



**Madison County Code of Ordinances
Title III: Administration
Chapter 34: Purchasing**

Section

- 34.01 Purchases in excess of \$30,000
- 34.02 Purchases greater than \$5,000 up to \$30,000
- 34.03 Purchases greater than \$1,000 and up to \$5,000
- 34.04 Purchases less than \$1,000
- 34.05 Non-Competitive Purchases
- 34.06 Emergency Purchases
- 34.07 Director of Purchasing
- 34.08 Miscellaneous

§ 34.01 Purchases in excess of \$30,000

- (a) Any purchase of services, materials, equipment, supplies in excess of \$30,000, other than professional services, shall be contracted for by a contract let to the lowest responsible bidder after adequate public notice of invitation for bids. Public notice shall be given within a time frame of no less than 10 calendar days prior to public bid opening. Such notice will be given by advertisement published in a newspaper of general circulation within the County and internet posting on the County Purchasing Department website. The public notice shall state the place, date, and time of bid opening. After formal award of a bid, the Resolution shall be posted on County Purchasing website.
- (b) In determining the lowest responsible bidder, the County Board shall take into consideration the qualities of the articles supplied; their conformity with the specifications; their suitability to the requirements of the county; availability of support services; uniqueness of the service, materials, equipment, or supplies as it applies to networked, integrated computer systems; compatibility to existing equipment; and the delivery terms. The County Board may also take into consideration whether a bidder is a private enterprise or a state-controlled enterprise and, notwithstanding any other provision of this Section or a lower bid by a state- controlled enterprise, may let a contract to the lowest responsible bidder that is a private enterprise.
- (c) Contracts in cooperation with the Federal Government, State Government or purchases of used equipment, purchases at auction or similar transactions which by

their very nature are not suitable to competitive bids, or purchases pursuant to the Illinois Governmental Joint Purchasing Act may be made accordingly without formal bids by the County, but will otherwise meet the requirements of this Ordinance.

- (d) The County may award a contract without advertising for bids in the case of purchases and contracts, when individual orders do not exceed \$35,000, for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software and services. Such contracts shall require the Purchasing Department to obtain reasonable competition by written quotation for the services, material, equipment, or supplies being purchased. Award shall be made to business offering lowest responsible quotation having met bid specification. Adequate records to document the competition shall be maintained. No award shall be made without prior appropriation and current amounts available in such fund for payment and approval by the appropriate County Board oversight committee and the County Finance & Government Operations Committee.
- (e) All purchases in excess of \$30,000, or \$35,000 for purchases and services outlined in (d), shall require approval of the County Board. Upon the receipt of bids or quotes in all such cases, the County Board shall have the final approval of the award of the contract. Such proposals shall be brought to the County Board after review by the appropriate County Board Oversight Committee and the Finance Government Operations Committee.

§ 34.02 Purchases greater than \$5,000 and up to \$30,000

Any purchase greater than \$ 5,000 and up to \$30,000 may be made by the appropriate Department Head by having the Purchasing Director obtain adequate and reasonable competition by written quotation for the services, materials, equipment or supplies being purchased. Award shall be made to the business offering the lowest responsible quotation having met bid specification. Adequate records to document the competition shall be maintained. No award shall be made without prior appropriation and current amounts available in such fund for payment and prior approval of the appropriate County Board Oversight Committee and the County Finance & Government Operations Committee.

§ 34.03 Purchases greater than \$1,000 and up to \$5,000

Any purchase greater than \$1,000 and up to \$5,000 may be made by the appropriate Department Head having the Purchasing Director obtain three (3) written or oral quotes when possible for the services, materials, equipment or supplies being purchased. Where it is not feasible to obtain 3 quotes, a decision memo from Purchasing Director will be submitted to file. Award shall be made to the business offering the lowest responsible quotation. Adequate records to document the competition shall be maintained. No award shall be made without prior appropriation and current amounts available in such fund for payment.

§ 34.04 Purchases of \$1,000 or less

Purchases of \$1,000 or less may be made at the discretion of the Purchasing Director and the Department Head.

§ 34.05 Non-Competitive Purchases.

A purchase may be awarded without competitive bidding when a Department Head, with the approval of the Director of Purchasing, determines in writing, after conducting in good faith effort by reviewing the available sources, that the purchase by its very nature is not suitable to competitive bids or proposals. Examples of purchases that may not be suitable for competitive bids or proposals are as follows:

- (a) There is only one source for the required supply, equipment, service or construction item.
- (b) A sole supplier's item that is required for trial use or testing: patented or proprietary items with only one manufacturer, contractor or only one dealer in the area.
- (c) Used equipment.
- (d) Purchases at auction.
- (e) Certain maintenance contracts which are limited to only one source for the highest qualified provider.

While non-competitive purchases may not require formal or informal bidding, they shall require prior approval and oversight as described in Sections 34.01, 34.02, 34.03 and 34.04 of Chapter 34: Purchasing.

§ 34.06 Emergency Purchases

Notwithstanding any other provisions of this Ordinance, a Department Head may enter into an emergency contract for the procurement of services, materials, equipment and supplies when there exists a threat to public health, welfare, or safety, or to prevent or minimize serious disruption of government service; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis of the emergency and for the selection of the particular contractor shall be included in the contract file and shall be presented to the appropriate County Board Oversight Committee and the Finance Government Operations Committee. For all emergency procurements of \$30,000 or more the Appropriate County Board Oversight Committee and the Finance and Government Operations Committee shall review the actions taken and shall report to the County Board regarding such purchases. In addition, the Department Head shall notify the appropriate Oversight Committee chair, the Director of Purchasing or the Director of Administration prior to entering into such contract if practicable under the circumstances; and if no such prior notification is possible, then within 24 hours after the award of such contract.

§ 34.07 Director of Purchasing

- A. The Director of Purchasing shall serve as the principal public purchasing official for the County, and shall be responsible for the procurement of services, materials, equipment, supplies, and construction in accordance with this Ordinance. The Purchasing Director shall report to the County Administrator, the Finance Government Operations Committee; and shall coordinate and cooperate with all County Board committees, County departments' heads and all elected officials. Consistent with this Ordinance and with the approval of the Finance Government Operations Committee, the Purchasing

Director may adopt purchasing guidelines and regulations related to the execution of the duties of this position.

- B. The Purchasing Agent shall assist the Purchasing Director in the performance of the Director's duties and the Director may designate the Agent to perform any of the Director's duties to expedite and fulfill the purposes of this Ordinance.

§ 34.08 Miscellaneous

- A. Purchases by the County Highway Engineer shall be in accordance with this Ordinance, except that such purchases shall be reported to and approved by the County Board Transportation Committee, and where appropriate under ordinance forwarded to the County Board for report or approval.
- B. This Ordinance requires that all parties involved in the procurement, negotiation, performance, or administration of any County contracts act in good faith. Contract requirements shall not be artificially divided so as to avoid the requirements of this Ordinance.
- C. It is the intent of this Ordinance to comply with all applicable Federal and State purchasing requirements, including the Illinois Counties Code. The County acknowledges that in the letting of a particular contract the procedures may vary depending upon the requirements of the Federal or State Funding source, the nature of the purchase or other requirements. This could include but is not limited to the Illinois Joint Purchasing Act, the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act, and any other applicable law, rule or regulation. Whenever permitted by law, the requirements of this Ordinance shall provide the minimum standards for the letting of contracts by the County. Nothing in this Ordinance shall prevent any County agency from complying with the terms and conditions of any grant, gift, bequest or co-operative purchasing agreement that is otherwise consistent with the law.
- D. It is recognized that certain officers/agencies may have independent statutory authority to purchase their own services, materials equipment and supplies. These officers/agencies are encouraged to participate in the County purchasing program.
- E. Any actual or prospective bidder may appeal a decision of the Director of Purchasing by the filing of a timely, written protest to the Director of Purchasing stating the basis of the appeal. Such appeal shall be reviewed by the Chairman of County Finance & Government Operations Committee, the County Administrator and the Purchasing Director (and, where applicable, the appropriate county official), whose decision shall be final.
- F. Purchases by the Facilities Department Administrator and the SSA#1 Superintendent shall be in accordance with this Ordinance, except that such purchases less than \$5,000 shall be reported to and approved by the County Board Facilities and SSA#1 Committees, and where appropriate under ordinance forwarded to the County Board for report or approval.
- G. Grant purchases are to follow the Office of Management and Budgets (OMB) Uniform Guidance Procurement Standards outlined in 2 CFR PART 200.318 to 200.326 and Appendix ii of the Code of Federal Regulations (CFR).