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HOME RULE RESOLUTION NO. HR-2009- 2

**A RESOLUTION ESTABLISHING PURCHASING PROCEDURES
INVOLVING THE EXPENDITURE OF COUNTY FUNDS**

WHEREAS, the Board of County Commissioners of the County of Shawnee, Kansas, has determined to require a competitive bid procedure for the efficient and economical purchase of all County goods and services.

NOW, THEREFORE, the Board of County Commissioners of the County of Shawnee, Kansas, meeting in regular session on this 9 day of February, 2009, and intending to exercise its powers of home rule legislation pursuant to K.S.A. 19-101a, does hereby resolve as follows:

- (A) Purchases: A record of all purchases must be entered into the E.R.P. system via completion of a purchase order. Except as otherwise required by law or this resolution:
- (1) *\$0 - \$1,500.00*. All requests for goods and/or services not reasonably expected to exceed a total cost of One Thousand Five Hundred Dollars (\$1,500) need not be submitted to the County Purchasing Department. A formal bid is not necessary. The department head shall send the bill, approved for payment, to the County Clerk's office. Three (3) telephone bids are advised. Purchases made by the Shawnee County Health Agency not exceeding a total cost of Two Hundred and No/100 Dollars (\$200.00) may be paid by direct pay without being entered into the E.R.P. system via purchase order.
 - (2) *\$1,500.01 - \$5,000.00*. All requests and orders for the purchase, rental or lease of goods, supplies, materials, equipment, and services, single or multiple items reasonably expected to cost more than One Thousand Five Hundred Dollars (\$1,500) but less than Five Thousand Dollars (\$5,000) need not be submitted to the County Purchasing Department unless a formal bid or verbal quote done by the Purchasing Department is desired by the department head. The Purchasing Department, or a department head specifically authorized to do so by the Purchasing Department, shall solicit vendors by telephone. At least three (3) telephone solicitations shall be documented on a tabulation form which shall be signed by the solicitor and attached to the approved invoice submitted to the Shawnee County Clerk's Office for payment. The tabulation form shall be sent to the Purchasing Department once completed and an accounts payable will be issued.
 - (3) *\$5,000 Plus*. All such requests and orders for single or multiple items reasonably expected to meet or exceed Five Thousand Dollars (\$5,000) shall be approved by the Board of County Commissioners of the County of Shawnee, Kansas, (hereinafter Board) before bids are advertised or otherwise solicited by the Purchasing Department or a department head specifically authorized to do so by the Purchasing Department pursuant to this resolution. After solicitation and when a bid is awarded, an accounts payable will be issued. Purchase of motor fuels, medical supplies and food for human consumption, however, need not be approved by the Board as long as there are sufficient public funds budgeted to pay

for it. All purchases of motor fuels shall require at least three (3) telephone calls for competitive bids. A copy of the tabulation form shall be sent to the Purchasing Department once completed.

- (4) *\$5,000.01 - \$10,000.00.* For all requests and orders involving the expenditure of County funds of more than Five Thousand Dollars (\$5,000) but not in excess of Ten Thousand Dollars (\$10,000), the Purchasing Department shall solicit bids for all such purchases but need not advertise by published notice.
 - (5) *\$10,000 Plus.* For all requests and orders involving the expenditure of County funds in excess of Ten Thousand Dollars (\$10,000), the Purchasing Department shall solicit bids and advertise by published notice as specified in paragraph (C).
- (B) Except as otherwise provided in this resolution, contracts for the purchase, rental or lease of goods, supplies, materials, equipment, or services shall be awarded on the basis of competitive bids to the lowest and/or best bidder, taking into consideration conformity with the specifications, terms of delivery and other conditions imposed in the solicitation for bids. Any contract in an amount less than One Thousand Dollars (\$1,000), whether for purchase of goods, services or any other type of contract, may be approved by the department head and placed on the consent agenda for a contract number.
- (C) Bids shall be solicited by the Purchasing Department by publication in the official County newspaper in two (2) consecutive issues, except as otherwise provided in this resolution. Such notice shall be prepared by the Purchasing Department based upon specifications provided by the department head and shall describe: the goods, supplies, materials, equipment or services to be purchased; the manner, time and place by which bids shall be submitted; and the time and place where such bids shall be opened. The Purchasing Department shall maintain lists of vendors who have indicated a desire to competitively bid for the sale of particular goods, supplies, materials, equipment, or services to the County. Failure to respond to three (3) consecutive invitations to bid shall result in the removal of a vendor's name from any such list. All department heads and other persons authorized to purchase materials and supplies for the County shall purchase all office supplies through the Purchasing Department.
- (D) All specifications issued by the Purchasing Department under authority of this resolution shall contain applicable language alerting all potential bidders to the pertinent affirmative action, anti-discrimination requirements of the State and County as amended from time to time. All specifications shall also include language notifying all potential bidders that the Board reserves the right to accept or reject any or all bids and the right to waive any or all informalities or irregularities therein. All specification for bids shall notify bidders that the Board reserves the right to negotiate or rebid any purchase at the Board's discretion.
- (E) Emergency Purchases. When in the opinion of a department head, an emergency exists which requires the immediate purchase, lease or rental of goods or services, the department head may procure such goods or services. The department head shall make and personally sign a copy of the emergency purchase form as attached and submit it to both the Purchasing Department and the Board on the next succeeding business day. A

copy shall be forwarded to the County Clerk with the invoice for payment. The department head shall place the item on the next available consent agenda for approval by the Board.

- (F) In all instances in which formal written bids are received, bids shall be publicly opened, read aloud and properly recorded on a tabulation sheet. The Purchasing Department shall evaluate the bids received after consulting with and receiving a recommendation from the department head for which the purchase is requested and forward a recommendation to the Board for final decision regarding the award.
- (G) The award of contracts pursuant to this resolution shall be made to the lowest and/or best bidder, taking into consideration conformity with the specifications, terms of delivery and other conditions imposed in the call of solicitations for bids. The bidder domiciled outside of Shawnee County, to be successful, shall submit a bid the same percent less than the lowest bid submitted by a responsible bidder from within Shawnee County as would be required of such bidder from within Shawnee County to succeed over the bidder domiciled outside of Shawnee County on a like contract bid and awarded in such bidder's domiciliary city, county or state. If the applicable percentage of the bidder's domiciliary city, county or state differ, the highest percentage shall control. Tied bids shall be awarded first to a Shawnee County bidder, second to a Kansas bidder or third to an out-of-state bidder with whom the County has satisfactorily done business before. Nothing in this resolution shall preclude Shawnee County from contracting with an out-of-state bidder who has not satisfactorily done business with Shawnee County before or from contracting with an out-of-state bidder who has parts and services and warranty services available locally.
- (H) The Board may elect to rebid any item(s) to be purchased or it may elect to negotiate. If the Board authorizes negotiations, the County Counselor and the affected department head shall negotiate with the lowest bidder first. If negotiations fail with the lowest bidder, the Board may authorize negotiations with the next lowest bidder and each bidder in sequence through all bidders until a satisfactory price can be agreed upon. At any time during negotiations the Board may terminate negotiations or order the purchase rebid.
- (I) When a bid is accepted by the Board, the amount thereof shall be charged against the current appropriation of the department for which the bid is accepted by issuing an accounts payable. All proposed purchases must include an identified funding source. If there is not sufficient funds in the department making said purchase, that must be stated in the memorandum requesting Board approval of the purchase. If a contract for services is awarded, a contract payable will be issued.
- (J) The procedures required by this resolution shall not apply to the County Counselor's Office for payment of expert witness services, outside legal counsel, real estate title abstract services in connection with tax foreclosures, or costs for other legal matters. All contracts for outside legal counsel must be approved by the County Counselor prior to their effectiveness. The procedures required by this resolution shall not apply to services of architects, engineers and appraisers selected as provided in Home Rule Resolution

2000-1 and amendments thereto. The procedures required by this resolution shall not apply to purchase of contracts of insurance. The procedures required by this resolution shall not apply to professional services.

- (K) All department heads and other persons authorized to purchase materials and supplies for the County shall notify the Purchasing Department of the need and intent to purchase any motor vehicle. Such notice shall be given by September 1 of the year preceding the anticipated purchase of the vehicle. The purchase of new/unused motor vehicles shall be consolidated whenever feasible. Nothing contained herein shall prevent the County from purchasing storm damaged or demonstrator vehicles.
- (L) The Board may refuse to authorize payment for any contract or purchase that has been made or entered into in violation of this resolution. After a hearing in an open public meeting, the Board may authorize payment for any contract or purchase which has been made or entered into if it finds the purchasing procedures as set out in this resolution were unintentionally not followed.
- (M) At the discretion of the Board, contracts for capital improvement projects may be let via the "design-build" procurement process. The "design-build" procurement process is one in which both the design and construction of the project are procured from a single entity. Alternatively, at the discretion of the Board, contracts for capital improvement projects may be let via the "design-bid-build" procurement procedure set forth in Home Rule Resolution No. HR-2000-1. Each RFP for a capital improvement project shall describe the procurement process to be utilized and the criteria that the County will use to evaluate the proposals. Notwithstanding the provisions of this paragraph, County road and bridge projects shall continue to be let via the "design-bid-build" procurement procedure set forth in Home Rule Resolution No. HR-2000-1.
- (N) It is the intent of the Board to cooperate with other governmental entities on consolidated purchases when such consolidated purchases are feasible.
- (O) For good cause, the Board may waive any or all of the requirements of this resolution for specific purchases only at an open public meeting.
- (P) Home Rule Resolution Nos. HR-90-1, HR-92-1, HR-93-2, HR-97-10 HR-2002-11 HR-2006-1 and HR-2008-6 are hereby rescinded and repealed.
- (Q) This resolution shall take effect upon publication in the official County newspaper.

BOARD OF COUNTY COMMISSIONERS
SHAWNEE COUNTY, KANSAS

Vic Miller

Vic Miller, Chair

Michele A. Buhler

Michele A. Buhler, Vice-Chair

Theodore D. Ensley

Theodore D. Ensley, Member



ATTEST:

Cynthia A. Beck
Cynthia A. Beck, County Clerk

Approved as to Legality
and Form: Date 2/29

[Signature]
ASST. CO. COUNSELOR