

PROCUREMENT POLICY
FOR
CALIFORNIA MENTAL HEALTH SERVICES AUTHORITY

Resolution No. 09-09
Replacement of Resolution 09-08

WHEREAS, the California Mental Health Services Authority (“CalMHSA”) has adopted a procurement policy (Resolution 09-08) which includes reference to certain disqualifying relationships;

WHEREAS, the existing definition of disqualifying relationships does not address the relationships held by spouses of Board members;

WHEREAS, CalMHSA wishes to avoid all appearance of conflict of interest by replacing the original procurement policy with a new policy which addresses family relationships; and

WHEREAS, CalMHSA wishes to clarify that its procurement policy imposes restrictions on Board members in addition to, and not in place of, those imposed by the Government Code;

NOW THEREFORE BE IT RESOLVED THAT:

The Board of Directors of CalMHSA hereby adopts the following revised policy to govern its procurement of services.

1. Procurement of services by CalMHSA must be approved by the Board, or by a Committee of the Board to whom such authority is delegated; provided, however, that any contract for administrative or legal services shall be approved by the full Board.
2. No Board member shall vote or take part in deliberations concerning the choice of service providers if the member has a disqualifying relationship with any service provider under consideration. As used in this paragraph, “disqualifying relationship” means that the Board member is (a) an officer, director, employee or volunteer of the service provider, or (b) the spouse, domestic partner, parent, or child of an officer, director, employee or volunteer of the service provider. This paragraph applies in addition to, and not in lieu of, the Board member’s obligations under the Political Reform Act (Gov. Code, § 81000 et seq.) and Government Code Sections 1090 to 1099.
3. Except as otherwise provided below, procurement of services shall be through a competitive process based on demonstrated competence, professional qualifications necessary to perform the services to be provided, and fair and reasonable price. While not

necessarily the primary factor, price shall be an important factor in the evaluation and selection process.

4. Service expected to cost in excess of \$150,000 in any one year require the use of a Request For Proposals (RFP) process. Before release, Requests For Proposals must be approved by the Board, or by a Committee of the Board to whom such authority is delegated.

5. Non-competitive procurement of services may be approved by the Board if there has been a good faith review of available service providers and the staff provides a detailed written justification for proceeding without a competitive process, and the written justification is distributed with the agenda materials in advance of the meeting. Non-competitive procurement may be justified by factors such as a lack of qualified alternate service providers, a need for immediate action, lack of response to a RFP, the relative cost of a RFP process as compared to the amount of the contract, or the retention of a current provider being more cost effective due to avoidance of delay and the expense of educating a new provider.

6. If State or Federal law governs the procurement of services and is in conflict with this policy, the State or Federal law shall govern.

7. The Board may make exceptions to this Policy by affirmative action to waive it.

Date Adopted:

Date of Last Revision: N/A

Replaces Resolution No: N/A

Ayes: _____ Noes: _____ Abstains: _____ Absent: _____

NAME

TITLE

DATE