

DU PAGE COUNTY HEALTH DEPARTMENT PROCUREMENT POLICY
ARTICLE I
GENERAL PROVISIONS

Adopted by the Board of Health on 11/03/05 (24 pages)

PART A - PURPOSE AND APPLICATION

1-101 PURPOSE

- (1) Interpretation. This Policy shall be constituted and applied to promote its underlying purpose and guidelines.
- (2) Purpose and Guidelines. The underlying purpose and guidelines of this Policy are to manage the procurement process in accordance with the law; spend taxpayer's money wisely and fairly; protect against fraud and favoritism; and to best meet the needs of the DuPage County Health Department (Department) through continuous improvement of purchasing systems and procedures.

1-102 APPLICATION

The Department Procurement Policy applies to contracts for procurement of goods, services, and construction entered into by the Department after the effective date of this Policy. It shall apply to every expenditure of public funds by the Department for public purchasing irrespective of its source, except as otherwise provided by federal/state law or federal/state regulation. When the procurement involves the expenditure of State or Federal assistance or contract funds, the procurement shall be conducted in accordance with any applicable mandatory State and/or Federal law. Nothing in this Policy shall prevent any Department Program from complying with the terms and conditions of any grant, gift, bequest or co-operative purchasing agreement that is otherwise consistent with law. The Department may adopt administrative procedures to ensure compliance with all bidding requirements, and those procedures may be more restrictive than required by statute.

1-103 REQUIREMENT OF GOOD FAITH

This Policy requires all parties involved in the procurement, negotiation, performance, or administration of Department contracts to act in good faith.

SEVERABILITY

If any provisions of this Policy or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this Policy which can be given effect without the invalid provision or application, and to this end the provisions of this Policy are declared to be severable.

1-104 SINGULAR – PLURAL AND GENDER RULES

- (1) Singular-plural. Words in the singular number include the plural, and those in the plural include the singular.
- (2) Gender. Words of a particular gender include any gender and the neuter, and when the senses indicate, words of the neuter gender may refer to any gender.

PART B - DEFINITIONS

1-201 DEFINITIONS

The word(s) defined in this section shall have the meanings set forth below whenever they appear in this Policy.

- (1) Architect – Engineer and Land Surveying Services. Those professional services within the practice of architecture, professional engineering, structural engineering or land surveying, as defined by State of Illinois Professional Services Selection Act.
- (2) Bid Security. Is a guarantee that the bidder will enter into a contract if it is offered within the specified period of time; failure to do so will result in forfeiture of bid security.
- (3) Board of Health. As defined in the “Bylaws, Rules and Regulations of the Board of the DuPage County Health Department”.
- (4) Business. Any corporation, partnership, individual, sole proprietorship, joint venture, or any other private legal entity.
- (5) Change Order. The Department’s written authorization to the Contractor to modify or change an existing Purchase Order or Contract; these changes generally must be within the scope of the contract.
- (6) Claim Form. Alternative method of authorizing payment for a commodity or service not requiring a Purchase Order.
- (7) Confidential Information. Any information which is available to an employee only because of the employee status as an employee of the Department and which is not a matter of public knowledge or available to the public on request.
- (8) Construction. The process of building, altering, repairing, improving, or demolishing any structure or building or other improvements of any kind to any real property.

- (9) Contract. All types of Department agreements regardless of what they may be called, for the procurement of goods, services or construction, for example, Claim Forms, Purchase Orders, maintenance contracts, service contracts, systems contracts, oral agreements, etc.
- (10) Contract Renewal. A continuation for an additional period under the original terms and conditions, where the renewal clause is included in the bid document. If the bid document does not include the terms and conditions of a renewal, any continuation of the contract is considered a new contract, which must be re-bid in accordance with this Policy.
- (11) Contractor. Any person or entity that is a party or beneficiary of a contract with the Department or through a using agency thereof.
- (12) Emergency Procurement. An emergency situation shall be defined as an imminent disruption of essential operations or conditions adversely affecting the safety, health or security of persons or property, where it is unfeasible to remedy such disruption or conditions through the use of normal competitive bidding procedures. Emergency situation does not include States of Emergency or Disaster declared under Section 10-6 of the County Code.
- (13) Employee. Individuals including providing services for the Department and drawing a salary from the Department.
- (14) Financial Manager. Manager responsible for all finance and purchasing functions of the Department.
- (15) Goods. All tangible maintenance, repairs, and operation supplies, physical computer software and equipment necessary to sustain day-to-day Department operations.
- (16) Invitation For Bid. All documents whether attached or incorporated by reference, utilized for soliciting sealed bids.
- (17) Multi-Year Contracts. Procurement contracts extending more than one year.
- (18) Person. Any individual or group of individuals, business, firm, corporation, trustee, partnership association, joint venture, committee, or other entity.
- (19) Procurement. The buying, purchasing, renting, leasing, or otherwise acquiring of any goods, services, or construction. Includes all functions that pertain to the obtaining of any goods or services, or construction, including descriptions of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.
- (20) Procurement Card. A payment method whereby certain designated purchasers are empowered to deal directly with suppliers for low-dollar, high frequency type purchases by using a card issued by a bank or major credit card provider. The cards reduce paperwork and enable Purchasing and Accounts Payable personnel to focus on more value-added activities.
- (21) Professional Services. The service of a person(s) possessing a high degree of professional skill where the judgment, artistic or subjective talent, ability, experiences, qualifications and fitness of the provider(s) play an

important part in the selection and primary reason for the service provided, other than those described in the State of Illinois Professional Services Selection Act (50 ILCS 510) and as further defined in Section 4-108 of the Procurement Policy.

- (22) Program Manager. Manager responsible for the Reporting Unit(s) within a Program.
- (23) Public Procurement Unit. The State of Illinois, any county, city, town and any other subdivision of the state, or public agency of any such subdivision, public authority, education, health or other institution, any agency of the United States, and to the extent provided by law, any other entity which expends public funds for the procurement of goods, services, and construction.
- (24) Purchase Order. A contract for the purchase of goods, services or construction.
- (25) Purchasing Agent. The Purchasing Supervisor or any staff member of the Purchasing Unit authorized by the Purchasing Supervisor to act on behalf of the Purchasing Supervisor.
- (26) Request for Proposals. All documents, whether attached or incorporated by reference, utilized for soliciting proposals.
- (27) Responsible Bidder or Offeror. A person (firm) who has the capability in all respects to perform fully the contract requirements, and the experience, personnel, integrity, reliability, facilities capacity, equipment, acceptable past performance and credit which will assure good faith performance.
- (28) Responsive Bidder. A person who has submitted a bid, which conforms in all material respects to the requirements, set forth in the invitation for bid.
- (29) Services. The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This definition shall not apply to employment agreements, or to the definition of "Professional Services" as provided in subsection (23) of this Section and items paid by Claim Form.
- (30) Service Unit Director. Lead administrator for the Service Unit. Service Units include, Business Operations Services, Community Health Services, Community Services, Environmental Health Services and Mental Health Services.
- (31) Specifications. Any description of the physical or functional characteristics of the nature of a good, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing goods, services or construction projects.
- (32) String Purchasing. For purposes of this Policy, splitting or stringing purchases is the practice of issuing multiple purchase orders, procurement card transactions, or requisitions for purchasing like items or services, with the willful intent to circumvent the purchasing Policy. Splitting or stringing purchases will be dealt with as an impropriety and may result in withdrawal of delegated purchase authority. In addition, the person(s)

responsible may be subject to disciplinary actions, and may be personally obligated to pay for the items or services.

- (33) Unauthorized Purchases. An unauthorized purchase occurs when the materials, services, or any expense is charged to the Department by a person who has not been given such authority. **This includes ordering materials without an approved purchase order.** The individual making an unauthorized purchase may incur a personal obligation to the vendor or the Department for the expense incurred even though the materials or services are used for Department business.
- (34) Using Service Unit or Program. Any Department Service Unit or Program requiring goods, services or construction procured pursuant to this Policy.
- (35) Used Equipment. Equipment that:
 - a) Has been in service for at least one-half its commercially reasonable life, or if life is less than 24 months, is at least one year old; or
 - b) Is a floor or demonstration model that is offered at a price at least 25% below current market price; or
 - c) Is otherwise determined by the Purchasing Unit on a case-by-case basis to be a bona fide used item.

1-202 FORMS

- (1) Decision Memo.
- (2) Purchase Order.
- (3) Claim Form.

ARTICLE 2 PURCHASING UNIT

The Purchasing Unit is the sole procurement agency of the Department. All purchase orders, bids, RFP's and other procurement methods, as outlined in Article 4, shall be implemented by the Purchasing Unit and compliance shall be the responsibility of the using Service Unit Director.

PART A – ROLE OF PURCHASING UNIT

2-101 TERMS AND CONDITIONS

The Purchasing Unit is responsible for providing standardized contractual terms, conditions, notices, instructions, etc., for all bid and/or proposal documents. All bid/proposal documents shall include, but not be limited to:

- a) Instruction to Bidders and/or Offerors
- b) General Conditions
- c) Bid and/or Proposal Forms
- d) Special or Supplemental Conditions (prepared by or in conjunction with the using Service Unit)
- e) Affidavits or certificates required by statute
- f) Language indicating specific state statutes applicable to the procurement function or contract performance
- g) Bonds and insurance, where required

Each bid/proposal will be evaluated by the Purchasing Unit to determine the specific requirements of each individual bid/proposal document.

2-102 BID SECURITY/BONDING/REQUIREMENTS

- (1) Requirement for Bid Security. Bid security may be required for contracts when provided by statute or when the Financial Manager determines it is in the Department's best interest. Bid security shall be a bond provided by a surety company authorized to do business in the State of Illinois, a certified bank instrument, a letter of credit as defined by state statute, or otherwise supplied in a form satisfactory to the Financial Manager.
- (2) Amount of Bid Security. Bid security shall be in an amount not to exceed ten percent (10%) of the amount of the bid. Terms of forfeiture shall be expressed in the bid document.
- (3) Contract Performance and Payment Bonds: When Required – Amounts. When a contract is awarded the required bonds or security in the amount stated in the bid document shall be delivered to the Purchasing Unit and shall become binding on the parties upon the execution of the contract.

2-103 INSURANCE REQUIREMENTS

For all contracts, the contractor and all sub-contractors shall be required to maintain adequate insurance coverage for the duration of the contract. The Financial Manager shall determine the types and amounts of coverage that shall be required, as recommended by the Department's insurance broker/risk consultants. The contractor shall have the Department and the County of DuPage named as additional insureds as its interest may appear and furnish the Purchasing Supervisor with satisfactory evidence of said insurance.

PART B – BID AND/OR PROPOSALS ADDENDA AND QUESTIONS

2-201 BID AND/OR REQUEST FOR PROPOSAL DOCUMENT ADDENDA AND QUESTIONS

Once the bid/request for proposal document has been issued, all questions regarding this document shall be submitted in writing to the Purchasing Unit. Any and all addenda shall be issued by the Purchasing Unit pursuant to any alterations required in the bid document. If it is determined that a bidder/offeror received an unfair advantage from information obtained from within the Department, the bid or request for proposal may be canceled by the Director of Business Operations.

PART C – SERVICE UNIT DIRECTOR APPROVAL/~~STANDING COMMITTEE~~ AND BOARD OF HEALTH AGENDAS

2-301 PURCHASING UNIT APPROVAL/ PLACEMENT OF PURCHASING ITEMS ON AGENDAS

The Purchasing Unit shall review and approve purchasing items for Procurement Policy compliance prior to procurement and, if applicable, prior to submission for approval by the Board of Health as required by this Purchasing Policy. This review is required irrespective of whether the award is low bid/proposal, sole bid/proposal or not low bid/proposal.

PART D – PUBLIC ACCESS TO PROCUREMENT INFORMATION

2-401 PUBLIC ACCESS TO PROCUREMENT INFORMATION

Procurement information shall be a public record subject to the exceptions of disclosure to the extent provided in the Illinois Freedom of Information Act, and shall be available to the public as provided by the Department Policy implementing said Act.

ARTICLE 3

PURCHASING SUPERVISOR

PART A-AUTHORITY AND DUTIES

3-101 AUTHORITY AND DUTIES

- (1) Principal Public Purchasing Official. The Purchasing Supervisor shall serve as the principal public purchasing official for the Department. He shall be responsible for the procurement of goods and services, and construction in accordance with this Policy, as well as disposing of Department assets as outlined by Department Policy. No Service Unit Program, officer or employee of the Department shall be empowered to execute any Claim Form, Purchase Order, Change Order, Agreement or Contract except as authorized by this Policy.
- (2) Duties. Duties in accordance with this Policy are subject to the supervision of the Financial Manager, Business Operations Director and Executive Director.
- (3) The Purchasing Supervisor shall:
 - a) Supervise the procurement of all goods and services including professional services, and construction needed by the Department.
 - b) Dispose of surplus goods belonging to the Department in accordance with Department Policy and applicable law.
 - c) Establish and maintain programs for specification development, contract standardization, material control, administration, inspection and acceptance, in cooperation with other public agencies using goods, services and construction.
 - d) Review the Service Unit's evaluation of the vendor's performance in order to determine potential suitability for future use by the Department.
- (4) Purchasing Regulation and Operational Procedures. Consistent with this Policy, and applicable law, and with the approval of the Financial Manager, Business Operations Director and Executive Director, the Purchasing Supervisor may adopt purchasing regulations and operations procedures relating to execution of his duties.

ARTICLE 4
SOURCE SELECTION AND CONTRACT FORMATION

PART A – METHODS OF SOURCE SELECTION

4-101 PURCHASES \$5,000 OR BELOW

- (1) Condition Of Use. These purchases are limited in frequency related to individual commodities and services. Contract requirements shall not be artificially divided so as to constitute a small procurement or evade the competitive procurement requirements for amounts in excess of \$5,000 under this section. The Purchasing Supervisor and Financial Manager shall determine when market or operational factors require the combining or dividing of procurements.
- (2) Minimum Requirements. Procurements \$5,000 or below shall be obtained in a way that is in the best interest of the Department as determined by the Service Unit Director. The Service Unit Director may re-delegate this purchasing authority for purchases in this category. Documentation of re-delegation must be on file with the Purchasing Unit before such authority is recognized. The payment of these purchases will be made on Claim Forms presented to Finance without Purchasing Unit approval and processing. Certain circumstances may require the use of a purchase order under \$5,000 (e.g. Vendor required, expenditures from certain accounts, etc.)

4-102 PURCHASES OVER \$5,000 AND \$15,000 OR BELOW

- (1) Condition Of Use. Any contract over \$5,000 and \$15,000 or below shall be made in accordance with procedures authorized in this section. These purchases are limited in frequency related to individual commodities and services. Contract requirements shall not be artificially divided so as to constitute a small procurement or evade the competitive bidding requirements for amounts in excess of \$15,000 under this section. The Purchasing Supervisor and Financial Manager shall determine when market or operational factors require the combining or dividing requirements. String Purchasing is forbidden and purchases shall not be artificially divided for purposes of evading the competitive sealed bidding requirement.
- (2) Minimum Quotation Requirements. For purchases over \$5,000 and \$15,000 or below the Service Unit shall obtain quotations/proposals (these may be in written form, fax or e-mail) from at least three (3) vendors using Service Unit or Purchasing Unit staff. Where it is not feasible to obtain 3 quotes, the Service Unit Director must submit a Decision Memo. A Purchase Order, along with the quotes, shall be sent to the Purchasing Unit for processing and approval. Purchases requisitions not in compliance

with this Policy and all applicable statutes shall not be processed and shall be returned to the using Service Unit. The Purchasing Unit reserves the right to change suggested vendor if a contract exists for the requested goods or services or if better prices are obtained.

- (3) Evaluation Factors. Evaluation factors which may justify an award to a vendor who has not provided the lowest quotation include; but are not limited to, delivery requirements, quantity requirements, quality and past vendor performance. Whenever it is determined that it is in the best interest to award a purchase contract to a vendor who did not submit the lowest acceptable quotation, the reason for the determination shall be indicated in a Decision Memo as prepared by the Service Unit Director and retained with the contract. The Decision Memo documents and determines the appropriateness of the requested procurement process and approvals.
- (4) Award. Except as provided below award shall be made to the vendor offering the lowest responsive and responsible quote who meets the specifications. Adequate records to document the competition solicited and award determination made shall be retained with the contract.
- (5) Sole Source. Circumstances may exist where the Purchasing Supervisor determines that it is not feasible to secure three (3) quotations. In other situations, the Purchasing Supervisor may determine that it is in the best interest of the Department to consider only one supplier who has previous expertise relative to procurement. Whenever the Purchasing Supervisor determines that it is not feasible, or is not in the Department's best interest to satisfy the minimum quotation requirements of subsection (2) the reason for this determination shall be indicated in writing on a Decision Memo and retained with the contract.

4-103 PURCHASES OVER \$15,000 - COMPETITIVE SEALED BIDDING

- (1) Conditions Of Use. All purchases by the Department (excluding professional services) where the value exceeds \$15,000 (except where allowed by statute) shall be awarded by competitively sealed bidding except as otherwise provided in section 4-104 (Purchases Over \$15,000 - Request for Proposals), 4-105 (Sole Source), 4-106 (Emergency Procurements), 4-107 (Cooperative Joint Purchasing Authorized), or as provided by State Statute. String Purchasing is forbidden and purchases shall not be artificially divided for purposes of evading the competitive sealed bidding requirement.
- (2) Invitation For Bids. An Invitation For Bids shall be issued and include specifications or general descriptions, and material non-negotiable contractual terms and conditions applicable to the procurement.
- (3) Public Notice. Adequate public notice of the Invitation For Bids shall be given a reasonable time, no less than fourteen (14) calendar days prior to the date set forth therein for the submittal and opening of bids. For bids with a mandatory prebid meeting, the public notice must be published at

least seven (7) calendar days prior to the meeting date. Such notice shall include publication in a newspaper of general circulation within the County or as statutorily required and in reasonable time prior to bid opening and shall be publicly posted on an accessible bulletin board in the Purchasing Unit Office and on the Department web site. The public notice shall state the project, place, submittal date, any statutory requirements and time of bid opening. The bid notice will not be published until plans are finalized.

- (4) Bid Opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the Invitation For Bids. The amount of each bid, or such other relevant information as the Purchasing Supervisor deems appropriate, together with the name of each bidder shall be recorded. The record and each bid shall be open to public inspection in accordance with section 2-401 (Public Access to Procurement Information), subject to exemptions from disclosure under the Freedom of Information Act.
- (5) Bid Acceptance And Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Policy. The Purchasing Unit, based on the requirements set forth in the Invitation For Bids shall evaluate bids for responsiveness. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The Invitation for Bid shall set forth the evaluation criteria to be used. No criteria may be used in the evaluations that are not set forth in the Invitation for Bid. Alternative bids may be considered and accepted only if they are specifically provided for in the Invitation For Bids and meet the evaluation criteria set forth.
- (6) Correction Or Withdrawal Of Bids, Cancellation Of Award
 - a) Bids Withdrawn Prior to Opening – Bids may be withdrawn prior to the bid opening upon written request of the bidder and in accordance with the terms and conditions contained in the bid document.
 - b) Correcting Bid Totals – After the bid opening, no changes in prices or other provisions shall be permitted, except to correct calculations, as stated in the terms and conditions contained in the bid document. The Purchasing Unit is responsible for reviewing all bid forms.
 - c) Clarifications – The Purchasing Agent may obtain clarification from any bidder, after opening, deemed necessary to fully evaluate the bid.
 - d) Bid Withdrawal after Bid Opening – If the bidder alleges a material error or mistake of fact, they may be permitted to withdraw the bid if the bidder submits evidence, which clearly and convincingly demonstrates that an error was made. The request for withdrawal of the bid and written documentation shall be submitted to the Purchasing Supervisor.

- (7) Tie Bids. Should tie bids between equally responsive responsible bidders be received, the award will be made by a coin toss or otherwise by random selection in the Purchasing Unit. Two or more Department representatives will be present. Tie bidders will be notified of the determined random selection process. If a tie bidder fails to send a representative to the selection, that bidder shall waive the right to protest the selection.
- (8) Right of Rejection. The Executive Director and/or Board of Health reserve the right to accept or reject any or all bids/proposals and to waive any technicalities in the document.
- (9) Award. The contract shall be awarded by the Board of Health with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the bids. After the bid is awarded, the Purchase unit shall issue all notices of awards and notices to proceed. All contractually required documentation will be required prior to any notice to proceed.
- (10) Cancellation of Contracts. All recommended contract cancellations will be presented to the Board of Health on a Consent Agenda.

4-104 PURCHASES OVER \$15,000 - REQUEST FOR PROPOSAL

- (1) Conditions Of Use. In cases where the Department seeks to contract for a project or service whose goals, tasks or results are known, but for which the procedure or method of accomplishing same either may not be specified or are otherwise undetermined, a contract may be entered into by use of the Request for Proposal procedure. Reasons for using the Request for Proposal procedure shall be approved by Business Operations Director prior to the commencement of the procedure.
- (2) Request For Proposal. Proposals shall be solicited through the Purchasing Unit and shall include specifications or general descriptions, and material non-negotiable contractual terms and conditions applicable to the procurement.
- (3) Public Notice. Adequate public notice of the request for proposal shall be given in the same manner as Public Notice for Invitation For Bids, section 4-103 subsection (2) (Invitation For Bids) and subsection (3) (Public Notice).
- (4) Evaluation Criteria. Criteria including the weight to be given to each factor must be developed by the Service Unit Director in conjunction with the Purchasing Unit for evaluation of the proposal prior to notice. The completed evaluations must be attached to the using Service Unit's recommendation.
- (5) Receipt Of Proposals. Names of offerors will be acknowledged in the presence of one or more witnesses at the time and place designated in the public notice. Contents of the proposals shall not be disclosed to any of the competition or offerors during the negotiation process. A register of the proposals shall be prepared containing the name of each offeror, and a description sufficient to identify the item offered. The register of

proposals shall be open for public inspection only after the contract is awarded subject to exemptions from disclosure under the Freedom of Information Act.

- (6) Discussions With Responsible Offeror And Revisions To Proposals. As provided in the request for proposals, discussions may be conducted with the responsible offerors who submitted proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to a successful understanding of and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revision may be permitted after submission and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
- (7) Award. The Board of Health Board shall make the award to the responsible offeror whose proposal conforms to the solicitation and is determined, in writing, to be the most advantageous to the Department taking into consideration price and the evaluation factors set forth in the Request for Proposals. The contract file shall contain the basis on which the award is made.

4-105 SOLE SOURCE PROCUREMENT

A contract may be awarded where the Purchasing Supervisor determines that it is not feasible to secure bids. In other situations, the Purchasing Supervisor may determine that it is in the best interest of the Department to consider only one supplier who has previous expertise relative to procurement. Whenever the Purchasing Supervisor determines that it is not feasible, or is not in the Department's best interest to satisfy the minimum bid requirements, the reason for this determination shall be indicated in writing on a Decision Memo, where required, approved by the Financial Manager and retained with the contract.

4-106 EMERGENCY PROCUREMENTS

In emergency situations, the Executive Director shall have the authority to waive the bidding procedures set forth in this section and to effect procurements in excess of the amount otherwise provided in this section pursuant to the following procedures:

- (1) The reason for the determination of the emergency shall be indicated on a Decision Memo Form. Failure of the using Service Unit agency to timely comply with this Policy shall not prima facie constitute an emergency. In emergency situations, the Executive Director shall not be required to comply with competitive bidding and advertising requirements of this Policy and shall be empowered to negotiate and execute contracts without prior approval of the Health Department Board.

- (2) For purchasing emergencies in excess of \$5,000, the Service Unit Director shall inform the Executive Director and Purchasing Supervisor in a timely manner.
- (3) A Purchase Order, along with all written documentation, shall be submitted to the Executive Director for approval in accordance with the terms and conditions of this Procurement Policy. The Board of Health shall be notified of the emergency procurement at the next scheduled Board of Health meeting.

4-107 COOPERATIVE JOINT PURCHASING AUTHORIZED

Subject to applicable state statutes, the Department may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of goods, services, or construction with one or more public procurement units in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between public procurement units and open-ended state public procurement unit contracts, which are made available to other public procurement units after having been bid by another public procurement unit where required.

4-108 PROFESSIONAL SERVICES SELECTION PROCESS

- (1) It is the intention of the Department to employ consultants on the basis of their perceived competence and expertise relative to the services to be rendered, the cost of their services, their ability to complete work within a required time frame, their past record in performing similar type work, and their ability to work with Department staff. Types of services to be covered:
 - a) Engineering, Architects and Land Surveyors. These services require mandatory or essential technical skills provided by accredited professionals or quasi-professionals in connection with a defined assignment, which result in the preparation of a report, specifications or recommendation of a particular course of action, and may include supervision of an activity (such as construction). Providers of these services shall be selected in accordance with the State of Illinois Professional Services Selection Act.
 - b) Other Professional Services. These services are provided on the basis of defined services to be rendered, by individuals or organizations, relative to Policy, organizational, operational or administrative aspects of government, including recommendations, and the potential to assist in implementing recommendations (i.e., strategic planning, operational management, management information systems, human resources). The using Service Unit Director shall prepare a Decision Memo for review and approval by the Executive Director for the purposes of contractual award.

- (2) Performance Criteria. Upon completion of each contract over \$25,000, the Service Unit Director involved shall prepare a written evaluation of the consultant's performance. The details of the evaluation shall be consistent with the cost and complexity of such assignments. For contracts over \$25,000, the Purchasing Unit will maintain a record of such evaluations for the use of all Service Units when selecting future professional service/consultants. No consultant shall be awarded subsequent contracts unless the using Service Unit Director has submitted a satisfactory evaluation to the Purchasing Unit.

4-109 GRANT PROGRAMS

- (1) Under certain Grant Programs the Department acts as a third-party administrator of local, state and federal funds and does not procure goods and services for the Department. The processing of a grant requisition is done to facilitate the method of payment and does not require any of the normal procurement procedures or approvals under this ordinance.

PART B – QUALIFICATIONS AND DUTIES

4-201 RESPONSIBILITY OF BIDDERS AND OFFERORS

If a bidder, designee or offeror who otherwise would have been awarded a contract is found non-responsible, a written determination of non-responsibility setting forth the basis of the findings shall be prepared by the Purchasing Unit with input from the using Service Unit. In determining responsibility of any bidder, the Department may take into account, in addition to financial responsibility, past records of transactions with the bidder, experience, adequacy of equipment and ability to complete performance within a specific time. (For example, the ability to meet the specified completion date in accordance to the specifications.) An explanation shall be sent promptly to the non-responsible bidder or offeror who shall then have 3 days to provide evidence to defeat the determination. The final determination shall be made part of the contract file. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for such determination.

PART C - CONTRACT ADMINISTRATION

4-301 CONTRACT ADMINISTRATION

A contract administration system is designed to insure that the contractor is performing in accordance with the terms and conditions of the contract. It is the Financial Manager's responsibility to match contract terms and prices with invoices. The Department's procedures specifying the structure of review are to

be followed. In addition, contract administration results may be utilized by the Department for vendor evaluation.

4-302 DEPARTMENT PROCUREMENT RECORDS

- (1) Procurement Records. All determinations and other written records, notes of telephone conversations and notes for oral conversations pertaining to the solicitation, award and performance of a contract shall be maintained for the Department in the procurement records in the Purchasing Unit
- (2) Contract Audit. The Department shall be entitled to audit the books and records of a contractor or a subcontractor at any tier under any contract or subcontract to the extent that such books, documents, papers, and records are pertinent to the performance of such contract or subcontract. The contractor or subcontractor shall maintain such books and records for a period of three years from the date of final payment.
- (3) Retention of Procurement Records. All procurement records shall be retained and disposed of by the Department in accordance with records retention guidelines and schedules approved by the State of Illinois Local Records Commission and as defined in Federal regulation.

PART D – AUTHORIZATION, REVIEW AND APPROVAL PROCESS

4-401 AUTHORIZATION TO INITIATE BIDS OR OTHER SOLICITATIONS

The Purchasing Unit, may initiate bids or other solicitations for any goods, services or construction for which they have received Departmentally approved purchase requisitions, engineering specifications or other procurement documents.

4-402 PROCUREMENT PROCESS

Approval Discretion. At the discretion of the Board of Health President and/or Executive Director, any purchase or contract of an item, combination of items, or contractual services, not otherwise requiring approval may be presented to the Board of Health for approval.

- (1) **\$5,000 OR BELOW**
Procurements \$5,000 or below may be obtained in a way that it is in the best interest of the Department as determined by the Service Unit Director or authorized signatory. Contract requirements shall not be artificially divided so as to constitute a small procurement or evade the competitive procurement requirements for amounts in excess of \$5,000 under this section. The Purchasing Supervisor and Financial Manager shall determine when market or operational factors require the combining or dividing of procurements.
- (2) **REQUISITIONS OVER \$5,000 AND \$15,000 OR BELOW**

Prior to submission to the Purchasing Unit, all requisitions shall be signed by the Service Unit Director or his authorized signatory. The purchase or contract of any item, combination of items, or contractual service which price exceeds \$5,000 but is \$15,000 or below shall be submitted to the Purchasing Unit for review by the using Service Unit. Note: Appropriate bidding or Decision Memo procedures must also be followed. The Executive Director is authorized to sign any contract or agreement, once approved by the Service Unit Director , and after receipt of all the contractually required documentation. All procurements in excess of \$15,000 require the approval of the Board of Health.

(3) REQUISITIONS OVER \$15,000

Prior to submission to the Purchasing Unit, all requisitions shall be signed by the Service Unit Director or authorized signatory. The purchase or contract of any item, combination of items, or contractual service which price exceeds \$15,000 shall be submitted to the Purchasing Unit for review prior to presentation for approval by the Executive Director and Board of Health. Note: appropriate bidding or Decision Memo procedures must also be followed. The Executive Director may be authorized to sign any contract or agreement, after receipt of all contractually required documentation, if authority has been granted within this Policy.

4-403 FISCAL RESPONSIBILITY

Prior to the issuance of any purchase order, contract, change order or contract modification, the Department shall certify that sufficient budgeted funds are available.

4-404 LEGAL REVIEW OF CONTRACTS

Prior to award, the Purchasing Supervisor shall request the State's Attorney to review a contract that is not in a standard form. This review shall not be required when the form and content of the contract documents has previously been approved by the State's Attorney.

4-405 CHANGE ORDERS AND CONTRACT MODIFICATIONS

- (1) All change orders and contract modifications except those under section (4) will be presented in advance to the Purchasing Unit for processing. If no further approval is required, as described below, the Purchasing Unit will continue the processing of necessary documentation.
 - a) For interim (non-final) change orders and contract modifications where the total purchase amount, including any changes, does not exceed \$5,000.00, processing shall continue without further approval.
 - b) For final change orders processing may continue without further approval where:

- (i) there is a price increase of up to \$2,500 or
 - (ii) there is a price increase of no more than 10% of the initial price.
 - c) Processing may continue subject to Board of Health ratification on a consent agenda for change orders that:
 - (i) decrease a contract by \$10,000 or more;
 - (ii) increase or decrease the term by 30 or more calendar days
 - (iii) cancel any contract
- (2) Further approval, by the Service Unit Director is required before further processing occurs in the following cases:
 - a) where Service Unit Director approval was required for the initial contract and the change order increases the contract to an amount in excess of \$5,000,
 - b) where Service Unit Director approval was required for the initial contract and the change order increases the contract to an amount up to \$15,000, and
 - c) where Service Unit Director approval was required for the initial contract and the change order materially alters the scope of work to be performed.
- (3) Further approval by the Board of Health is required before further processing occurs in the following cases:
 - a) where Service Unit Director approval was required for the initial contract and the change order increases the contract to an amount in excess of \$15,000, and
 - b) where Board of Health approval was required for the initial contract and the change order materially alters the scope of work to be performed.
- (4) Where the time required to approve and process a change order necessitated by field conditions would unreasonably interrupt contract work to the financial detriment of the Department , the change order may be processed upon the approval of the Executive Director subject to ratification by the Board of Health on the action agenda. The Board of Health President shall be notified of a field condition change order at the earliest possible opportunity.
- (5) No change order, including a field condition change order can be made where the total contract value is increased to more than 50% of the initial contract price. In such case, the new or increased value goods or services must be submitted for competitive bidding pursuant to statute.

4-406 MULTI-YEAR CONTRACTS

- (1) Multi-year contracts shall be prepared and administered as follows:
 - a) All multi-year contracts presented for approval shall contain the total value of the award for the multi-year period.
 - b) Only the current fiscal year portion shall be encumbered.

- c) Multi-year contracts shall not exceed a total term of four (4) years unless approved in advance by the Executive Director .

4-407 CONTRACT RENEWALS

The following governs contract renewals:

- (1) All contracts that contain an optional renewal clause shall be presented for approval with the total dollar value for the initial period of award.
- (2) All requests for contract renewals shall originate from the using Service Unit in the form of a requisition indicating the desire for the renewal, the subsequent renewal term and the total dollar value for the renewal period.
- (3) The request shall be submitted at least ninety (90) days prior to the expiration date of the current period.
- (4) The Purchasing Unit will obtain contractor approval and submit the necessary correspondence for approval.
- (5) All renewals shall be for the time period specified in the original contract document.

**ARTICLE 5
SPECIFICATIONS**

PART A – RESPONSIBILITY, USING AGENCY, COMPETITION

5-101 RESPONSIBILITY FOR SPECIFICATIONS

The Purchasing Agent in conjunction with the Service Unit shall prepare, revise, maintain, and monitor specifications for goods, and services. Construction requiring specifications involving professional engineering shall be prepared by a professional engineer.

5-102 RELATIONSHIP WITH USING AGENCIES

The Purchasing Agent shall obtain expert advice and assistance from personnel of using Service Units in the development of specifications and may delegate in writing to a using Service Unit the authority to submit its own specifications which shall be accepted by the Purchasing Agent unless written objections are made by him.

5-103 MAXIMUM PRACTICABLE COMPETITION

All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage competition in satisfying the Department's needs, and shall not be unduly restrictive. This applies to all specifications including but not limited to, those prepared for the Department by architects, engineers, designers and draftsmen.

ARTICLE 6
DECLARATION OF NON RESPONSIBILITY

PART A – DECLARATION PROCESS

6-101 AUTHORITY TO ISSUE A DECLARATION OF NON-RESPONSIBILITY

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the Financial Manager after receiving approval from the Executive Director is authorized to declare the person non-responsible for purposes of supplying goods, services and construction to the Department . The declaration shall be in effect for a period of not more than two years, for all solicitations.

The causes for such a declaration include:

- (1) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain public or private contract or subcontract, or in the performance of such contract or subcontract;
- (2) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offences indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a Department Contractor;
- (3) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
- (4) Violation of contract provisions, as set forth below, of a character which is regarded by the Financial Manager to be so serious as to evidence non responsibility;
 - a) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
 - b) A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance is not caused by acts beyond the control of the contractor.
- (5) Any other cause the Financial Manager determines to be so serious and compelling as to affect responsibility as a Department Contractor, including suspension by another governmental entity for any cause listed in this Policy.

6-102 DECISION TO DECLARE NON RESPONSIBLE

The Financial Manager after receiving approval from the Executive Director shall issue a written determination, which shall state the reasons for the action taken,

and inform the affected person involved of his rights concerning administrative review.

6-103 NOTICE OF DECISION

A copy of the decision required by Section 6-102 shall be mailed by certified return receipt. A copy of the decision shall remain with the contract files in the Purchasing Unit.

6-104 FINALITY OF DECISION

A decision under Section 6-102 shall be final or conclusive, unless fraudulent, or the affected person within ten (10) business days after receipt of the decision by certified mail makes an appeal to the Executive Director.

PART B – APPEALS AND REMEDIES

6-201 AUTHORITY OF THE FINANCIAL MANAGER TO SETTLE BID PROTESTS AND CONTRACT CLAIMS, SUBJECT TO STATUTORY PROVISIONS

- (1) Authority. The Financial Manager is authorized to resolve any procedural protest regarding the solicitation or award of any bid under his purview.
- (2) Right to Protest. Any actual or prospective bidder, offeror, or contractor who believes they have been adversely affected in connection with the solicitation or award of a contract may, within seven calendar days of the solicitation, bid opening or award, by mail, fax or have served, a letter of protest to the Financial Manager. The Financial Manager must submit a response in writing to the protesting entity, within five (5) business days from receipt of the protest.
- (3) Delay of Procurement During Protest. In the event of a timely protest under subsection (2) of this section, the Department shall determine whether it is in its best interest to proceed with the solicitation of the bid, bid opening or award of the contract.
- (4) Notice to the Protestor of the Financial Manager's Decision. If the protest or claim is not resolved by mutual agreement, the Financial Manager shall promptly issue a decision in writing, and it shall be immediately mailed or otherwise furnished to the protesting entity. The decision shall state the reasons for the decision reached, and shall inform the protestor of their option to appeal under subsection (5) of this section.
- (5) Protestor Right to Appeal. The Financial Manager's decision shall be final and conclusive unless, within five (5) business days from the date of receipt of the decision, the Executive Director receives a written appeal regarding the Financial Manager's decision. The Executive Director shall, in writing, render a decision within ten (10) business days.

- (6) Failure to Render Timely Decision. In the event the Financial Manager does not issue a written decision within the specified time period prescribed under subsection (2) of this section, or within such longer period as may be agreed upon between the parties the protesting entity may proceed as if an adverse decision had been received.

6-202 REMEDIES FOR SOLICITATIONS OR AWARDS IN VIOLATION OF LAW

- (1) Prior to Bid Opening or Closing Date for Receipt of Proposals. If, prior to the bid opening or the closing date for receipt of proposals, the Financial Manager, after consultation with the State's Attorney, determines that a solicitation is in violation of federal, state or local law, then the solicitation shall be canceled or revised to comply with applicable law.
- (2) Prior to Award. If after bid opening or the closing date for receipt of proposals, the Financial Manager determines that a solicitation or a proposed award of a contract is in violation of federal, state or local law then the solicitation or proposal award shall be canceled in accordance with this Policy .
- (3) After Award. If, after an award, the Business Operations Director determines that a solicitation or award of a contract was in violation of applicable law, then:
 - a) If the person awarded the contract has not acted fraudulently or in bad faith, the contract may be terminated in accordance with the terms and conditions of the contract.
 - b) If the person awarded the contract has acted fraudulently or in bad faith, the contract may be declared null and void.

**ARTICLE 7
ETHICS**

PART A – ETHICS AND CONFORMANCE

7-101 ETHICS

Any or all actions related to this Procurement Policy shall comply with approved County Ethics Ordinance and Department Personnel Policies. In the event of a conflict, the County Ethics Ordinance will control.

7-102 VIOLATIONS

Non-conformance with this Policy may violate Department Policies, State of Illinois civil and criminal laws and may result in legal actions and sanctions.

7-103 REPORTING OF ANTI-COMPETITIVE PRACTICES.

When for any reason collusion or other anti-competitive practices are suspected among any bidders or offerors, or by any Department employee or officer, an employee with knowledge of such reason shall follow the reporting requirements of the Department's Personnel Policy. Facts may also be presented to the Executive Director or the State's Attorney for appropriate investigation. Any employee making a good faith report under this section shall have all protections afforded to a whistleblower under the Department's Personnel Policy and State statute.