

## **Subpart 2. Purchasing**

### **2.211 Purpose**

- (1) This ordinance is intended to:
  - (A) achieve greater efficiency, transparency, and economy in the operation of Rock County government;
  - (B) ensure the most efficient and responsible use of public funds in the procurement of goods and services;
  - (C) provide fair and equitable treatment of all individuals and entities involved with public purchasing for the benefit of Rock County;
  - (D) 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;
  - (E) protect the County's interest by promoting the use of standardized purchasing processes and documents.
- (2) 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 that 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, Sections 59.03(1), 59.51(1), 59.51(2), 59.52(1)(b), 59.52(6), 59.52(8), 59.52(9) and 59.52(29) of the Wisconsin Statutes.

### **2.213 Administration**

- (1) The provisions of this ordinance and any regulations adopted hereunder shall be administered, supervised, and enforced by the Finance Director, subject to
  - (A) the authority of the County Administrator and
  - (B) policy review by the Finance Committee.
- (2) Administrative rules shall be developed which are appropriate to ensure compliance with the terms of this ordinance.

- (3) On-going administrative, financial, and legal review of all contract documents entered into on behalf of Rock County shall be provided as described further in this ordinance.
- (4) 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 purchases made by Rock County 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.

#### **2.215 Application**

- (1) This ordinance applies to any purchase of goods or services made by the County whether professional or nonprofessional, except as otherwise provided by this ordinance. It shall apply to every expenditure of public funds by a department for public purchasing regardless of the funding source.
- (2) Notwithstanding language to the contrary, any purchase involving Federal funding shall not use geographic preferences in the evaluation of bids or proposals.
- (3) The County recognizes occasionally it may be in the best interest of the County to enter into contracts, leases, or other agreements that have been bid, negotiated, or otherwise entered into in a manner which is not in strict conformity with the terms of this ordinance. The County may waive any nonconformity by approving the contract or agreement in the manner prescribed in this Subpart.
- (4) When using federal funds, any rules, regulations, or administrative directives regarding the use of those funds shall control when in conflict with this Subpart.

#### **2.216 Public Access to Information and Record Retention**

- (1) Any documents or information created or maintained pursuant to this ordinance is public to the extent permitted by Sections 19.21 – 19.39, Wisconsin Statutes.
- (2) All documents related to purchase shall be retained in accordance with the County's record retention policy.

## 2.217 Definitions

In this ordinance, unless the context clearly indicates otherwise, the following words, terms, and phrases have the meanings described in this section:

**Administrative Rules** - those regulations, rules, policies, procedures, or other written documents issued by the Finance Committee to implement the provisions or administration of this ordinance.

**Aggregate** – the whole sum or amount; the total amount of a contract including all committed and potential expenditures; the total amount of a multi-year contract.

**Aggregate Total Cost** – the reasonable expectation of how much a particular purchase will cost, or a series of purchases of the same or substantially similar goods or services made in one 12-month period to accomplish, or in furtherance of a specific project, service mission, or internal service provided by a Department. For a contract that's expected life will span multiple years, the Aggregate Total Cost shall include the cost of all years of the contract.

**Bid** – a response to a request for bids, an offer to sell specific goods or service to the County at a specified price.

**Bidder** - 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.

**Contract** – any written agreement evidencing a legally binding obligation between the County, its departments, officials, and employees, and a third party. A purchase order that is transmitted to and accepted by the Vendor constitutes a contract.

**County** – Rock County

**County Auction** - an auction conducted on behalf of Rock County which is advertised in advance and open to the general public.

**Decentralized Purchasing Authority** - 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.

**Goods** – any tangible objects, supplies, or other that are purchased that are not services or real property.

**Most responsible and responsive bidder –**

Bidder who offers, as appropriate, either lowest cost or highest payment, the best quality to the County, who possesses the necessary financial responsibility, skill, ability, and integrity to perform the obligations required by the transaction, and whose bid conforms with all material respects to the requirements of the bid solicitation.

(1) 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, be considered the most responsible and responsive bidder

(2) Considerations which may be taken into account include:

- (A) The Bidder, or agent, partner, employee, or officer of the Bidder, is not debarred, suspended, or declared ineligible from contracting with any unit of federal, state, or local government.
- (B) The Bidder is in compliance with provisions of Section 2000e of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11346 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer Provision)
- (C) The Contractor has general liability, workers compensation, unemployment, and automobile insurance at levels sufficient to protect the County given the size of the contract or bid.
- (D) For public works projects, the Bidder has a written substance abuse prevention program meeting the requirements of Wis. Stat. § 103.503.
- (E) The Bidder possesses all applicable professional and trade licenses required for performing the public work.
- (F) The Bidder has adequate financial resources to complete the public works contract, as well as all other work the bidder is presently under contract to complete.
- (G) The Bidder is bondable for the terms of the proposed public works contract.
- (H) The Bidder has a record of satisfactorily completing at least one significant previous project of similar size and complexity within the last five years. Criteria which will be considered in determining satisfactory completion of projects may include, but are not limited to:
  - 1. completion of contracts in accordance with drawings and specifications;
  - 2. diligent execution of the work and completed contracts according to the established time schedules unless extensions are granted by the owner; and
  - 3. fulfilled guarantee requirements of the contract documents.

- (I) The bidder has a written safety program consistent with industry standards.
  - (J) The Contractor has not received a serious, willful, or repeated violation from OSHA in the last ten years.
- (3) The Purchasing Manager and Department Head shall consult with Corporation Counsel upon making any determination as to a bidder who is not responsible or responsive.

**Negotiation** – contracting through the use of competitive or other than competitive proposals or discussions. Any contract awarded without a formal bidding procedure is a negotiated contract.

**Professional Services** - 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. Professional services include, but are not limited to, medicine and the medical arts, management and systems consultation, research, the performing arts, surveyor and surveyor services, engineering, and architectural design services.

**Proposal** – all terms and conditions of the proposed goods or services and the price are subject to negotiation. This method is used to purchase goods and services where specifications cannot be developed so that they are sufficiently precise to make a selection solely based on price.

**Public Work Project** – the construction, repair, remodeling, or improvement of any public work or building or for the furnishing or supplies or material of any kind as defined under Wis. Stat. § 59.52(29), Public Work.

**Purchase of Goods** - 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.

**Purchase of Services** - any transaction between the County and any party or parties 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.

**Request for Bids** – a formal procurement method used to solicit competitive sealed bids for goods and/or services for which an award is based on compliances of the specifications and low bid price. The award is made to the lowest responsive, responsible bidder

**Request for Proposals** – a formal procurement method requesting proposals from a vendor to provide the requested good or services. Price is usually not a primary evaluation factor as it is typically based on project approach or qualifications. Provides for the negotiation of all terms, including price, prior to contract award.

**Request for Quotation** – a simple, informal procurement method for securing goods and services. This method requires price quotations from qualified sources.

**Services** – the furnishing of labor or time, not involving the delivery of a specific end product other than usual reports which are incidental to the required performance; intangible actions, work performed such as accounting, banking, cleaning, consultancy, or transportation.

**Small Public Work Project** – a public work project where the cost of such work is estimated to remain below \$25,000 in the aggregate and is not subject to sealed competitive bidding requirements under Wisconsin Statutes.

**Solicit/Solicitation** – the process of seeking information, bids, proposals, or quotations from vendors.

**Sole Source Provider** - a specific good or service where there is only one vendor source for the particular good or service. A solicitation for quotes or bids need not be done if it is known there is only one provider of the goods or services or if the funding source specifies a single source for goods or services.

**Standard County Contract** – a Rock County contract or change order template which has been generated and pre-approved by the County’s Corporation Counsel and is used without modification.

**Transactions** - 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.

**Vendor** – A person or company who provides goods or services to the County.

## **2.218 Responsibilities**

- (1) Finance Committee – The committee shall have those responsibilities imposed by the rules of the Board of Supervisors and shall exercise the following additional duties and functions relating to this ordinance:
  - (A) Provide general oversight of all matters concerning purchases and sales;
  - (B) Advise and consult with departments concerning transactions when requested or when otherwise deemed necessary by the committee

- (C) Investigate on its own motion all questions related to transactions controlled by this chapter
  - (D) Review and refer to the Board:
    - 1. Any transaction for which no budgetary appropriation has been made;
    - 2. Any instance of non-compliance with this Subpart or any regulations adopted under this Subpart.
  - (E) Create or amend appropriate Administrative Rules regarding purchases as necessary
- (2) Finance Director - The Finance Director or their designee, 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:
- (A) Implement the provisions of this ordinance through the activities of the Purchasing Division of the Finance Department
  - (B) Provide administrative assistance, training, and support to all County officials and employees in activities governed by this ordinance.
  - (C) Ensure that sufficient appropriate written administrative rules are in place to provide guidance to those engaged in activities within the scope of this ordinance and monitor the administration of prescribed administrative rules.
  - (D) Enforce the provisions of this ordinance by suitable measures.
  - (E) 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
  - (F) Promote standardization of equipment and supplies within Rock County government.
  - (G) Refer to the County Administrator or County Board any transactions which the Finance Director or Finance Committee views as affecting general County policy.
  - (H) In conjunction with the Finance Committee:
    - (A) Provide suitable safeguards and procedures so that relatively small or routine matters need not automatically be referred to the Board or its committees
    - (B) Designate Decentralized Purchasing Authority, as provided by sec. 2.230(2) of this Subpart.
- (3) Purchasing Division – The Purchasing Division of the Finance Department is responsible for the procurement of all goods, materials, services, and equipment unless otherwise specified in this ordinance or by resolution of the County Board or law of the state and for disposal by sale of all surplus County goods, supplies, or equipment.

## **2.219 Procedure: General Purchase of Goods; Certain Contracts for Services**

- (1) Contracts for purchases shall generally be awarded to the lowest, most responsible, and responsive bidder or quote offeror.
- (2) 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.
- (3) Except as otherwise directed by this Subpart, the purchase of non-professional 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, qualifications, or standards, and shall forward the same to the Purchasing Division for distribution to at least two prospective, qualified providers of the services desired.
- (4) Purchases of Professional Services are exempt from bidding requirements but subject to all other provisions of this Subpart, or further Administrative Rules.
- (5) Services specifically required under State and/or Federal regulations may be purchased with the approval of the governing committee or board administering such services, where the demand for services and market conditions do not allow for compliance with bidding or other competitive solicitation procedures established under this ordinance.
- (6) This section shall not apply to the purchase of Human Service Department Professional Services or contracts for the purchases directly related to highway construction and maintenance in accordance with sec. 83.015(2)(b), Wis. Stats. as otherwise described in this Subpart.

## **2.220 Small and Moderate Purchases: Goods and/or Services**

- (1) Micro-Purchase (less than \$5,000): Purchase of goods or non-professional services that have an aggregate total cost of equal to \$5,000 or less, annual, by the same provider for the provision of specific goods or services. The County will strive to distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made directly by the department or through the Purchasing Division from approved dealers or suppliers without soliciting competitive quotations if the County department or Purchasing Division considers the price to be reasonable.
  - (A) This includes office supply purchases. Office supplies are ordered on-line through authorized, contracted vendors. Office supplies and paper can be ordered using a Blanket Purchase Order or a County issued credit card.

Departments are responsible for verifying orders and paying invoices when received.

- (B) Office furniture and equipment regardless of the cost is not considered office supplies and must be made through the Purchasing Division.
  - (C) Purchases may not be artificially divided so as to constitute micro-purchases.
- (2) Small Purchases (Between \$5,000 and \$25,000): Purchases of goods or non-professional services that have an aggregate total cost of greater than \$5,000 but less than or equal to \$25,000 annually. Departments shall seek the assistance of the Purchasing Division, which will provide assistance in identifying and negotiating with vendors. The Finance Department will review the request for budgetary considerations; the Purchasing Division then reviews the request and approves or denies the purchase.
- (A) All Small Purchases may be made on the open market and directly from a dealer or supplier without obtaining quotations or bids, but contracts shall be made only after investigation and requests for quotations or proposals are made to ensure Rock County's best interests are being met. Quotations obtained in this manner shall be confirmed by the successful quote offeror before the contract is officially offered.
  - (B) Budgeted small purchases shall be approved by the Department Head of the department requisitioning the goods or services and the Purchasing Division Manager.
  - (C) Purchases will not be artificially divided so as to constitute minor purchases.
  - (D) Any purchase involving the furnishing of supplies or materials of any kind equal to or greater in value than \$5,000 but less than \$25,000 may only be made after a publication of a class 1 notice in accordance with Ch. 985, or shall be let to a vendor previously qualified as a bidder under Wis. Stat. § 66.0901(2).
- (3) Moderate Purchases (Between \$25,000 and \$100,000): Purchase of goods or non-professional services that have an aggregate total cost of greater than \$25,000 but less than or equal to \$100,000 annually. Moderate Purchases should be made by a good faith solicitation of quotation or proposal and negotiation of terms from at least three qualified providers through a request for written quotations except as otherwise detailed in this ordinance. Budgeted Moderate Purchases shall be approved by the governing committee exercising policy supervision and oversight authority of the department making the purchase.
- (A) The department may make independent solicitations or may request a solicitation through the Purchasing Department.
  - (B) Unless exercising Decentralized Purchasing Authority pursuant to sec. 2.223(2) Moderate Purchases over \$25,000 may be reviewed by the

Finance Director or designee to determine if solicitation of sealed bids would be appropriate.

- (C) Purchases will not be artificially divided so as to not constitute a Moderate Purchase.

### **2.221 Large Purchases**

- (1) Purchase of goods, or non-professional services, where the estimated aggregate cost of the purchase exceeds \$100,000 over the life of the project shall be bid by an invitation to bid or request for proposal from the Purchasing Division only after notice by publication, once (class 1 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 or proposals to furnish the desired items, supplies, or services, in accordance with specifications prepared or approved by the Purchasing Division. The invitation to bid will include specifications which describe completely the items, supplies, or services to be furnished, the department for which the same are required, the quantities desired, and all terms and conditions relevant to the purchase.
  - (A) If awarded by invitation to bid, then bids shall be received and opened by the Finance Director's designee on the date and at the time and place specified in the invitation to bid. The reading of all bids shall be open to the public.
  - (B) 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 Large Purchases during the term of the contract including multiple year contracts, shall be approved by the governing committee, and the Rock County Board of Supervisors by resolution.

### **2.222 Intergovernmental Cooperative Purchases**

If the County is able to reduce expenses by entering into cooperative agreements with other governmental entities, it shall endeavor to do so. The Finance Director is 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. It is not necessary to adhere to competitive bidding requirements when making purchases pursuant to contracts negotiated and approved by the State of Wisconsin Bureau of Procurement.

## 2.223 Special Purchases

- (1) *Purchases from Governmental Units:* Materials, supplies, machinery, and equipment offered for sale by the federal government, the State of Wisconsin, or subdivision thereof, 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.
- (2) *Decentralized Purchasing Authority for Special 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. 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.
- (3) *Professional Services:* Services subject to specific educational or licensing requirements set for by the State of Wisconsin, deemed Professional Services, need not be competitively bid but reasonable efforts to obtain relevant credentials, experience, and a formula for fees from multiple providers should be made prior to awarding a contract.
  - (A) The department may choose to solicit quotations or credentials through the Purchasing Division or independently.
  - (B) Except as otherwise directed by this Subpart, the purchase of Professional Services shall be authorized as follows:
    1. Award of contracts for Professional Services up with a total aggregate value of \$25,000 or less shall be approved by the Department and Finance Department.
    2. Award of contracts for Professional Services greater than \$25,000 but less than or equal to \$100,000 shall be approved by the appropriate governing committee.
    3. Award of contracts for Professional Services for more than \$100, shall be approved by the County Board by resolution.
- (4) *Emergency:* In the event of an emergency, the County Administrator or designee may authorize such departure from normal procurement methods as is necessary to fulfill the County's responsibilities or to protect the County's interests under the circumstances. Departments shall provide a written statement to the County Administrator for consideration as to the nature of the emergency. Any such Emergency Purchase over \$25,000 must be reported to the Finance Committee within 60 days of making such purchase.
- (5) *Expedient Necessity:* In the event where a purchase has been budgeted, and the County Administrator and Finance Director reasonably believe that the County would be significantly advantaged by making a purchase immediately without the approval of the governing committee, and/or the County Board, then the County Administrator may authorize a Department, in consultation

with the Purchasing Division, to make such purchase. Such authorization must be sought and granted in writing. Purchases made under Expedient Necessity must follow all other requirements of this Subpart, or Administrative Rules, and shall be brought to the governing committee and/or the County Board for approval in a manner consistent with this Subpart as soon as practicable after the authorization to purchase is given.

(6) *Human Services Department Purchases:*

(A) Client service contracts made under a purchase of service agreement that have an aggregate total cost of under \$200,000 that have been budgeted for during the period of expenditure may be entered into by the Director of the Human Services Department with authorization from the Human Services Board.

(B) The Human Services Department has Decentralized Purchasing Authority as related to obtaining specialized professional services including, but not limited to, medical services, group homes, residential treatment and care, respite care, psychological assessment services, training, medical laboratory services, in-home support services, and meal preparation. Any contract for which the Human Services Department is exercising its Decentralized Purchasing Authority that has an aggregate total cost of less than \$200,000 may be entered into by the Director of Human Services upon approval from the Human Services Board. Any contract that has an aggregate total cost of \$200,000 or more may only be entered into upon approval by resolution of the County Board in accordance with section 2.221 of this Subpart.

(C) All other provisions of goods or services by the Human Services Department are subject to the provisions of this Subpart.

(7) *Registration for Training/Seminars:* Funds for continuing education and training for employees shall be budgeted during the annual budget process. Department Heads may approve budgeted purchases relevant to continuing education and training within the respective department without prior approval of the Finance Director or Purchasing Division. If additional funding is needed for continuing education or training, the Department shall request a transfer or amendment to its budget, as appropriate, and follow all required review and approval requirements prior to entering into any obligation with regard to such continuing education or training.

(8) *Travel:* Travel related expenses shall be made in accordance with the Administrative Rules and as directed by the Finance Department.

(9) *Sole Source:* Contracts may be awarded without soliciting competitive bids, or quotations, when there is only one vendor source for particular goods or services. A solicitation for quotes or bids need not be done if it is known there is only one provider of the goods or services or if the funding source specifies a single source for goods or services. If a good or service is obtained from a

sole source provider, that must be detailed in writing in the description of the contract for review.

- (10) *State of Wisconsin Contracts:* Purchases may be made directly from approved vendors on contracts which have previously been competitively bid and approved by the state of Wisconsin without being competitively bid by the County.
- (11) *Purchase of Legal Services:* No employee or official may approve the purchase of legal services without the approval of the County Administrator and Corporation Counsel.
- (12) *Direct Purchases:*
  - (A) If bids, quotations, or proposals are not obtainable, or in cases of immediate need for the items or supplies due to an emergency, 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.
- (13) *Regular and Routine Vehicle and Equipment Maintenance and Repair:* Departments that purchase supplies to perform regular and routine vehicle maintenance and repair shall ensure that they are purchasing those supplies so as to achieve the lowest reasonable price given the availability, location, frequency of purchase, or other relevant factors. In order to ensure that the Departments are obtaining the lowest reasonable price, Departments shall periodically review the price of frequently purchased goods or materials from multiple sources. In this paragraph, frequently purchase goods shall mean bulk oil, solvents, hand tools, batteries, windshields, miscellaneous oil, air filters, and other related vehicle parts or accessories. Nothing in this paragraph shall be construed as prohibiting a Department from purchasing a more expensive good or material if such purchase is deemed in the County's best interest by the Department Head, or designee. The Purchasing Division shall periodically review the purchase of frequently purchased items to ensure departments are obtaining the lowest reasonable prices.

#### **2.224 Public Works Projects**

- (1) The requirements under this subsection shall be interpreted and applied as being in addition to any requirements created or arising under this ordinance.

- (2) Public Works shall include any contract for the construction, repair remodeling or improvement of any public work, building, or the furnishing of supplies or material of any kind.
- (3) Any Public Work where the estimated cost is greater than \$5,000 but less than \$25,000 shall be publicly advertised by Class 1 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).
- (4) Any Public Work projects where the estimated cost is equal to, or greater than \$25,000: must be competitively bid through the sealed bid process in accordance with Wis. Stat. § 59.52(29)(a) and shall be let by contract to the lowest responsible bidder in accordance with sec. 66.0901(2), Wis. Stats.
- (5) Projects may not be artificially broken up to alter their total projected aggregate cost.
- (6) A project need not be bid regardless of the cost if three-fourths of the members-elect of the County Board vote to have the majority of work done directly by the County.
- (7) All bid announcements are advertised in the official newspapers of Rock County.
- (8) All other purchases of goods or services by the Public Works Department are subject to the provisions of this ordinance.
- (9) This section shall not apply to the purchases made pursuant to section 2.225 of this Subpart.

## **2.225 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 their discretion, may utilize the services of the Purchasing Division for any or all highway related purchases. All purchases related to County highway, and parks activities not specifically otherwise regulated by state statute or County Board Resolution shall be made through the Purchasing Division.

- (1) Professional services for road and bridge improvement are accomplished pursuant to the Wisconsin Department of Transportation Facilities Development Manual.
- (2) The standard form contract used for these projects is not subject to the standard contract review procedure described in this ordinance. These contracts are reviewed and approved by the Public Works Committee.
- (3) All major construction and maintenance projects are subject to the Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction and are publicly bid in accordance with the Wisconsin Department of Transportation Facilities Development Manual.
- (4) Projects involving Federal Transportation Aid are administered by the Wisconsin Department of Transportation and all contract documents, advertisements of bids, bid openings, and letting are completed in accordance

with the Wisconsin Department of Transportation Facilities Development Manual.

### **2.226 Sealed Bid Process**

- (1) An invitation for bids shall include all specifications, contractual terms, and conditions applicable to the purchase.
- (2) The proposed purchase shall be publicly advertised in the official County newspaper and such other media as deemed desirable which may include the Internet or trade magazines. The proposed purchase shall be advertised at least seven days before the bid opening date. The advertisement shall call for sealed bids to furnish goods or services, or both in accordance with the specifications approved by the Purchasing Division.
- (3) Bids may be corrected or withdrawn by the vendor prior to the bid opening by providing written notice to the Purchasing Division prior to the bid opening date and time specified in the bid documents. Bids may not be amended or withdrawn by the vendor after the bid opening.
- (4) Requests for clarification may be made by potential bidders prior to submitting a bid. Such requests must be made in writing to the Purchasing Manager and will be maintained with all other bid documents. The request must be made at least 7 days before the final date for bids to be submitted. The Purchasing Manager will review the request and determine if it is in the best interest of the County to respond. Any responsive answer or refusal to answer shall be done in writing and maintained with all other public bid documents.
- (5) The Purchasing Division Head or designee shall publicly open all sealed bids on the date and at the time and place specified by the bid documents with at least one witness.
- (6) The contract shall be awarded by written notice to the lowest responsive, responsible bidder whose bid meets all the criteria set forth in the invitation for bids. Full consideration will be given to all alternatives as may be in the best interest of the County. In determining the award of contract, the County shall consider the scope of work involved, time of delivery, competency of the bidder, the bidder's ability to render satisfactory service, and past performance.
- (7) In the event of tied lowest responsive responsible bids, the Purchasing Division Manager, or Department Head of Department making purchase, shall review and take into account additional information to help determine which bid would be in the best interest of the County. If the bids remain equal, the Purchasing Division Manager shall award the contract to the bidder of their choosing. The decision of the County is final.

### **2.227 Competitive Bids**

Bids may be rejected when it is determined that to award a contract would not be in the best interest of the County. It is intended that contracts or purchase orders be awarded to the lowest, qualified, responsive, and responsible bidder. A written

record must be filed in the Purchasing Division's records explaining why any bids were rejected. The Purchasing Division Manager shall review each bid. The provisions of this ordinance related to the acceptance of low bids notwithstanding, unless otherwise required by law, bids other than the lowest bid may be accepted when such factors as service, reliability, cost of maintenance, cost of ancillary goods, durability, depreciation, cost of transition etc. outweigh the consideration of the lowest bid.

### **2.228 Change Orders**

- (1) Any contract for a public work, in which a modification to the scope of work is requested by a contractor resulting in an increase of more than \$500.00 must be in writing and specify the amount of the modification and the reason for the modification.
- (2) Any Change Order in which a re-allocation of the budgeted funds is of \$25,000 or greater must be approved by the General Services Committee. Any Change Order in which a re-allocation of the budget funds is of less than \$25,000 may be approved by the Director of Facilities Management but shall be reported to the General Services Committee at its next available meeting.
- (3) Notwithstanding subparagraph (2), the Director of Facilities Management may approve a change order without the approval of the Committee if a delay in authorizing the change in work would substantially affect the interests of the County and the Committee is unable to meet in a timely manner in order to prevent such effects. In exercising the authority under this subparagraph, the Director of Facilities Management shall consult with the County Administrator prior to approving such a Change Order. Any Change Orders approved pursuant to this subparagraph shall be reported to the General Services Committee with an explanation of why approval was necessary.
- (4) Any change order which would amend the terms and conditions, or general mutual obligations of the parties articulated in a contract beyond of the scope of services provided shall be reviewed, approved, and executed in a manner consistent with sections 2.229 and 2.231.

### **2.229 Contract Review**

Any document which obligates the County to any monetary allocation, any provision of goods or services regardless of expended funds, or from which the County will receive goods or services, including, but not limited to, contracts for the purchase of goods or services, contract amendments, memoranda of understanding, internship agreements, purchase orders, intergovernmental agreements, leases, building rental, and contracts for professional services must go through the County's contract review process. Once reviewed by Corporation Counsel Office, Finance Department, and any other appropriate department, if approved, the document will only be signed as described in this Subpart. The document must be reviewed and approved prior to signature on behalf of the County, or any subdivision thereof.

## **2.230 Ethics**

- (1) County employees engaged in the procurement of goods or services shall not be personally or financially interested in or in any manner connected directly or indirectly with any bidder or proposer. County employees are prohibited from having a private interest in any County contract in accordance with Wis. Stat. § 946.13. Any employee who identifies a personal conflict shall note such in writing and remove themselves from the procurement process.
- (2) No County employee shall solicit, accept, or receive gifts, commissions, rebates, or compensation directly or indirectly from individuals, firms, or corporations to which contracts or purchase orders may be awarded other than from the County in connection with the performance of their employment duties.
- (3) Purchases by the County for personal use of an employee or official are prohibited even if reimbursement is made to the County for the cost of the purchase.
- (4) No employee or official may disclose confidential, proprietary information obtained from solicitations or bids to other vendors or use any information for personal gain.

## **2.231 Signature Authority**

- (1) No County employee, agent, officer, Department Head, or board supervisor may bind the County to any agreement, contract, memorandum of understanding, purchase order, or any other commitment, except as described herein.
- (2) Consistent with section 2.229, all contracts or agreement documents must be reviewed by Corporation Counsel, Finance Department, and Risk Manager to determine whether the form and terms of the contract are acceptable prior to being signed by the County.
- (3) All contracts or agreement documents must be signed by the County Administrator or their designee in the event that the County Administrator is unavailable. Only the department heads or their designees of the following departments may sign contracts or agreement documents related to and originating from their respective departments which do not require full County Board approval:
  - (A) Human Services Department: contracts for goods and services, both professional and non-professional may be signed the Human Services Director once the expenditure is approved in accordance with sec. 2.223(5) of this Subpart.
  - (B) Department of Public Works: The Highway Commissioner may sign all contracts for purchase of goods and services directly related to the construction and maintenance of public highways pursuant to Chapter 83 of the Wisconsin Statutes and this Subpart.

1. For the sole purposes of authorizing regular or routine vehicle maintenance or repair, the Highway Commissioner may designate specific staff who can authorize such work, either verbally or in writing, with previously used or authorized vendors.
- (C) Information Technology (IT) Department: The Director of Information Technology may sign any contract directly related to the purchase of software, computer or networking hardware, or other services being provided to the Rock County Information Technology Department.
  - (D) Both the Director of Human Resources and the department head of the appropriate department shall sign contracts related to new employment of any department in Rock County.
  - (E) Rock Haven Nursing Home: The Nursing Home Administrator may sign any contracts for the furnishing of goods or services, both professional and non-professional, to Rock Haven Nursing Home.
  - (F) Land Conservation Committee: The Director of Land Conservation may sign any documents related to the duties and powers of the Land Conservation Committee as identified in Wis. Stat. §§ 92.07, including the granting and acceptance of Land Conservation Easements pursuant to Wis. Stat. § 93.73.
  - (G) Facilities Management: The Director of Facilities Management may sign any contracts for goods or services, both professional and non-professional, for the construction, repair, remodeling or improvement of any public work or building, or the furnishing of any goods or services to the Facilities Management Department.
  - (H) Elected Officials: Elected Officials (Clerk of Circuit Court, County Clerk, Circuit Court Judges, Register of Deeds, Sheriff, and Treasurer) may sign documents related directly to the powers and duties of their elected offices, including intergovernmental agreements, and memoranda of understanding, and contracts for the supply of goods and services provided in furtherance of their constitutional or statutory powers and duties. Any documents which obligate the County to provide or receive goods or services regardless of the specific funds used shall be reviewed consistent with section 2.229. Circuit Court judge exercising their authority under Article VII of the Wisconsin Constitution are exempt from this paragraph.
- (4) Grant documents: The appropriate department head shall sign any grant agreements or contracts after committee approval is granted and contract review completed, unless otherwise required by the granting agency or County Administrative Rules.

- (5) When appropriate, commitment of the County may be made by electronic signature in accordance with Chapter 137 of the Wisconsin Statutes.

### **2.232 Miscellaneous**

- (1) Determining contract amount:
  - (A) A contract shall not be broken into smaller or individual incident pieces in order to make the aggregate total less than a specific threshold amount. The dollar amount of a contract is determined by the actual bid or proposed amount or a realistic estimate of an annual total that the good or service will be used.
  - (B) It is a violation of this ordinance to split contracts or purchases to circumvent the required purchasing and contracting processes. In no event shall any purchase be divided as to circumvent any requirement of applicable legislation or this ordinance.
- (2) Funds not budgeted: Any contract which creates a legally binding commitment for the expenditure of county funds and for which those funds have not been included in the budget shall not be executed until approved by a two-thirds vote of the Board of Supervisors.
- (3) Petty cash funds may be established with approval from the Finance Committee. Specific petty cash fund balances can be found in the Finance Department Policy and Procedure Manual. Petty Cash may only be used for specified purposes and must maintain an established system of record keeping, subject to auditing by the Finance Department. The Finance Department reviews petty cash funds and records at least semi-annually.
  - (A) Petty cash funds may not be expended for travel expenses, payroll or travel advances, purchase of food, beverages, or other supplies.
  - (B) Petty cash funds may not be comingled with other fund sources.
  - (C) Petty cash funds may not be deposited in a personal account or used to pay personal expenses.
  - (D) Purchases of goods and services over \$20 should not be made with petty cash funds.

### **2.233 Disposal of Unsuitable or Unusable Goods**

- (1) Through the Purchasing Division and as authorized by the Finance Committee, all equipment or supplies which have become unsuitable or unnecessary and cannot be put to other purpose 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.
- (2) Exceptions may be made by the Finance Committee for the sale of certain items on the open market at a minimum predetermined price approved by the Committee, and for items needed by any county department or municipality.
- (3) Sales of items to another municipality shall be at a price approved by the Committee.

- (4) Surplus County property shall not be sold to any County employee, officer, or agent, except through a County auction.
- (5) The Finance Committee may authorize the Purchasing Division to dispose of items by alternative means including but not limited to outside auctions, Internet listings: either government or private, by donation to not-for-profit organizations, or other means that may become available in the future.
- (6) Items that have “scrap” value may be taken to the appropriate recycling center. All funds received for scrap items shall be deposited in the appropriate general ledger account.
- (7) Items that are non-functioning, dangerous, or damaged beyond their usefulness may be disposed of with approval of the Purchasing Manager.
- (8) Nothing in this section shall be construed as to prevent a County Department or purchasing division from contracting for an alternative means of disposal in conjunction with the purchase of goods and equipment if that arrangement is determined to benefit the County.

#### **2.234 Severability**

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

#### **2.235 No Right of Action**

Nothing in this Part is intended to, or does, create a private right of action against the County. Authority to enforce compliance with this Part is vested exclusively in the County Board, its subcommittees, and staff delegated authority under this Part.

### **Subpart 3. Real Property Transactions**

#### **2.236 Application of Subpart.**

This Subpart shall apply to all transactions involving real property to which the county is a party, provided, however, that this chapter shall not apply to the disposition of tax foreclosed property nor to the acquisition or disposition of highway right-of-way by the Department of Public Works.

#### **2.237 Authority.**

This chapter is enacted under the authority of sections 59.01, 59.02, 59.07(1) and 59.52(6), Wis. Stats.

#### **2.238 Intent of Subpart.**

It is intended hereby that the administrative authority of the County as it relates to real property transactions to which the County is a party shall be vested in the

County Administrator, or their or designee, as appropriate. Policy making and budgetary authority is retained by the County Board as articulated and described by the Wisconsin Statutes.

### **2.239 Definitions.**

As used throughout this chapter the following words and phrases shall have the meanings indicated:

**Committee** - shall mean the General Services Committee of the Rock County Board of Supervisors.

**County** - shall mean the County of Rock.

**County-owned property** - shall mean real property owned by the County of Rock.

**Real property transaction** - shall mean any conveyance of real property by or to the County of Rock whereby a fee interest, a leasehold interest or an easement is legally transferred.

### **2.240 Administration.**

This chapter shall be administered by the County Administrator.

### **2.241 Policy Oversight.**

The Committee shall act as the policy oversight body with respect to all real property transactions and shall advise and consult with the County Administrator on all matters involving real property transactions.

### **2.242 No Impact on Federal and State Mandated Procedures.**

This chapter is intended to supplement existing state and federal requirements for the acquisition and disposal of real property by the County and it shall not be construed in any manner to amend, repeal, supplant or otherwise affect such state and federal requirements.

### **2.243 Authority to Represent County.**

- (1) Unless specifically allowed by this Subpart, no easement, lease, sale, or purchase of real property to which the County is a party shall be binding on the County unless approved by the County Board.
- (2) Unless expressly authorized by this ordinance and amendments hereto, no officer or official, elected or appointed, and no employee or agent of the County shall solicit, pursue, accept, or otherwise obligate or bind the county in any manner for the sale, purchase, or lease of any real estate by the county.

No such activity on the part of any officer, official, employee or agent shall in any way bind the county and any agreements, oral or written, implied or expressed, and any documents executed without the approval of the County Board shall be null and void, except as authorized by this Subpart.

#### **2.244 Real Property Acquisitions.**

- (1) Any county department or agency which believes that it has need to acquire real property, whether by purchase or lease, shall contact the County Administrator for the purposes of obtaining an initial determination as to the merits of the request. The County Administrator shall require that any such requests be in writing. The committee may from time to time direct the County Administrator to furnish it with a summary of such requests and their initial determination.
- (2) If funds have been previously budgeted and the acquisition of a particular parcel, including the method of acquisition, has been previously approved by the County then the County administrator shall make a favorable initial determination and direct staff to solicit proposals in the manner most advantageous to the County and negotiate for the acquisition of suitable properties with interested sellers or lessors, as the case may be, except where properties are acquired for or on behalf of the County by federal or state agencies.
- (3) If funds have not previously been budged for the acquisition and the County Administrator makes a favorable initial determination, the approval of the Committee shall be obtained before soliciting or negotiating for the purchase or lease of suitable properties. Any acquisition of real property on behalf of the Rock County Parks Division, approval shall be obtained from the Public Works Committee. The County Board Chair may also direct that approval from the committee of the Rock County Board of Supervisors that has budget and policy supervision of the department making the request.
- (4) Interests in real property acquired on behalf of the County shall be approved by Resolution of the County Board, except as provided as follows:
  - (A) Any possessory interest in real property acquired by lease or other form of written agreement or contract with an aggregate yearly cost of less than \$100,000 shall be approved by the Committee.

#### **2.245 Disposition of County Owned Real Estate.**

- (1) Any county department or agency which has surplus real estate shall contact the County Administrator for determine the merits of selling or leasing such real estate.
- (2) If the disposal of the particular parcel, including the method of disposition, has been previously authorized by the Committee, the County Administrator, or designee, may solicit proposals from prospective buyers or lessees and enter into negotiations for purposes of obtaining an offer to purchase or a lease executed by the prospective buyer(s) or lessee(s) on such terms as shall be in the county's best interests.

- (3) If the County Administrator determines that the sale or lease would be in the interests of the County, and such sale or lease has not been previously approved by the Committee, the County Administrator shall proceed as follows:
  - (A) Survey other county departments to determine if there exists a need within the county for the subject parcel(s);
  - (B) If no county department has need for the property, survey other Rock County municipalities to determine if there is any interest in acquiring the parcel from the County before offering the parcel to the general public;
  - (C) Before taking any further action on any department's or any municipality's request for the subject property under subsections (A) and (B) above, the County Administrator shall obtain Committee approval;
  - (D) If no Rock County municipality indicates any interest in acquiring the subject parcel, County Administrator shall report that fact to the committee. With the prior approval of the committee, the County Administrator, or designee, may solicit proposals, retain a private broker to promote the sale of the parcel or commence negotiations for the sale of the property. In the exercise of its discretion, the committee may elect to obtain County Board approval and/or schedule a public hearing prior to authorizing any further action on the proposed disposition of the subject parcel(s).
- (4) Interests in real property disposed of under this section on behalf of the shall be approved by Resolution of the County Board, except as provided as follows:
  - (A) Any possessory interest in real property conveyed by lease, ground lease, or other form of written agreement or contract with an aggregate yearly cost of less than \$100,000 shall be approved by the Committee.
  - (B) Any possessory interest in real property conveyed by lease, ground lease, or other form of written agreement or contract on behalf of the Southern Wisconsin Regional Airport with an aggregate yearly value of less than \$100,000 shall be approved by the Airport Board.
  - (C) Any possessory interest in real property conveyed by lease, ground lease, or other form of written agreement or contract on behalf of the Rock County Parks Division with an aggregate yearly value of less than \$100,000 shall be approved by the Public Works Committee.

#### **2.246 Authority to Terminate Leases.**

The County Administrator, or designee, is authorized to terminate any lease to which the county is a party when the best interests of the county so require. Prior approval of the Committee or the County Board may be sought if the timing needed to seek such approval would not disadvantage the County but shall not be required.

**2.247 Authority to Act as Closing Officer; Written Agreements; Contract Review.**

- (1) The Chair of the County Board, the County Clerk, or the County Administrator, shall act as the County's closing officer at all closings to which the county is a party and, in that capacity, is authorized to execute on behalf of the County, such supplementary documents as may be necessary to complete the transaction.
- (2) In any lease or ground lease located at the Southern Wisconsin Regional Airport, the Airport Director may act as the agent of the County, including the power to execute on behalf of the County any lease or supplementary document associated with a lease.
- (3) In the solicitation of, negotiation, and acceptance of any contract, agreement, offer to purchase, or any other document binding the County in the sale or lease of real estate, the Corporation Counsel may act as agent for the County, consistent with this Subpart.
- (4) Any agreement, lease, offer to purchase, contract to purchase or lease, and every other document relating to the acquisition or disposition of real estate when obtained, received, or negotiated shall:
  - (A) contain language specifying that the same is subject to such approval by the County Board; and
  - (B) be subject to contract review pursuant to section 2.229 of this ordinances prior to being executed on behalf of the County.

**2.248 Approval of Easements.**

- (1) All proposals for the grant or acquisition of an easement by the County shall be submitted in writing to County Administrator, or designee. The County Administrator or designee shall review each proposal and report to the Committee their written recommendation as to whether the best interests of the County would be served by the grant or acquisition of the proposed easement.
- (2) Upon receiving the written recommendation of the County Administrator, the committee shall notice the matter on its agenda, solicit public comment and consider such additional information as it deems advisable. The committee may thereafter approve or disapprove the grant or acquisition of the proposed easement, or at the request of any supervisor, shall refer the matter to the full county board for action. In reaching its decision, the committee shall consider the financial impact, if any, on the county, whether the county's interests are fully protected and whether the grant or acquisition of the easement is otherwise in the county's best interests.
- (3) Upon approval of the grant or acquisition of an easement, the Chair of the County Board, the County Clerk, or the County Administrator may execute on behalf of the County the documents necessary to complete the transaction, provided that if the matter is referred to the full County Board, the Clerk shall not so act unless authorized by the full board.

- (4) Notwithstanding anything to the contrary herein, any one easement involving the expenditure or receipt of monetary consideration in excess of \$10,000 per calendar year shall be referred to the County Board and the Committee shall be without authority to authorize the Clerk to execute any such easement without County Board approval.
- (5) This section does not apply to easements, or other encumbrances to real property made pursuant to Chapters 92 or 93 of the Wisconsin Statutes.

#### **2.249 Severability**

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

#### **2.250 No Right of Action**

Nothing in this Subpart is intended to, or does, create a private right of action against the County. Authority to enforce compliance with this Subpart is vested exclusively in the County Board, its subcommittees, and staff delegated authority under this Subpart.