

ORDINANCE NO. 2018-4

AN ORDINANCE ESTABLISHING A PROCUREMENT
POLICY GOVERNING PURCHASES BY DAVIESS COUNTY
GOVERNMENT AND REPEALING LOCAL RULES INCONSISTENT HEREWITH

WHEREAS, Ind. Code 5-22 et seq (the "Act") applies to every expenditure of public funds by a governmental body, except as to those specifically excluded from the provisions of the Act; and

WHEREAS, the Board of Commissioners ("Board") of Daviess County is the entity designated by law as the purchasing agency for the County; and

WHEREAS, the Board is authorized to designate purchasing agents to act on its behalf and to establish purchasing policies to prescribe the procedures to be followed by those purchasing agents in making such purchases as are governed by the Act, and to establish substantive purchasing purposes by which said purchasing agents shall be governed; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF DAVIESS COUNTY, INDIANA, AS FOLLOWS:

Part One – Definitions and Authorizations

- 1.1. Terms here shall have the meaning ascribed to them in the Act.
- 1.2. The Board hereby affirms that it is the designated purchasing agency for the County.
- 1.3. The Board hereby authorizes the persons in the following positions or offices to act as purchasing agents on behalf of the Board, as purchasing agency:
 - 1.3.1. All officials elected to a county office,
 - 1.3.2. The County Highway Department Superintendent, and
 - 1.3.3. Any other persons as may be designated, in writing, by the Board.

Part Two – Purchasing Procedures

2.1. Available Appropriation – All purchases must be supported by an available and unencumbered appropriation when legally obligating the County to the purchase. If the purchasing agent is uncertain as to the availability of an existing appropriation, the agent should consult with the Board before initiating the bid/quote solicitation process. If no available appropriation exists, then, as to County department heads, the proposed purchase should first be submitted to the Board for its approval before submitting the proposed purchase for appropriation approval to the Daviess County Council (“Council”). Elected officials may proceed directly to contact the Council for approval of a necessary appropriation.

2.2. Purchase of Services – Services may be purchased by any means approved by the Board. Only the Board may approve a contract for the purchase of services.

2.3. Small Purchases – Small purchases are those that are reasonably expected by the purchasing agent to be less than one hundred fifty thousand dollars (\$150,000). Purchasing requirements may not be artificially divided so as to bring each of a series of individual purchases under the above limitation.

2.3.1 Purchases of less than fifty thousand dollars (\$50,000)

A purchasing agent may directly purchase non-capital supplies having a reasonably expected cost of less than five hundred dollars (\$500) without the prior approval of the Board and after obtaining, if practical, quotes from at least two (2) vendors known to deal in the lines or class of supplies to be purchased and the lowest quote is the one accepted.

A purchasing agent may purchase supplies having a reasonably expected cost of at least five hundred dollars (\$500) but less than twenty-five thousand dollars (\$50,000) by obtaining quotes from at least three (3) vendors known to deal in the lines or class of supplies to be purchased and submitting those quotes to the Board for its determination of which, quote to accept. The Board may accept the quote from a responsive and responsible quoting vendor that best serves the needs of the County. If a quote is not the lowest submitted quote, the Board shall state its reasons for not accepting the lowest quote in the minutes of its meeting whereat the quotes were considered. The Board may reject all quotes.

2.3.2 Purchases more than fifty thousand dollars (\$50,000) - A purchasing agent shall use the procedures set forth in the Act at IC 5-22-8-3 (as from time to time amended) for the purchase of supplies reasonably expected to cost at least fifty thousand dollars (\$50,000) but not more than one hundred fifty thousand dollars (\$150,000). The Board must accept the lowest responsive quote that comes from a responsible quoting vendor. The Board may reject any or all quotes for reason(s) that are stated in the minutes of its meeting where the quotes were considered.

2.4. Competitive Bidding of Purchases – Purchases reasonably expected by the purchasing agent to be one hundred fifty thousand dollars (\$150,000) or more shall comply with the procedures for competitive bidding set forth in the Act, (IC 5-22-7, as from time to time amended), unless the purchases qualify for treatment under another section of the Act.

2.5. Special Purchases – The Act authorizes certain types of purchases to be made without following any of the previously described bid or quote solicitation procedures. Such special purchases may include, but are not necessarily limited to, purchases that exist due to a unique opportunity for savings; purchases made at an auction; purchases of data software programs, license agreements or other such proprietary or copyrighted property; purchases from a single source of supply; and other purchases described in the Act (IC 5-22-10, as from time to time amended). Before proceeding under the Special Purchase provisions of the Act, the purchasing agent shall first consult with the Board and its counsel to (i) determine that the particular purchase is properly within the scope of the Special Purchases section of the Act, (ii) consider what procedures might be implemented that would better assure the maximum degree of competition as is practicable under the circumstances, and (iii) assure that the necessary contract records and documents that are required by the Act are properly created and maintained by the County.

2.6. Buy Local Preferences – The Board hereby declares its intent that those small non-capital purchases that may be directly made by a purchasing agent hereunder be procured, if possible, from a vendor locally based within Daviess County, Indiana, provided the price differential between a local vendor and a non-local vendor is nonmaterial.

BE IT FURTHER ORDAINED that all prior ordinances, resolutions or policies of this Board that deal with the County's purchasing policies for supplies are hereby REPEALED, effective upon the passage of this Ordinance.

ADOPTED THIS 13 DAY OF March, 2018.

BOARD OF COMMISSIONERS OF
DAVISS COUNTY, INDIANA

By: Tom M. Wacker
Commissioner



Commissioner

C. Mill

Commissioner

ATTEST:

Patricia K Ball

Auditor