

Subpart 2. Purchasing

2.211 Purpose

(1) This ordinance is intended to achieve greater efficiency and economy in the operation of Rock County government and to encourage competition and business in Rock County by centralizing all County purchasing within the Finance Department, except insofar as otherwise specifically authorized by provisions of this ordinance.

(2) This ordinance shall not be construed to grant any rights to any vendor or any person applying to be a vendor of goods or services to Rock County.

(3) This ordinance shall be administered and construed in a manner consistent with all applicable State and Federal laws and, insofar as any State or Federal law is intended to preempt local authority, any provision of this ordinance which is inconsistent with such State or Federal law, that provision of this ordinance shall be null and void to the extent of the inconsistency.

2.212 Authority

This ordinance is created pursuant to the authority granted by, without limitation by reason of enumeration, Sections 59.03(1), 59.51(2), 59.52(6), 59.52(8), 59.52(9) and 59.52(29) of the Wisconsin Statutes.

2.213 Administration

The provisions of this ordinance and any regulations adopted hereunder shall be administered, supervised and enforced by the Finance Director, subject to the authority of the County Administrator and policy review by the Finance Committee. Administrative rules shall be developed which are appropriate to ensure compliance with the terms of this ordinance and on-going administrative, financial and legal review of all contract documents entered into on behalf of Rock County. The Finance Committee may by rule require additional procedures or impose limitations beyond those expressly set forth in this ordinance insofar as the Committee determines that such action will further the intent and purpose of this ordinance.

2.214 Appropriations

All procurement transactions shall be in accordance with the appropriations made by the County Board for the operation of the respective County departments and agencies. No transaction shall be substantially completed unless adequate funds have been appropriated for the purpose. Items not separately enumerated in the annual County budget, including furniture and equipment, must be approved for purchase, in advance, by the County Administrator or designee upon written justification.

2.215 Definitions

(1) Bidder - shall mean all natural persons, corporations, partnerships, associations, joint ventures, trusts, or any other form of business affiliation whatever, submitting an offer for the provision of goods or services to the County in accord with specifications supplied by the County, or making an offer to purchase an item in accord with a call for bids issued by the County.

(2) Decentralized purchasing authority - shall mean the authority to determine the need for and procure goods and services in accordance with the delegation of such authority by the Finance Committee to a department other than the Purchasing Division of the Finance Department. Such authority may only be exercised in the requisitioning of specified purchases in a designated period of time as described in a written purchase order issued by the Purchasing Division.

(3) Most responsible and responsive bidder - shall mean that Bidder who offers, as appropriate, either lowest cost or highest payment, the best quality to the County, and who possesses the necessary financial responsibility, skill, ability and integrity to perform the obligations required by the transaction. However, in no instance may a bidder who has been convicted of bid rigging or price fixing within three years of submission of the bid involved and which involved a contract with the County, be considered the most responsible and responsive bidder.

(4) Professional Services - shall mean unique or technical functions performed by independent contractors whose primary occupation is the rendering of these services. Such services are characterized by extended analysis, the exercise of discretion and independent judgment in their performance, and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience in the field. Examples of professional services include, without limitation by reason of enumeration, medicine and the medical arts, management and systems consultation, research, the performing arts, surveyor and surveyor services, engineering and architectural design services.

(5) Purchase of Goods - shall mean any transaction between the County and any party or parties by which the County is to receive a tangible commodity or property, excepting real property, in exchange for money or other valuable consideration.

(6) Purchase of Services - shall mean any transaction between the County and any party by which the County is to receive useful labor or activity in return for money or other valuable consideration, but does not include labor performed as an employee of Rock County.

(7) County Auction - shall mean an auction conducted on behalf of Rock County which is advertised in advance and open to the general public.

(8) Regulations - shall mean those rules or guidelines issued by the Finance Committee to implement the provisions or administration of this ordinance.

(9) Transactions - shall mean any act or agreement between the County and any other party or parties which alters the legal relationship between them, such as, but not limited to, contracts or agreements for services or goods or any real or personal property, concessions, leases and rentals.

2.216 Finance Director and Finance Committee

The Finance Director, acting under the administrative authority of the County Administrator and the policy oversight of the Finance Committee, shall exercise the following duties and functions relating to this ordinance:

- (1) Implement the provisions of this ordinance through the activities of the Purchasing Division of the Finance Department, and by providing administrative assistance, training and support to all County officials and employees in activities governed by this ordinance.
- (2) Ensure that sufficient appropriate written regulations are in place to provide guidance to those engaged in activities within the scope of this ordinance, and monitor the administration of prescribed policies and procedures.
- (3) Enforce the provisions of the ordinance by suitable measures.
- (4) Advise and consult with all concerned departments and committees concerning the conduct of transactions in accordance with this ordinance, upon request, or as deemed necessary by the Finance Director, the County Administrator, or the Finance Committee.
- (5) Promote standardization of equipment and supplies within Rock County government.
- (6) In conjunction with the Finance Committee, provide suitable safeguards and procedures so that relatively small or routine matters need not be automatically referred to the Board or its committees.
- (7) Refer to the County Administrator or County Board any transactions which the Finance Director or Finance Committee views as affecting general County policy.
- (8) In conjunction with the Finance Committee, designate decentralized buying authorities, as provided for under sec. 2.218(3)(a) of this ordinance.

2.217 Disposal of Unsuitable or Unusable Goods

All equipment or supplies which have become unsuitable or unnecessary to their needs shall be disposed of through a County auction, except for items which are to be traded in or applied on any purchases or are determined to be worthless. Exceptions may be made by the Finance Committee for the sale of certain items on the open market at a minimum predetermined price to be approved by the Committee, and for items needed by any county department or municipality. Sales of items to another municipality shall be at a

price approved by the Committee. Surplus County property shall not be sold to any County employee, officer or agent, except through a County auction.

In addition, the Finance Committee may authorize the Purchasing Division to dispose of items by alternative means including but not limited to: outside auctions, listings on the Internet, either government or private, by donation to not-for-profit organizations or other means that may become available in the future.

2.218 Procedure (Purchase of Goods and Certain Contracts for Professional Services)

(1) Procedure and Bids - General

(a) Compliance with sec. 59.52 (29). All public work, as defined under state statutes and including any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work exceeds \$25,000, shall be let by contract to the lowest responsible bidder in accordance with sec. 66.0901(2), Wis. Stats, except that the County Board may by a three-fourths vote provide that any class of public work or any part thereof may be done directly by the County without submitting the same for bids. If the estimated cost of any public work is between \$5,000 and \$25,000, the board shall give a class I notice under ch. 985 before it contracts for the work or shall contract with a person qualified as a bidder under s. 66.0901(2). The requirements under this subsection shall be interpreted and applied as being in addition to any requirements created or arising under this ordinance. This subsection does not apply to highway contracts which the county highway committee or the county highway commissioner is authorized by law to let or make, or to the emergency repair or reconstruction of public facilities when the County Board by resolution determines that the public health or welfare of the County is endangered by damage or threatened damage to such facilities.

(b) All invitations for furnishing goods, and non-professional services, where the estimated cost exceeds \$10,000 shall be bid only after notice by publication, once (class I notice) in the official newspaper of Rock County. Additional newspapers or trade magazines may be used to obtain the best advertising and widest notice at the most reasonable cost. The advertisement shall call for sealed bids to furnish the desired items, or supplies or services, in accordance with specifications prepared or approved by the Purchasing Division, which specifications shall describe completely the items, supplies or services to be furnished, the department for which the same are required, and the quantities desired.

Bids shall be received and opened by the Finance Director's designee on the date and at the time and place specified in the Advertisement for Bid. The reading of all bids shall be open to the public. A Bid bond or certified check in the amount required by the bid specifications may be required to accompany the bid. A

performance bond or material/payment bond may also be required of the bidder upon acceptance of the bid.

(c) All contracts for purchases not defined as public work in Section 2.218(1)(a), where the estimated costs exceeds \$5,000 but does not exceed \$10,000 shall be made only after attempting to obtain at least three sealed quotations, where possible, in lieu of advertised bids. Sealed quotations shall be received and opened by the Finance Director's designee on the date and at the time and place specified in the quote specifications. All quotations shall be available for viewing by the public.

(d) All contracts for purchases where the estimated cost is between \$1,000 and \$5,000 may be made on the open market and directly from a dealer or supplier without obtaining sealed quotations, but such contracts shall be made only after multiple quotations or proposals have been solicited, where practicable. Quotations obtained in this manner shall be confirmed by the successful quoter.

(e) Purchases under \$1,000 may be made directly by the Purchasing Division from approved dealers or suppliers.

(f) The Finance Committee or Purchasing Division may reject any or all bids, proposals or quotations; waive any technicality or error in any bid, proposal or quotation, or part thereof, and to accept the same, or combinations thereof, in whole or in part, whenever such waiver and acceptance is deemed to be in the best interest of Rock County.

(g) Contracts for purchases shall be awarded to the lowest, most responsible and responsive bidder or quoter.

(2) Procedure and Bids – Direct Purchases Allowed

(a) If bids, quotations or proposals are not obtainable, or in cases of immediate need for the items or supplies due to an emergency situation, purchases may be made directly from an approved supplier. The County Administrator or Finance Committee may also authorize direct purchases without bids or multiple quotations under circumstances deemed justified and advantageous to Rock County.

(b) The justification and reasons for awards of contracts for purchases made by the procedures authorized above, shall be recorded and kept on file in the Finance Director's office.

(3) Special Purchases

(a) Goods and Services. Consistent with all other provisions of this ordinance, departments requiring goods and services may be granted decentralized purchasing authority by the Finance Committee, in consultation with the Finance Director, in accordance with sec. 2.216(8) of this ordinance. Such authority shall be exercised by the requisitioning department only after the issuance of a purchase order by the Purchasing Division covering specified purchase(s) for a designated period of time.

(b) Highway Purchases. The Highway Commissioner is authorized to make purchases directly related to highway construction and maintenance in accordance with sec. 83.015(2)(b), Wis. Stats. Purchases not directly related to highway construction and maintenance shall be made through the Purchasing Division. The Highway Commissioner, at his/her discretion, may utilize the services of the Purchasing Division for any or all highway related purchases. All purchases related to County highway, parks and airport activities not specifically otherwise regulated by state statute or County Board Resolution shall be made through the Purchasing Division.

(c) Purchases from Governmental Units. Materials, supplies, machinery and equipment offered for sale by the federal government or by any municipality may be purchased without bids, at prices to be agreed upon between the Purchasing Division and the respective department or agency for whom the item is to be acquired.

(d) December Purchases. With the exception of repair parts, foods, stock office supplies, expendable maintenance/housekeeping supplies, fuel, gas and oil for automobiles, trucks and equipment, and necessary medical supplies, there shall be no purchases made during the month of December in any year, except as approved in advance by the County Administrator or designee.

(4) Intergovernmental Cooperative Purchases. The Finance Committee is herein authorized to enter into cooperative purchasing agreements with the State of Wisconsin and other Wisconsin municipalities consistent with sec. 16.73 and 66.0301 or 66.0303, Wis.

Stats. for the purpose of administering, sponsoring or conducting purchasing transactions under a joint contract for the purchase of materials, supplies, equipment, permanent personal property, miscellaneous capital or contractual services.

2.219 Purchase of Services

(1) Purchases of services shall be made by contract or purchase order through the Purchasing Division. The department or agency which requires the services shall prepare relevant specifications or standards and shall forward the same to the Purchasing Division for distribution to at least two prospective, qualified providers of the services desired.

(2) Purchases of professional services are exempt from bidding requirements, but are subject to all other purchasing policies and procedures.

(3) Services specifically required under State and/or Federal regulations may be purchased with the approval of the County Committee or Board administering such services, where the demand for services and market conditions do not allow for compliance with bidding and Request for Qualification procedures established under this ordinance.

2.220 Severability

Should any section or provision of this ordinance be declared unconstitutional or invalid or be repealed, the constitutionality or validity of the remainder shall not be affected thereby.

2.221 Effect on Other Ordinances

Provisions of other ordinances of Rock County inconsistent herewith are hereby repealed.

2.222 Time of Effectiveness

This ordinance shall take effect immediately upon passage and publication.