



Policy Type: Board

Category: Procurement

Policy Name: Policies on Soliciting and Contracting - Board Policy 5.0

[← Previous Chapter](#)

[Next Policy Manual Section →](#)

5.0 POLICIES ON SOLICITING AND CONTRACTING (Adopted 2-28-12; Amended 11-26-13; Amended 11-17-15)

[5.1 - Introduction](#)

[5.2 - Conflicts Of Interest, Disclosure And Disqualification Requirements And Ethical Business Practices](#)

[5.2.1 - Overview](#)

[5.2.2 - Policy](#)

[5.2.3 - Background](#)

[5.2.4 - Purpose](#)

[5.2.5 - Application of the Policy](#)

[5.2.5.1 - Conflicts of Interest, Disclosure and Disqualification Requirements](#)

[5.2.5.2 - Ethical and Best Business Practices](#)

[5.2.5.3 - Compliance with Policy](#)

[5.2.6 - Applicable Legal Authority](#)

[5.3 - Contracting Authority](#)

[5.3.1 - Overview](#)

[5.3.2 - Policy](#)

[5.3.3 - Background](#)

[5.3.4 - Purpose](#)



County of Santa Clara

Policy Name: Policies on Soliciting and Contracting - Board Policy 5.0

Page 2 of 7

[5.3.5 - Application of the Policy](#)

[5.3.5.1 - Authority of the Board \(Amended 5-7-19\)](#)

[5.3.5.2 - Authority of Director of Procurement \(Amended 5-7-19\)](#)

[5.3.5.3 - Authority of Agencies/Departments](#)

[5.3.6 - Applicable Legal Authority](#)

[5.4 - County Contracting Activities](#)

[5.4.1 - Overview](#)

[5.4.2 - Policy](#)

[5.4.3 - Background](#)

[5.4.4 - Purpose](#)

[5.4.5 - Application of the Policy](#)

[5.4.5.1 - Definitions](#)

[5.4.5.2 - Types of County Contracts](#)

[5.4.5.3 - Form of County Contracts](#)

[5.4.5.4 - Length of Term of Contracts](#)

[5.4.5.5 - Monitoring, Administration, and Evaluation of Contracts](#)

[5.4.5.6 - Contract Payment Terms](#)

[5.4.5.7 - Contract Coordination](#)

[5.4.6 - Applicable Legal Authority](#)

[5.5 - General Contract Policies And Provisions \(Amended 11-4-14; Amended 12-16-14\)](#)

[5.5.1 - Overview](#)

[5.5.2 - Policy](#)

[5.5.3 - Background](#)

[5.5.4 - Purpose](#)

[5.5.5 - Application of the Policy](#)



County of Santa Clara

Policy Name: Policies on Soliciting and Contracting - Board Policy 5.0

Page 3 of 7

[5.5.5.1 - Legal Review by County Counsel](#)

[5.5.5.2 - Contract Review](#)

[5.5.5.3 - Mandatory Contract Provisions](#)

[5.5.5.4 - Mandatory Policy Provisions](#)

[\(Amended 3-14-17\)](#)

[5.5.5.5 - Living Wage Provisions in County
Contracts \(Adopted 12-16-14; Amended 12-
13-16\)](#)

[5.5.5.6 – Contract Execution](#)

[5.5.6 - Applicable Legal Authority](#)

[5.6 - Procurement Process \(Amended 5-19-15, Amended 3-19-19\)](#)

[5.6.1 - Overview](#)

[5.6.2 - Policy](#)

[5.6.3 - Background](#)

[5.6.4 - Purpose](#)

[5.6.5 - Application of the Policy](#)

[5.6.5.1 - Solicitation Process \(Amended 9-1-20\)](#)

[5.6.5.2 - Local Preference Policy](#)

[5.6.5.3 - Protest Process](#)

[5.6.5.4 - California Public Records Act](#)

[5.6.6 - Applicable Legal Authority](#)

[5.7 - Public Works Contracts](#)

[5.7.1 - Overview](#)

[5.7.2 - Policy](#)

[5.7.3 - Background](#)

[5.7.4 - Purpose](#)

[5.7.5 - Application of the Policy](#)

[5.7.5.1 - Authority](#)



County of Santa Clara

Policy Name: Policies on Soliciting and Contracting - Board Policy 5.0

Page 4 of 7

[5.7.5.2 - Method\(s\) of Solicitation](#)

[5.7.5.3 - Contractor Prequalification](#)

[5.7.5.4 - Project Labor Agreements](#)

[5.7.5.5 - Conflict of Interest Policy for Design-Build Projects](#)

[5.7.6 - Applicable Legal Authority](#)

[5.8 - Architect-Engineers-Construction Project Management And Other Related Contracts](#)

[5.8.1 - Overview](#)

[5.8.2 - Policy](#)

[5.8.3 - Background](#)

[5.8.4 - Purpose](#)

[5.8.5 - Application of the Policy](#)

[5.8.5.1 - Authority](#)

[5.8.5.2 - Method\(s\) of Solicitation](#)

[5.8.6 - Applicable Legal Authority](#)

[5.9 - Real Property, Franchise And Concession Contracts](#)

[5.9.1 - Overview](#)

[5.9.2 - Policy](#)

[5.9.3 - Background](#)

[5.9.4 - Purpose](#)

[5.9.5 - Application of the Policy](#)

[5.9.5.1 - Leases or Rentals](#)

[5.9.5.2 - Franchise or Concessions](#)

[5.9.5.3 - Authority](#)

[5.9.5.4 - Method\(s\) of Solicitation](#)

[5.9.5.5 - Use of Commercially Licensed Real Estate Brokers and Agents](#)



County of Santa Clara

Policy Name: Policies on Soliciting and Contracting - Board Policy 5.0

Page 5 of 7

[5.9.5.5.1 - Payment of Commission by County to Buyer's Agent](#)

[5.9.5.5.2 - Payment of Commission by County to County's Agent](#)

[5.9.5.5.3 - Payment of Commission by Third Party](#)

[5.9.5.5.4 - Real Estate Broker Selection](#)

[5.9.5.6 - Below Fair Market Value](#)

[5.9.5.7 - Uses of Property Not Belonging to County](#)

[5.9.6 - Guidelines/Procedures](#)

[5.9.7 - Applicable Legal Authority](#)

[5.11 - Information Technology \(IT\) Product And Service Contracts](#)

[5.11.1 - Overview](#)

[5.11.2 - Policy](#)

[5.11.3 - Background](#)

[5.11.4 - Purpose](#)

[5.11.5 - Application of the Policy](#)

[5.11.5.1 - Administration](#)

[5.11.5.2 - Method\(s\) of Solicitation](#)

[5.11.6 - Applicable Legal Authority](#)

[5.12 - Legal Services Contract](#)

[5.12.1 - Overview](#)

[5.12.2 - Policy](#)

[5.12.3 - Background](#)

[5.12.4 - Purpose](#)

[5.12.5 - Application of Policy](#)

[5.12.5.1 - Approval Process](#)



[5.12.5.2 - Pro Bono Authority](#)

[5.12.6 - Applicable Legal Authority](#)

[5.13 - Contracting With Individuals](#)

[5.13.1 - Overview](#)

[5.13.2 - Policy](#)

[5.13.3 - Background](#)

[5.13.4 - Purpose](#)

[5.13.5 - Application of Policy](#)

[5.13.5.1 - Contract Employee vs. Independent Contractor](#)

[5.13.5.2 - Solicitation/Approval Process](#)

[5.13.6 - Applicable Legal Authority](#)

[5.14 - Contracting During An Emergency](#)

[5.14.1 - Overview](#)

[5.14.2 - Policy](#)

[5.14.3 - Background](#)

[5.14.4 - Purpose](#)

[5.14.5 - Application of Policy](#)

[5.14.6 - Applicable Legal Authority](#)

Related Policies

None.

Related Forms and Information

None.



County of Santa Clara

Policy Name: Policies on Soliciting and Contracting - Board Policy 5.0

Page 7 of 7

History

Date	Changes Made
9/1/2020	Chapter Amended. (Kyle Larson)