

**COUNTY OF UNION,
ILLINOIS**

PURCHASING AND PROCUREMENT ORDINANCE

WHEREAS, the County of Union, Illinois, a body politic and corporate of the State of Illinois, is a non-home rule unit of local government pursuant to Article VII, §8 of the 1970 Illinois Constitution; and

WHEREAS, the Board of Commissioners of Union County, Illinois has determined that there is a need for greater governance and regulation of the purchase of materials, supplies, equipment, and certain contractual services of the County; and

WHEREAS, the Board of Commissioners of Union County, Illinois has determined these regulations should provide for fair and equitable treatment of all persons involved in public purchasing by the County, maximize the purchasing power of public funds in such procurement, and encourage and reward participation of local business in order to facilitate economic growth in Union County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, ILLINOIS THAT THIS PURCHASING AND PROCUREMENT ORDINANCE BE AND HEREBY IS ADOPTED AS FOLLOWS:

SECTION 1: The Union County Code of Ordinances is hereby amended by adding Article IX of Chapter 1 as follows:

ARTICLE IX – PURCHASING AND PROCUREMENT

DIVISION I – DEFINITIONS

1-9-1 DEFINITIONS. For the purposes of this Article, the following terms shall be given these definitions, except and unless the context clearly indicates a different meaning:

(A) *“Architectural or Engineering Services”* means:

- i. Professional services of an architectural or engineering nature as defined by Illinois law, which are required to be performed or approved by a person licensed, registered, or certified to provide such services;
 - ii. Professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property; and
 - iii. Such other professional services of an architectural or engineering nature, or incidental services, which members of the architectural or engineering professions (and individuals in their employ) may logically or justifiably perform, including: studies, investigations, surveying, mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals, and other related services.
- (B) **“Board of Commissioners” or “Board”** means the Union County Board of Commissioners.
- (C) **“Contractual Services”** means and includes all telephone; gas; water; electric lights and power service; towel and cleaning services; lease and concession services; services involving demolition of buildings; rental, repair, or maintenance of equipment, machinery, and other County-owned properties’ and other like services. The term “services” shall not include professional services which are unique in their nature and not subject to competition, or administrative services. Professional services include, but are not limited to, attorneys, physicians, real estate appraisers, insurance consultants, insurance administrators, geologists, hydroeotechnical consultants, and certified public accountants.
- (D) **“County”** means the Union County Board of Commissioners, the constitutional officers (at their discretion), and agencies of the County.
- (E) **“County Administrator”** means the County Administrator of Union County or designee.
- (F) **“Department Head”** means the County employee designated, appointed, or otherwise authorized by the Board of Commissioners to manage a County department.
- (G) **“Design-bid-build”** means a project delivery method in which the County sequentially awards separate contracts, the first for architectural and engineering services to design the project and the second for construction of the project according to the design.
- (H) **“Design-build”** means a project delivery method in which the County enters into a single contract for design and construction of an infrastructure facility.
- (I) **“Design-build-operate-maintain”** means a project delivery method in which the County enters into a single contract for design, construction, maintenance, and

operation of an infrastructure facility over a contractually defined period. All or a portion of the funds required to pay for the services provided by the contractor during the contract period are either appropriated by the County prior to award of the contract or secured by the County by some other method.

- (J) ***“Design-build-finance-operate-maintain”*** means a project delivery method in which the County enters into a single contract for design, construction, finance, maintenance, and operation of an infrastructure facility over a contractually defined period. No County funds are appropriated to pay for any part of the services provided by the contractor during the contract period.
- (K) ***“Electronic”*** means electrical, digital, magnetic, optical, electromagnetic, or any other similar technology.
- (L) ***“Improvements”*** means and includes, but is not limited to construction contracts for: County-owned buildings, roads, highways, bridges, drainage, or any other infrastructure owned, maintained, or constructed by the County or for County purposes.
- (M) ***“Invitation for bids” (IFB)*** means all documents, whether attached or incorporated by reference, utilized for soliciting bids.
- (N) ***“Legal services”*** means services that include, but are not limited to, retaining services of law firms, outside counsel, expert witnesses, trial consultants, or similar persons or firms deemed by the State’s Attorney, for any reason, as necessary to address the County’s legal needs. Such firms or persons shall be selected by the State’s Attorney.
- (O) ***“Local business”*** means those businesses as defined in Division 9-16 of this Ordinance.
- (P) ***“Purchasing Director” or “Director”*** shall mean the Purchasing Director or his/her designee. The Purchasing Director is the person or persons responsible for purchasing and procurement for the County. The Board of Commissioners may appoint, by written resolution, the County Administrator or another County employee as Purchasing Director. If no appointment is made, the Board of Commissioners shall function as the Purchasing Director, with decisions requiring a majority vote of the members of the Board.
- (Q) ***“Request for Proposals” (RFP)*** means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.
- (R) ***“Request for Quotations” (RFQ)*** means all documents, whether attached or incorporated by reference, utilized for soliciting quotations.
- (S) ***“Request for Statements of Qualifications” (RSQ)*** means all documents, whether attached or incorporated by reference, utilized for soliciting qualifications for a qualifications-based selection process.
- (T) ***“Responsible bidder or offeror”*** means a bidder or offeror who has reasonable capability in all respects to perform fully the contract requirements and the

tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, and credit which will ensure good-faith performance.

- (U) ***“Responsive bidder or offeror”*** means a bidder or offeror who has submitted a response to a solicitation which conforms in all material respects to the requirements set forth in the same.
- (V) ***“Signature”*** means a manual or electronic identifier, or the electronic result of an authentication technique attached to or logically associated with a record that is intended by the person using it to have the same force and effect as a manual signature in accordance with Illinois Law.
- (W) ***“State’s Attorney”*** means the State’s Attorney of Union County or designee who shall have the sole authority to approve or recommend approval of outside legal and/or legal-related services.
- (X) ***“Supplies”*** means and includes all supplies, materials, and equipment.
- (Y) ***“Using Agency”*** means any department, division, agency, commission, board, committee, authority, or other unit under the direct or indirect control of the Board of Commissioners using supplies or procuring contractual services as provided in this decision. Nothing contained in this decision shall be construed as requiring the County’s constitutional officers to be covered by this division. However, the services of the policies, procedures, and services of the Purchasing Director as described in this Ordinance shall be made available for their use at their discretion.
- (Z) ***“Vendor”*** means that person or legal entity providing goods, services, or equipment by virtue of a public procurement performed by the County pursuant to this Ordinance.
- (AA) ***“Written” or “In Writing”*** means the product of any method of forming characters on paper, other materials, or viewable screens, which can be read, retrieved, and reproduced, including information that is electronically transmitted and stored.

DIVISION II – PURPOSES

1-9-2 PURPOSES. The purposes of this article are to:

- (A) Prescribe the manner in which the County shall control the purchase of materials, supplies, equipment, and certain contractual services of the County;
- (B) Provide for the fair and equitable treatment of all persons involved in public purchasing by the County;
- (C) Maximize the purchasing power of public funds in such procurement;
- (D) Encourage and reward participation of local business in order to facilitate economic growth in Union County;

- (E) Provide safeguards for maintaining a purchasing system of quality and integrity; and
- (F) Maintain a high ethical standard for all officers and employees of the County in connection therewith.

DIVISION III – RESPONSIBILITY FOR PURCHASING

1-9-3 RESPONSIBILITY FOR PURCHASING. The Purchasing Director shall direct and supervise all purchasing for the County as provided in this article.

DIVISION IV – PURCHASING DIRECTOR

1-9-4 PURCHASING DIRECTOR.

- (A) ***Powers and duties.*** The Purchasing Director shall direct and supervise all County purchasing functions provided for in this article, shall perform all duties required by law, and shall have the powers and duties prescribed by this article. The Director may appoint a designee or designees to perform any of the Director’s powers and duties set out in this division.
- (B) ***Scope of purchasing authority.*** The Director shall have the following powers and duties:
 - i. ***Purchase or contract.*** The Director shall perform the duties specified in this article in connection with all purchases or contracts including, but not limited to, for all materials, supplies, equipment, construction, and contractual services needed by any using agency which derives its support wholly or in part from the County. The term “contract” also means purchase orders and agreements utilized by the County to bind the parties to a specific purchase. The Purchasing Director shall approve all purchase orders, regardless of amount, for all goods and services procured as authorized in this article.
 - ii. ***Exceptions prohibited.*** The authority of the Director to negotiate all purchases for all using agencies shall not be abridged, except as required by law.
- (C) ***Other powers and duties.*** In addition to any other powers and duties conferred by this article, the Director shall:
 - i. ***Minimum expenditure.*** Act to procure for the County the highest quality supplies and contractual services meeting the needs of the County in a cost-efficient manner, while protecting the County’s interest in procuring quality supplies and contractual services.

- ii. *Encourage competition.* Endeavor to obtain as full and open competition as possible on all purchases and sales. All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the County's needs, and shall not be unduly restrictive.
- iii. *Policies and procedures.* Promulgate and amend, when necessary, policies and procedures governing the procurement of goods and services in accordance with and within the scope of this article. Copies of the resulting policies and procedures shall be distributed to the using agencies and the general public, and be available for review in the office of the Purchasing Director.
- iv. *Purchasing analysis.* Keep informed of current developments in the field of purchasing, prices, market conditions, and new products. Secure for the County the benefits of research conducted by other governmental jurisdictions, national technical societies, trade associations have national recognition, and private businesses and organizations.
- v. *Purchasing manual.* Prescribe, maintain, and distribute a purchasing manual for all using agencies. The Purchasing Manual shall include all approved policies and procedures promulgated by the Purchasing Director.
- vi. *Forms.* Prescribe and maintain such forms as shall be found reasonably necessary to the operation of this article.
- vii. *Bulk purchases.* Exploit the possibilities of buying in bulk to take full advantage of discounts.
- viii. *Tax exemptions.* Act to procure for the County all tax exemptions to which it is entitled.
- ix. *Cooperation.* Cooperate with using agencies to secure for the County the maximum efficiency in budgeting and accounting.

DIVISION V – STANDARDIZATION, COOPERATIVE PURCHASING, AND GOVERNMENTAL CONTRACTS.

1-9-5 STANDARDIZATION, COOPERATIVE PURCHASING, AND GOVERNMENTAL CONTRACTS.

- (A) Where standardization is determined to be desirable and advantageous by the Purchasing Director, the purchase of materials, supplies, and equipment and certain contractual services may be by negotiation provided the purchase is in the best interest of the County and approved as set forth in Division 9-15.
- (B) The Director, in behalf of the County, shall have the authority to join with other units of government in cooperative purchasing ventures when the best interest of

the County would be served thereby and such cooperative purchasing is not prohibited by law.

- (C) Unless otherwise prohibited by law, State of Illinois contracts or Federal General Services Administration (GSA) contracts may be used in lieu of the source selection methods provided in Division 9-9. Purchases in any amount may be made against those contracts, provided they are in the best interest of the County and approved as set forth in Division 9-15.
- (D) Unless prohibited by law, the Director shall have the authority to utilize or “piggyback” competitively awarded contracts or purchases from other units of government provided that the competitive process used was materially consistent with the applicable procedures prescribed in this article, the evaluation and award was fair and equitable, the purchase is in the best interest of the County, and approved as set forth in Division 9-15.

DIVISION VI – INSPECTION AND TESTING.

1-9-6 INSPECTION AND TESTING.

- (A) **Generally.** The Purchasing Director shall inspect, supervise the inspection, or cause to be inspected all deliveries or contractual services to determine their conformance with the specifications set forth in the order or contract.
- (B) **Inspection by using agency.** The Director shall have the authority to require using agencies to inspect all deliveries made to the same through policies and procedures, which the Director may prescribe.
- (C) **Tests.** The Director shall have the authority to require chemical and physical tests of the samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the Director shall have the authority to make use of laboratory facilities of any agency of the County without further approval.

DIVISION VII – SURPLUS PROPERTY AND SCRAP METAL.

1-9-7 SURPLUS PROPERTY AND SCRAP METAL.

- (A) **Report of surplus property.** All agencies under this article shall report all surplus property to the Purchasing Director, as needed and in such form as shall be prescribed. The term “property” in this division shall mean all tangible property, owned by the County, of a nonconsumable nature. Surplus property may include, but is not limited to, furniture, fixtures, apparatuses, vehicles, and equipment which have become obsolete and/or no longer needed by the County.

- (B) **Transfer.** The Purchasing Director shall have the authority to transfer surplus property to other using agencies.
- (C) **Sale of surplus property.** The Purchasing Director shall have the authority to sell or trade-in surplus property that is deemed to have a reasonable value of less than \$5,000.00. All sales of surplus property under this section shall be publicly advertised and accomplished by sale to the highest responsive and responsible bidder or by public auction in conformance with applicable Illinois Law. Sales of surplus property under this section in excess of \$5,000.00 shall require approval of the Board of Commissioners.
- (D) **Sale of scrap metal and related materials.** The Purchasing Director shall have the authority to sell scrap metal and related materials including, but not limited to, vehicle parts, aluminum sign blanks, copper wiring, and assorted steel and iron which are in the County's possession (regardless of the source) and not specifically listed as County-owned assets. Such scrap metal and related materials shall be considered surplus property and shall not require formal declaration as surplus by the Board. All sales of surplus property under this section shall be publicly advertised and accomplished by sale to the highest responsive and responsible bidder (one time or ongoing, multi-year award) or by public auction in conformance with Illinois Law.

DIVISION VIII – CENTRAL STORES.

1-9-8 CENTRAL STORES.

- (A) **Control and supervision.** The Purchasing Director shall control, supervise, and administer the County's central stores.
- (B) **Accounting procedure.** The Director shall be responsible for developing and maintaining accounting procedures for materials, supplies, and equipment stored in the central stores.
- (C) **Inventory.** The Director shall maintain a perpetual inventory record of all materials, supplies, or equipment stored in the central stores.

DIVISION IX – SELECTION.

1-9-9 METHODS OF SOURCE SELECTION.

- (A) Division 9-10 (emergency purchases)
- (B) Division 9-11 (competitive sealed proposals)
- (C) Division 9-10 (sole source and noncompetitive purchases)
- (D) Division 9-10 (open market procedures for purchases of \$20,000.00 or less)

- (E) Division 9-10 (competitive sealed bids)

DIVISION X – EMERGENCY PURCHASES.

1-9-10 EMERGENCY PURCHASES.

- (A) **Generally.** Notwithstanding any other provisions of this division, emergency purchases of goods and services may be made in the event of a disruption of essential operations caused by a natural or manmade disaster or civil unrest, or when there exists a threat to the public’s health, welfare, or safety requiring disaster preparedness, or when the protection or preservation of public property (collectively referred to as an “emergency”) would not be possible through normal purchasing procedures; provided that such emergency purchases shall be made with such competition as is practical and practicable under the circumstances. A written determination of the basis for the emergency purchase and why a particular vendor was selected shall be prepared, filed, and be available for public viewing.
- (B) **Authority.**
 - i. In an apparent emergency which requires immediate purchase of goods and/or services, not expected to exceed \$50,000.00 total, the Purchasing Director shall have the authority to secure or cause to be secured, at the lowest obtainable and reasonable price(s), the goods and/or services necessary to alleviate the emergency.
 - ii. In an apparent emergency which requires immediate purchase of goods and/or services, not expected to exceed \$50,000.00 total, the County Administrator shall have the authority to secure or cause to be secured, at the lowest obtainable and reasonable price(s), the goods and/or services necessary to alleviate the emergency.
 - iii. In an apparent emergency which requires immediate purchase of goods and/or services for legal-related expenditures required by his/her office, not expected to exceed \$50,000.00 total, the State’s Attorney shall have the authority to secure or cause to be secured, at the lowest obtainable and reasonable price(s), the goods and/or services necessary to alleviate the emergency.
 - iv. All emergency purchases that exceed \$10,000.00 shall be reported at the next regularly scheduled meeting of the Board of Commissioners, if possible, but no later than the second regularly scheduled meeting of the Board of Commissioners following the date of the emergency purchase.
- (C) **Emergency procedure.** The Purchasing Director, pursuant to Chapter 1, Article 2(C)(iii), shall prescribe any policy under which emergency purchases by heads of using agencies may be made.

DIVISION XI – COMPETITIVE SEALED PROPOSALS.

1-9-11 COMPETITIVE SEALED PROPOSALS.

- (A) When the Purchasing Director determines that the use of competitive sealed bidding under this article is either not practical or not advantageous to the County, the competitive sealed proposals method may be used.
- (B) Proposals shall be solicited through a Request for Proposals (RFP).
- (C) Adequate public notice of the RFP shall be given in the same manner as provided for competitive sealed bidding.
- (D) The Request for Proposals shall state the relative importance of price and evaluation factors.
- (E) As provided in the RFP, discussions may be conducted with responsible offerors, who submit proposals determined to be reasonably susceptible of being selected for award, for the purpose of clarification to ensure full understanding of a 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 revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers.
- (F) Awards shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the County, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the bases on which the award is made. Awards shall be made in accordance with Division 9-15.

DIVISION XII – SOLE SOURCE AND NONCOMPETITIVE PURCHASES.

1-9-12 SOLE SOURCE AND NONCOMPETITIVE PURCHASES.

- (A) Definitions:
 - i. *Sole source purchase.* A sole source purchase exists when research has determined there is only one potential or reasonable provider for an item.
 - ii. *Noncompetitive purchase:* A noncompetitive purchase exists when it is advantageous for the County to declare a purchase noncompetitive because (1) it will result in verifiable financial savings to the County, (2) it is a trial program, or (3) utilizing a competitive process will be detrimental to timely securing of necessary goods or services. More than one potential supplier may exist for a good or service; however, the requesting agency shall provide the Purchasing Director with written justification that clearly describes and

documents the advantages of declaring the purchase noncompetitive on the basis that only one reasonable and practical source exists to supply a particular good or service. Such advantages may be based on, but not be limited to, uniqueness, vendor qualifications, and urgency of need.

- (B) Sole source and noncompetitive purchases may be made for goods and/or services when they are only available from a sole source or when it is determined by the Purchasing Director, after conducting a good faith review of available sources, that there is only one practical, practicable, and reasonable source, and securing competitive pricing is either not feasible or advantageous for the County. All sole source and noncompetitive purchases must be in the public's best interest, and shall be justified. The Purchasing Director shall conduct negotiations as to price, quantity, delivery, and other pertinent terms. All negotiations shall be conducted in a manner that favors the public's best interest and maintains the County's integrity. Conditions for such sole source and noncompetitive purchases shall include, but not be limited to, the following:
- i. There exists only one responsible source;
 - ii. Although there exists more than one responsible source, a competitive process cannot reasonably be used, or, if used, will result in a substantially higher cost to the County, will otherwise injure the County's financial interests, or will substantially impede the County's administrative functions or the delivery of services to the public;
 - iii. A particular material or service is required to maintain interchangeability or compatibility as a part of an existing integrating system;
 - iv. A particular material or service is required in order to standardize or maintain standardization for the purpose of reducing financial investment or simplifying administration;
 - v. The material is perishable;
 - vi. A particular material is required to match materials in use, so as to produce visual harmony;
 - vii. A particular material is prescribed by a professional advisor or consultant;
 - viii. A particular material is required to enable use by a specific individual; or
 - ix. The material or service is the subject of a change order.
 - x. Renewal of software licenses and associated proprietary maintenance and support services.
 - xi. Membership dues and fees for trade, professional, government, and related associations.
 - xii. Equipment maintenance, services, parts, and/or warranties, which are provided by manufacturers or authorized providers.

- xiii. Utilities (water supply systems, sewer systems, pipelines, electric power transmission systems, natural gas systems, etc.) and other related natural monopolies (railroads, utility authorities, etc.).
 - xiv. Registrations, licenses, certifications, and related products required by government and regulatory agencies.
 - xv. Goods and/or services provided by other public entities (cities, counties, colleges, universities, etc.).
 - xvi. Advertising including, but not limited to, meeting notices, advertisement for bids, employment offerings, marketing campaigns (recycling, awareness, tourism, etc.), and other required advertisements in newspapers, magazines, and other media.
 - xvii. Postage and parcel services.
 - xviii. Medical supplies, medical equipment, and pharmaceuticals.
 - xix. Professional services that include, but are not limited to, physicians, real estate appraisers, insurance consultants, insurance administrators, geologists, hydrogeotechnical consultants, and certified public accountants.
 - xx. Legal services that include, but are not limited to, retaining services of law firms, outside counsel, process servers, investigators, expert witnesses, trial consultants, or similar persons or firms deemed by the State's Attorney, for any reason, as necessary to address the County's legal needs. Such firms or persons shall be selected by the State's Attorney.
 - xxi. Employee recruitment services that include, but are not limited to, temporary employment services, recruitment or headhunter services, and job posting services.
- (C) **Award.** Sole source and noncompetitive purchases shall be awarded in accordance with Division 9-15.

DIVISION XIII – OPEN MARKET PROCEDURES FOR PURCHASES OF \$20,000.00 OR LESS.

1-9-13 OPEN MARKET PROCEDURES FOR PURCHASES OF \$20,000.00 OR LESS.

- (A) **Generally.** Any purchases of a good or services, individually or collectively for a project or ongoing need, in which the total expenditure is estimated to be \$20,000.00, shall be considered a small purchase and may be made without newspaper advertisement and without observing the procedure prescribed by this article for competitive sealed bids, competitive sealed proposals, or other formal procedures. Purchase requirements shall not be artificially divided in any way to avoid the competitive requirements prescribed in this division or for purchases over \$20,000.00.

- (B) ***Purchases over \$5,000.00.*** Any small purchase that is estimated to exceed \$5,000.00 shall, whenever possible and reasonable, require solicitation of informal quotations. The Purchasing Director shall solicit written quotations for purchases of \$5,000.00 or more using a vendor list that is current and openly available to all interested vendors. All quotations for purchases over \$5,000.00 shall be confirmed in writing. Award shall be made to the lowest, responsive, responsible vendor in accordance with the standards set forth in this article.
- (C) ***Purchases of \$5,000.00 or less.*** All purchases of \$5,000.00 or less shall not require competition; however, in the interest of maximizing value and proper stewardship of public funds, competitive informal quotations should be secured whenever possible and reasonable. Whenever deemed to be in the County's best interest, the Purchasing Director, at his/her discretion, retains and shall have the authority to require the solicitation of written quotations regardless of the purchase amount. Award shall be made to the lowest, responsive, responsible vendor in accordance with the standards set forth in this division.
- (D) ***Public record.*** The Purchasing Director shall maintain all purchasing-related public records in accordance with Illinois Law.

DIVISION XIV – COMPETITIVE SEALED BIDS.

1-9-14 COMPETITIVE SEALED BIDS.

- (A) ***Generally.*** Any purchase of a good or services, individually or collectively for a project or ongoing need, except as otherwise provided in this article, in which the total expenditure is reasonably expected to be greater than \$20,000.00, shall require competitive sealed bids and be awarded to the lowest responsive and responsible bidder.
- (B) ***Notice inviting bids.***
 - i. ***Newspaper.*** When statutorily required, a public notice inviting competitive sealed bids shall be published once in at least one (1) newspaper distributed in the County and at least fifteen (15) full working days prior to the last day set for the receipt of bids. The newspaper notice shall include a general description of the goods or services to be purchased or items to be sold, shall state where bidding documents may be secured and the time and place for opening bids.
 - ii. ***Electronic media.*** In the same instances as when statutorily required for publication in a newspaper, a public notice inviting competitive sealed bids shall be published on the County-maintained website and on all County-maintained social media platforms at least fifteen (15) full working days prior to the last day set for the receipt of bids. The notice shall include a general

description of the goods or services to be purchased or items to be sold, shall state where bidding documents may be secured and the time and place for opening bids.

- iii. *Vendors list.* The Purchasing Director shall solicit competitive sealed bids using a vendors list that is current and openly available to all interested vendors. Competitive bids shall be solicited in an open manner in which interested vendors are notified and treated equally and without special advantage or benefit.
- (C) ***Bid deposits or surety.*** When deemed necessary by the Director, bid deposits or surety shall be required with notice of the same being included in the public advertisement and invitation. Unsuccessful bidders shall be entitled to return of surety at such time when the Director deems advisable or when the award has been made, whichever is earlier. A successful bidder shall forfeit any deposit or surety required by the Director upon failure of the bidder to enter into a contract within ten (10) days after written notice of award. The Purchasing Director shall have the authority to extend the time required for the bidder to enter into a contract provided the bidder is acting in good faith and the Director deems that such forfeiture would otherwise delay or create a situation that is deemed not to be in the County's best interest.
- (D) ***Bids received.***
 - i. *Sealed bids.* Bids shall be sealed and submitted by the time and date and in the manner prescribed in the invitation.
 - ii. *Opening.* Bids shall be opened in public at the time and place stated in the public notice and shall be witnessed and documented by at least two (2) County employees.
 - iii. *Tabulation.* A tabulation of all bids received shall be prepared and made available for public inspection in accordance with Illinois Law.
- (E) ***Multi-step Sealed Bidding.*** When it is considered impractical to initially prepare a purchase description to support an award based on price, the Purchasing Director may cause an Invitation for Bids to be issued (first step) requesting the submission of unpriced offers to be followed by the submission of priced offers (second step) by those bidders whose offers have been qualified under the criteria set forth in the first step.

DIVISION XV – AWARD.

1-9-15 AWARD.

- (A) The Purchasing Director shall have the authority to award and approve purchases of \$15,000.00 or less. The Board of Commissioners shall have the authority to

award and approve all purchases, regardless of dollar amount; however, the Board must approve purchases that exceed \$15,000.00, unless otherwise exempted or forbidden in this article. The State's Attorney shall have the sole authority to approve purchases of \$15,000.00 or less for legal services. Awards shall be made to the lowest responsive and responsible bidders. For the purposes of determining the lowest responsive and responsible bidders, in addition to price, the following may be considered:

- i. The ability, capacity and skill of the bidder to perform.
- ii. Whether the bidder can perform within the time specified, without delay or interference.
- iii. The character, integrity, reputation, judgment, experience, and efficiency of the bidder.
- iv. The quality and success of previous performance.
- v. The bidder's or offeror's previous and existing compliance with the laws and ordinances relating to performance.
- vi. The sufficiency of the bidder's financial resources and ability to perform.
- vii. The quality, availability, and adaptability of the offered goods or contractual services to the particular use required.
- viii. The ability of the bidder to provide future maintenance and support for the offered good(s) or service(s).
- ix. The materiality of exceptions and conditions attached to the bid.

(B) **Statement of reason for award.** A full and complete statement of the reason(s) for awarding the contract or placing the order shall be prepared by the Purchasing Director and filed with the other papers relating to the transaction, unless the awarding decision was made by another individual or body, in which case that deciding individual or body shall prepare and file the statement. The statement shall also be presented at the next regularly scheduled meeting of the Board of Commissioners, if possible, but no later than the second regularly scheduled meeting of the Board of Commissioners following the date of the award, be included in the official minutes of said meeting, and be made public via a website and/or social media platforms maintained by the County.

(C) **Contracts.** All formal agreements or contracts that require signature by an officer of the County for the procurement of goods and/or services shall be submitted to the Board of Commissioners for approval and signature, unless signature authority is otherwise specifically delegated by the Board of Commissioners.

(D) **Change orders.** All written alterations or change orders, not expected to exceed \$5,000.00 total, issued against a formal written agreement or contract shall be submitted to the Purchasing Director for approval prior to execution of such alterations or changes. All written alterations or change orders, expected to exceed \$5,000.00 total, issued against a formal written agreement or contract shall

be submitted to the Board of Commissioners for approval prior to execution of such alterations or changes. All written alterations of change orders issued against purchase orders, not involving a formal written agreement or contract, shall be submitted to the approving authority in accordance with Division 9-15, taking into account the proposed change.

- (E) **Termination/Cancellation.** The Purchasing Director and/or the County Administrator shall have the authority to terminate any contract equal to or less than \$15,000.00 for default or convenience, as provided under the terms of such contracts, by written notice to the vendor. The Board of Commissioners shall have the authority to terminate any contract, and the sole authority on contracts of more than \$15,000.00, for default or convenience, as provided under the terms of such contracts, by written notice to the vendor.

DIVISION XVI – LOCAL PREFERENCE/TIE BIDS.

1-9-16 LOCAL PREFERENCE/TIE BIDS.

(A) **Definition of Local Business.** “Local Business” for purposes of this article means:

- i. A vendor, supplier, or contractor who does business in Union County by providing goods, services, or construction; and
- ii. maintains a physical business address (post office boxes shall not be used for the purpose of establishing said physical address) located within the jurisdictional limits of Union County in an area zoned for the conduct of such business; and
- iii. which the vendor, supplier, or contractor operates or performs business on a daily basis; and
- iv. has for at least twelve (12) months prior to the bid or proposal opening date; and
- v. provides a copy of their local business tax receipt (or other documents, as requested by the Purchasing Director) for the verification of the above specifications.

(B) **Local Preference Policy**

- i. **Competitive Bid (Local Match Option).** In bidding for, or letting contracts or procurement of goods, services, or construction, as described, the Purchasing Director, State’s Attorney, or Board of Commissioners may give a preference to Local Business in making purchases as described below:
 - a) When written quotations, requests for proposals or qualifications, sealed bids, or other responses to official solicitations are received that do not exceed \$1,000,000.00, and the lowest price is offered by a vendor that is

not a Local Business, and the next lowest price is offered by a Local Business, and is within 10% of the lowest price offered, the Local Business, if otherwise a fully qualified, responsive, and responsible bidder, shall be given the opportunity to match the lowest price offered, and if agreement to match the lowest price is reached, the Local Business shall be awarded the quotation or bid.

b) When sealed bids are received that are greater than \$1,000,000.00, and the lowest price is offered by a vendor that is not a Local Business, and the next lowest price is offered by a Local Business, and is within 5% of the lowest price offered, the Local Business, if otherwise a fully qualified, responsive, and responsible bidder, shall be given the opportunity to match the lowest price offered, and if agreement to match the lowest price is reached, the Local Business shall be awarded the quotation or bid.

c) The total quote or bid price shall include not only the base bid price, but also all alterations to the base bid price resulting from alternates which were both part of the bid and that will be actually purchased or awarded by the Purchasing Director, State's Attorney, or Board of Commissioners.

(C) *Exceptions to the Local Preference Policy*

i. The local preference set forth in this section shall not apply to any of the following purchases or contracts:

a) Goods or services provided under a cooperative purchasing agreement or intergovernmental agreement.

b) Purchases and contracts which are funded, in whole or in part, by federal, state and/or grant funds and such funding prohibits application of this Local Preference; or

c) Purchases or contracts made under and emergency or in a noncompetitive situation, or for legal services.

ii. The preference established in this division does not prohibit the right of the Purchasing Director, State's Attorney, or Board of Commissioners to compare quality or fitness for use of supplies, materials, equipment, and services proposed for purchase and compare qualifications, character, responsibility, and fitness of all persons, firms, or corporations submitting bids or proposals.

iii. The Local Preference established in this section does not prohibit the Purchasing Director, State's Attorney, or Board of Commissioners from giving any other preference permitted by law in addition to the preference authorized in this division.

(D) If two or more identical bids are received with regard to unit price or lump-sum total; are deemed responsive and responsible in accordance with Division 9-15;

and the bidders' qualifications, quality of goods and/or services are deemed equal, a tie bid is deemed to exist. Where tie bids exist between bidders—one of which is a business whose principal place of business is located within the geographical boundaries of Union County, and the other bid is not—the bid shall be awarded to the bidder located within the County by the Purchasing Director, County Administrator, State's Attorney, or Board of Commissioners in accordance with Division 9-15. Where tie bids exist and no bidders are located within the County, the award shall be made at the sole discretion of the Purchasing Director, County Administrator, State's Attorney, or Board of Commissioners in accordance with Division 9-15.

DIVISION XVII – CANCELLATION OF SOLICITATIONS.

1-9-17 CANCELLATION OF SOLICITATIONS. Invitations for Bids, Requests for Proposals, Requests of Quotations, Requests for Statements of Qualifications, or other solicitations under this division may be cancelled by the Purchasing Director when it is deemed to be in the best interest of the County and/or to preserve the integrity of the process. Each solicitation issued by the County shall state that the solicitation may be cancelled and that any bid or proposal may be rejected in whole or in part when it is in the best interest of the County. Notice of cancellation or rejection shall be distributed in the same manner that the notice of solicitation was distributed.

DIVISION XVIII – REJECTION OF BIDS AND NEGOTIATIONS.

1-9-18 REJECTION OF BIDS AND NEGOTIATIONS.

- (A) The Purchasing Director or County Administrator shall have the authority to reject any and all bids which are found to be non-responsive, non-responsible, or exceed the budgeted amount, or when a solicitation is no longer needed or revision of specifications is required. The State's Attorney shall have the authority to reject any and all bids received for legal services which are found to be non-responsive, non-responsible, or exceed the budgeted amount, or when a solicitation is no longer needed or revision of specifications is required. The Board of Commissioners shall have the authority to reject any and all bids under all circumstances.
- (B) If the lowest responsive and responsible bid exceeds the budgeted amount and/or the Board of Commissioners does not make additional funds available, the

solicitation may be reissued or re-advertised only after making sufficient changes in the specifications to bring the cost within the budgeted amount.

- (C) If the sole or lowest responsive and responsible bid exceeds the budgeted amount, the Purchasing Director shall advise the appropriate authority designated in subdivision (A) of this division, in writing, of the condition and circumstances surrounding the bid. The appropriate authority may then authorize the Purchasing Director to enter into negotiations with the sole or lowest responsive and responsible bidder. Purchase negotiations shall be conducted in a manner that favors the public interest, secures the lowest possible pricing, and preserves the integrity of the procurement process.

DIVISION XIX – WAIVER OF IRREGULARITIES.

1-9-19 WAIVER OF IRREGULARITIES. The Board of Commissioners shall have the authority to waive any and all irregularities in any and all solicitations and responses to the same under this article.

DIVISION XX – UNAUTHORIZED PURCHASES, ETHICAL CONDUCT, AND SANCTIONS.

1-9-20 UNAUTHORIZED PURCHASES, ETHICAL CONDUCT, AND SANCTIONS.

- (A) **Generally.** It shall be unlawful for any County Commissioner or employee to knowingly and willingly order any purchase, or make any contract for goods and/or services, sell, trade, or dispose of any items within the purview of this article in the name of or on behalf of the County other than through the Purchasing Director, unless otherwise authorized in this article, and any purchase, order, or contract made contrary to this division shall not be approved and the County shall not be bound thereby.
- (B) **Exceptions Prohibited.** There shall be no exception by any using agency under the Board of Commissioners to subdivision (A) of this division, except as may be specifically authorized by the County Administrator, in writing, stating the reason for the exception.
- (C) **Authority to Pay.** In instances where a using agency has made an unauthorized purchase due to circumstances including, but not limited to, the delayed receipt of an invoice from a vendor, a detailed written justification will be required to be provided to the County Administrator, and approved by the Purchasing Director,

County Administrator, or Board, based on the threshold amount. The County has the authority to pay all such transactions in its sole discretion when in the best interest of the County to do so, provided they are in conformance with the law and applicable policies, rules, and regulations.

- (D) ***Emergency.*** This division shall not apply to any emergency purchase which is subsequently approved by the Purchasing Director or County Administrator upon justification by the using agency.
- (E) ***Ethical Conduct and Sanctions.*** Any County Commissioner or County employee who violates this section shall be subject to any and all sanctions provided for in the personnel policies adopted by the Board of County Commissioners and/or under Illinois Law.

DIVISION XI – SUBDIVIDING CONTRACTS OR PURCHASES.

1-9-21 SUBDIVIDING CONTRACTS OR PURCHASES. No contract or purchase shall be subdivided to avoid the requirements of this division.

DIVISION XXII – REQUISITIONS AND ESTIMATES.

1-9-22 REQUISITIONS AND ESTIMATES.

- (A) ***Filing of requirements.*** All using agencies, either by or with the authorization of the department head, under which the using agency operates, shall file with the Purchasing Director detailed requisitions of their requirements for supplies and contractual services in such manner, at such times, and for such future periods as the Director shall require.
- (B) ***Unforeseen requirements.*** A using agency shall not be prevented from filing in the same manner with the Director at any time a requisition or estimate for any supplies and contractual services, the need for which was not foreseen when the detailed estimates were filed.

DIVISION XXIII – ENCUMBRANCE OF FUNDS.

1-9-23 ENCUMBRANCE OF FUNDS. Except in an emergency, as defined under Division 9-10, or usage of a valid County purchasing card subject to the provisions of any respective adopted policy, the Purchasing Director shall not issue any order for delivery on a

contract or open market purchase until the County Treasurer has certified, through a manual or electronic appropriations review, that there is, to the credit of the using agency concerned, a sufficient unencumbered appropriation balance in excess of all unpaid obligations in the current fiscal year in which the contract or open market purchase is approved to defray the amount of such order for the goods and services to be provided during that fiscal period. Using agency shall be responsible for ensuring all future encumbrances for each fiscal year for all multi-year contracts. All purchasing card purchases must be used only for authorized purchases. Any use of the purchasing card that does not have a clear public purpose will require immediate reimbursement to the County and appropriate disciplinary action up to and including termination.

DIVISION XXIV – AUTHORIZATION FOR THE USE OF ELECTRONIC MEDIA AND SIGNATURES.

1-9-24 AUTHORIZATION FOR THE USE OF ELECTRONIC MEDIA AND SIGNATURES. The use of electronic media, including the acceptable of electronic signatures, is authorized as set for in applicable law, regulations, or policy for use of such media, so long as such guidance provides for:

- (A) Appropriate security to prevent unauthorized access to the bidding, approval, and award processes; and
- (B) Accurate retrieval or conversion of electronic forms of such information into a medium which permits inspection and copying.

DIVISION XXV – CONFLICTS OF INTEREST.

1-9-25 CONFLICTS OF INTEREST.

- (A) ***Employee conflicts.*** No County employee shall contact with or have any business dealings with the County whereby s/he may derive income or benefits other than those provided as remuneration from the County for his/her employment. However, no County employee or officer shall be prohibited from purchasing, as public auction authorized by law, used goods or materials from the County on the same as as are all members of the public, provided that the employee or officer was not involved in the process of declaring property to be surplus. Further, the County may purchase from any employee or officer any real or personal property owned by such officer or employee which is determined at any regular public meeting to be needed for County business or public purpose, provided that no other source of such real or personal property is available and provided further that the consideration paid for such property does not exceed market value.

- (B) ***Prohibiting contracts where conflicts are found to exist.*** The County shall not engage in contracts with consultants or professionals whose prior record, work history, and experience indicate ongoing business relationships that may be substantially in conflict with the duties and services that will be required by the County.
- (C) ***Standards and regulations for the determination of potential conflicting contractual obligations.*** The Purchasing Director shall develop standards and regulations for determining potential conflicting contractual obligations, which may impair the performance of the professionals or consultants solicited by the County. The standards and regulations shall set forth appropriate requirements based upon the nature and scope of the services that are to be procured and shall be narrowly tailored so as to not unduly restrict competition, while assuring the County of undivided loyalty and services of the highest quality. The standards and regulations may require, but shall not be limited to, the inclusion of the following in a request for proposals, invitation for bids, announcement, or other solicitation or contract for professional or consulting services:
- i. An affidavit providing that the professional or consultant is not currently engaged or will not become engaged in any obligations, undertakings, or contracts that will require the professional to maintain an adversarial role against the County, or that will impair or influence the advice or recommendations provided to the County;
 - ii. The disclosure of all potentially conflicting contractual relationships and the full disclosure of contractual relationships deemed to raise a serious question of conflicts.
- (D) ***Debarment and suspension.*** Any professional or consultant whose bid is rejected or who is denied a contract based solely upon a determination of the existence of conflicting contractual obligations may treat the determination as a debarment or suspension, and may proceed as though debarred or suspended under the provisions of Section 2-126.
- (E) ***Consequences for violation of ethical standards.*** In addition to any other penalty or consequence provided by law, any professional or consultant submitting false information to or on behalf of the County, disclosing or releasing information concerning an actual or planned procurement activity which information is deemed confidential, or is otherwise not known to the general public, or otherwise repeatedly failing to comply with the County's ethical standards and regulations shall be deemed to be in violation of this article and shall be subject to prosecution, state ethics complaints, reporting to professional or licensing authorities, contract cancellation, suspension, and/or debarment, as the County deems appropriate.

- (F) ***Professional and consultant defined.*** “Professional” or “Consultant”, as used in this section, shall be deemed to include those contractors who, as individuals or duly organized business entities, have been or will be retained by the County for the purpose of providing recommendations or advice related to planning level or policy level decisions, or who will be engaged in the collection of data or research that will provide the basis for such decisions or future plans and actions of the County, as well as those who will be retained to provide design-related services or supervise and monitor the performance of contractors or subcontractors of any nature.

DIVISION XXVI – PROTESTS.

1-9-26 PROTESTS.

- (A) ***Bid/Proposal protests.*** Any actual or prospective bidder or offeror, who is allegedly aggrieved in connection with the issuance of an IFB, RFP, RFQ, RSQ, or any other formal competitive selection process (collectively referred to as a solicitation) or pending award of a contract, may protest to the Purchasing Director.
- (B) ***Posting.*** The awarding individual or body (Purchasing Director, County Administrator, or Board of Commissioners) shall publicly post on the County website, recommendations for awards involving solicitations no less than five (5) full business days after the award recommendation is posted. This posting shall include any statements or explanations required by this article.
- (C) ***Protest Requirements:***
- i. If the protest relates to the content of a solicitation, a written protest must be filed no later than 4:00 pm on the fifth (5th) full business day after issuance of the solicitation.
 - ii. If the protest relates to the award of a solicitation, a written protest must be filed no later than 4:00 pm on the fifth (5th) full business day after posting of the award recommendation.
 - iii. To be considered, a protest shall identify:
 - a) the protesting party;
 - b) the solicitation involved (preferably identifying the solicitation number);
 - c) a clear statement of the grounds on which the protest is based;
 - d) all applicable references to the statutes, laws, ordinances, or other legal authorities of which the protesting party is basing the protest; and
 - e) specific relief to which the protesting party deems itself entitled by application of such authorities to such grounds.

- iv. A formal, written protest is considered filed with the County when the Purchasing Director or County Administrator receives it. Accordingly, a protest is not timely filed unless it is received within the time specified in this division. Failure to file a written protest within the time period specified shall constitute a waiver of the right to protest and result in relinquishment of all rights to protest by the bidder/offeror.
- (D) **Sole remedy.** These procedures shall be the sole administrative remedy for challenging a solicitation document or solicitation award. Bidders/offerors are prohibited from attempts to influence, persuade, or promote a bid protest through any other channels or means. Attempts to circumvent these procedures shall result in the immediate rejection of the protest, and may lead to the protestor's debarment for a period of no more than three (3) years.
- (E) **Authority to resolve.** The Purchasing Director shall, in consultation with the State's Attorney, resolve the protest in a fair and equitable manner, and shall render a written decision to the protesting party no later than 4:00 pm on the fifth (5th) full business day after the filing of the respective protest.
 - i. **Review of Purchasing Director's decision.** The protesting party may request a review of the Purchasing Director's decision regarding the by the Board of Commissioners, in consultation with the State's Attorney, by delivering a written request to the County Administrator by 4:00 pm.
 - a) If the Board determines that the solicitation or award is in violation of applicable law, policies, or procedures, the County Administrator shall cancel, cause the solicitation to be revised, or award in a manner deemed to be lawful, in the County's best interest, and permitted by this division, no later than 4:00 pm on the fifth (5th) full business day after the receipt of the written review request. The County Administrator shall notify the protesting party in writing of the decision no later than 4:00 pm on the fifth (5th) full business day after the receipt of the written review request.
 - b) If it is determined that the solicitation or award should be upheld, the County Administrator shall render a written decision to the protesting party no later than 4:00 pm on the fifth (5th) full business day after the receipt of the written review request.
- (F) **Stay of procurement during protests.** Nothing in this section shall require the County to stay an award during the protest process.
- (G) **Emergency or urgent purchases.** The posting requirements in this section shall not apply to emergency or urgent purchases where the posting requirements cannot be met without adversely impacting the public's health, welfare, safety, public property, and/or critical systems.
- (H) **Time definition.** All times specified in this article shall be local (Central Time Zone), and governed by the clocks in the respective County offices.

DIVISION XXVII – AUTHORITY TO DEBAR.

1-9-27 AUTHORITY TO DEBAR. The Purchasing Director shall be authorized to debar a person or entity for cause from consideration for award of contracts. The debarment shall be for a period of not more than five (5) years from the date of the Purchasing Director's discovery of the most recent incident giving rise to the debarment. Debarment may be as to all contracting opportunities, or may be only as to certain types or sizes of projects or contracts, or it may be directed only to one or more distinct operating divisions or units of the suspended or debarred person or entity depending on the cause(s) and severity of the reason(s) for debarment at the sole discretion of the Purchasing Director so as to protect the County and maintain the integrity of the procurement process. The causes for debarment shall include:

- (A) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract, or a civil or criminal final judgment of a violation of state or federal whistleblower laws;
- (B) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or another offense indicating a lack of business integrity or business honesty which would currently, seriously, directly, and reasonable affect responsibility as a contractor for the County;
- (C) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
- (D) Misrepresentation in a submittal or response, violation of contract provisions, or any other cause which is regarded by the Purchasing Director to be so serious and compelling as to affect responsibility of the contractor, which reasonably justifies debarment action; including, but not limited to debarment by another government entity for any cause listed in this article or applicable law.
- (E) Deliberate failure, without good cause, to perform in accordance with the specifications, budget, offered prices, or within the time limit provided in the contract; or
- (F) 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 caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;
- (G) A documented history of significant deviation from contract specifications, engineering standards, design or material requirements, or safety regulations, where such history has been reasonably communicated to the contractor by the County; and the contractor thereafter continues to engage in such deviations.

DIVISION XXVIII – DEBARMENT AND REINSTATEMENT.

1-9-28 DEBARMENT AND REINSTATEMENT.

- (A) **Notice.** The Purchasing Director shall issue a written decision to debar. The decision shall state the reasons for such action taken, the period of the debarment shall be in effect, and shall inform the debarred person or entity of any right(s) it may have to administrative review of the decision.
- (B) **Reinstatement.** After debarment, a person may not contract with the County until reinstated by the Purchasing Director. The person or entity must supply information and reasonable documentation indicating that the conditions causing the debarment have been rectified. As a condition of reinstatement, the Purchasing Director may limit the nature and scope of contractual undertakings that must be satisfied before seeking additional contracts from the County. The Purchasing Director's reinstatement determination shall be in writing and shall inform the debarred person or entity of the right to seek judicial or administrative review. Nothing herein prevents the Purchasing Director from granting reinstatement prior to the initial debarment period where, in the Purchasing Director's judgment, the County's interests have been addressed and the person or entity to be reinstated is not likely to engage in similar conduct again. A copy of any debarment decision or any reinstatement decision shall be sent via certified mail to the debarred or reinstated person or entity.
- (C) **Finality of decision.** A decision to debar shall be final and conclusive unless the debarred person or entity appeal to the Board of Commissioners, in writing, no later than 4:00 pm on the fifth (5th) full business day after the receiving the decision to debar.
- i. An appeal is considered filed with the County when the County Administrator receives it. Accordingly, an appeal is not timely filed unless it is received within the time specified in this division. Failure to file a written appeal within the time period specified shall constitute a waiver of the right to appeal and result in relinquishment of all rights to appeal by the person or entity.
 - ii. If the Board, in consultation with the State's Attorney, determines that the decision to debar is in violation of applicable law, policies, or procedures, the County Administrator shall overturn the decision to debar, reinstate the person or entity, and notify the same in writing no later than 4:00 pm on the fifth (5th) full business day after the receipt of the written appeal.
 - iii. If it is determined that the decision to debar should be upheld, the County Administrator shall render a written decision to the person or entity no later than 4:00 pm on the fifth (5th) full business day after the receipt of the written appeal.

DIVISION XXIX – INELIGIBILITY FOR AWARD OF CONTRACTS AND PERIOD OF INELIGIBILITY.

1-9-29 INELIGIBILITY FOR AWARD OF CONTRACTS AND PERIOD OF INELIGIBILITY.

- (A) Any business entity controlled by or affiliated with any person or business entity ineligible for the award of a contract under Division 9-28 or 9-30 may also be prohibited from contracting with the County if the relationship or affiliation is such that, in the reasonable opinion of the Purchasing Director, the person or business entity, by reason of the relationship with the ineligible person or entity, is likely not to conduct business in a responsible or lawful manner, or if the ineligible person or business entity could directly benefit from the contract. Such factors as ownership interest, one or more members of the board of officials in common, control of one entity by the other, interlocking or shared management or principals, and limited management and ownership among family members, shall be considered in determining ineligibility under this division.
- (B) A person, business entity, or officer or employee of a business entity, having been convicted of one or more of the crimes set forth in Division 9-30, or having made an admission of guilt as set forth in Division 9-30, shall be ineligible for the awarding of a contract by the County for a period of five (5) years following such conviction or admission.

DIVISION XXX – PROHIBITION AGAINST AWARD OF COUNTY CONTRACTS TO CERTAIN PERSONS AND ENTITIES.

1-9-30 PROHIBITION AGAINST AWARD OF COUNTY CONTRACTS TO CERTAIN PERSONS AND ENTITIES. No person or business entity shall be awarded a contract by the County, for the provision of goods or services, if that person or business entity:

- (A) Has been convicted of bribery or attempting to bribe a public officer or employee of the County, the State of Illinois, or any other public entity, including but not limited to the Government of the United States, any state, or any local government authority in the United States, in that officer's or employee's capacity; or
- (B) Has been convicted of a conspiracy or collusion among prospective offerors in restraint of freedom of competition, by agreement to offer a fixed price, or otherwise; or

- (C) Has been convicted of a violation of an environmental law that, in the reasonable opinion of the Purchasing Director, establishes reasonable grounds to believe the person or business entity will not conduct business in a responsible manner; or
- (D) Has made an admission of guilt of such conduct described in subdivisions (A), (B), or (C) above, which is a matter of record, but has not been prosecuted for such conduct, or has made an admission of guilt of such conduct, which is a matter of record, pursuant to formal prosecution.

DIVISION XXXI – BUSINESS ENTITIES CHARGEABLE FOR THE ACTS OF OFFICERS, OFFICIALS, AGENTS, EMPLOYEES, AND AFFILIATES.

1-9-31 BUSINESS ENTITIES CHARGEABLE FOR THE ACTS OF OFFICERS, OFFICIALS, AGENTS, EMPLOYEES, AND AFFILIATES. Any business entity controlled by or affiliated with any person or business entity ineligible for the award of a contract under Divisions 9-30 and 9-31 may also be prohibited from contracting with the County of the relationship or affiliation is such that, in the reasonable opinion of the Purchasing Director, the person or business entity, by reason of the relationship with the ineligible person or entity, is likely not to conduct business in a responsible or lawful manner, or if the ineligible person or business entity could directly benefit from the contract. Such factors as ownership interest, one or more members of the boards of officials in common, control of one entity by the other, interlocking or shared management or principals, and limited management and ownership amount family members, will be considered in determining ineligibility under this section. Any person or business entity that is denied a contract under this section may proceed as though debarred under Division 9-30.

DIVISION XXXII – PROOF OF REVERSAL OF CONVICTIONS AND NECESSITY FOR AFFIDAVITS.

1-9-32 BUSINESS PROOF OF REVERSAL OF CONVICTIONS. Any person or entity who claims that this article is inapplicable to him/her/it because of a conviction or judgment has been reversed by a court of competent jurisdiction shall prove the same with documentation satisfactory to the Purchasing Director. Upon presentation of such satisfactory proof, the person or entity shall be allowed to contract with the County.

DIVISION XXXIII – DONATION OF GOODS AND/OR SERVICES.

1-9-33 DONATION OF GOODS AND/OR SERVICES. Except as prohibited or prescribed by law, all donations (full or partial) of goods and/or services, regardless of the source and dollar amount, shall require prior approval and acceptance by the Board of Commissioners.

DIVISION XXXIIV – EXCLUSIONS FROM THIS ORDINANCE.

1-9-34 EXCLUSIONS FROM THIS ORDINANCE.

- (A) ***Grants and gifts.*** This article shall not apply to purchases made with the proceeds from any grant, gift, bequest, or donation to the extent the application of this division would conflict with the requirements, conditions, or limitations attached to the grant, gift, bequest, or donation.
- (B) ***Lease or purchase by the County of real property.*** This article shall not apply to the acquisition of real property by lease, purchase, or license for the County unless otherwise determined by the Board of Commissioners.
- (C) ***Where specified by general law or ordinance.*** This article shall not apply to any purchase governed by explicit provisions of general or other County ordinance unless the solicitation indicates the applicability of this article.

SECTION 2: Existing Policies.

All ordinances and resolutions, or parts thereof, of the County in conflict with the provisions herein are hereby suspended and repealed, only to the extent of such conflict.

SECTION 3: Severability.

It is the intention of the Board of Commissioners of the County of Union, Illinois that this Ordinance and every provision thereof be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 4: Inclusion in the Code.

It is the intention of the Board of Commissioners of the County of Union, Illinois that this Ordinance and every provision herein shall become and be made a part of the Union County Code of Ordinances; and that the divisions of this Ordinance may be renumbered, and the word

“ordinance” may be change to “article”, “division”, “section”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5: Effective Date.

This Ordinance shall be in full force and effect from and after its passage.

DRAFT

PASSED AND APPROVED at a regular meeting of the Board of Commissioners of the County of Union, Illinois this _____ day of _____, 2018.

Bobby Toler, Jr., Chairman

ATTEST:

Vonda Benefield
Union County Clerk

Commissioners voting aye: _____

Commissioners voting nay: _____

Abstention(s): _____

Absent: _____

