator | <ul style="list-style-type: none"> • Assists and responds to questions or concerns regarding procurement related accommodation needs. |

| Assignment | Person(s) or Position(s) Assigned | Roles and Responsibilities |
|-------------------------------|---|--|
| DVBE Advocate* | Eddie Sanchez, Procurement and Contract Analyst | <ul style="list-style-type: none"> • Identifies potential DVBE prime contractors or subcontractors and potential contracting opportunities. • Makes information regarding pending solicitations available to certified DVBE firms capable of meeting the JBE’s business needs (MVC 999.12). |
| Procurement-Card Coordinator* | Eddie Sanchez, Procurement and Contract Analyst | <ul style="list-style-type: none"> • Ensures compliance with relevant procurement card procedures and contract terms. • Adds, deletes, and alters card restrictions/limits. • Reviews billing reports to monitor payments and disputes. |
| Protest Hearing Officer** | Eddie Sanchez, Procurement and Contract Analyst | <ul style="list-style-type: none"> • Evaluates protests. • Issues written determinations regarding protests. |
| Protest Appeals Officer*** | Director of Finance & Facilities Division | <ul style="list-style-type: none"> • Evaluates protest-related appeals. • Issues written determinations regarding appeals of protests. |
| Payment Officer | Lisa Clark, Senior Accountant | <ul style="list-style-type: none"> • Ensures timely payment of invoices. • Ensures that proper internal approvals have been secured before processing payment. |
| Contract Administrator | Eddie Sanchez, Procurement and Contract Analyst | <ul style="list-style-type: none"> • Responsible for the performance of all contract administration functions. • Delegates the authority and responsibility to perform certain contract administration functions to other Court employees. Establishes clear lines of authority for the management and conduct of contract administration functions. |

| Assignment | Person(s) or Position(s) Assigned | Roles and Responsibilities |
|------------------------------------|---|---|
| Contract Administrator (continued) | Eddie Sanchez, Procurement and Contract Analyst | <ul style="list-style-type: none"> Maintains record of each contract administrator and a description of their function within the Court. |

- * If no person or position is designated for this assignment, the Procurement and Contract Analyst will be responsible for performing this assignment.
- ** If no person or position is designated for this assignment, the buyer’s supervisor will be responsible for performing this assignment.
- *** If no person or position is designated for this assignment, the protest hearing officer’s supervisor will be responsible for performing this assignment.

3.0 Settlement Agreements

The following persons or positions have the authority to bind the Court to a settlement agreement resulting from a contract dispute:

1. Presiding Judge
2. Court Executive Officer

4.0 Signature Authority

The following persons or positions are authorized to enter into, extend, amend, terminate or transfer the following contracts and purchase orders:

| Position | Approval Threshold |
|--|--------------------|
| Presiding Judge or Executive Committee (if applicable) | Any value |
| Executive Officer | Any value |
| Assistant Executive Officer | Any value |
| Director of Finance & Facilities Division | Any value |

The signature authorities are authorized from the Presiding Judge to the positions listed above in the document titled Expenditure Authorization. The Expenditure Authorization document is available at <http://www.alameda.courts.ca.gov/Resources/Documents/ExecOffice/General%20Directives/2021-06%20Expenditure%20Authorization.pdf>

Approval of Purchase Requisitions

The following persons or positions are authorized to approve purchase requisitions:

| Cost Center & Description | Level 1 Budget Approver | Level 2 Up to \$10,000 Director Approval | Level 3 Over \$10,000 Executive Approver |
|--|--|---|---|
| 1-1001 Judicial Services | Jenny Lee | Elizabeth Erickson | Melanie Lewis |
| 1-1101 Executive Office | Jenny Lee | Elizabeth Erickson | Melanie Lewis |
| 1-1103 Executive Office Projects & Programs | Jenny Lee | Adam Byer | Melanie Lewis |
| 1-1201 Legal Services | Jenny Lee | Elizabeth Erickson | Melanie Lewis |
| 1-1301 Criminal Division | Jenny Lee | Tracy Wellenkamp | Melanie Lewis |
| 1-1401 Civil Division | Jenny Lee | Caryn Downing | Melanie Lewis |
| 1-1402 Probate | Jenny Lee | Caryn Downing | Melanie Lewis |
| 1-1501 Family Division | Jenny Lee | Charlotte Marin | Melanie Lewis |
| 1-1510 Family Law Facilitators/Self Help Services | Jenny Lee | Charlotte Marin | Melanie Lewis |
| 1-1601 Court Attendants | Jenny Lee | Charlotte Marin | Melanie Lewis |
| 1-1701 Human Resources Division | Jenny Lee | Glenys Rogers | Melanie Lewis |
| 1-1801 Finance & Facilities Division | Jenny Lee | Melanie Lewis | Melanie Lewis |
| 1-1806 Facilities Unit | Jenny Lee | Melanie Lewis | Melanie Lewis |
| 1-1901 Office of Information Technology | Jenny Lee | Jonathan Allen | Melanie Lewis |
| 1-3221 Traffic Division | Jenny Lee | Tracy Wellenkamp | Melanie Lewis |
| 1-4331 Juvenile Division | Jenny Lee | Tracy Wellenkamp | Melanie Lewis |
| 1-5521 Court Reporter Unit | Jenny Lee | Tracy Wellenkamp | Melanie Lewis |

| Cost Center & Description | Level 1 Budget Approver | Level 2 Up to \$10,000 Director Approval | Level 3 Over \$10,000 Executive Approver |
|---|-------------------------------|--|---|
| 1-5621 Jury Services | Jenny Lee | Caryn Downing | Melanie Lewis |
| 1-5721 Court Interpreters | Jenny Lee | Caryn Downing | Melanie Lewis |
| 1-5821 Records Management/Appeals/Exhibits | Jenny Lee | Caryn Downing | Melanie Lewis |
| 1-6666 Grants | Paul Truong | Melanie Lewis | Melanie Lewis |
| 1-5555 Reimbursements: Enhanced Collections, FHOs, Small Claims, etc. | Jenny Lee | Melanie Lewis | Melanie Lewis |

5.0 Solicitation Document Type

The Court may elect to use a Request for Quote solicitation for all non-complicated, low risk procurements for non-IT goods, non-IT services and any combination of IT goods and services up to \$100,000. At the Court’s discretion the bid may be awarded to the lowest responsible bidder or the highest scored bid.

6.0 Advertising

The Court may choose to advertise non-complicated solicitations of non-IT or IT goods and/or services valued at less than \$50,000 in a twelve month period for less than the ten working days, as stated in JBCM Chapter 4, Section 4.1.D.3 (Timing of advertising). The advertising period for such solicitations will be no less than three working days.

7.0 Non-Competitive Bid Procurements

Non-competitive bid requests, including sole-source requests and special category non-competitively bid contract requests (SCR), which require approval may be approved using a memorandum or a form substantially in the form of the Non-Competitive Bid Request Form or the Special Category Non-Competitive Bid Request Form included in the Appendices. In addition to the Presiding Judge and their delegate(s), the following persons/positions are authorized to approve non-competitive bid procurements:

| Non-competitive Bid Value | Persons(s) or Positions(s) Authorized to Sign |
|---------------------------|---|
| \$50,000 and above | Presiding Judge |
| Any value | Court Executive Officer |

8.0 Protests

Protests to solicitations issued by the Court will be handled as set forth in Chapter 7 (Protests) of the JBCM, including protest thresholds, the deadlines for receipt of protests, and the deadline for filing of an appeal. However, the Court will allow 10 calendar days after the Court receives an award protest for non-IT services for the protester to submit the information required per JBCM Chapter 7, Section 7.4.C (Required Information).

9.0 Contract Form

The Court may choose the appropriate contract form to be used based on the requirements established in Chapter 8 (Contracts) of the JBCM. The Court may elect to use a short form agreement for routine purchases of goods and services when the Court determines that not all of the provisions found in the Court’s Standard Agreement are appropriate. The use of short form agreements will be limited to non-complicated services that do not include IT services which require special provisions or services with an annual value of more than \$100,000.

10.0 Disabled Veteran Business Enterprise Program

The Court has designed a Disabled Veteran Business Enterprise (DVBE) Program to enhance opportunities for DVBEs. The Court will offer a DVBE incentive for competitive solicitations over \$50,000, unless the DVBE incentive is waived.

11.0 Small Business Preference Program

The Court has designed a Small Business Preference Program to enhance opportunities for small businesses. A bidder may claim a small business preference in competitive solicitations of information technology (IT) goods and services of \$5,000 or over. The Court does not offer a small business preference in connection with non-IT goods or non-IT services.

12.0 Contract Administration Plan

Eddie Sanchez is appointed to fulfill the role of senior contract administrator as described in section 11.2 (Contract Administration Plan) of the JBCM. Responsibilities include, but are not limited to, the roles and responsibilities described under the Procurement and Contract

Analyst position set forth in section 2.0 (Assignments) of this Local Contracting Manual. Eddie Sanchez is authorized to delegate authority and responsibility to other Court employees to perform contract administrator functions described in the JBCM and this Local Contracting Manual. Chapter 11, Contract Administration, is incorporated into this Local Contract Manual by reference. Court employees responsible for contract administration will follow the requirements and recommended practices set forth in Chapter 11 and this Local Contracting Manual.

13.0 Legal Review

The Court will arrange for legal review of contracts as set forth below:

- A. Contracts that provide for the performance of high risk activities. High risk activities include: 1) the operation of heavy equipment; 2) transporting holding, or incarcerating a person; 3) applying, treating, removing, storing, or any other handling of hazardous chemicals or other hazardous substances; 4) carrying a firearm, explosive, or other weapon, or 5) transporting outside of secure premises cash, cash equivalents, securities, and other financial instruments with an aggregate value on any occurrence in excess of \$100,000.
- B. Contract templates that are adopted by the Court.
- C. Contract modifications or amendments that are a result of a contract dispute or if the contract modification itself triggers a legal review under this Local Contracting Manual.
- D. Any change to standard terms and conditions listed below: 1) a change that involves the assumption of risk or contingent liability not under the direct control of the Court; 2) a change to standard indemnification language that would require the Court to indemnify a contractor or third party; 3) a change that would substantially narrow any limitation of liability that favors the Court; 4) a change that would substantially limit the liability of a contractor or other third party; 5) agreeing to liquidated damages, or 6) a change that would release any claim or potential claim or otherwise settle any dispute.
- E. All administrative and infrastructure information technology (IT) projects with total costs estimated at more than \$5 million that are subject to review and recommendations of the California Department of Technology, as specified in GC 68511.911 (PCC 19204(a)).

14.0 High Value Contracts

Contract administration responsibilities will include notification to the Bureau of State Audits under PCC 19204(a) of any contract with a total cost estimated at more than \$1 million to ensure compliance with the California Judicial Branch Contract Law, except as excluded as set forth in GC 68511.9. Such notification will provide, but is not limited to, name of our Court, name of vendor, a brief description of the scope of contract, contract term, contract signature date, estimated contract value and a contact for questions.

APPENDIX A

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
NON-COMPETITIVE BID REQUEST FORM**

| | |
|---|---|
| Date Contractor/Vendor Information | Date Submitted: _____ Name of Contractor/Vendor: _____ Contract/Purchase Order No. _____ |
| Description of the goods and/or services to be procured | Insert description here. |
| Non-Competitive Bid Selection (check one and explain below) | <ul style="list-style-type: none"> <input type="checkbox"/> Legal services per JBCM Chapter 5, Section 5.4. <input type="checkbox"/> Certain Leveraged Procurement Agreements (LPAs) (in accordance with chapter 6 of JBCM through an LPA established by such JBE or another entity) per JBCM Chapter 5, Section 5.5. <input type="checkbox"/> Purchases from a business entity operating a Community Rehabilitation Program (CRP) at a fair market price (must have CRP’s approval certificate, issued by the Department of Rehabilitation) per JBCM Chapter 5, Section 5.6. <input type="checkbox"/> Subvention and local assistance contracts providing assistance to local governments and aid to the public directly or through an intermediary, such as a nonprofit corporation organized for that purpose per JBCM Chapter 5, Section 5.8. <input type="checkbox"/> Sole Source for goods or services are the only goods or services that meet the JBE’s need per JBCM Chapter 5, Section 5.9 <input type="checkbox"/> Grant Application Deadline - A grant application submittal deadline does not permit the time needed for a competitive procurement of services. Per JBCM Chapter 5, Section 5.9 a competitive bid is not required. <i>Provide details regarding the grant and the application deadline:</i> <input type="checkbox"/> Special Category NCB Contract Request is used when a significant number of repeat NCB procurements of non-IT goods, non-IT services, or IT goods and services will occur. Limited to a specific type of goods and services for which there is no viable competition; or competitive bidding cannot be completed using reasonable efforts before the time such goods and services are required. JBCM Chapter 5, Section 5.10. <input type="checkbox"/> Training per JBCM Chapter 5, Section 5.11. <input type="checkbox"/> Amendment is a non-competitive bid amendment does not require a competitive bid per JBCM Chapter 5, Section 5.2. <i>Provide description of contract terms to be changed and why the Buyer determined that the amendment is in the Court’s best interest.</i> <input type="checkbox"/> An exigent and critical need has occurred. |
| Non-Competitive Bid Selection Explanation | |
| Effort made to solicit competitive bids (if any) | <i>Insert description here.</i> |
| Support that the pricing is fair and reasonable | <i>For example, prices for comparable goods or services.</i> |
| Special factors affecting costs or other | <i>Insert description here.</i> |

APPENDIX A

| | |
|---|--|
| aspect of the procurement (<i>if any</i>) | |
|---|--|

Requesting Employee:

Signature

Name

Title

Requesting Employee's:
Manager

Signature

Name

Title

| | |
|------------------|---|
| This Request is: | <input type="checkbox"/> Approved <input type="checkbox"/> Denied |
| Approver: | _____ |
| | <i>Signature</i> |
| | _____ |
| | <i>Name</i> |
| | _____ |
| | <i>Title</i> |