

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

CORPORATION COUNSEL
INITIATED BY



APRIL 6, 2022
DATE DRAFTED

Repealing and Recreating Rock County Ordinance Chapter 2, Part 2, Subpart 2. Purchasing, and Creating Chapter 2, Part 2, Subpart 3. Real Property Transactions

1 The Rock County Board of Supervisors at its regular meeting this 28th day of
2 April, 2022, does ordain as follows:

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4 I. Rock County Ordinance Chapter 2, Part 2, Subpart 2. Purchasing, is hereby
5 repealed and recreated to read as follows:

6
7 **Subpart 2. Purchasing**

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9 **2.211 Purpose**

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11 (1) This ordinance is intended to:

- 12 (A) achieve greater efficiency, transparency, and economy in the operation of
- 13 Rock County government;
- 14 (B) ensure the most efficient and responsible use of public funds in the
- 15 procurement of goods and services;
- 16 (C) provide fair and equitable treatment of all individuals and entities involved
- 17 with public purchasing for the benefit of Rock County;
- 18 (D) encourage competition and business in Rock County by centralizing all
- 19 County purchasing within the Finance Department, except insofar as
- 20 otherwise specifically authorized by provisions of this ordinance;
- 21 (E) protect the County's interest by promoting the use of standardized
- 22 purchasing processes and documents.

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26 (2) This ordinance shall be administered and construed in a manner consistent with
27 all applicable State and Federal laws and, insofar as any State or Federal law is
28 intended to preempt local authority, any provision of this ordinance that is
29 inconsistent with such State or Federal law, that provision of this ordinance shall
30 be null and void to the extent of the inconsistency.

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35 **2.212 Authority**

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37 This ordinance is created pursuant to the authority granted by, without limitation,
38 Sections 59.03(1), 59.51(1), 59.51(2), 59.52(1)(b), 59.52(6), 59.52(8), 59.52(9) and
39 59.52(29) of the Wisconsin Statutes.

40
41 **2.213 Administration**

- 42 (1) The provisions of this ordinance and any regulations adopted hereunder shall be
- 43 administered, supervised, and enforced by the Finance Director, subject to
- 44 (A) the authority of the County Administrator and
- 45 (B) policy review by the Finance Committee.

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- (2) Administrative rules shall be developed which are appropriate to ensure compliance with the terms of this ordinance.
- (3) On-going administrative, financial, and legal review of all contract documents entered into on behalf of Rock County shall be provided as described further in this ordinance.
- (4) The Finance Committee may by rule require additional procedures or impose limitations beyond those expressly set forth in this ordinance insofar as the Committee determines that such action will further the intent and purpose of this ordinance.

2.214 Appropriations

All purchases made by Rock County shall be in accordance with the appropriations made by the County Board for the operation of the respective County departments and agencies. No transaction shall be substantially completed unless adequate funds have been appropriated for the purpose.

2.215 Application

- (1) This ordinance applies to any purchase of goods or services made by the County whether professional or nonprofessional, except as otherwise provided by this ordinance. It shall apply to every expenditure of public funds by a department for public purchasing regardless of the funding source.
- (2) Notwithstanding language to the contrary, any purchase involving Federal funding shall not use geographic preferences in the evaluation of bids or proposals.
- (3) The County recognizes occasionally it may be in the best interest of the County to enter into contracts, leases, or other agreements that have been bid, negotiated, or otherwise entered into in a manner which is not in strict conformity with the terms of this ordinance. The County may waive any nonconformity by approving the contract or agreement in the manner prescribed in this Subpart.
- (4) When using federal funds, any rules, regulations, or administrative directives regarding the use of those funds shall control when in conflict with this Subpart.

2.216 Public Access to Information and Record Retention

- (1) Any documents or information created or maintained pursuant to this ordinance is public to the extent permitted by Sections 19.21 – 19.39, Wisconsin Statutes.
- (2) All documents related to purchase shall be retained in accordance with the County’s record retention policy.

2.217 Definitions

In this ordinance, unless the context clearly indicates otherwise, the following words, terms, and phrases have the meanings described in this section:

Administrative Rules - those regulations, rules, policies, procedures, or other written documents issued by the Finance Committee to implement the provisions or administration of this ordinance.

Aggregate – the whole sum or amount; the total amount of a contract including all committed and potential expenditures; the total amount of a multi-year contract.

Aggregate Total Cost – the reasonable expectation of how much a particular purchase will cost, or a series of purchases of the same or substantially similar goods or services made in one 12-month period to accomplish, or in furtherance of a specific project, service mission, or internal service provided by a Department. For a contract

113 that's expected life will span multiple years, the Aggregate Total Cost shall include the
114 cost of all years of the contract.

115
116 **Bid** – a response to a request for bids, an offer to sell specific goods or service to the
117 County at a specified price.

118
119 **Bidder** - all natural persons, corporations, partnerships, associations, joint ventures,
120 trusts, or any other form of business affiliation whatever, submitting an offer for the
121 provision of goods or services to the County in accord with specifications supplied by
122 the County, or making an offer to purchase an item in accord with a call for bids
123 issued by the County.

124
125 **Contract** – any written agreement evidencing a legally binding obligation between
126 the County, its departments, officials, and employees, and a third party. A purchase
127 order that is transmitted to and accepted by the Vendor constitutes a contract.

128
129 **County** – Rock County

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131 **County Auction** - an auction conducted on behalf of Rock County which is
132 advertised in advance and open to the general public.

133
134 **Decentralized Purchasing Authority** - the authority to determine the need for
135 and procure goods and services in accordance with the delegation of such authority by
136 the Finance Committee to a department other than the Purchasing Division of the
137 Finance Department. Such authority may only be exercised in the requisitioning of
138 specified purchases in a designated period of time as described in a written purchase
139 order issued by the Purchasing Division.

140
141 **Goods** – any tangible objects, supplies, or other that are purchased that are not
142 services or real property.

143
144 **Most responsible and responsive bidder** – Bidder who offers, as appropriate,
145 either lowest cost or highest payment, the best quality to the County, who possesses
146 the necessary financial responsibility, skill, ability, and integrity to perform the
147 obligations required by the transaction, and whose bid conforms with all material
148 respects to the requirements of the bid solicitation.

149
150 (1) In no instance may a bidder who has been convicted of bid rigging or price
151 fixing within three years of submission of the bid involved, be considered the
152 most responsible and responsive bidder

153
154 (2) Considerations which may be taken into account include:

155
156 (A) The Bidder, or agent, partner, employee, or officer of the Bidder, is not
157 debarred, suspended, or declared ineligible from contracting with any unit
158 of federal, state, or local government.

159
160 (B) The Bidder is in compliance with provisions of Section 2000e of Chapter 21,
161 Title 42 of the United States Code and Federal Executive Order No. 11346 as
162 amended by Executive Order No. 11375 (known as the Equal Opportunity
163 Employer Provision)

164
165 (C) The Contractor has general liability, workers compensation,
166 unemployment, and automobile insurance at levels sufficient to protect the
167 County given the size of the contract or bid.

168
169 (D) For public works projects, the Bidder has a written substance abuse
170 prevention program meeting the requirements of Wis. Stat. § 103.503.

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172 (E) The Bidder possesses all applicable professional and trade licenses required
173 for performing the public work.

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175 (F) The Bidder has adequate financial resources to complete the public works
176 contract, as well as all other work the bidder is presently under contract to
177 complete.

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- (G) The Bidder is bondable for the terms of the proposed public works contract.
- (H) The Bidder has a record of satisfactorily completing at least one significant previous project of similar size and complexity within the last five years. Criteria which will be considered in determining satisfactory completion of projects may include, but are not limited to:
 - 1. completion of contracts in accordance with drawings and specifications;
 - 2. diligent execution of the work and completed contracts according to the established time schedules unless extensions are granted by the owner; and
 - 3. fulfilled guarantee requirements of the contract documents.
- (I) The bidder has a written safety program consistent with industry standards.
- (J) The Contractor has not received a serious, willful, or repeated violation from OSHA in the last ten years.

(3) The Purchasing Manager and Department Head shall consult with Corporation Counsel upon making any determination as to a bidder who is not responsible or responsive.

Negotiation – contracting through the use of competitive or other than competitive proposals or discussions. Any contract awarded without a formal bidding procedure is a negotiated contract.

Professional Services - unique or technical functions performed by independent contractors whose primary occupation is the rendering of these services. Such services are characterized by extended analysis, the exercise of discretion and independent judgment in their performance, and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience in the field. Professional services include, but are not limited to, medicine and the medical arts, management and systems consultation, research, the performing arts, surveyor and surveyor services, engineering, and architectural design services.

Proposal – all terms and conditions of the proposed goods or services and the price are subject to negotiation. This method is used to purchase goods and services where specifications cannot be developed so that they are sufficiently precise to make a selection solely based on price.

Public Work Project – the construction, repair, remodeling, or improvement of any public work or building or for the furnishing or supplies or material of any kind as defined under Wis. Stat. § 59.52(29), Public Work.

Purchase of Goods - any transaction between the County and any party or parties by which the County is to receive a tangible commodity or property, excepting real property, in exchange for money or other valuable consideration.

Purchase of Services - any transaction between the County and any party or parties by which the County is to receive useful labor or activity in return for money or other valuable consideration but does not include labor performed as an employee of Rock County.

Request for Bids – a formal procurement method used to solicit competitive sealed bids for goods and/or services for which an award is based on compliances of the specifications and low bid price. The award is made to the lowest responsive, responsible bidder

Request for Proposals – a formal procurement method requesting proposals from a vendor to provide the requested good or services. Price is usually not a primary evaluation factor as it is typically based on project approach or qualifications. Provides for the negotiation of all terms, including price, prior to contract award.

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244 **Request for Quotation** – a simple, informal procurement method for securing
245 goods and services. This method requires price quotations from qualified sources.
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247 **Services** – the furnishing of labor or time, not involving the delivery of a specific end
248 product other than usual reports which are incidental to the required performance;
249 intangible actions, work performed such as accounting, banking, cleaning,
250 consultancy, or transportation.
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252 **Small Public Work Project** – a public work project where the cost of such work is
253 estimated to remain below \$25,000 in the aggregate and is not subject to sealed
254 competitive bidding requirements under Wisconsin Statutes.
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256 **Solicit/Solicitation** – the process of seeking information, bids, proposals, or
257 quotations from vendors.
258

259 **Sole Source Provider** - a specific good or service where there is only one vendor
260 source for the particular good or service. A solicitation for quotes or bids need not be
261 done if it is known there is only one provider of the goods or services or if the funding
262 source specifies a single source for goods or services.
263

264 **Standard County Contract** – a Rock County contract or change order template
265 which has been generated and pre-approved by the County’s Corporation Counsel and
266 is used without modification.
267

268 **Transactions** - any act or agreement between the County and any other party or
269 parties which alters the legal relationship between them, such as, but not limited to,
270 contracts or agreements for services or goods or any real or personal property,
271 concessions, leases, and rentals.
272

273 **Vendor** – A person or company who provides goods or services to the County.
274

275 **2.218 Responsibilities**

276
277 (1) Finance Committee – The committee shall have those responsibilities imposed by
278 the rules of the Board of Supervisors and shall exercise the following additional
279 duties and functions relating to this ordinance:
280

281 (A) Provide general oversight of all matters concerning purchases and sales;
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283 (B) Advise and consult with departments concerning transactions when
284 requested or when otherwise deemed necessary by the committee
285

286 (C) Investigate on its own motion all questions related to transactions controlled
287 by this chapter
288

289 (D) Review and refer to the Board:
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- 291 1. Any transaction for which no budgetary appropriation has been made;
- 292 2. Any instance of non-compliance with this Subpart or any regulations
293 adopted under this Subpart.
294

295 (E) Create or amend appropriate Administrative Rules regarding purchases as
296 necessary
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298 (2) Finance Director - The Finance Director or their designee, acting under the
299 administrative authority of the County Administrator and the policy oversight of
300 the Finance Committee, shall exercise the following duties and functions relating
301 to this ordinance:
302

303 (A) Implement the provisions of this ordinance through the activities of the
304 Purchasing Division of the Finance Department.
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306 (B) Provide administrative assistance, training, and support to all County
307 officials and employees in activities governed by this ordinance.

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- (C) Ensure that sufficient appropriate written administrative rules are in place to provide guidance to those engaged in activities within the scope of this ordinance and monitor the administration of prescribed administrative rules.
- (D) Enforce the provisions of this ordinance by suitable measures.
- (E) Advise and consult with all concerned departments and committees concerning the conduct of transactions in accordance with this ordinance, upon request, or as deemed necessary by the Finance Director, the County Administrator, or the Finance Committee .
- (F) Promote standardization of equipment and supplies within Rock County government.
- (G) Refer to the County Administrator or County Board any transactions which the Finance Director or Finance Committee views as affecting general County policy.
- (H) In conjunction with the Finance Committee:
 - 1. Provide suitable safeguards and procedures so that relatively small or routine matters need not automatically be referred to the Board or its committees.
 - 2. Designate Decentralized Purchasing Authority, as provided by sec. 2.230(2) of this Subpart.
- (3) Purchasing Division – The Purchasing Division of the Finance Department is responsible for the procurement of all goods, materials, services, and equipment unless otherwise specified in this ordinance or by resolution of the County Board or law of the state and for disposal by sale of all surplus County goods, supplies, or equipment.

2.219 Procedure: General Purchase of Goods; Certain Contracts for Services

- (1) Contracts for purchases shall generally be awarded to the lowest, most responsible, and responsive bidder or quote offeror.
- (2) The Finance Committee or Purchasing Division may reject any or all bids, proposals, or quotations; waive any technicality or error in any bid, proposal or quotation, or part thereof, and to accept the same, or combinations thereof, in whole or in part, whenever such waiver and acceptance is deemed to be in the best interest of Rock County.
- (3) Except as otherwise directed by this Subpart, the purchase of non-professional services shall be made by contract or purchase order through the Purchasing Division. The department or agency which requires the services shall prepare relevant specifications, qualifications, or standards, and shall forward the same to the Purchasing Division for distribution to at least two prospective, qualified providers of the services desired.
- (4) Purchases of Professional Services are exempt from bidding requirements but subject to all other provisions of this Subpart, or further Administrative Rules.
- (5) Services specifically required under State and/or Federal regulations may be purchased with the approval of the governing committee or board administering such services, where the demand for services and market conditions do not allow for compliance with bidding or other competitive solicitation procedures established under this ordinance.
- (6) This section shall not apply to the purchase of Human Service Department Professional Services or contracts for the purchases directly related to highway

373 construction and maintenance in accordance with sec. 83.015(2)(b), Wis. Stats. as
374 otherwise described in this Subpart.

375
376 **2.220 Small and Moderate Purchases: Goods and/or Services**

377
378 (1) Micro-Purchase (less than \$5,000): Purchase of goods or non-professional
379 services that have an aggregate total cost of equal to \$5,000 or less, annual, by the
380 same provider for the provision of specific goods or services. The County will strive
381 to distribute micro-purchases equitably among qualified suppliers. Micro-
382 purchases may be made directly by the department or through the Purchasing
383 Division from approved dealers or suppliers without soliciting competitive
384 quotations if the County department or Purchasing Division considers the price to
385 be reasonable.

386
387 (A) This includes office supply purchases. Office supplies are ordered on-line
388 through authorized, contracted vendors. Office supplies and paper can be
389 ordered using a Blanket Purchase Order or a County issued credit card.
390 Departments are responsible for verifying orders and paying invoices when
391 received.

392
393 (B) Office furniture and equipment regardless of the cost is not considered office
394 supplies and must be made through the Purchasing Division.

395
396 (C) Purchases may not be artificially divided so as to constitute micro-purchases.

397
398 (2) Small Purchases (Between \$5,000 and \$25,000): Purchases of goods or non-
399 professional services that have an aggregate total cost of greater than \$5,000 but
400 less than or equal to \$25,000 annually. Departments shall seek the assistance of
401 the Purchasing Division, which will provide assistance in identifying and
402 negotiating with vendors. The Finance Department will review the request for
403 budgetary considerations; the Purchasing Division then reviews the request and
404 approves or denies the purchase.

405
406 (A) All Small Purchases may be made on the open market and directly from a
407 dealer or supplier without obtaining quotations or bids, but contracts shall be
408 made only after investigation and requests for quotations or proposals are
409 made to ensure Rock County's best interests are being met. Quotations
410 obtained in this manner shall be confirmed by the successful quote offeror
411 before the contract is officially offered.

412
413 (B) Budgeted small purchases shall be approved by the Department Head of the
414 department requisitioning the goods or services and the Purchasing Division
415 Manager.

416
417 (C) Purchases will not be artificially divided so as to constitute minor purchases.

418
419 (D) Any purchase involving the furnishing of supplies or materials of any kind
420 equal to or greater in value than \$5,000 but less than \$25,000 may only be
421 made after a publication of a class 1 notice in accordance with Ch. 985, or
422 shall be let to a vendor previously qualified as a bidder under Wis. Stat. §
423 66.0901(2).

424
425 (3) Moderate Purchases (Between \$25,000 and \$100,000): Purchase of goods or non-
426 professional services that have an aggregate total cost of greater than \$25,000 but
427 less than or equal to \$100,000 annually. Moderate Purchases should be made by a
428 good faith solicitation of quotation or proposal and negotiation of terms from at
429 least three qualified providers through a request for written quotations except as
430 otherwise detailed in this ordinance. Budgeted Moderate Purchases shall be
431 approved by the governing committee exercising policy supervision and oversight
432 authority of the department making the purchase.

433
434 (A) The department may make independent solicitations or may request a
435 solicitation through the Purchasing Department.

436

437 (B) Unless exercising Decentralized Purchasing Authority pursuant to sec.
438 2.223(2) Moderate Purchases over \$25,000 may be reviewed by the Finance
439 Director or designee to determine if solicitation of sealed bids would be
440 appropriate.

441
442 (C) Purchases will not be artificially divided so as to not constitute a Moderate
443 Purchase.

444
445 **2.221 Large Purchases**

446
447 (1) Purchase of goods, or non-professional services, where the estimated aggregate
448 cost of the purchase exceeds \$100,000 over the life of the project shall be bid by
449 an invitation to bid or request for proposal from the Purchasing Division only
450 after notice by publication, once (class 1 notice) in the official newspaper of Rock
451 County. Additional newspapers or trade magazines may be used to obtain the best
452 advertising and widest notice at the most reasonable cost. The advertisement
453 shall call for sealed bids or proposals to furnish the desired items, supplies, or
454 services, in accordance with specifications prepared or approved by the
455 Purchasing Division. The invitation to bid will include specifications which
456 describe completely the items, supplies, or services to be furnished, the
457 department for which the same are required, the quantities desired, and all terms
458 and conditions relevant to the purchase.

459
460 (A) If awarded by invitation to bid, then bids shall be received and opened by the
461 Finance Director's designee on the date and at the time and place specified in
462 the invitation to bid. The reading of all bids shall be open to the public.

463
464 (B) A Bid bond or certified check in the amount required by the bid specifications
465 may be required to accompany the bid. A performance bond or
466 material/payment bond may also be required of the bidder upon acceptance
467 of the bid.

468
469 (C) All Large Purchases during the term of the contract including multiple year
470 contacts, shall be approved by the governing committee, and the Rock County
471 Board of Supervisors by resolution.

472
473 **2.222 Intergovernmental Cooperative Purchases**

474
475 If the County is able to reduce expenses by entering into cooperative agreements with
476 other governmental entities, it shall endeavor to do so. The Finance Director is
477 authorized to enter into cooperative purchasing agreements with the State of
478 Wisconsin and other Wisconsin municipalities consistent with sec. 16.73 and 66.0301
479 or 66.0303, Wis. Stats. for the purpose of administering, sponsoring, or conducting
480 purchasing transactions under a joint contract for the purchase of materials, supplies,
481 equipment, permanent personal property, miscellaneous capital, or contractual
482 services. It is not necessary to adhere to competitive bidding requirements when
483 making purchases pursuant to contracts negotiated and approved by the State of
484 Wisconsin Bureau of Procurement.

485
486 **2.223 Special Purchases**

487
488 (1) *Purchases from Governmental Units:* Materials, supplies, machinery, and
489 equipment offered for sale by the federal government, the State of Wisconsin, or
490 subdivision thereof, or by any municipality, may be purchased without bids, at
491 prices to be agreed upon between the Purchasing Division and the respective
492 department or agency for whom the item is to be acquired.

493
494 (2) *Decentralized Purchasing Authority for Special Goods and Services:* Consistent
495 with all other provisions of this ordinance, departments requiring goods and
496 services may be granted Decentralized Purchasing Authority by the Finance
497 Committee, in consultation with the Finance Director. Such authority shall be
498 exercised by the requisitioning department only after the issuance of a purchase
499 order by the Purchasing Division covering specified purchase(s) for a designated
500 period of time.

- 502 (3) *Professional Services*: Services subject to specific educational or licensing
503 requirements set for by the State of Wisconsin, deemed Professional Services,
504 need not be competitively bid but reasonable efforts to obtain relevant
505 credentials, experience, and a formula for fees from multiple providers should be
506 made prior to awarding a contract.
507
- 508 (A) The department may choose to solicit quotations or credentials through the
509 Purchasing Division or independently.
510
- 511 (B) Except as otherwise directed by this Subpart, the purchase of Professional
512 Services shall be authorized as follows:
513
- 514 1. Award of contracts for Professional Services up with a total aggregate
515 value of \$25,000 or less shall be approved by the Department and
516 Finance Department.
517
- 518 2. Award of contracts for Professional Services greater than \$25,000 but
519 less than or equal to \$100,000 shall be approved by the appropriate
520 governing committee.
521
- 522 3. Award of contracts for Professional Services for more than \$100, shall be
523 approved by the County Board by resolution.
524
- 525 (4) *Emergency*: In the event of an emergency, the County Administrator or designee
526 may authorize such departure from normal procurement methods as is necessary
527 to fulfill the County's responsibilities or to protect the County's interests under
528 the circumstances. Departments shall provide a written statement to the County
529 Administrator for consideration as to the nature of the emergency. Any such
530 Emergency Purchase over \$25,000 must be reported to the Finance Committee
531 within 60 days of making such purchase.
532
- 533 (5) *Expedient Necessity*: In the event where a purchase has been budgeted, and the
534 County Administrator and Finance Director reasonably believe that the County
535 would be significantly advantaged by making a purchase immediately without the
536 approval of the governing committee, and/or the County Board, then the County
537 Administrator may authorize a Department, in consultation with the Purchasing
538 Division, to make such purchase. Such authorization must be sought and granted
539 in writing. Purchases made under Expedient Necessity must follow all other
540 requirements of this Subpart, or Administrative Rules, and shall be brought to the
541 governing committee and/or the County Board for approval in a manner
542 consistent with this Subpart as soon as practicable after the authorization to
543 purchase is given.
544
- 545 (6) *Human Services Department Purchases*:
546
- 547 (A) Client service contracts made under a purchase of service agreement that
548 have an aggregate total cost of under \$200,000 that have been budgeted for
549 during the period of expenditure may be entered into by the Director of the
550 Human Services Department with authorization from the Human Services
551 Board.
552
- 553 (B) The Human Services Department has Decentralized Purchasing Authority as
554 related to obtaining specialized professional services including, but not
555 limited to, medical services, group homes, residential treatment and care,
556 respite care, psychological assessment services, training, medical laboratory
557 services, in-home support services, and meal preparation. Any contract for
558 which the Human Services Department is exercising its Decentralized
559 Purchasing Authority that has an aggregate total cost of less than \$200,000
560 may be entered into by the Director of Human Services upon approval from
561 the Human Services Board. Any contract that has an aggregate total cost of
562 \$200,000 or more may only be entered into upon approval by resolution of
563 the County Board in accordance with section 2.221 of this Subpart.
564
- 565 (C) All other provisions of goods or services by the Human Services Department
566 are subject to the provisions of this Subpart.

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- (7) *Registration for Training/Seminars:* Funds for continuing education and training for employees shall be budgeted during the annual budget process. Department Heads may approve budgeted purchases relevant to continuing education and training within the respective department without prior approval of the Finance Director or Purchasing Division. If additional funding is needed for continuing education or training, the Department shall request a transfer or amendment to its budget, as appropriate, and follow all required review and approval requirements prior to entering into any obligation with regard to such continuing education or training.
- (8) *Travel:* Travel related expenses shall be made in accordance with the Administrative Rules and as directed by the Finance Department.
- (9) *Sole Source:* Contracts may be awarded without soliciting competitive bids, or quotations, when there is only one vendor source for particular goods or services. A solicitation for quotes or bids need not be done if it is known there is only one provider of the goods or services or if the funding source specifies a single source for goods or services. If a good or service is obtained from a sole source provider, that must be detailed in writing in the description of the contract for review.
- (10) *State of Wisconsin Contracts:* Purchases may be made directly from approved vendors on contracts which have previously been competitively bid and approved by the state of Wisconsin without *being* competitively bid by the County.
- (11) *Purchase of Legal Services:* No employee or official may approve the purchase of legal services without the approval of the County Administrator and Corporation Counsel.
- (12) *Direct Purchases:*
 - (A) If bids, quotations, or proposals are not obtainable, or in cases of immediate need for the items or supplies due to an emergency, purchases may be made directly from an approved supplier. The County Administrator or Finance Committee may also authorize direct purchases without bids or multiple quotations under circumstances deemed justified and advantageous to Rock County.
 - (B) The justification and reasons for awards of contracts for purchases made by the procedures authorized above, shall be recorded and kept on file in the Finance Director's office.
- (13) *Regular and Routine Vehicle and Equipment Maintenance and Repair:* Departments that purchase supplies to perform regular and routine vehicle maintenance and repair shall ensure that they are purchasing those supplies so as to achieve the lowest reasonable price given the availability, location, frequency of purchase, or other relevant factors. In order to ensure that the Departments are obtaining the lowest reasonable price, Departments shall periodically review the price of frequently purchased goods or materials from multiple sources. In this paragraph, frequently purchase goods shall mean bulk oil, solvents, hand tools, batteries, windshields, miscellaneous oil, air filters, and other related vehicle parts or accessories. Nothing in this paragraph shall be construed as prohibiting a Department from purchasing a more expensive good or material if such purchase is deemed in the County's best interest by the Department Head, or designee. The Purchasing Division shall periodically review the purchase of frequently purchased items to ensure departments are obtaining the lowest reasonable prices.

2.224 Public Works Projects

- (1) The requirements under this subsection shall be interpreted and applied as being in addition to any requirements created or arising under this ordinance.

- 630 (2) Public Works shall include any contract for the construction, repair remodeling or
631 improvement of any public work, building, or the furnishing of supplies or
632 material of any kind.
633
- 634 (3) Any Public Work where the estimated cost is greater than \$5,000 but less than
635 \$25,000 shall be publicly advertised by Class 1 notice under Ch. 985 before it
636 contracts for the work or shall contract with a person qualified as a bidder under
637 s. 66.0901(2).
638
- 639 (4) Any Public Work projects where the estimated cost is equal to, or greater than
640 \$25,000: must be competitively bid through the sealed bid process in accordance
641 with Wis. Stat. § 59.52(29)(a) and shall be let by contract to the lowest
642 responsible bidder in accordance with sec. 66.0901(2), Wis. Stats.
643
- 644 (5) Projects may not be artificially broken up to alter their total projected aggregate
645 cost.
646
- 647 (6) A project need not be bid regardless of the cost if three-fourths of the members-
648 elect of the County Board vote to have the majority of work done directly by the
649 County.
650
- 651 (7) All bid announcements are advertised in the official newspapers of Rock County.
652
- 653 (8) All other purchases of goods or services by the Public Works Department are
654 subject to the provisions of this ordinance.
655
- 656 (9) This section shall not apply to the purchases made pursuant to section 2.225 of
657 this Subpart.
658

659 **2.225 Highway Purchases**

660
661 The Highway Commissioner is authorized to make purchases directly related to
662 highway construction and maintenance in accordance with sec. 83.015(2)(b), Wis.
663 Stats. Purchases not directly related to highway construction and maintenance shall be
664 made through the Purchasing Division. The Highway Commissioner, at their
665 discretion, may utilize the services of the Purchasing Division for any or all highway
666 related purchases. All purchases related to County highway, and parks activities not
667 specifically otherwise regulated by state statute or County Board Resolution shall be
668 made through the Purchasing Division.
669

- 670 (1) Professional services for road and bridge improvement are accomplished pursuant
671 to the Wisconsin Department of Transportation Facilities Development Manual.
672
- 673 (2) The standard form contract used for these projects is not subject to the standard
674 contract review procedure described in this ordinance. These contracts are
675 reviewed and approved by the Public Works Committee.
676
- 677 (3) All major construction and maintenance projects are subject to the Wisconsin
678 Department of Transportation Standard Specifications for Road and Bridge
679 Construction and are publicly bid in accordance with the Wisconsin Department of
680 Transportation Facilities Development Manual.
681
- 682 (4) Projects involving Federal Transportation Aid are administered by the Wisconsin
683 Department of Transportation and all contract documents, advertisements of bids,
684 bid openings, and letting are completed in accordance with the Wisconsin
685 Department of Transportation Facilities Development Manual.
686

687 **2.226 Sealed Bid Process**

- 688
689 (1) An invitation for bids shall include all specifications, contractual terms, and
690 conditions applicable to the purchase.
691
- 692 (2) The proposed purchase shall be publicly advertised in the official County
693 newspaper and such other media as deemed desirable which may include the
694 Internet or trade magazines. The proposed purchase shall be advertised at least

695 seven days before the bid opening date. The advertisement shall call for sealed
696 bids to furnish goods or services, or both in accordance with the specifications
697 approved by the Purchasing Division.
698

- 699 (3) Bids may be corrected or withdrawn by the vendor prior to the bid opening by
700 providing written notice to the Purchasing Division prior to the bid opening date
701 and time specified in the bid documents. Bids may not be amended or withdrawn
702 by the vendor after the bid opening.
703
- 704 (4) Requests for clarification may be made by potential bidders prior to submitting a
705 bid. Such requests must be made in writing to the Purchasing Manager and will
706 be maintained with all other bid documents. The request must be made at least 7
707 days before the final date for bids to be submitted. The Purchasing Manager will
708 review the request and determine if it is in the best interest of the County to
709 respond. Any responsive answer or refusal to answer shall be done in writing and
710 maintained with all other public bid documents.
711
- 712 (5) The Purchasing Division Head or designee shall publicly open all sealed bids on
713 the date and at the time and place specified by the bid documents with at least
714 one witness.
715
- 716 (6) The contract shall be awarded by written notice to the lowest responsive,
717 responsible bidder whose bid meets all the criteria set forth in the invitation for
718 bids. Full consideration will be given to all alternatives as may be in the best
719 interest of the County. In determining the award of contract, the County shall
720 consider the scope of work involved, time of delivery, competency of the bidder,
721 the bidder's ability to render satisfactory service, and past performance.
722
- 723 (7) In the event of tied lowest responsive responsible bids, the Purchasing Division
724 Manager, or Department Head of Department making purchase, shall review and
725 take into account additional information to help determine which bid would be in
726 the best interest of the County. If the bids remain equal, the Purchasing Division
727 Manager shall award the contract to the bidder of their choosing. The decision of
728 the County is final.
729

730 **2.227 Competitive Bids**

731
732 Bids may be rejected when it is determined that to award a contract would not be in
733 the best interest of the County. It is intended that contracts or purchase orders be
734 awarded to the lowest, qualified, responsive, and responsible bidder. A written record
735 must be filed in the Purchasing Division's records explaining why any bids were
736 rejected. The Purchasing Division Manager shall review each bid. The provisions of
737 this ordinance related to the acceptance of low bids notwithstanding, unless otherwise
738 required by law, bids other than the lowest bid may be accepted when such factors as
739 service, reliability, cost of maintenance, cost of ancillary goods, durability,
740 depreciation, cost of transition etc. outweigh the consideration of the lowest bid.
741

742 **2.228 Change Orders**

- 743
744 (1) Any contract for a public work, in which a modification to the scope of work is
745 requested by a contractor resulting in an increase of more than \$500.00 must be
746 in writing and specify the amount of the modification and the reason for the
747 modification.
748
- 749 (2) Any Change Order in which a re-allocation of the budgeted funds is of \$25,000 or
750 greater must be approved by the General Services Committee. Any Change Order
751 in which a re-allocation of the budget funds is of less than \$25,000 may approved
752 by the Director of Facilities Management but shall be reported to the General
753 Services Committee at its next available meeting.
754
- 755 (3) Notwithstanding subparagraph (2), the Director of Facilities Management may
756 approve a change order without the approval of the Committee if a delay in
757 authorizing the change in work would substantially affect the interests of the
758 County and the Committee is unable to meet in a timely manner in order to
759 prevent such effects. In exercising the authority under this subparagraph, the

760 Director of Facilities Management shall consult with the County Administrator
761 prior to approving such a Change Order. Any Change Orders approved pursuant
762 to this subparagraph shall be reported to the General Services Committee with an
763 explanation of why approval was necessary.
764

- 765 (4) Any change order which would amend the terms and conditions, or general mutual
766 obligations of the parties articulated in a contract beyond of the scope of services
767 provided shall be reviewed, approved, and executed in a manner consistent with
768 sections 2.229 and 2.231.
769

770 **2.229 Contract Review**

771
772 Any document which obligates the County to any monetary allocation, any provision
773 of goods or services regardless of expended funds, or from which the County will
774 receive goods or services, including, but not limited to, contracts for the purchase of
775 goods or services, contract amendments, memoranda of understanding, internship
776 agreements, purchase orders, intergovernmental agreements, leases, building rental,
777 and contracts for professional services must go through the County's contract review
778 process. Once reviewed by Corporation Counsel Office, Finance Department, and any
779 other appropriate department, if approved, the document will only be signed as
780 described in this Subpart. The document must be reviewed and approved prior to
781 signature on behalf of the County, or any subdivision thereof.
782

783 **2.230 Ethics**

- 784
785 (1) County employees engaged in the procurement of goods or services shall not be
786 personally or financially interested in or in any manner connected directly or
787 indirectly with any bidder or proposer. County employees are prohibited from
788 having a private interest in any County contract in accordance with Wis. Stat. §
789 946.13. Any employee who identifies a personal conflict shall note such in writing
790 and remove themselves from the procurement process.
791
792 (2) No County employee shall solicit, accept, or receive gifts, commissions, rebates, or
793 compensation directly or indirectly from individuals, firms, or corporations to
794 which contracts or purchase orders may be awarded other than from the County
795 in connection with the performance of their employment duties.
796
797 (3) Purchases by the County for personal use of an employee or official are prohibited
798 even if reimbursement is made to the County for the cost of the purchase.
799
800 (4) No employee or official may disclose confidential, proprietary information
801 obtained from solicitations or bids to other vendors or use any information for
802 personal gain.
803

804 **2.231 Signature Authority**

- 805
806 (1) No County employee, agent, officer, Department Head, or board supervisor may
807 bind the County to any agreement, contract, memorandum of understanding,
808 purchase order, or any other commitment, except as described herein.
809
810 (2) Consistent with section 2.229, all contracts or agreement documents must be
811 reviewed by Corporation Counsel, Finance Department, and Risk Manger to
812 determine whether the form and terms of the contract are acceptable prior to
813 being signed by the County.
814
815 (3) All contracts or agreement documents must be signed by the County
816 Administrator or their designee in the event that the County Administrator is
817 unavailable. Only the department heads or their designees of the following
818 departments may sign contracts or agreement documents related to and
819 originating from their respective departments which do not require full County
820 Board approval:
821
822 (A) Human Services Department: contracts for goods and services, both
823 professional and non-professional may be signed the Human Services

824 Director once the expenditure is approved in accordance with sec. 2.223(5)
825 of this Subpart.

826
827 (B) Department of Public Works: The Highway Commissioner may sign all
828 contracts for purchase of goods and services directly related to the
829 construction and maintenance of public highways pursuant to Chapter 83 of
830 the Wisconsin Statutes and this Subpart.

831
832 1. For the sole purposes of authorizing regular or routine vehicle
833 maintenance or repair, the Highway Commissioner may designate
834 specific staff who can authorize such work, either verbally or in writing,
835 with previously used or authorized vendors.

836
837 (C) Information Technology (IT) Department: The Director of Information
838 Technology may sign any contract directly related to the purchase of
839 software, computer or networking hardware, or other services being
840 provided to the Rock County Information Technology Department.

841
842 (D) Both the Director of Human Resources and the department head of the
843 appropriate department shall sign contracts related to new employment of
844 any department in Rock County.

845
846 (E) Rock Haven Nursing Home: The Nursing Home Administrator may sign
847 any contracts for the furnishing of goods or services, both professional and
848 non-professional, to Rock Haven Nursing Home.

849
850 (F) Land Conservation Committee: The Director of Land Conservation may sign
851 any documents related to the duties and powers of the Land Conservation
852 Committee as identified in Wis. Stat. §§ 92.07, including the granting and
853 acceptance of Land Conservation Easements pursuant to Wis. Stat. § 93.73.

854
855 (G) Facilities Management: The Director of Facilities Management may sign any
856 contracts for goods or services, both professional and non-professional, for
857 the construction, repair, remodeling or improvement of any public work or
858 building, or the furnishing of any goods or services to the Facilities
859 Management Department.

860
861 (H) Elected Officials: Elected Officials (Clerk of Circuit Court, County Clerk,
862 Circuit Court Judges, Register of Deeds, Sheriff, and Treasurer) may sign
863 documents related directly to the powers and duties of their elected offices,
864 including intergovernmental agreements, and memoranda of understanding,
865 and contracts for the supply of goods and services provided in furtherance of
866 their constitutional or statutory powers and duties. Any documents which
867 obligate the County to provide or receive goods or services regardless of the
868 specific funds used shall be reviewed consistent with section 2.229. Circuit
869 Court judge exercising their authority under Article VII of the Wisconsin
870 Constitution are exempt from this paragraph.

871
872 (4) Grant documents: The appropriate department head shall sign any grant
873 agreements or contracts after committee approval is granted and contract review
874 completed, unless otherwise required by the granting agency or County
875 Administrative Rules.

876
877 (5) When appropriate, commitment of the County may be made by electronic
878 signature in accordance with Chapter 137 of the Wisconsin Statutes.

879
880 **2.232 Miscellaneous**

881
882 (1) Determining contract amount:

883
884 (A) A contract shall not be broken into smaller or individual incident pieces in
885 order to make the aggregate total less than a specific threshold amount. The
886 dollar amount of a contract is determined by the actual bid or proposed
887 amount or a realistic estimate of an annual total that the good or service will
888 be used.

- 889 (B) It is a violation of this ordinance to split contracts or purchases to
890 circumvent the required purchasing and contracting processes. In no event
891 shall any purchase be divided as to circumvent any requirement of
892 applicable legislation or this ordinance.
893
- 894 (2) Funds not budgeted: Any contract which creates a legally binding commitment
895 for the expenditure of county funds and for which those funds have not been
896 included in the budget shall not be executed until approved by a two-thirds vote
897 of the Board of Supervisors.
898
- 899 (3) Petty cash funds may be established with approval from the Finance Committee.
900 Specific petty cash fund balances can be found in the Finance Department Policy
901 and Procedure Manual. Petty Cash may only be used for specified purposes and
902 must maintain an established system of record keeping, subject to auditing by the
903 Finance Department. The Finance Department reviews petty cash funds and
904 records at least semi-annually.
905
- 906 (A) Petty cash funds may not be expended for travel expenses, payroll or travel
907 advances, purchase of food, beverages, or other supplies.
908
- 909 (B) Petty cash funds may not be comingled with other fund sources.
910
- 911 (C) Petty cash funds may not be deposited in a personal account or used to pay
912 personal expenses.
913
- 914 (D) Purchases of goods and services over \$20 should not be made with petty
915 cash funds.
916

917 **2.233 Disposal of Unsuitable or Unusable Goods**

- 918
- 919 (1) Through the Purchasing Division and as authorized by the Finance Committee, all
920 equipment or supplies which have become unsuitable or unnecessary and cannot
921 be put to other purpose shall be disposed of through a County auction, except for
922 items which are to be traded in or applied on any purchases or are determined to
923 be worthless.
924
- 925 (2) Exceptions may be made by the Finance Committee for the sale of certain items
926 on the open market at a minimum predetermined price approved by the
927 Committee, and for items needed by any county department or municipality.
928
- 929 (3) Sales of items to another municipality shall be at a price approved by the
930 Committee.
931
- 932 (4) Surplus County property shall not be sold to any County employee, officer, or
933 agent, except through a County auction.
934
- 935 (5) The Finance Committee may authorize the Purchasing Division to dispose of
936 items by alternative means including but not limited to outside auctions, Internet
937 listings: either government or private, by donation to not-for-profit organizations,
938 or other means that may become available in the future.
939
- 940 (6) Items that have “scrap” value may be taken to the appropriate recycling center.
941 All funds received for scrap items shall be deposited in the appropriate general
942 ledger account.
943
- 944 (7) Items that are non-functioning, dangerous, or damaged beyond their usefulness
945 may be disposed of with approval of the Purchasing Manager.
946
- 947 (8) Nothing in this section shall be construed as to prevent a County Department or
948 purchasing division from contracting for an alternative means of disposal in
949 conjunction with the purchase of goods and equipment if that arrangement is
950 determined to benefit the County.
951

952 **2.234 Severability**

953

954 Should any section or provision of this ordinance be declared unconstitutional or
955 invalid or be repealed, the remainder shall not be affected thereby.

956

957 **2.235 No Right of Action**

958

959 Nothing in this Part is intended to, or does, create a private right of action against the
960 County. Authority to enforce compliance with this Part is vested exclusively in the
961 County Board, its subcommittees, and staff delegated authority under this Part.

962

963

964 II. Chapter 2, Part 2, Subpart 3 Real Property Transactions of the Rock County
965 Ordinances is created to read as follows:

966

967 **Subpart 3. Real Property Transactions**

968

969 **2.236 Application of Subpart**

970

971 This Subpart shall apply to all transactions involving real property to which the
972 county is a party, provided, however, that this chapter shall not apply to the
973 disposition of tax foreclosed property nor to the acquisition or disposition of highway
974 right-of-way by the Department of Public Works.

975

976 **2.237 Authority**

977

978 This chapter is enacted under the authority of sections 59.01, 59.02, 59.07(1) and
979 59.52(6), Wis. Stats.

980

981 **2.238 Intent Of Subpart.**

982

983 It is intended hereby that the administrative authority of the County as it relates to
984 real property transactions to which the County is a party shall be vested in the County
985 Administrator, or their or designee, as appropriate. Policy making and budgetary
986 authority is retained by the County Board as articulated and described by the
987 Wisconsin Statutes.

988

989 **2.239 Definitions**

990

991 As used throughout this chapter the following words and phrases shall have the
992 meanings indicated:

993

994 **Committee** - shall mean the General Services Committee of the Rock County Board
995 of Supervisors.

996

997 **County** - shall mean the County of Rock.

998

999 **County-owned property** - shall mean real property owned by the County of Rock.

1000

1001 **Real property transaction** - shall mean any conveyance of real property by or to
1002 the County of Rock whereby a fee interest, a leasehold interest or an easement is
1003 legally transferred.

1004

1005 **2.240 Administration**

1006

1007 This chapter shall be administered by the County Administrator.

1008

1009 **2.241 Policy Oversight**

1010

1011 The Committee shall act as the policy oversight body with respect to all real property
1012 transactions and shall advise and consult with the County Administrator on all
1013 matters involving real property transactions.

1014

1015 **2.242 No Impact on Federal and State Mandated Procedures**

1016

1017 This chapter is intended to supplement existing state and federal requirements for the
1018 acquisition and disposal of real property by the County and it shall not be construed in

1019 any manner to amend, repeal, supplant or otherwise affect such state and federal
1020 requirements.

1021

1022 **2.243 Authority to Represent County**

1023

1024 (1) Unless specifically allowed by this Subpart, no easement, lease, sale, or purchase
1025 of real property to which the County is a party shall be binding on the County
1026 unless approved by the County Board.

1027

1028 (2) Unless expressly authorized by this ordinance and amendments hereto, no officer
1029 or official, elected or appointed, and no employee or agent of the County shall
1030 solicit, pursue, accept, or otherwise obligate or bind the county in any manner for
1031 the sale, purchase, or lease of any real estate by the county. No such activity on
1032 the part of any officer, official, employee or agent shall in any way bind the county
1033 and any agreements, oral or written, implied or expressed, and any documents
1034 executed without the approval of the County Board shall be null and void, except
1035 as authorized by this Subpart.

1036

1037 **2.244 Real Property Acquisitions**

1038

1039 (1) Any county department or agency which believes that it has need to acquire real
1040 property, whether by purchase or lease, shall contact the County Administrator
1041 for the purposes of obtaining an initial determination as to the merits of the
1042 request. The County Administrator shall require that any such requests be in
1043 writing. The committee may from time to time direct the County Administrator
1044 to furnish it with a summary of such requests and their initial determination.

1045

1046 (2) If funds have been previously budgeted and the acquisition of a particular parcel,
1047 including the method of acquisition, has been previously approved by the County
1048 then the County administrator shall make a favorable initial determination and
1049 direct staff to solicit proposals in the manner most advantageous to the County
1050 and negotiate for the acquisition of suitable properties with interested sellers or
1051 lessors, as the case may be, except where properties are acquired for or on behalf
1052 of the County by federal or state agencies.

1053

1054 (3) If funds have not previously been budgeted for the acquisition and the County
1055 Administrator makes a favorable initial determination, the approval of the
1056 Committee shall be obtained before soliciting or negotiating for the purchase or
1057 lease of suitable properties. Any acquisition of real property on behalf of the Rock
1058 County Parks Division, approval shall be obtained from the Public Works
1059 Committee. The County Board Chair may also direct that approval from the
1060 committee of the Rock County Board of Supervisors that has budget and policy
1061 supervision of the department making the request.

1062

1063 (4) Interests in real property acquired on behalf of the County shall be approved by
1064 Resolution of the County Board, except as provided as follows:

1065

1066 (A) Any possessory interest in real property acquired by lease or other form of
1067 written agreement or contract with an aggregate yearly cost of less than
1068 \$100,000 shall be approved by the Committee.

1069

1070 **2.245 Disposition Of County Owned Real Estate**

1071

1072 (1) Any county department or agency which has surplus real estate shall contact the
1073 County Administrator for determine the merits of selling or leasing such real
1074 estate.

1075

1076 (2) If the disposal of the particular parcel, including the method of disposition, has
1077 been previously authorized by the Committee, the County Administrator, or
1078 designee, may solicit proposals from prospective buyers or lessees and enter into
1079 negotiations for purposes of obtaining an offer to purchase or a lease executed by
1080 the prospective buyer(s) or lessee(s) on such terms as shall be in the county's best
1081 interests.

1082

- 1083 (3) If the County Administrator determines that the sale or lease would be in the
1084 interests of the County, and such sale or lease has not been previously approved
1085 by the Committee, the County Administrator shall proceed as follows:
1086
- 1087 (A) Survey other county departments to determine if there exists a need within
1088 the county for the subject parcel(s);
1089
 - 1090 (B) If no county department has need for the property, survey other Rock
1091 County municipalities to determine if there is any interest in acquiring the
1092 parcel from the County before offering the parcel to the general public;
1093
 - 1094 (C) Before taking any further action on any department's or any municipality's
1095 request for the subject property under subsections (A) and (B) above, the
1096 County Administrator shall obtain Committee approval;
1097
 - 1098 (D) If no Rock County municipality indicates any interest in acquiring the
1099 subject parcel, County Administrator shall report that fact to the committee.
1100 With the prior approval of the committee, the County Administrator, or
1101 designee, may solicit proposals, retain a private broker to promote the sale of
1102 the parcel or commence negotiations for the sale of the property. In the
1103 exercise of its discretion, the committee may elect to obtain County Board
1104 approval and/or schedule a public hearing prior to authorizing any further
1105 action on the proposed disposition of the subject parcel(s).
1106
- 1107 (4) Interests in real property disposed of under this section on behalf of the shall be
1108 approved by Resolution of the County Board, except as provided as follows:
1109
- 1110 (A) Any possessory interest in real property conveyed by lease, ground lease, or
1111 other form of written agreement or contract with an aggregate yearly cost of
1112 less than \$100,000 shall be approved by the Committee.
1113
 - 1114 (B) Any possessory interest in real property conveyed by lease, ground lease, or
1115 other form of written agreement or contract on behalf of the Southern
1116 Wisconsin Regional Airport with an aggregate yearly value of less than
1117 \$100,000 shall be approved by the Airport Board.
1118
 - 1119 (C) Any possessory interest in real property conveyed by lease, ground lease, or
1120 other form of written agreement or contract on behalf of the Rock County
1121 Parks Division with an aggregate yearly value of less than \$100,000 shall be
1122 approved by the Public Works Committee.
1123

1124 **2.246 Authority to Terminate Leases**

1125

1126 The County Administrator, or designee, is authorized to terminate any lease to which
1127 the county is a party when the best interests of the county so require. Prior approval
1128 of the Committee or the County Board may be sought if the timing needed to seek
1129 such approval would not disadvantage the County but shall not be required.
1130

1131 **2.247 Authority to Act as Closing Officer; Written Agreements; Contract Review**

1132

- 1133 (1) The Chair of the County Board, the County Clerk, or the County Administrator,
1134 shall act as the County's closing officer at all closings to which the county is a
1135 party and, in that capacity, is authorized to execute on behalf of the County, such
1136 supplementary documents as may be necessary to complete the transaction.
1137
- 1138 (2) In any lease or ground lease located at the Southern Wisconsin Regional Airport,
1139 the Airport Director may act as the agent of the County, including the power to
1140 execute on behalf of the County any lease or supplementary document associated
1141 with a lease.
1142
- 1143 (3) In the solicitation of, negotiation, and acceptance of any contract, agreement,
1144 offer to purchase, or any other document binding the County in the sale or lease
1145 of real estate, the Corporation Counsel may act as agent for the County, consistent
1146 with this Subpart.
1147

- 1148 (4) Any agreement, lease, offer to purchase, contract to purchase or lease, and every
1149 other document relating to the acquisition or disposition of real estate when
1150 obtained, received, or negotiated shall:
1151
1152 (A) contain language specifying that the same is subject to such approval by the
1153 County Board; and
1154
1155 (B) be subject to contract review pursuant to section 2.229 of this ordinances
1156 prior to being executed on behalf of the County.
1157

1158 **2.248 Approval of Easements**

- 1159
1160 (1) All proposals for the grant or acquisition of an easement by the County shall be
1161 submitted in writing to County Administrator, or designee. The County
1162 Administrator or designee shall review each proposal and report to the
1163 Committee their written recommendation as to whether the best interests of the
1164 County would be served by the grant or acquisition of the proposed easement.
1165
1166 (2) Upon receiving the written recommendation of the County Administrator, the
1167 committee shall notice the matter on its agenda, solicit public comment and
1168 consider such additional information as it deems advisable. The committee may
1169 thereafter approve or disapprove the grant or acquisition of the proposed
1170 easement, or at the request of any supervisor, shall refer the matter to the full
1171 county board for action. In reaching its decision, the committee shall consider
1172 the financial impact, if any, on the county, whether the county's interests are fully
1173 protected and whether the grant or acquisition of the easement is otherwise in the
1174 county's best interests.
1175
1176 (3) Upon approval of the grant or acquisition of an easement, the Chair of the County
1177 Board, the County Clerk, or the County Administrator may execute on behalf of
1178 the County the documents necessary to complete the transaction, provided that if
1179 the matter is referred to the full County Board, the Clerk shall not so act unless
1180 authorized by the full board.
1181
1182 (4) Notwithstanding anything to the contrary herein, any one easement involving the
1183 expenditure or receipt of monetary consideration in excess of \$10,000 per
1184 calendar year shall be referred to the County Board and the Committee shall be
1185 without authority to authorize the Clerk to execute any such easement without
1186 County Board approval.
1187
1188 (5) This section does not apply to easements, or other encumbrances to real property
1189 made pursuant to Chapters 92 or 93 of the Wisconsin Statutes.
1190

1191 **2.249 Severability**

1192
1193 Should any section or provision of this Subpart be declared unconstitutional or invalid
1194 or be repealed, the remainder shall not be affected thereby.
1195

1196 **2.250 No Right of Action**

1197
1198 Nothing in this Subpart is intended to, or does, create a private right of action against
1199 the County. Authority to enforce compliance with this Subpart is vested exclusively in
1200 the County Board, its subcommittees, and staff delegated authority under this
1201 Subpart.
1202
1203

1204 III. This Ordinance shall become effective upon publication.

FISCAL NOTE:

Minimal fiscal impact.

Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action by Wisconsin Statutes § 59.02(2).

Richard Greenlee
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.

Josh Smith
County Administrator

EXECUTIVE SUMMARY

This proposed ordinance repeals sections 2.211 through 2.222, the current purchasing ordinance, and recreates that section as well as creating an ordinance for Real Property Transactions.

The purpose of this revision is twofold. First, it is to bring more transparency and clarity to the process the County uses to purchase goods and services by laying out clearly articulated requirements for making purchases. Second, it is to bring efficiencies to the process by standardizing the manner of purchasing around set values, which, as you will see are much higher than the County has previously articulated.

There are three main components to the new proposed ordinance: (1) set procedure for Micro, Small, Medium, & Large purchases, with corresponding requirements for each—which I will talk about below—along with specific exceptions. (2) The standardization and specification of who has the authority to sign contracts and agreements on behalf of the County. And (3) a standardized and proscribed manner by which real estate transactions may take place for the County.

Purchase Procedures: Purchases are broken down into four categories with the following requirements:

1. **Micro-Purchases:**
 - a. From \$0 - \$5000
 - b. Departments may make purchases on their own, through the purchasing division from approved dealers and suppliers without solicitation of quotes, bids or proposals.
2. **Small Purchases:**
 - a. From \$5001 - \$25,000
 - b. Must seek assistance of Purchasing Division.
 - c. May be made with approval of Department Head and Purchasing Division Manager.
 - d. Do not have to solicit bids, quotes, or proposals, but may if deemed in the interests of the County.
 - e. If supplies or materials are sought, must be notice as a class 1 notice prior to purchase.
3. **Medium Purchases:**
 - a. From \$25,001 - \$100,000
 - b. must solicit quotes, bids, or proposals from at least three qualified providers prior to purchase.
 - c. Purchases must be approved by the governing committee that has policy supervision and oversight authority over the department making the purchase.
 - d. Finance Director has authority to require sealed bids if warranted.
4. **Large Purchases:**
 - a. More than \$100,000
 - b. Must be made by request for sealed bids or request for proposal
 - c. Must be approved by Resolution of the County Board

5. Specific Exemptions from Certain Parts of the Rules.
 - a. Human Services Contracts
 - b. Highway Contracts
 - c. Regular and Routine Vehicle Maintenance and Repair
 - d. Emergencies
 - e. Exigency
 - f. Professional Services
 - g. Direct Purchases

Signature Authority: The goal is to make the processing of contracts and agreements more efficient, with lines of responsibility clearer than our current process. In doing so, members of the Board of Supervisors will no longer sign contracts for the County. As an administrative function, executing contracts will be left to certain specified staff, and by default the County Administrator. In crafting this section, we were attempting balance the certainty and security of having the smallest group of people possible authorized to sign for the county against the practical reality that there are too many documents for only one person to sign everything. While there will be very valid arguments for why some staff should be included that were not, the Department Heads that were identified as having signature authority were done so primarily because they either have a source of that authority in statute, or the Department does so many contracts that practically it made sense for the Department to have signature authority.

Real Estate Transactions: For the first time, Rock County is specifying with some formality the process for purchasing and disposing of interests in real estate. For the most part, this section will not affect most departments, however, Airport, Facilities Management, and Parks are most likely to be affected.

1. Must seek approval of County Administrator prior to opening negotiation for the purchase or sale of real property.
2. If County Admin says ok, then must go to General Services Committee to authorize the exploration of purchase or sale of real property.
3. Once authorized, staff can negotiate and take the transaction to the point of finalization, and then must get County Board approval for the purchase or sale of property.
4. For purposes of Negotiation of Offers to Purchase or other interests in real estate, Corporation Counsel has authority to sign on behalf of the County. For purposes of closing on a transfer of an interest in real estate, the County Board Chair, County Clerk, or County Administrator has the power to sign on behalf of the County.
5. Leases:
 - a. Have to get County Administrator approval to Lease as either Lessee or Lessor if would be a new lease.
 - b. Would then seek General Services Committee approval to lease property.
 - c. Exceptions: Airport Director would seek approval of Airport Board and Parks would seek approval of Public Works Committee, not General Services Committee.