

Local Contracting Manual
For
Superior Court of
California, County of San
Luis Obispo

EFFECTIVE FEBRUARY 2012

1. Purpose. This Local Contracting Manual was adopted by the Superior Court of California, County of San Luis Obispo (JBE) in accordance with the requirements of the Judicial Branch Contracting Manual (JBCM). This manual incorporates by reference the provisions of the JBCM.
2. Assignments. The JBE assigns the following persons or positions to perform the specified procurement or contracting activity.

Assignment	Person(s) or Position(s) Assigned
Procurement and Contracting Officer (PCO)	Casie Hill
Buyer*	Patsy Glenn, Tim Roberts, various
ADA Coordinator*	Danita Raminha
Disabled Veterans Business Enterprise Advocate*	Danita Raminha
CAL-Card Coordinator*	Michelle Frazier
Receiving Staff *	Various
Protest Hearing Officer*	Thu Nguyen
Payment Officer	Connie McNamara
Contract Administrator	

*If no person or position is designated for this assignment, the PCO will be responsible for performing this assignment.

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

Value of Contract or Purchase Order	Person(s) or Position(s) Authorized to Sign
Purchase orders and contracts up to \$5,000	Assistant Court Executive Officer
Purchase orders and contracts up to \$24,999	Court Executive Officer

Purchase orders and contracts above \$25,000	Presiding Judge or executive committee
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4. Legal Review and Approval of Contracts. Legal review and approval are required before the execution of contracts as described below.

- a. *Dollar Value of Contract.* Legal review and approval are required when the contract value is at or above the dollar thresholds identified in the table below. “Contract value” refers to the total amount anticipated to be spent under the contract, including amendments.

Contract Form	Goods and Materials	Consulting	Info. Systems, Off-the-Shelf Software, Developed Software	General Services and Maintenance	Leases/ Real Property	Other, including hotel services and legal services
Approved Form Contract (template or model contracts pre-approved for specific types of procurements)	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
General Form (contracts comprising pre-approved terms/ conditions)	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000
Supplier’s Contract Terms (contracts proposed by a potential supplier)	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000

- b. *Performance of High-Risk Activities.* Legal review and approval are required when the contract involves the performance of the following high-risk activities:

- Operating heavy equipment;
 - Transporting, holding, or incarcerating a person;
 - Applying, treating, removing, storing, or handling hazardous chemicals or other hazardous substances;
 - Carrying a firearm, explosive, or other weapon; or
 - Transporting outside of secure premises cash, cash equivalents, securities, or other financial instruments with an aggregate value on any occurrence in excess of \$20,000.
- c. *Certain Substantive Provisions Affecting Legal Risk.* Legal review and approval are required before the JBE incorporates into a contract any terms or conditions not previously approved by an attorney, or substitutes a contractor's terms or conditions for the JBE's own, if the proposed terms or conditions involve:
- Assuming a risk or contingent liability not under the direct control of the JBE;
 - Indemnifying any contractor or third party;
 - Narrowing any limitation of liability that favors the JBE as set forth in the JBE's standard terms and conditions;
 - Limiting the liability of a contractor or other third party;
 - Agreeing to liquidated damages; or
 - Releasing any claim or potential claim, or otherwise settling any dispute.
- d. *Revenue Agreements; Finance Agreements.* Legal review and approval are required before the JBE enters into any revenue agreement or finance agreement.

Revenue agreements include reimbursement, income, receivable, and cost recovery contracts. These contracts typically fall into one of two categories:

- Contracts between the JBE and a private entity, under which the private entity provides services and pays the JBE; or
- Contracts between a JBE and a public or private entity, under which the JBE provides services and receives payment for the services.

Finance agreements include equipment lease/financing agreements, installment sales contracts, and other contracts under which

compensation for purchased goods or services comes due over time instead of on receipt.

- e. *Contract Templates.* Legal review and approval are required before the JBE adopts a contract template. For purposes of this manual, a contract template is a standardized form of contract that is intended for use with multiple contractors or on multiple occasions as an initial draft of contract with the JBE.
- f. *Amendments.* Legal review and approval are required before the JBE executes a contract amendment if:
 - Legal review and approval of the underlying contract were not required, but would have been required if the contract were initially proposed as modified by the amendment; or
 - Legal review and approval of the underlying contract were required, and either (i) modification is due to a material failure of performance by a party, or (ii) the terms and conditions of the amendment itself (considering the amendment as a separate contract from the underlying contract) give rise to a requirement for legal review and approval.

The terms “modified” and “modification” refer to a change to one or more provisions of an executed contract, or to an extension, reinstatement, termination, or assignment of the contract, but **not** to the exercise of an option already in the contract.

5. Contract Administration Plan. The JBE will conduct its contract administration activities in accordance with the principles, rules, and requirements affecting contract administration contained within the JBCM. The Contract Administrator identified in the table in section 2 above:
 - a. is ultimately responsible for the performance of all contract administration functions,
 - b. is authorized to delegate to other JBE employees the authority and responsibility to perform certain contract administration functions,
 - c. is required to establish clear lines of authority for the management and conduct of contract administration functions, and
 - d. is required to maintain a description of each contract administrator’s function within the JBE.