

## PROCUREMENT CODE

### ARTICLE 2—PROCUREMENT ORGANIZATION

#### Part A – Procurement Director

##### **§2-101 Creation of the Office of the Procurement Director.**

There is hereby created the Office of the Procurement Director which shall be headed by the Director.

##### **§2-102 Qualifications.**

To be qualified for appointment as Director, the candidate shall have:

1. Recent experience in public procurement, such as the acquisition and disposal of goods, services, construction, or public property;
2. All of the requirements included in the then-current job description for the position of Director; and
3. Executive and organizational abilities.

##### **§2-103 Appointment.**

The Administrator shall appoint the Director.

##### **§2-104 Powers and Duties.**

1. *Central Procurement Officer.* The Director shall serve as the central procurement officer for the County.
2. *Power to Establish Regulations and Operational Policies.* Consistent with the provisions of this Code, the Director may establish or revoke Regulations and Operational Policies pursuant to the following procedure:
  - a. The Director shall confer with the County Attorney to create or revoke a written regulation or operational policy;
  - b. The Director shall submit any proposal or revocation to the deputy administrator in the Director's chain of command who shall either (i) recommend same to the Administrator or (ii) return same to the Director noting the reason(s) for not recommending same to the Administrator. If the deputy administrator decides to make a recommendation, the deputy administrator shall present it to the Administrator who, in turn, will either consent to or reject same, and return it to the deputy administrator for appropriate action.
  - c. The Director shall maintain a centralized filing system for all proposed regulations and operational policies, whether established, rejected, or revoked, that preserves each and its disposition through the relevant chain of command.
  - d. The Director shall maintain a centralized filing system of the then-current regulations and operational policies that will be known as the Regulations and Operational Policies. The centralized filing system shall be such that whatever is currently in effect is separate from what is not in effect, and those in effect are easily identifiable and accessible to the public.
3. *Duties.* The Director shall have the following duties:

- a. Consistent with the due authorization required by §4-101, shall cause to be procured all goods, services, and construction for the County, and shall cause to be disposed of all surplus public property the County authorizes to be disposed.
- b. Shall cause specifications to be prepared and issued for goods, services and construction. Performance specifications should be included wherever practicable. In carrying out this duty, the Director may delegate the initial drafting of specifications to the using agency or may obtain input, expert advice, and other assistance from the using agency.
- c. If the Director determines it would be in the best interests of the County, the Director shall prequalify vendors for particular types of goods, services, and construction. The method of submitting prequalification information and the information required in order to be prequalified shall be determined by the Director. Solicitation mailing lists of potential contractors shall include, but shall not be limited to, such prequalified vendors.
- d. If the Director determines it would be in the best interest of the County, the Director may charge a requesting vendor the cost incurred for copying and mailing bid or proposal documents. Under those circumstances, a vendor shall make the payment to the County prior to the County delivering the requested documents; however, if the vendor shall be awarded the contract, the County shall reimburse the vendor an amount equal to the costs the vendor incurred under this section.
- e. Exercise general supervision and control over the County's inventories of supplies and public property.
- f. Make, reduce to writing, and maintain in an official County file all determinations this Code requires.
- g. Maintain records pertaining to the solicitation, award, and performance of a contract in a solicitation or contract file.
- h. Retain and dispose of all procurement records in accordance with the County's records retention guidelines and schedules. If a contract is being funded in whole or in part by assistance from a federal agency, then all procurement records pertaining to that contract shall be maintained for four (4) years or such other time as may be required by federal law, from the closeout date of the assistance agreement or the final disposition of any controversy arising out of the assistance agreement.
- i. Formulate policies for the disbursement and accounting of the petty expenditures fund;
- j. Establish and maintain programs for the inspection, testing, and acceptance of goods, services, and construction;
- k. Ensure County and vendor compliance with this Code and the Regulations and Operational Policies, including reviewing and monitoring all County procurements and disposals from the beginning of the procurement or disposal process to the conclusion of any resulting contract;
- l. When for any reason collusion or other anticompetitive practices are suspected among any vendors, the Director shall transmit to the County Attorney a written notice of the relevant facts and request the County Attorney's assistance in addressing the situation.
- m. Carry out all other duties assigned to the Director under other provisions of the

Code and the County's then-current job description for the position of Director.

**§2-105 Delegation of Authority.**

The Director may delegate authority to designees, but only in accordance with established Regulations and Operational Policies.

**§2-106 Legal Assistance.**

If the Director shall need legal assistance in carrying out the Director's powers and duties, then the Director shall seek such assistance from the Office of the County Attorney.

**Part B – Organization of Public Procurement**

**§2-201 Centralization of Procurement Activity; General Authority to Contract.**

Except as otherwise provided in this Code and consistent with the due authorization required by §4-101, the process of procuring goods, services, and construction, and the management, control, and warehousing of supplies and public property, and the process of disposal of surplus public property for the County is centralized to the Director. Notwithstanding this procedural centralization, the County shall not enter into a procurement or disposal contract without obtaining authorization in accordance with Section 4-101.

**§2-202 Central Supplies.**

1. *Generally.* The Director shall establish centralized stocks of such items as office supplies, office furniture and equipment, printing supplies, and gasoline which the County normally uses. In accordance with established Regulations and Operational Policies, the Director may authorize the County to use a system of regulated purchasing cards for purchasing such supplies from third parties when the Director finds it is more advantageous to the County than amassing centralized stocks.
2. *Inventory.* The Director shall periodically inventory centralized stocks and public property of the County. Said inventory may be performed by means of physical counts or by means of perpetual records that are periodically certified by physical counts.
3. *Accounting.* The Director shall maintain central supply and service for each class of inventory. When such items are provided to the County, the Director shall charge the using entity an amount representing the cost of such items, and shall credit an equivalent amount to the appropriate central supply and service account.
4. *Purchasing Cards; Requisitions.* Purchasing cards and requisitions may be used. From the Effective Date of this Code until the promulgation of regulations on the subjects, the use of purchasing cards and requisitions shall be allowed in accordance with the practices that pre-dated the Effective Date. Upon promulgation of regulations on the subjects, the use of purchasing cards and requisitions shall be allowed only in accordance with the Regulations and Operational Policies.