

FLOYD COUNTY ORDINANCE 1998-VI

AN ORDINANCE CREATING RULES GOVERNING SMALL PURCHASES
BY AUTHORIZED PURCHASING AGENTS

WHEREAS, the provisions of IC 5-22 (the "Act") apply to every expenditure of funds by a governmental body; and

WHEREAS, pursuant to the provisions of IC 5-22-2-13, Floyd County is a governmental body; and

WHEREAS, the Board of Commissioners of the County of Floyd, is desirous, by this ordinance, of establishing certain rules pertaining to small purchases made by authorized purchasing agents for Floyd County.

NOW THEREFORE, BE IT ORDAINED:

SMALL PURCHASE RULES FOR FLOYD COUNTY

Section 1. APPLICABILITY: These rules, to be known as the Small Purchase Rules for Floyd County, are applicable to all purchasing agents authorized by ordinance or otherwise to make purchases of supplies for \$25,000.00 or less, but do not apply to such purchases made by the Purchasing Agency unless expressly provided by the Act.

Section 2. DEFINITIONS: The following definitions shall apply to the Small Purchase Rules for Floyd County:

- (a) Act: The provisions of IC 5-22, et seq.
- (b) Fiscal Body: The Floyd County Council.
- (c) Governmental Body: Floyd County, Indiana.
- (d) Person: An association, business, committee, corporation, fiduciary, individual, joint stock company, joint venture, limited liability company, partnership, sole proprietorship, trust, or another legal entity, organization, or group of individuals.
- (e) Purchase: To buy, procure, rent, lease, or otherwise acquire.
- (f) Purchasing Agent: Those persons authorized by ordinance of the Board of Commissioners of the County of Floyd to make purchases for and on behalf of Floyd County.

- (g) Purchasing Agency: The Board of Commissioners of the County of Floyd.
- (h) Small Purchase: A purchase of supplies expected by the purchasing agent to be less than \$25,000.00.
- (i) Specifications: A description of the physical or functional characteristics or the nature of a supply. All specifications shall promote overall economy and encourage competition
- (j) Supplies: The term includes equipment, goods, and materials, but does not include an interest in real property or services.

With respect to any other word or term used in these rules, those definitions set forth in IC 5-22-2, et seq. shall apply.

Section 3. APPROPRIATION: No purchase shall be made by a purchasing agent except upon sufficient appropriation by the Fiscal Body.

Section 4. ARTIFICIAL DIVISION: Purchases may not be artificially divided so as to constitute small purchases or to avoid the solicitation of quotations.

Section 5. DEPARTMENT OF CORRECTION PRODUCTS: Except as otherwise provided by IC 5-22-11, et seq. a purchasing agent must purchase supplies produced or manufactured by the Department of Correction as listed in the department's catalog unless the supplies cannot be furnished in a timely manner.

Section 6. REHABILITATION CENTER PRODUCTS: Except as otherwise provided by IC 5-22-12, et seq. a purchasing agent shall purchase articles produced by the state rehabilitation center for the blind and visually impaired under the same conditions as purchases are to be made from the Department of Corrections.

Section 7. UNITED STATES: A purchasing agent shall purchase supplies manufactured in the United States unless the governmental body determines that an exemption exists under the provisions of IC 5-22-15-21.

Section 8. QUOTATIONS: Purchases of supplies with an estimated cost of less than \$5,000.00 may be made by the purchasing agent on the open market without soliciting bids, quotations, or proposals. Purchasing Agents desiring to purchase supplies estimated to cost more than \$5,000.00 but less than \$25,000.00 shall solicit quotations from at least

three (3) persons known to deal in the lines or classes of supplies to be purchased; shall mail an invitation to each such person at least seven (7) days before the time fixed for receiving quotes; subject to the right of the purchasing agent to reject all quotes, such agent shall award a contract to the lowest responsible and responsive offeror; and, if the purchasing agent does not receive a quotation from a responsible and responsive offeror, the purchasing agent may proceed to purchase the supplies without further bids, quotes, or proposals. All invitations to quote shall include those specifications necessary to adequately describe the supply to be purchased, and all quotations received shall be opened publicly in the presence of one or more witnesses at the time and place specified in the invitation, and shall be made available for public inspection.

Section 9. SPECIAL PURCHASES: A purchasing agent may make a purchase of supplies for an amount in excess of \$5,000.00 without receiving bids, quotes, or proposals if the purchase would qualify as a "Special Purchase" under IC 5-22-10, et seq., which provisions shall govern all such special purchases.

Section 10. EXCESS PURCHASES: Subject to appropriation by the Fiscal Body, a purchasing agent may make a purchase of supplies for an amount in excess of \$25,000.00 if the purchase is made from a person who has a contract with a state or federal agency and the person's contract with such agency requires the person to make the supplies available to political subdivisions.

Section 11. AGENCY CONTRACTS: If the Purchasing Agency hereafter elects to contract for the purchase of supplies for use by all county offices and agencies, or if such contracts exist as of the date of adoption of these rules, all purchasing agents shall purchase from the person who has the contract with the Purchasing Agency.

Section 12. ADMINISTRATION: Except as otherwise provided by these rules or another law, ordinance, or regulation, contract and purchasing records are public records subject to public inspection, PROVIDED, quotations solicited by a purchasing agent shall not be disclosed or made available for public inspection prior to public opening. Copies of all contract documents shall be maintained by the purchasing for the longer of five (5) years or the term of the contract. Contract documents with respect to Special Purchases shall be governed by this rule and the provisions of IC 5-22-10, et seq.

Section 13. THE ACT: As provided in IC 5-22-3-3, these rules are intended to be consistent with and supplement those

set forth in IC 5-22, et seq. To the extent that any rule set forth herein is inconsistent with the Act, or silent with respect to a matter specifically addressed therein, the applicable provision(s) of the Act shall govern.

SO ORDAINED this 16th day of June, 1998.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

Raymond Brown
MEMBER

Michael T. Schindler
MEMBER

Janet Miller
MEMBER

ATTEST:

Barbara Allen
FLOYD COUNTY AUDITOR