

Resolution 92-2018
GENERAL CODE OF ONEIDA COUNTY, WISCONSIN
ORDINANCE AMENDMENT # 92-2018

Ordinance amendment to Chapter 3.09 Purchasing

Ordinance Amendment offered by the Administration Committee

WHEREAS, in order to be eligible to receive Federal grants awards, recipients are required to follow the rules of the Uniform Grant Guidance of 2 CFR 200, and

WHEREAS, procurement policies are necessary to be in place that conform with the requirements of the Uniform Grant Guidance, and

WHEREAS, this update to Chapter 3.09 Purchasing Ordinance will conform with the procurement requirement of the Uniform Grant Guidance.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Section 3.09 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

3.09 PURCHASING.

(1) GENERAL PROVISIONS.

- (a) The purpose of this procedure is to ensure the County's funds are appropriately spent in the most cost effective manner and that the purchase has been approved by the required administrative hierarchy.
- (b) The County will not enter into any procurement contracts or commitments with a suspended or debarred vendor or business. Verification can be completed through the System Awards Management System (SAM). The County prohibits awarding any contract or purchase agreement with any suspended or debarred vendor.
- (c) ~~(a)~~ Purchases of supplies, materials, equipment or nonprofessional services by County departments and committees, except highway purchases which are covered by subsection (2), shall be in conformity with prior budgetary approval for such expenditures by the County Board. If such purchases have been anticipated and are specifically itemized in the departmental budget, no additional County Board approval is necessary, and the committee of jurisdiction may authorize the purchase.
- ~~(d)~~ ~~(b)~~ If such purchases have not been anticipated and have not been specifically itemized in the departmental budget, prior approval of the ~~Finance and Insurance Administration~~ Committee shall be required if the anticipated purchase price does not exceed ~~\$5,000~~ \$25,000. Upon obtaining such approval, the committee of jurisdiction may authorize the purchase.
- ~~(e)~~ ~~(c)~~ If the purchase has not been anticipated and has not been specifically itemized in the departmental budget, prior approval of the County Board shall be required for purchases which are anticipated to cost in excess of ~~\$5,000~~ \$25,000 through a separate resolution (excluding vehicles).
- ~~(f)~~ Purchases that will be funded by a continuing appropriation should be approved by the Committee of Jurisdiction prior to the purchase. In an emergency situation, approval by the Committee of Jurisdiction Chair is allowed prior to purchase, provided that the Committee of Jurisdiction is thereafter given prompt written notice of the action.

(2) HIGHWAY PURCHASES.

- (a) Pursuant to §83.015(2), Wis. Stats., the Highway Committee shall purchase such highway equipment as it deems necessary to properly carry on the work of the department, and trade or sell such used equipment

as may be considered to be for the best interests of the County, subject to the following requirements.

1. Revolving funds accumulated for such purpose or appropriations made for such purpose are available.
2. Subject to the provisions of paragraph (b) below, contemplated purchases of any complete unit of equipment having a value of \$100,000 or more shall require prior approval by the County Board.

(b) If the Highway Committee, after meeting to consider the alternatives available to it, determines that an emergency situation exists which can only be resolved by the immediate purchase of equipment, any one complete unit of which exceeds \$100,000, prior to when a County Board meeting is or can be timely scheduled, the Highway Committee may purchase such equipment provided that members of the County Board are thereafter given prompt, written notice of the action.

(3) PURCHASES BY BID. (Amd. #39-2007) PROCEDURE FOR THE PURCHASE OF MATERIALS AND SERVICES.

(a) Unless otherwise permitted by Wisconsin Statutes or this Code, all contracts for public works shall be let pursuant to Wisconsin State Statutes, as amended from time to time. (Am. Res.#34-2013)

(b) All contracts for non Public Works purchases up to \$3,000 (\$2,000 for purchases subject to Davis-Bacon) do not require quotes. An effort should be made to distribute these purchases evenly to qualified suppliers.

(c) All contracts for Non Public Works purchases exceeding \$3,000, but less than \$50,000 (excluding vehicles) require written quotations from one or more vendors (if available). Each department is required to keep a record of the quotes received.

(d) All contracts for Non Public Works purchases exceeding \$50,000 will be required to be let by sealed bid, subject to paragraph (e) below.

(e) ~~(b)~~ Contracts for bid shall be advertised in the official County newspaper at least one time after being approved as to form and content by the committee of jurisdiction. Where the best interests of the County will be better served, the committee may advertise in other publications. Bids will be opened publicly. Fixed price bids are usually awarded to the lowest bidder (based on fixed price) given all the material terms and conditions of the invitation for bids is met. Requests for Proposals, usually for professional services and other non-public works (such as but not limited to, architectural, engineering and other professional services, or other non-public works items or services, etc.) are awarded to the most qualified competitor with compensation subject to negotiation. All bids submitted shall be filed with the County Clerk by the committee of jurisdiction after the purchase is completed.

(f) ~~(e)~~ Bid specifications approved by the committee of jurisdiction setting forth standards of quality and quantity, terms, conditions and reservations shall be prepared and notice of availability of the same shall be published as part of the advertisement required by subsection (b). Bid specifications shall include the minimum insurance coverage as established by the ~~Finance and Insurance~~ Administration Committee pursuant to §2.36(5) of this Code of General Ordinances, except that such coverages may be changed by the committee of jurisdiction with the approval of the ~~Finance and Insurance~~ Administration Committee after consultation with the County's insurance risk counselors. In the case of all contracts, the County's risk counselor's opinion shall be obtained concerning the types and amounts of insurance to be carried. The best interests of the County shall be given primary consideration under this section.

(g) ~~(d)~~ Any variance from the procedures listed sections (a) – (f) above must be pre-approved by the Corporation Counsel Office.

Whenever the committee of jurisdiction determines the best interests of the County will be served, the requirements of subsections (a) and (b), (c), (d) and (e) may be waived for one or more of the following reasons, which are to be supported in the Committee minutes:

1. ~~The materials, equipment or services set forth in the specifications are sufficiently unique that they can only be reasonably provided or serviced by one supplier.~~
2. ~~A department of the County can provide the material, equipment or service at a competitive cost.~~
3. ~~The committee, on an annual basis, advertises for and maintains an active list of suppliers of a generic product, such as fuel, and from whom the committee or its designee thereafter solicits bid quotations (with written confirmation to follow) from which the bid most advantageous to the County shall be selected.~~
4. ~~The material, equipment or service is being provided under a contract having a term of not more than 2 years.~~

- ~~(h) (e) Subject to compliance with the requirements and exceptions of subsections (a), (b), (c) and (d), (e) and (f), the contract shall be let to the bidder deemed most advantageous to the County. Provided there is compliance with subsections (1) and (2) above, all contract agreements for purchases under this section shall be executed by the chairman of the committee of jurisdiction or, in his absence, the vice chairman, unless otherwise provided for by express action of the County Board or unless otherwise expressly provided below.~~
- (i) (f) The following contract agreements are exceptions and shall be executed as provided:
1. Landfill contracts with haulers and users of the Oneida County Landfill and contracts with other landfills or solid waste operations shall be executed by the Chairman of the Solid Waste Committee and the Solid Waste Administrator.
 2. Service contract agreements for the Department of Social Services shall be entered into by the Social Services Director where they involve confidential matters and otherwise, by the Social Services Director, with the approval of the Social Services Committee.
 3. Collective bargaining agreements shall be executed by the Labor Relations/Employee Services Committee and the Labor Relations/Employee Services Director upon ratification by the County Board.
 4. Individual employment contracts, including contracts for professional services, shall be entered into by the chairman of the supervising committee with the approval of the committee and with the approval of the Labor Relations/Employee Services Committee.
 5. Multi-department service/maintenance contracts shall be entered into by the Buildings and Grounds Committee; service/maintenance contracts for equipment unique to a specific department shall be entered into by the department head with the approval of the committee of jurisdiction.
 6. Contracts between County departments shall be entered into by the respective department heads with the approval of the committees of jurisdiction.
 7. Contracts between County departments and entities outside the County structure, (not including those contracts in subsection 10 below), shall be entered into by the County Board Chairman and the chairman of the committee of jurisdiction or by the department head if expressly authorized by the County Board. Any County elected or appointed official or employee who is required to provide their social security number or other personal information as part of a contract or grant agreement process shall be indemnified and held harmless by the County from any consequences resulting from either the disclosure of such information or the mismanagement of such contract or grant by others. (Am. Res. #148-2004)
 8. The Highway Committee may enter into any contract authorized by the provisions of Ch. 83, Wis. Stats.
 9. All deeds, conveyances of real estate and contracts and agreements relating to real estate shall be made at the direction of the County Board and shall be signed by the County Clerk with a County seal attached.
 10. Contracts with the State of Wisconsin or any of its various agencies shall be signed by the appropriate department head after following the County contract review procedure.
- (4) CENTRAL PURCHASING. All consumable office supplies and materials for the County shall be ordered through and by the Finance Department. Exceptions to the foregoing must be approved in advance by the Finance ~~Committee~~ Director.
- (a) Contracts for office supplies shall be entered into by the Finance Director with the approval of the ~~Finance and Insurance Administration~~ Administration Committee.
- (5) AUDIT, EXCEPTION.
- (a) *Submitting invoices for payment.* Invoices for payment for all construction, repair, building, furnishing of supplies or materials, equipment and services shall, be reviewed for recommendation by the department head and approved by the appropriate committee of jurisdiction. All invoices shall then be submitted to the Finance Department for payment. If the payment of an invoice causes any line item to exceed the amount budgeted for that line item, the department head shall promptly notify their committee of jurisdiction and the Finance and Insurance Committee following the procedure as set forth in section 3.11.
- (b) *Exceptions.* Direct payment of invoices for vehicles, fuel and utilities, supplies, materials, equipment and services which are subject to a discount if paid by a date prior to the next

scheduled meeting of the committee of jurisdiction shall be paid immediately upon the written recommendation of the department head and approval of the Finance Director. Such invoices shall then be submitted to the appropriate committee of jurisdiction for approval at its next meeting. Direct payment of claims shall also be paid immediately when authorized by specific committee of jurisdiction or County Board approval or both if necessary.

- (6) NONCOMPLIANCE. Purchases or orders for construction, repairs, building, furnishing of supplies or materials, equipment, vehicles or services in violation of this section by any employee, department head or elected official shall not be considered the property or the responsibility of Oneida County, unless ratified by specific County Board action.

Approved by the Administration Committee this 6th day of November, 2018.

Consent Agenda Item: YES NO

Vote Required: Majority = X 2/3 Majority = 3/4 Majority =

The County Board has the legal authority to adopt: Yes X No as reviewed by the Corporation Counsel, , Date: 11/6/18

Offered and passage moved by:

Supervisor

Supervisor

Supervisor

Supervisor

Supervisor

21 Ayes

0 Nays

0 Absent

0 Abstain

 X Enacted

by the County Board of Supervisors this 13 day of Nov, 2018.

 Defeated

Tracy Hartman, County Clerk

David Hintz, County Board Chair

Resolution # 92-2018

Supervisors	AYE	NAY	ABS	ABSTAIN
Almekinder	X			
Winkler	X			
Cushing	X			
VanRaalte	X			
Fisher	X			
Ives	X			
Krolczyk	X			
Kelly	X			
Schreier	X			
Jensen	X			
Timmons	X			
Fried	X			
Holewinski	X			
Liebert	X			
Oettinger	X			
Mott	X			
Sorensen	X			
Paszak	X			
Pence	X			
Metropulos	X			
Hintz	X			
TOTALS	21			
TAGS				
Meredith Weitz	X			
Ben Kebusiak	X			

Resolution # 92 – 2018/General Code Ordinance
Amendment #92-2018: Offered by the Supervisors of the
Administration Committee to amend Chapter 3.09
Purchasing.