

## **ORDINANCE NO. 2005-01**

The Board of Supervisors of the County of Jefferson does ordain as follows:

**SECTION 1. SHORT TITLE.** This ordinance shall be known as the "Jefferson County Purchasing Ordinance".

**SECTION 2. PURCHASING AGENT.** Pursuant to Sec. 59.52(9), Wis. Stats., the position of Jefferson County Purchasing Agent is created. The Jefferson County Administrator, or the Administrator's designee, shall serve as Purchasing Agent. [Amended 04/19/05, Ordinance No. 2005-01; amended 12/12/06, Ord. 2006-23]

The Purchasing Agent shall perform the duties set forth in Sec. 59.52(9), Wis. Stats. and Sec. 59.52(29), Wis. Stats., and, in addition, shall be responsible for the administration of this ordinance. [Amended 04/19/05, Ordinance No. 2005-01]

**SECTION 3. PURCHASING PROCEDURE.** (a) All County purchases of goods and services in excess of \$1,000 not specifically exempted herein shall be by requisition and purchase order in the form and manner prescribed by the Purchasing Agent, signed by the head of a department or agency of County government. Such department or agency head may delegate to a deputy, assistant or employee the authority to sign requisitions, but such delegated authority shall be in writing and shall be on file with the Purchasing Agent. Upon receipt of a requisition the Purchasing Agent shall, upon completion of the procedures set forth herein, issue a purchase order for the goods or services requisitioned. Purchases less than \$1,000 in total for all items purchased shall not require a requisition or purchase order. Such purchases shall be submitted for payment through the regular voucher process. [Amended 04/19/05, Ordinance No. 2005-01; amended 12/12/06, Ord. 2006-23]

(b) The Highway Department shall not be governed by the provisions of this ordinance for purchases of repair parts and for repair work involving Highway machinery or equipment, but the Highway Department shall comply with the provisions of Sec. 59.52(29) and Sec. 66.0901, Wis. Stats. [Amended 04/19/05, Ordinance No. 2005-01; amended 12/12/06, Ord. 2006-23]

(c) County purchasing procedure shall include review of proposed purchases in light of the guidelines set forth in the Environmentally Preferable Purchasing Policy approved by the Solid Waste & Air Quality Committee. Department heads, the County Administrator and committees shall, when fiscally feasible, consider purchases that are in accord with such policy.

Consideration of environmentally preferable factors may be a reason to accept other than the low bid for a particular product or project not required by law to be let to the lowest bidder. [Created 07/12/05, Ordinance No. 2005-11; amended 12/12/06, Ord. 2006-23]

(d) The Purchasing Agent or designee is authorized to issue a purchase order without bidding for personal property or services where sufficient funds are budgeted for such purpose and the property or services are available through a federal, state or local government program that has sought bids for the desired item or services. [created 02/12/08, Ord. 2007-45]

(e) When items or services listed in the federal, state or local government programs are offered to the county for less than the prices set forth in said government programs, the Purchasing Agent shall decide whether to solicit additional quotations or require bids so as to insure public confidence in the process. [created 02/12/08, Ord. 2007-45]

**SECTION 4. PURCHASES OVER \$1,000 AND \$5,000 OR LESS.** If the estimated price of an item or group of items under a single purchase is over \$1,000 and \$5,000 or less, the Purchasing Agent, Highway Department, Human Services Department and Countryside Home shall obtain documented verbal quotations from vendors dealing with the supplies, merchandise, services or equipment requested. Whenever feasible the purchase shall be made from the lowest bidder offering acceptable merchandise. [Amended 04/19/05, Ordinance No. 2005-01; amended 12/12/06, Ord. 2006-23]

**SECTION 5. PURCHASES OVER \$5,000 AND \$25,000 OR LESS.** If the estimated price of an item or group of items under a single purchase is more than \$5,000 and \$25,000 or less, the Purchasing Agent, Highway Department, Human Services Department and Countryside Home shall solicit written quotations from vendors dealing with the supplies, merchandise, services or equipment requested. Whenever it is in the best interest of the County the purchase shall be made from the low bidder. [Amended 04/19/05, Ordinance No. 2005-01; amended 12/12/06, Ord. 2006-23]

**SECTION 6. PURCHASES OVER \$25,000.** All purchases not specifically exempted in this Ordinance or covered by Sec. 59.52(29), Wis. Stats., involving an estimated cost in excess of \$25,000 shall be let to the lowest responsible bidder, except as provided in (d) and (g). The County Board may make purchases from another governmental unit, including the state or federal government, without the necessity of competitive bids. The procedure for a purchase involving an estimated cost of more than \$25,000 shall be as follows: [Amended 04/19/05, Ordinance No. 2005-01; amended 12/12/06, Ord. 2006-23]

(a) A report of the proposed purchase, including the estimated cost, shall be made to the County Board. [Amended 12/12/06, Ord. 2006-23]

(b) If the proposed purchase is approved the County Board shall adopt a resolution granting authority to advertise for bids in accordance with the proposal. Notwithstanding the foregoing, the

County Purchasing Agent may grant authority to advertise for bids for any item or project funded in the current annual budget or by budget amendment without necessity of County Board approval. [Amended 12/12/06, Ord. 2006-23]

(c) Appropriate notices shall be published, plans and specifications shall be distributed and bids shall be received from interested bidders.

(d) Bids shall be opened and examined and a report shall be made by the Purchasing Agent to the County Board concerning the bids received. The report shall contain a recommendation concerning the bid to be accepted. If a bid other than the lowest bid is recommended the report shall state the reasons for such recommendation. [Amended 12/12/06, Ord. 2006-23]

(e) If the Board approves the report a resolution may be adopted authorizing the acceptance of the bid.

(f) The County Board may, in times of emergency or when otherwise impractical, waive the provisions of this section.

(g) The Board may delegate authority to approve bids to a committee thereof. The Fair Park Committee is expressly delegated authority to enter into contracts in excess of \$25,000 for entertainment at the County Fair and for sponsorships with a net value of up to \$50,000 for the County Fair Park which do not affect other departments. [Amended 04/19/05, Ordinance No. 2005-01; Ord. 2008-27, 12-09-08]

[Section 6(h) of the Purchasing Ordinance was repealed on February 12, 2008.]

**SECTION 7. EMERGENCY PURCHASES (a) OVER \$1,000 AND \$5,000 OR LESS.**

The Purchasing Agent shall have the authorization to approve a purchase over \$1,000 and \$5,000 or less made by a department head or other person authorized to sign a requisition without a purchase order because of an emergency as determined by the Purchasing Agent. Any purchase made without a purchase order and not subsequently approved as provided herein shall be paid for by the purchaser and not by Jefferson County. The decision of the Purchasing Agent in refusing to approve an unauthorized purchase may be appealed to the Finance Committee. [Amended 04/19/05, Ordinance No. 2005-01; amended 12/12/06, Ord. 2006-23]

**(b) OVER \$5,000 AND UNDER \$25,000.** In an emergency the County Board Chair, together with two Board members appointed by the Board Chair who are not directly concerned with the proposed repairs or replacements, may authorize repairs or the purchase of replacements costing more than \$5,000 and less than \$25,000 without bids. A complete report of such emergency action shall be made at the next succeeding County Board meeting. [Amended 04/19/05, Ordinance No. 2005-01; amended 12/12/06, Ord. 2006-23]

**SECTION 8. PROFESSIONAL SERVICES.** Professional services purchased from independent contractors such as architects, attorneys, auditors, consultants, counselors, engineers, medical professionals, other treatment services and foster care shall be specifically exempted from other sections of this ordinance. Architectural, audit, consulting, and engineering services shall, where feasible, be acquired on the basis of competitive proposals. However, in no event shall the Purchasing Agent, an agency or the County Board be required to accept the lowest cost proposal. Professional service agreements that are under \$25,000 and are based on an appropriation that has been approved in the annual budget or through a budget amendment, do not require County Board approval. Professional service agreements that are \$25,000 will require County Board approval. All professional service agreements shall require the review of the Corporation Counsel prior to execution. Original copies of all signed professional service agreements shall be forwarded by the originating department and kept on file in the County Clerk's office. [Created 12/12/06, Ord. 2006-23]

**SECTION 9. PUBLIC WORKS CONTRACTS.** (a) If the estimated cost of any public work is between \$5,000 and \$25,000, the department or agency head that is initiating the contract shall inform the Purchasing Agent and the Agent shall give a Class 1 notice under Chapter 985 before contracting for the work or shall contract with a person qualified as a bidder under Section 66.0901, Wis. Stats. [Amended 04/19/05, Ordinance No. 2005-01] The County Administrator shall establish written criteria concerning contracts, payment and performance bonds for public work projects between \$10,000 and \$100,000, in accordance with Section 779.14(1)(d), Wis. Stats. [Created 12/12/06, Ord. 2006-23]

(b) As provided in Section 59.52(29), Wis. Stats., all public work, include any contract for the construction, repair, remodeling or improvement of any public work, building or furnishing of supplies or material of any kind where the estimated cost of such work will exceed \$25,000 shall be let by contract to the lowest responsible bidder, provided such bid complies with the specifications. The contract shall be let and entered into pursuant to Sec. 66.0901, Wis. Stats., except the Board may, by a three-fourths vote of all the members entitled to a seat, provide that any class of public work or any part thereof may be done directly by the County without submitting the same for bids. [Created 12/12/06, Ord. 2006-23]

**SECTION 10. RECEIVING SHIPMENTS.** The person signing the requisition shall be responsible for receiving and examining the purchase and shall promptly report to the supplier any shortage, damage or variation of quality. Invoices shall not be processed for payment of items that were not delivered as ordered under the purchase order. [Amended 12/12/06, Ord. 2006-23]

**SECTION 11. INVOICES.** All invoices billed against purchase orders shall be forwarded to the designated fiscal staff in the County Clerk's Office, Human Services' Department, Countryside Home or Highway Department who shall process the invoices for payment and shall then submit all invoices to the Finance Committee, Human Services Board, Countryside Board of Trustees or Highway Committee for approval prior to the issuance of County payments. All

invoices, no matter the dollar amount, require the initials of the department head or designee on the invoice. [Amended 04/19/05, Ordinance No. 2005-01; amended 12/12/06, Ord. 2006-23]

**SECTION 12. RENTAL AGREEMENTS OR LEASES.** (a) All County rental agreements or leases involving personal property where the annual rental or lease payment is less than \$10,000 shall be by requisition authorized by a department head. Authority is hereby granted to the department head to delegate to his deputy, assistant or employee, the authority to authorize requisitions, provided, however, such authority shall be in writing and shall be filed with the Purchasing Agent. Upon receipt of such requisition, the Purchasing Agent shall issue a purchase order adapted to the rental agreement or, in the alternative, shall execute on behalf of Jefferson County, a written rental agreement or lease. [Amended 04/19/05, Ordinance No. 2005-01; amended 12/12/06, Ord. 2006-23]

(b) All County rental agreements or leases involving personal property with an annual rental or lease payment in excess of \$10,000 shall be submitted to the County Board for approval, except rental agreements or leases of less than 15 days duration which are specifically authorized to be made by the Fair Park Committee without County Board approval. If the circumstances warrant, the County Board may refer such proposed rental agreements or leases to an appropriate committee to advertise for competitive bids. After approval by the County Board such rental agreements or leases shall be executed by the Purchasing Agent. [Amended 04/19/05, Ordinance No. 2005-01]

(c) In an emergency the County Board Chair, together with two Board members appointed by the Board Chair who are not directly concerned with the proposed rental agreement or lease, may authorize a temporary rental or lease agreement in excess of \$10,000 for a period of time not to exceed 60 days. A complete report of such emergency action shall be made at the next succeeding County Board meeting and thereafter the regular rental or leasing procedure shall be followed. [Amended 04/19/05, Ordinance No. 2005-01; amended 12/12/06, Ord. 2006-23]

(d) All rental, lease and mineral agreements shall require the review of the Corporation Counsel prior to execution. Original copies of all such agreements shall be forwarded by the originating department and kept on file in the County Clerk's Office. In addition, original copies of all signed mineral agreements shall be recorded with the Register of Deeds Office. [Created 12/12/06, Ord. 2006-23]

**SECTION 13. SALE OF SURPLUS PROPERTY.** When personal property owned by the County of Jefferson no longer serves any useful purpose in the department in which it is located, the Purchasing Agent shall first determine whether any other County department or agency needs such property. In the event such property can no longer be used by any department or agency of the County, the Purchasing Agent shall authorize that such property be offered for sale if the estimated revenue does not exceed \$25,000. If the Purchasing Agent determines that the property has no resale value or that the resale value may be less than the costs associated with selling the property, the Purchasing Agent may authorize that the property be properly disposed of

as trash, refuse or recycled material. The Purchasing Agent shall determine a method of sale or disposition for each item. If the anticipated revenue from the surplus property exceeds \$25,000 the Purchasing Agent shall first present the matter to the County Board and shall obtain authority for the sale. Sale proceeds, net of related sales costs, shall be deposited by the authorized selling employee, with the County Treasurer, in the fund through which the original purchase was made. In regards to surplus property originally acquired through state or federal grants, due diligence shall be required to determine whether those net sale proceeds must be returned to the state or federal government. [Amended 04/19/05, Ordinance No. 2005-01; amended 12/12/06, Ord. 2006-23]

**SECTION 14. ABANDONED OR UNCLAIMED PROPERTY.** Pursuant to Sec. 66.0139, Wis. Stats., property which has been abandoned or remains unclaimed in the possession of any County officer or employee for 30 days after such officer or employee took possession is deemed abandoned property and is subject to disposal. The Purchasing Agent shall determine whether disposal is to be by public sale or other commercially reasonable means. If such abandoned property is not saleable it shall be disposed of as trash, refuse or recycled material in any reasonable manner. Where disposal is by any means other than public sale, the Purchasing Agent shall maintain a record of the following facts for two years after disposal:

1. Inventory of property.
2. Date of disposal.
3. Method of disposal.
4. Price received, if any.
5. The name and job assignment of the person who took possession of the property.

The cost of keeping and selling such property shall be charged against any resulting moneys. Any remaining amounts shall become the property of the County and shall be deposited with the County Treasurer in the General Fund of the County. For surplus property originally acquired through state or federal grants, due diligence shall be required to determine whether those net sale proceeds must be returned to the state or federal government. [Amended 04/19/05, Ordinance No. 2005-01; amended 12/12/06, Ord. 2006-23]

**SECTION 15. REPEAL OF PRIOR ORDINANCE.** Any ordinance in conflict herewith shall be repealed upon the effective date of this ordinance. [Renumbered 12/12/06, Ord. 2006-23]

**SECTION 16. EFFECTIVE DATE.** This ordinance shall be effective upon passage and publication. [Renumbered 12/12/06, Ord. 2006-23]

Adopted: 04/19/05; Published: 04/25/05  
Last amended 12/09/08; published 12/12/08