

# **RESOLUTION 2015-011**

## **A RESOLUTION OF JEFFERSON, COUNTY, KANSAS FOR ANNUAL REVIEW OF PURCHASING POLICY FOR SAID COUNTY RESCINDING AND REPLACING 2014-005**

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
JEFFERSON, COUNTY, KANSAS that:**

**SECTION I.** Jefferson County is a duly organized county within the State of Kansas and, pursuant to the home-rule authority vested in said county by K.S.A. 19-101a and K.S.A. 19-101b.

**SECTION II.** Definitions. For the purpose of this resolution.

Formal Sealed Bid: Defined as a bid received on or before the date specified in a sealed envelope marked with the vendor name and address, bid opening date, bid opening time and stamped by the receiving department as outlined in the bid specifications. Formal bids may not be submitted by fax, on line or email. They are required for all purchases over \$25,000. Formal bids must be submitted to the Board of County Commissioners.

Informal Bid: Defined as a bid received on or before the date specified not necessarily required to be sealed, but containing the vendor name and address, bid opening date, bid opening time and stamped by the receiving department as outlined in the bid specifications. May be submitted by mail, fax, online or email. Informal bids are required for all purchases between \$5,000 and \$25,000. Informal bids are to be submitted to the Department Head/Elected Official with notification of the purchase to Commissioners.

**SECTION III.** General Requirements: All supplies, equipment and services acquired for Jefferson County: Each and every acquiring department thereof, regardless of the source of funds used to make the acquisition, shall act in accordance with this Resolution and the policies and procedures established pursuant to it. All supplies, equipment and service acquired for Jefferson County, for each and every elected office regardless of the source of funds used to make the acquisition may be acquired in according with this Resolution and the policies and procedures established pursuant to it. (\*)

Each purpose, including acquisitions by rental, lease, and lease/purchase, in an amount exceeding \$25,000 shall be offered to responsible vendors prior to issuing a purchase order or contract for said goods or services, and said purchase order or contract shall be awarded to a qualified vendor submitting the lowest responsible bid or best proposal as determined by the Board of County Commissioners after review of all vendor proposals and recommendation by the Department Head/Elected Official subject only to the exceptions provided in this Resolution. All contracts, agreements, lease agreements and lease purchase agreements shall be reviewed and approved by the County Counselor or by the County Attorney in the absence of the Counselor

prior to the award and execution of the document. All purchases made pursuant to this section shall be by formal sealed bid.

B. Each purchase, including acquisitions by rental, lease, and lease/purchase, in an amount exceeding \$5,000 but not more than \$25,000 shall be offered by the Department Head/Elected Official to responsible vendors prior to issuing a purchase order or contract for said goods or services, and said purchase order or contract shall be awarded to the vendor submitting the lowest responsible bid or best proposal as determined by the Department Head/Elected Official subject only to the exceptions provided in this Resolution. All contracts, agreements, lease agreements and lease/purchase agreements shall be reviewed and approved by the County Counselor or by the County Attorney in the absence of the Counselor prior to award and execution of the document. All purchases made pursuant to this section shall be made by informal bid.

C. Each purchase, including acquisitions of vehicles or equipment by rental or lease for a temporary period, in an amount exceeding \$10,000 may be made by the user department using a county-issued credit or procurement card in accordance with established policy governing the use of credit cards or by the user department using common County procedures for payment.

D. All purchase items in an amount exceeding \$2,000.00 per item, *other than contract purchases, bid purchases as outlined below, and regularly occurring purchases for supplies* shall be approved by the Board of County Commissioners prior to purchasing. In case of emergency a department head may contact any County Commissioner for special approval of a purchase.

#### **SECTION IV. Waiver of Bid/Proposal Requirements**

Requirements that purchases be offered to multiple vendors may be waived by the County Commission as to subsequent "A" through "I". except as otherwise provided in this Section, approval of any such purchases shall occur in the manner provided in this Resolution.

- A. **Emergencies.** Competitive bid/proposal requirements may be waived when unexpected or unforeseen events may cause serious financial loss to public or private property, endanger the health or lives of the citizens of Jefferson County, or have economic impact on County business unless immediate action is taken to purchase said goods or services. Emergency purchases may be approved by the Department Head/Elected Official.
- B. **Public Exigency.** Competitive bid/proposal requirements may be waived when after advertising for bids, no bids are received, and the needs of the county warrant purchasing said goods or services without delay while awaiting additional advertising for bids.
- C. **Sole Source.** Competitive bid/proposal requirements may be waived for the procurement of items or services that are generally available only from one manufacturer, publisher, local distributor, or dealer and for which there is no basis for expecting multiple vendors to bid on said items.
- D. **Joint Governmental Purchase.** Competitive bid/proposal may be waived when purchases are made in cooperation with other city, county, state, or federal agencies and it is

deemed to be in the best interest of the County to purchase supplies, services and equipment from contracts and agreements of other governmental agencies.

- E. Trade/Barter. Competitive bid/proposal requirements may be waived when procuring goods or services by either trade or barter in an amount less than \$10,000.00 and it is in the best interest of the County to procure goods or services in such a manner. Whenever it is deemed by the Department Head/Elected Official that it is in the best interest of the County to procure goods or services by trade or barter such procurement shall be made in accordance with policies and procedures established by the Department Head/Elected Official and subject to approval by the County Commission.
- F. Insurance. Competitive bid/proposal requirements may be waived for the purchase of insurance and indemnity. Insurance and indemnity contracts shall be approved by the County Commission.
- G. Professional Services. Competitive bids/proposals may be waived for contracts for Professional Services. Professional services shall be defined as services provided and performed by individuals or firms where a certification mandated by local, state or federal government is required. Examples of said services include but are not limited to architectural, engineering, specialized consulting, accounting, and medical services.
- H. Legal Professional Services. Competitive bids/proposals are unnecessary for contracts for Legal Professional Services. Legal Professional Services are defined as services that may only be performed by licensed attorneys (including support staff) in representing or advising the Board of County Commissioners or any agent or employee of Jefferson County. All purchases of Legal Professional Services shall be approved by the County Counselor or by the County Attorney in the absence of the Counselor or by the Board of County Commissioners.
- I. Commissioner majority vote to waive bidding requirements. Subject to any applicable statutory requirements, competitive bids/proposals may be waived for contracts or purchases for any dollar amount when the Board of County Commissioners, by unanimous vote, determine that such waiver will be in the best interests of the county.

*\*new in 2015-Resolution 2015-001*

#### **SECTION V. Department Head/Elected Official Authority and Responsibilities.**

**Adopting of Policies and Procedures.** Pursuant to and in conjunction with the Resolution, the Department Head/Elected Official may adopt policies and procedures governing the purchase of goods and services for Jefferson County. Any policies promulgated by the Department Head/Elected Official shall be consistent with this Resolution.

**Execution of Contracts.** Once any purchase has been approved pursuant to this Resolution, the Department Head/Elected Official shall have the authority to execute any contracts or other similar documents necessary to facilitate the purchase consistent with any bid documents, subject to approval as to form by the County Counselor or by the County Attorney in the absence of the Counselor.

Authority to Reject Bids. The Department Head/Elected Official shall have the authority to reject any and all bids/proposals when it is deemed in the best interest of the County. In those instances where after advertising bids/proposals received exceed the budgeted amount, the Department Head/Elected Official is authorized to negotiate for purchases with the responsive low bidder or best proposal to bring such bids/proposals or best proposal to bring such bids/proposals within the budgeted amounts.

Authority to Negotiate Purchases. The Department Head/Elected Official is authorized to negotiate all purchases, subject to the approval requirements set forth in this Resolution, which include the following limitations.

1. If approved by the Board of County Commissioners, purchases in excess of \$25,000.00.
2. Purchases not exceeding \$25,000.00

Notifications to Board of County Commissioners.

The Department Head/Elected Official shall notify the Board of County Commissioners by phone call and in writing of each emergency purchase and the nature of the emergency as soon as possible.

**SECTION VI.** Delegation of Authority. Whenever pursuant to this Resolution duties or responsibilities are assigned to the Department Head/ Elected Official, that official may delegate the duties or responsibilities to a subordinate.

**SECTION VII.** Excluded Parties Listing. Department Heads and Elected Officials shall check the excluded parties listing found at <http://www.epls.gov> to ensure that vendors who have been debarred or suspended from providing services or goods to the federal government are not used for County purchases.

**SECTION VIII.** Annual Policy Review. This policy shall be reviewed annually by the Board of County Commissioners and Department Head/Elected Officials for necessary revisions and updates after reorganization of the Board in January.

**SECTION X.** Effective Date. This Resolution shall take effect after passage by the Board.

ADOPTED THIS 13 DAY OF APRIL 2015.

BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, KANSAS.

/s/Richard Malm, Chairman

/s/Lynn Luck, Vice-Chair

/s/Wayne Ledbetter, Member

/s/Attest: Linda M. Buttron, Jefferson County Clerk

\*see Supreme Court decision Board of Lincoln County Commissioners v. Neilander and Jackson, 275 Kan. 257,62 P.3d 247 (20