

(Published in THE DAILY REPORTER on December 11, 2001)

CHARTER RESOLUTION NO. 55

Effective:

A CHARTER RESOLUTION OF SEDGWICK COUNTY, KANSAS PROVIDING THAT K.S.A. 19-260a AND 19-260b NOT APPLY TO SAID COUNTY AND EXEMPTING SAID COUNTY THEREFROM AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS UPON THE SAME SUBJECT; AND PROVIDING THAT SAID COUNTY PURCHASE GOODS AND SERVICES PURSUANT TO COMPETITIVE PURCHASING PROCEDURES UNDER THE DIRECTION OF THE COUNTY PURCHASING DIRECTOR; AND REPEALING CHARTER RESOLUTION NO. 50.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS that:

**SECTION 1.** Sedgwick County is a duly organized county within the State of Kansas by the power vested in said county by K.S.A. 19-101(a) and K.S.A. 101(b), which exempts said county from and makes inapplicable to it an act of the legislature, K.S.A. 19-260a and 19-260b, which applies only to Sedgwick and Johnson Counties, said act not applying uniformly to all counties and as such the following provides substitute and additional provisions for said statutes as hereinafter set forth.

**SECTION 2.** Charter Resolution No. 50 is hereby repealed with the adoption of this Charter Resolution.

**SECTION 3.** All supplies, equipment and services acquired for Sedgwick County, for each and every office and department thereof, and for each and every elected official and for the judges of the Eighteenth Judicial District, regardless of the source of funds used to make the acquisition, shall be acquired in accordance with this Resolution and the policies and procedures established pursuant to it.

- A. Each purchase, including acquisitions by rental, lease, and lease/purchase, in an amount exceeding \$25,000.00 shall be offered to responsible vendors by sealed bid/proposal 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 user department, the Purchasing Department and the Board of Bids and Contracts subject only to the exceptions provided in this Resolution.
- B. Subject only to the exceptions provided in this Resolution, each purchase, including acquisitions by rental, lease, and lease/purchase, in an amount exceeding \$10,000.00 but not more than \$25,000.00 shall be offered to responsible vendors by sealed bid/proposal 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 price as determined by the County Manager after review of all vendor bids/proposals and recommendation by the user department and Purchasing Department; or if the County Manager determines that the County interest is best served by a vendor not offering the lowest price said purchase order or contract shall be awarded to the lowest responsible bid or best proposal as determined by the Board of Bids and Contracts after review of all vendor proposals and recommendation by the County Manager.
- C. Each purchase, including acquisitions by rental, lease, and lease/purchase, in an amount exceeding \$1,500.00 but not more than \$10,000.00 shall be offered to responsible vendors by informal bid/proposal 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 Purchasing Director subject only to the exceptions provided in this Resolution.

- D. Each purchase, including acquisitions of vehicles or equipment by rental or lease for a temporary period, in an amount not exceeding \$1,500.00 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 Purchasing Department using procedures established pursuant to this Resolution.

**Section 4.** Requirements that purchases be offered to multiple vendors may be waived by the Purchasing Director under any of the following conditions.

- 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 Sedgwick County, or have economic impact on County Business unless immediate action is taken to purchase said goods or services.
- 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. The Purchasing Director is authorized to negotiate said purchases subject to approval by the Board of County Commissioners for purchases in excess of \$25,000.00, and subject to approval by the County Manager for purchases in excess of \$10,000.00 but not more than \$25,000.00.
- 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. The Purchasing Director is authorized to negotiate said purchases subject to approval by the Board of County Commissioners for purchases in excess of \$25,000.00 and subject to approval by the County Manager for purchases in excess of \$10,000.00 but not exceeding \$25,000.00.
- D. Joint Governmental Purchases. 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. Such joint purchases in excess of \$25,000.00 shall be approved by the Board of County Commissioners, and such joint purchases in excess of \$10,000.00 but not exceeding \$25,000.00 shall be approved by the County Manager.
- 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 Purchasing Director 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 Purchasing Director and subject to approval by the County's Chief Financial Officer.

**SECTION 5.** All requests for bids/proposals shall be advertised at the discretion of the Purchasing Director. Competitive sealed bids/proposals shall be opened at a time and place specified pursuant to said public notice. The Purchasing Director shall make the determination as to whether purchases subject to this resolution shall be made by requests for bids or requests for proposals. The following definitions shall apply for purposes of this resolution:

- A. Competitive Bid. Bids shall be evaluated based on the requirements set forth in the request for bids/quotations, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, deliver, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs and total or life cycle costs, and be specifically set forth in the request for bids/quotations. Contracts shall be awarded to a qualified vendor submitting the lowest responsible bid. No criteria may be used in bid evaluation that has not been set forth in the request for bids/quotations.
- B. Competitive Proposal. Proposals shall be evaluated based upon criteria formulated around the most important features of a produce or service, of which quality, availability or capability may be overriding factors and price may not be determinative in the issuance of a contract or award. The proposal evaluation criteria should be viewed as standards that measure how well a vendor's approach meets the desired requirements and needs of the County. Those criteria that will be used and considered in evaluation for award shall be specifically set forth in the request for proposal. Contracts shall be awarded to a qualified vendor submitting the best proposal.

**SECTION 6.** There shall hereby be established pursuant to this resolution a Sedgwick County Board of Bids and Contracts, which Board shall be responsible for recommending the purchase of materials, supplies, equipment and services in excess of \$25,000.00 and approving purchases in excess of \$10,000.00 but not exceeding \$25,000.00 when required pursuant to this resolution; and to review such other purchases as may be requested from time to time at the discretion of the Purchasing Director. Once the Board of County Commissioners, Board of Bids and Contracts, or County Manager has approved any purchase pursuant to this Resolution, the Purchasing Director shall have the authority to execute any contracts or other similar documents necessary to facilitate the purchase, subject to approval as to form by the County Counselor.

The Board of Bids and Contracts shall be composed of five members. The chairperson of said Board shall be the County Controller and the Director of the Division of Public Works shall serve as vice-chairperson. In addition there shall be a representative from the Sedgwick County elected officials other than a county commissioner appointed by the County Manager, one representative from the Eighteenth Judicial District to be determined by the Administrative Judge, and a member at large appointed by the County Manager from a roster listing all division and department directors. Members appointed by the County Manager shall serve two-year terms, and shall continue serving until a successor is appointed. Duties of a member of the Board of Bids and Contracts may not be delegated. The County Counselor or an assistant designated by the County Counselor shall serve in an advisory capacity to the Board. The Board of Bids and Contracts shall meet and follow policies and procedures as promulgated by the Purchasing Director.

**SECTION 7.** Pursuant to and in conjunction with this Charter Resolution, the Purchasing Director shall adopt policies and procedures governing the purchase of all goods and services for Sedgwick County and for the Board of Bids and Contracts. The policies promulgated by the Purchasing Director shall be consistent with this resolution. The Purchasing Director is furthermore given the authority to sign contracts for all goods and services, subject to approval as to form by the County Counselor.

**SECTION 8.** The Purchasing Director shall have the authority at any time to reject any and all bids/proposals when it is deemed in the best interest of the County. In those instances where after advertising for bids/proposals, those bids/proposals received exceed the budgeted amount, the Purchasing Director is authorized to negotiate for purchases with the responsive low bidder or best proposal to bring such bids/proposals within the budgeted amounts.

**SECTION 9.** The Purchasing Director shall, within one week of the date of purchase, notify the Board of County Commissioners of each purchase in excess of \$10,000.00 but not more than \$25,000.00. The notification shall include the good or service purchased, amount of purchase, name of

user department, number of bids/proposals received, and if competitive bid/proposal were waived pursuant to Section 4 of this Resolution an explanation of the condition resulting in the waiver.

**SECTION 10.** Whenever pursuant to this Resolution duties or responsibilities are assigned to the Purchasing Director, County Manager, or County Counselor that official may delegate the duties or responsibilities to a subordinate.

**SECTION 11.** Notwithstanding any other provision to the contrary, the following provisions shall govern the procurement of professional services.

- A. Professional services. Competitive bids/proposals are unnecessary for contracts for professional services. Professional services shall generally 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. Contracts for professional services in excess of \$25,000.00 shall be subject to approval by the Board of County Commissioners.
- B. Legal professional services. Competitive bids/proposals are unnecessary for contracts for legal professional services. Legal professional services are defined as services provided and performed by licensed attorneys or law firms (including support staff) in representing or advising the Board of County Commissioners or any agent or employee of Sedgwick County. All contracts for legal professional services must be approved by the County Counselor, except however, the Board of County Commissioners has authority to contract for legal professional services without approval of the County Counselor.

**SECTION 12.** This Charter Resolution shall be published once each week for two consecutive weeks in the official County newspaper.

**SECTION 13.** This Charter Resolution shall take effect 60 days after final publication unless a sufficient petition for referendum is filed and a referendum held on the resolution pursuant to provisions of K.S.A. 19-101b(c) in which case this Charter Resolution shall become effective when approved by a majority of the electors voting thereon.

ADOPTED this 28th day of November, 2001.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

Don Brace  
County Clerk

APPROVED AS TO FORM:

RICHARD A. EUSON  
County Counselor

CAROLYN MCGINN, Chair

BEN SCIORTINO, Vice-Chair

BETSY GWIN, Commissioner

TIM NORTON, Commissioner

TOM WINTERS, Commissioner