

CHAPTER 10

PURCHASING

GENERAL PROVISIONS

1000. County Purchases.

All contracts for the purchase or lease of supplies, materials, equipment, or services, except as to personal and professional services and as otherwise provided by law, shall be accomplished through the office of the Director of Finance and Purchasing. It shall be the intent of this chapter that, whenever practicable, contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition. (Ord. 11, Sec. 3.185, Ord. 1208, 8-16-84; Ord. 3839, Eff. 11/28/06)

1001. Director of Purchasing, Powers and Duties.

In addition any powers and duties conferred by this code or by law, the Director of Finance and Purchasing shall have the following powers and duties. (Ord. 11, Sec. 3.187, Ord. 1208, 8-16-84; Ord. 3839, Eff. 11/28/06)

1001.1 Power to Promulgate.

The Director of Finance and Purchasing shall promulgate rules and regulations necessary to insure the operation and intent of this chapter. Any such rules and regulations shall be approved as to form by the County Counselor and shall be effective ten days after written approval by the County Executive. (Ord. 3839, Eff. 11/28/06)

1001.2 Petty Cash Funds.

The Director of Finance and Purchasing shall promulgate such rules and regulations as are necessary to insure the proper operation and accounting of County departmental petty cash funds. (Ord. 3839, Eff. 11/28/06)

1001.3 Recommend Disqualification of Bidders.

The Director of Finance and Purchasing may recommend that the County Legislature declare, as irresponsible bidders, those vendors who default on their quotations, and to disqualify them from receiving any business from the County for a stated period of time. (Ord. 11, Sec. 3.187.k., Ord. 1208, 8-16-84; Ord. 3839, Eff. 11/28/06)

1001.4 Maintain List of Bidders and Suppliers.

The Director of Finance and Purchasing shall maintain a bidders' and suppliers' list which shall list all persons, firms and corporations which have applied for that listing. (Ord. 11, Sec. 3.193, Ord. 1208, 8-16-84; Ord. 3839, Eff. 11/28/06)

1001.5 Transfer of Surplus or Obsolete Supplies.

The Director of Finance and Purchasing may transfer any surplus, obsolete, or unused supplies, materials, or equipment from one office, department, or agency of the County to another on the written approval of the heads of the offices, departments, or agencies concerned, and on the written approval of the Chief Administrative Officer. (Ord. 11, Sec. 3.198, Ord. 1208, 8-16-84; Ord. 3839, Eff. 11/28/06)

1001.6 Annual Purchasing Report.

In February of each year the Director of Finance and Purchasing shall provide a performance-based annual report regarding formal competitive bids to the County Executive and the County Legislature. The report will describe procedures in place to ensure compliance with section 1054. (Ord. 3839, Eff. 11/28/06)

1002. Purchase Contrary to this Chapter.

Except as provided in the Charter, no County officer or employee shall have the authority to make any purchase, lease, or contract with the purview of this chapter other than through the Director of Finance and Purchasing. The County shall not be bound by any purchase, lease, or contract made contrary to the provisions of this chapter. (Ord. 3839, Eff. 11/28/06)

1003. Tax Clearance Required.

No person, firm, or corporation, resident in Jackson County, or otherwise legally within the taxing jurisdiction of the County, shall be eligible to provide any goods, contractual services, or anything covered by this chapter, unless that person, firm, or corporation is duly listed and assessed on the County tax rolls and is in no way delinquent on any taxes payable to the County. (Ord. 3839, Eff. 11/28/06)

1003.1 Director to Determine Eligibility.

Where any individual, firm, or corporation is a resident of Jackson County, or where it otherwise appears that the firm is legally within the taxing jurisdiction of the County, and has made an offer, bid, or quotation for any County purchase, the Director of Finance and Purchasing shall cause a search to be made of the County tax rolls to determine the eligibility of that person, firm, or corporation under this section. (Ord. 11, Sec. 3.184.b., Ord. 1208, 8-16-84; Ord. 3839, Eff. 11/28/06)

1003.2 Lowest Bidder Ineligible, Procedure.

When the apparent lowest and best bidder for a given purchase order is ineligible under this section, the Director of Finance and Purchasing may, when time is not of the essence to the County, notify the bidder and allow three (3) days for the bidder to correct the deficiency or pay any delinquency involved. If the bidder fails, after the notice to comply within three (3) days after such notice, or, if the director deems time to be of the essence, the director shall proceed as though the lowest and best

bidder who is eligible under this section had entered the lowest bid. (Ord. 11, Sec. 3.184.c., Ord. 1208, 8-16-84; Ord. 3839, Eff. 11/28/06)

1004. - 1009. RESERVED

1010. Conflict of Interest, Affidavits Required of Vendors.

No contract shall be let to any person, firm, or corporation unless it has submitted an affidavit to the County stating that no officer or employee of the County, whether elected or appointed, shall in any manner whatsoever be interested in or receive any benefit from the profits or emoluments of any contract, job, work, or service for the County. (Ord. 3839, Eff. 11/28/06)

1011. Vendor Drafting Bid Specifications, Disqualification.

No contract shall be awarded to any person, firm, or corporation, which has, for any valuable consideration, provided any services in connection with the development of the contract's bid specifications, unless upon recommendation of the Director of Finance and Purchasing and a finding by the County Legislature that such award is in the County's best interests. (Ord. 2050, Eff. 11/27/91; Ord. 3839, Eff. 11/28/06)

1012. - 1029. RESERVED

COMPETITIVE BID NOT REQUIRED

1030. Competitive Bids Not Required, Circumstances.

The Director of Finance and Purchasing may accomplish the following purchases without competitive bidding, and without prior legislative approval except as specifically provided in this section. In accomplishing such purchases, the director shall be guided to the extent practicable by the policies set out in sections 1000. and 1054. of this chapter. (Ord. 3839, Eff. 11/28/06)

1030.1 Sole Source.

Competitive bidding shall not be required when the items to be purchased can be obtained from only one source. Before a purchase is made pursuant to this subsection which has a purchase price of over twenty-five thousand dollars (\$25,000), the Director of Finance and Purchasing shall submit said purchase to the County Legislature for approval and the purchase shall only be effective upon legislative approval. In the recommendation to the Legislature, the director shall set out the reason for the decision not to seek competitive bids. (Ord. 3839, Eff. 11/28/06)

1030.2 Acquisition From Other Government.

Competitive bidding shall not be required when the items to be purchased can be obtained from another government, at a price below that quoted by a private vendor. Before a purchase is made pursuant to this subsection which has a purchase price of over twenty-five thousand dollars (\$25,000), the Director of Finance and

Purchasing shall submit said purchase to the County Legislature for approval and the purchase shall only be effective upon legislative approval. In the recommendation to the Legislature, the director shall set out the reason for the decision not to seek competitive bids. (Ord. 3839, Eff. 11/28/06)

1030.3 Emergency Purchases.

Competitive bidding shall not be required when the County Executive has declared, in writing, the purchase to be an emergency. Purchases in excess of twenty-five thousand dollars (\$25,000) made under the provisions of this subsection shall be reported to the County Legislature at its next regularly scheduled meeting. (Ord. 3839, Eff. 11/28/06)

1030.4 Fixed Price Contractual Documents.

Competitive bidding shall not be required when the items purchased are the subject of existing and current federal, state, or local government fixed price contractual documents, if the prices quoted in those documents are more advantageous to the County than local market prices for like items. Before a purchase is made pursuant to this subsection which has a purchase price in excess of twenty-five thousand dollars (\$25,000), the Director of Finance and Purchasing shall submit the purchase to the County Legislature for approval and the purchase shall only be effective upon legislative approval. In the recommendation to the Legislature, the director shall set out the reason for decision not to seek competitive bids. (Ord. 3839, Eff. 11/28/06)

1030.5 Purchases of \$5,000 or less.

Competitive bidding shall not be required on any purchase in the amount of five thousand dollars (\$5,000) or less made from any one person, firm, or corporation. Cumulative purchases of the same or similar products or services from one vendor in an amount in excess of five thousand dollars (\$5,000) in any one-year period shall utilize the informal competitive bid procedure set out in section 1040. of this chapter. (Ord. 3839, Eff. 11/28/06)

1030.6 Purchase of Proprietary Goods for Resale.

Competitive bidding shall not be required when the items to be purchased are proprietary goods not available in a competitive market, provided that such goods are purchased for resale in a facility or service operated by the County. Proprietary goods are defined as goods manufactured under an exclusive individual/corporate right to make and sell them. Before a purchase is made pursuant to this subsection which has a purchase price of over twenty-five thousand dollars (\$25,000), the Director of Finance and Purchasing shall submit the purchase to the County Legislature for approval and the purchase shall only be effective upon legislative approval. (Ord. 3839, Eff. 11/28/06)

1030.7 Tax Exempt Organizations and Agencies.

Competitive bidding shall not be required when funds are appropriated and a contract for services is or will be awarded by resolution or ordinance of the County

Legislature to an organization or agency which is exempt from federal income taxation. (Ord. 3839, Eff. 11/28/06)

1031. - 1039. RESERVED

INFORMAL COMPETITIVE BID

1040. Informal Competitive Bid Procedure.

The Director of Finance and Purchasing may use the informal competitive bid procedure described in this section for purchases of more than five thousand dollars (\$5,000) but not more than twenty-five thousand dollars (\$25,000), in lieu of the procedures described in sections 1050. through 1055. for award of formal contracts. (Ord. 3839, Eff. 11/28/06)

1040.1 Solicitation of Bids.

The Director of Finance and Purchasing or his or her designee shall solicit bids from prospective vendors by means at the director's discretion, including but not limited, to telephone, media, and public notice posted on bulletin boards of the courthouses in Kansas City and Independence. (Ord. 3839, Eff. 11/28/06)

1040.2 Three Competitive Bids.

At least three (3) competitive bids shall be obtained. (Ord. 3839, Eff. 11/28/06)

1040.3 Lowest and Best Bidder.

Purchases shall be awarded to the bidder providing the best products and/or services that are available for the lowest price consistent with the standards set forth in section 1054. (Ord. 3839, Eff. 11/28/06)

1040.4 Records.

The Director of Finance and Purchasing shall keep a written or electronic record of all purchases accomplished under this section and all bids submitted in competition for those purchases, and those records shall be open to public inspection. Each such record shall describe the means by which the bid was received and any specific considerations or conditions attached to the bid and/or product or service. (Ord. 3839, Eff. 11/28/06)

1041. - 1049. RESERVED

FORMAL COMPETITIVE BID PROCEDURE

1050. Formal Competitive Bid Procedure.

Except as provided in the Charter and in sections 1030. and 1040. of this chapter, any purchase or lease of supplies, materials, equipment, services, when the estimated cost exceeds twenty-five thousand dollars (\$25,000), shall be purchased under formal written contract with the bidder providing the best products and services that are available for the

lowest price observing the following formal procedures. (Ord. 3839, Eff. 11/28/06)

1051. Formal Competitive Bids, Notice Inviting.

Notice inviting bids shall be provided in the manner and utilizing such media as the Director of Finance and Purchasing or his or her designee deems most appropriate to the subject matter of the bid and the applicable time line available with the objective of encouraging fair and unbiased competition. The notice shall be designed to secure a reasonable distribution and a competitive bidding process and may include direct mail, electronic mail, on line listing services, newspaper advertisements, and/or such other means as the director may deem appropriate. In addition to any other solicitation, all purchases, leases, or sales shall also be advertised by notices posted on public bulletin boards in the courthouses in Kansas City and Independence. (Ord. 3839, Eff. 11/28/06)

1051.1 Notice of Solicitation, Content, Timing.

The notice inviting competitive bids shall be distributed and/or posted at least five (5) business days preceding the last day for receipt of bids or proposals and shall include a general description of the products or services to be leased or purchased and state where bid forms and specifications may be obtained and the time and place for submission and opening of bids. (Ord. 3839, Eff. 11/28/06)

1051.2 Bidders and Suppliers List.

The Director of Finance and Purchasing shall review the bidders and suppliers list for prospective bidders and shall solicit bids from as many such bidders as is necessary to assure a reasonable distribution of the solicitation and adequate competition. (Ord. 3839, Eff. 11/28/06)

1052. Bid Security Deposits or Surety Bid Bonds.

When deemed necessary by the Director of Finance and Purchasing, bid security deposits or surety bid bonds, or both, shall be prescribed in the notice of invitation for bids. (Ord. 3839, Eff. 11/28/06)

1052.1 Returned Bid Security Deposit.

An unsuccessful bidder who stands ready to perform according to the terms of its bid shall be entitled to the return of its bid surety deposit. (Ord. 3839, Eff. 11/28/06)

1052.2 Enforcement of Surety Bid Bond.

The County shall seek enforcement of a surety bid bond according to its terms. (Ord. 3839, Eff. 11/28/06)

1052.3 Surety Bid Bonds, Listing in Federal Register.

All surety bid bonds must be with companies listed in the Department of the Treasury, Federal Register as surety companies acceptable on federal bonds. (Ord. 3839, Eff. 11/28/06)

1053. Performance, Labor, and Material Payment Bonds.

Where the nature of the contract is such that the Director of Finance and Purchasing deems a performance bond necessary, or where the contract is for public works and requires compliance with section 107.170 RSMo, the notice of invitation for bids shall specify the amount of bond that is required. The notice shall also specify that any bid submitted pursuant to said solicitation will be presumed to include the cost of the required bond. (Ord. 3839, Eff. 11/28/06)

1053.1 Surety Performance Bonds, Listing in Federal Register.

All surety performance bonds and surety labor and material bonds must be with companies listed in the Department of the Treasury, Federal Register, as surety companies acceptable on federal bonds. (Ord. 3839, Eff. 11/28/06)

1054. Procedure for Receiving and Opening Bids.

The following applies to bids submitted under the formal competitive bid procedure:

1054.1 Sealed and Identified.

All bids shall be submitted in a sealed envelope to the Director of Finance and Purchasing and shall be identified as bids on the envelope. (Ord. 3839, Eff. 11/28/06)

1054.2 Bid Opening.

Bids shall be opened and read aloud publicly by the Director of Finance and Purchasing or his or her duly authorized representative in the presence of the Clerk of the County Legislature or the duly authorized representative of the clerk in the courthouse at Kansas City or Independence, in the particular room and on the day and at the time stated in the public notices, except that bids for construction projects undertaken pursuant to sections 1070. and 1071. of this chapter may, upon proper notice, be opened in the office of the Director of Public Works. (Ord. 3839, Eff. 11/28/06)

1054.3 Bids Recorded.

The Clerk of the County Legislature, or his or her duly authorized representative, shall record in writing the bids opened and read by the Director of Finance and Purchasing. (Ord. 3839, Eff. 11/28/06)

1054.4 Bid Evaluation and Recommendations.

The Director of Finance and Purchasing shall evaluate the bids submitted and refer his or her recommendations to the appropriate department head, who shall within the shortest practicable time, confirm the recommended award or submit objections and suggestions to the director. Such objections and suggestions shall include specific reference to the manner in which the department head believes an alternate bid complies with the provisions of subsection 7 of this section. (Ord. 3839, Eff. 11/28/06)

1054.5 Rejection of Bids.

The Director of Finance and Purchasing shall have the authority to reject, as often as he or she deems necessary, all bids, parts of all bids or all bids for any one or more supplies or contractual services included in the proposed contract, for failure to comply with the requirements of the invitation for bids or when the public interest will be served thereby, and require the solicitation of new bids. (Ord. 3839, Eff. 11/28/06)

1054.6 Recommend Award of Bid.

The Director of Finance and Purchasing shall recommend to the County Legislature the award of the contract to the lowest and best bidder, unless all bids have been rejected as authorized in subsection 5 of this section. (Ord. 3839, Eff. 11/28/06)

1054.7 Factors Which Shall Be Considered When Determining Lowest and Best Bidder.

The following factors shall be considered in determining the bidder that provides the best products and/or services that are available for the lowest price:

a. Cost and Future Maintenance.

The point of purchase cost of the product or service, the anticipated cost of maintenance or service (including applicable warranties), the ability of the bidder to provide future maintenance and service, the longevity of the product or service, and the cost of disposal. (Ord. 3839, Eff. 11/28/06)

b. Ability to Perform.

The ability, capacity, skill, or financial resources of the bidder to perform the contract or provide the service required;

c. Timely Performance.

Whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference;

d. Character and Reputation.

The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

e. Quality of Prior Performance.

The quality of the bidder's performance of previous contracts or services;

f. Compliance With Laws.

The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

g. Quality and Availability.

The quality, availability, and adaptability of the supplies or contractual services to the particular use required;

h. Conditions on Bid.

The number and scope of conditions attached to the bid;

i. Compliance With Bid Specifications.

Whether the bid as submitted fully complies with the minimum requirements of the bid specifications;

j. Environmental Preference.

The environmentally preferable nature of the product or service when compared with competing products or services that serve the same or similar purposes. This comparison may include consideration of raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, transportation of the product to the County from its point of origin, maintenance, and/or disposal of the product. (Ord. 3839, Eff. 11/28/06)

k. Social Responsibility.

The socially responsible nature of the product or service which shall include, but is not limited to, products or services that create meaningful work, encourage diversity, include women-owned and minority-owned enterprises, provide fair wages, or otherwise promote social equity.

l. Local Preference.

A bidder domiciled in Jackson County or whose products and services were manufactured, created, or have points of origin within Jackson County will be given a preference and a local bidder (a business in close proximity to Jackson County) will be given a secondary preference, when all other considerations are equal and the bidder is compliant with all provisions of this code. (Ord. 3839, Eff. 11/28/06)

1054.8 Analysis When Service Contracts are Bids.

Notwithstanding any other provision of this chapter, when a contract for services is to be awarded under the competitive bidding provisions of this chapter the Director of Finance and Purchasing shall perform an analysis of the respective bids submitted and shall submit such analysis to the Legislature for its consideration. (Ord. 3839, Eff. 11/28/06)

1055. Authorization of Purchase.

In accordance with sections 1050. through 1054., the purchase may be authorized by the affirmative vote of a majority of the members of the County Legislature. (Ord. 3839, Eff. 11/28/06)

1056. - 1069. RESERVED

1070. Construction Projects, Bid Process.

Except as otherwise provided by law, the Director of Public Works shall solicit bids and let contracts for construction projects in the same manner as the Director of Finance and Purchasing solicits bids and lets contracts on other County purchases, all of which shall seek the best products and/or services that are available for the lowest price. The Director of Finance and Purchasing shall cooperate with the Director of Public Works in the preparation of specifications, solicitation of bids, and bid analysis on construction projects. (Ord. 3839, Eff. 11/28/06)

1071. Construction Projects for the Parks and Recreation Department.

When requested by the Director of Parks and Recreation, the Director of Public Works shall solicit bids and let contracts on construction projects for the Parks and Recreation Department in the same manner as the Director of Finance and Purchasing solicits bids and lets contracts on other County purchases. The Director of Finance and Purchasing shall cooperate with the Director of Public Works in the preparation of specifications, solicitation of bids, and bid analysis on such projects. (Ord. 3839, Eff. 11/28/06)

1072. Construction Projects - Requirements To Bid - Wages and Benefits - Certain Employers.

Jackson County reaffirms its long-standing policy that no less than the prevailing hourly rate of wages shall be paid to all workers performing work on construction projects on behalf of Jackson County. As a condition of eligibility to bid for or perform work on any Jackson County construction project funded in whole or in part by the County, producers or suppliers of dirt, sand, rock, asphalt, fly ash and/or concrete must pay their delivery employees no less than the prevailing rate of wages for work associated with the county construction project, as defined by section 290.210(5), RSMo, and the occupational titles listed in 8 CSR 30-3.060(Z). Wage rates for delivery employees shall be derived from the Missouri Annual Wage Order incorporated into the bid for the construction work. Delivery employees are covered under this section when delivering from an off-site location or a designated site location to the work site as outlined under 8 CSR-30-3.020(1) and (2). (Ord. 3839, Eff. 11/28/06; Ord. 4297, Eff. 03/01/11)

1072.1 Compliance Review Officer.

In addition to the duties set forth in chapter 6 of this code, it shall be the duty of the Compliance Review Officer to monitor the producers or suppliers of the commodities enumerated in this section awarded County contracts to insure compliance with the prevailing rate of wages. (Ord. 3839, Eff. 11/28/06)

1073. Acquisition of Interests in Real Property for Roads.

In connection with the acquisition of any interest in real property required for a road or bridge project, the Director of Public Works is authorized to accept, on behalf of the County, any conveyance of permanent right-of-way, a temporary or permanent easement of any kind or nature, and/or a right-of-entry, and to record in the office of the Recorder of Deeds a suitable conveyance instrument documenting said acceptance. The Director of Public Works is further authorized, subject to the availability of budgeted funds, to expend up to

\$5,000.00 per landowner per project for any interest in real property so acquired. (Ord. 3046, Eff.08/30/00; Ord. 3839, Eff. 11/28/06)

1073.1 Notice to Legislature.

Before any interest in real property is accepted by the Director of Public Works, the director shall give the members of the County Legislature five (5) working days' written notice of the proposed transfer. (Ord. 3046, Eff.08/30/00)

1073.2 Contents of Notice.

The notice shall set forth the proposed conveyance, the project involved, any time deadlines, and the recommended expenditure for the acquisition of the interest in real property. (Ord. 3046, Eff.08/30/00)

1073.3 Time for Legislature to Respond.

If the Director of Public Works has not received written objection by three (3) or more members of the County Legislature to the proposed conveyance within the period of five (5) working days, the director may proceed to accept the conveyance as indicated in the notice. (Ord. 3046, Eff.08/30/00; Ord. 3839, Eff. 11/28/06)

1073.4 Legislature Objects.

If the Director of Public Works receives written objections by three (3) or more members of the County Legislature within the period of five (5) working days, the director shall not accept the conveyance but shall submit his recommendation for County legislative approval. (Ord. 3046, Eff.08/30/00; Ord. 3839, Eff. 11/28/06)

1074. - 1079. RESERVED

1080. Insurance Bids.

The Director of Finance and Purchasing shall cooperate with the Risk Manager and the Chief Administrative Officer in the preparation of specifications, solicitation of bids, and bid analysis on insurance. (Ord. 3046, Eff.08/30/00; Ord. 3839, Eff. 11/28/06)

1090. LEED Silver Standards.

a. Policy.

It is the policy of the County that the design, construction, and operation of new facilities and renovations with five thousand (5,000) square feet of occupied area or more, for which a request for proposals for design services is issued, shall conform to the silver rating of the most recent version of the U. S. Green Building Council (USGBC) LEED green building rating system. (Ord. 3839, Eff. 11/28/06)

b. Establishment of LEED Standard Committee.

The County Executive shall appoint a LEED standards committee composed of one representative from each of the following: Parks and Recreation

Department, Little Blue Valley Sewer District , Public Works Department, as well as two at large citizen representatives with knowledge and expertise in LEED building and/or design. (Ord. 3839, Eff. 11/28/06)

c. Contracts.

Each contract for the design, construction, remodeling or renovation of a County-owned or operated building or facility shall contain provisions determined by the LEED standards committee to be sufficient to require the designer and constructor to make good faith efforts for compliance with the LEED silver standard at a minimum and submit documentation to USGBC for its independent third-party review process. (Ord. 3839, Eff. 11/28/06)

d. Projects in Process.

Projects involving design, construction, or renovation of County facilities with more than five thousand (5,000) square feet of occupied area where the request for proposals for design services was issued prior to the date of enactment of this section shall conform to the LEED silver standard to the extent possible without compromising the current project budget and current project completion schedule. (Ord. 3839, Eff. 11/28/06)

e. Exemption.

For a given project, the LEED standards committee may select the most appropriate version of LEED and apply the silver standard, and/or require compliance with select credits, and/or set a life cycle cost/benefit ratio for budget increases related to green building costs, and/or exempt a construction project from any LEED compliance requirements. (Ord. 3839, Eff. 11/28/06)

f. Rules and Regulations.

The County Executive may adopt rules and regulations to facilitate the LEED standards committee review and determination process. (Ord. 3839, Eff. 11/28/06)