

DEKALB COUNTY GOVERNMENT

Purchasing and Award of Contracts Policy

Approved: August 21, 2013

Effective: October 1, 2013

Modified: October 15, 2014, June 20, 2018

I. Policy Statement

It is the policy of the County Board to procure services, materials, equipment, and supplies essential to the delivery of governmental services through the use of an open process and truly competitive practices, and to award contracts to qualified vendors who provide the best value for the desired contracts. Within that context, the County recognizes that the price charged is a significant determining factor in the selection of the bidder. However, price needs to be defined in the broad context of longevity, functionality, reliability, responsiveness, service, and trust. These factors can vary with the type of services, materials, equipment, or supplies being sought, as well as with the type of contract to be awarded.

II. Purchasing Guidelines

- A. All procurements of services, materials, equipment, and supplies shall be conducted in accordance with all applicable State Statutes including but not limited to 55 ILCS 5/5-1022 and 720 ILCS 5/33E, as well as all Federal laws and applicable County policies.
- B. The procurement of any services, materials, equipment, and supplies, other than professional services, in excess of the limits established by State Statutes shall be by a competitive bidding process which will not require approval by the County Board if let to the lowest responsible bidder.
- C. Sole source procurement is allowed subject to prior approval by the Finance Director, and provided an attempt is made to identify multiple vendors or providers of services, materials, equipment, and supplies.
- D. The procurement of professional services primarily involves areas of advice and consultation. Trust and confidence with the provider of these contracts takes precedence to price. Long-standing relationships are not discouraged, as issues are often handled over multi-year periods and similar issues re-surface through the years. Professional services contracts shall be awarded based on a Qualifications-Based Selection process. Examples include accounting/auditing services, engineering services, architectural services, etc.
- E. Monies for contracts to be awarded must already be appropriated in the annual budget. New contracts or existing contracts that will require supplemental appropriations at the object level must be approved by the County Board.

- F. The duration of contracts may not be for more than three (3) years unless a longer term is beneficial to the County and is approved by the County Board.
- G. Multi-year contracts should, whenever possible, either have a termination clause for non-funding in future budgets or should be subject to a revenue source that does not need to be renewed (such as the sale of bonds).
- H. Subject to all Federal, State, and Local laws, statutes, and regulations, purchases made through Federal, State, and Local joint purchasing programs and cooperative purchasing programs are allowed provided competitive selection procedures are used by the applicable program. Examples include purchases of bulk rock salt, vehicles, and other commodities and services through the State of Illinois Joint Purchasing Program, and purchases of insurance services such as general liability, workers compensation, property, health, dental, and life through a governmental pool or cooperative.

III. Awarding of Contracts

- A. If the contract is for services, materials, equipment, or supplies related to the fulfillment of responsibilities that an appointed Department Head has been delegated, then that contract should be awarded by the Department Head unless County Board approval is required per another section of this policy. However, appointed Department Heads shall be precluded from awarding any contracts within the last 120 days of their tenure. Examples include health insurance consulting, worker's compensation administration, employee flexible spending account administration, cleaning services, energy management, equipment purchases, and software maintenance.
- B. The County Board shall approve the procurement of any services, materials, equipment, and supplies, other than professional services, in excess of the limits established by State Statutes in cases where a competitive bidding process was not undertaken due to an emergency or other allowable and unforeseen circumstance.
- C. Contracts for direct communication to the County Board or for the new construction or significant alteration of a building or other infrastructure must be approved by the County Board. Examples include contracts for the annual financial audit, architectural services, etc.
- D. Although Elected Officials are not subject to this policy other than as it pertains to Federal and State laws, they are encouraged to follow County policies as well. Accordingly, whenever possible, Elected Officials should strive not to award any contracts within the last 120 days of their term of office. Additionally, Elected Officials should strive not to award any contracts that extend beyond their current term of office with the exception of a 120-day transition period for continuity purposes.

- E. If the contract is for legal advice, then the State's Attorney, in accordance with the statutory authority granted to the State's Attorney, must award the contract. The State's Attorney is encouraged to receive input on the retention of outside legal counsel from the appropriate parties including the County Administrator. Examples include representation for worker's compensation claims, labor negotiations, and bond issuances.
- F. If the contract is for a responsibility of a Department that operates under the direction of a Board that is autonomous from the County Board, then those contracts are subject to the rules of the autonomous Board. However, no contract may obligate the County Board to any financial commitments beyond what the County Board has approved in the Annual Budget or Annual Property Tax Levy without the formal prior approval of the County Board. Examples include Public Health, Mental Health, Nursing Home, and Veteran's Assistance.
- G. If the County is the recipient of a grant or funds from the State or Federal government, the County, prior to awarding any related contract, shall require of any contractor or subcontractor a certification that it is not suspended or debarred from receiving State or Federal funds.

IV. Administering the Policy

- A. The Finance Director shall issue administrative procedures to be followed by departments to ensure this policy is adhered to and shall update such administrative procedures on a periodic basis as the need arises.
- B. An annual listing of contracts awarded by Departments should be submitted to the County Board, via the Finance Committee, with the Department's annual budget request. The Finance Department shall be the central repository for this contract inventory and the Finance Director shall compile and submit the inventory, including expiration dates, at least annually. Accordingly, upon the effective date of this policy, Department Heads shall submit a copy of each existing contract to the Finance Department, as well as a copy of each contract renewal or newly awarded contract thereafter.
- C. Bid summaries will be reported quarterly to the Finance Committee summarizing all contracts awarded during the prior quarter including justifications for all contracts not awarded to the low bidder, all contracts awarded as a sole source contract, and all contracts exceeding the budget amount at the object level.
- D. Department Heads may request a waiver of any section of this policy or the associated administrative procedures by action of the County Board.