

**TOOELE COUNTY  
ORDINANCE 2019-02**

**AN ORDINANCE AMENDING CHAPTER 8, COUNTY PURCHASING  
POLICY AND PROCEDURES, OF TITLE 1, GENERAL PROVISIONS,  
OF THE TOOELE COUNTY CODE**

**WHEREAS**, the Tooele County Commission desires to revise the County’s purchasing policies to better define the role of the Auditor and Attorney in the approval process and to restrict sole source procurement by defining “professional service.”

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:**

**SECTION I – CHAPTER AMENDED.** Chapter 8, *County Purchasing Policy and Procedures*, of Title 1, *General Provisions*, of the Tooele County Code is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

**SECTION II – REPEALER.** Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

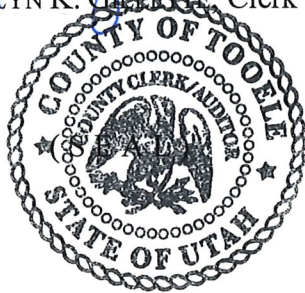
**SECTION III – EFFECTIVE DATE.** This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

**IN WITNESS WHEREOF** the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 19<sup>th</sup> day of March 2019.

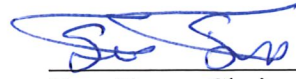
Tooele County  
Ord. 2019-02

**ATTEST:**

  
\_\_\_\_\_  
MARILYN K. GILLETTE, Clerk




**TOOELE COUNTY COMMISSION:**

 3/22/2019  
\_\_\_\_\_  
TOM TRIPP, Chairman

Commissioner Milne voted aye  
Commissioner Thomas voted aye  
Commissioner Tripp voted aye

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
SCOTT A. BROADHEAD  
Tooele County Attorney

**TOOELE COUNTY CODE**  
**TITLE 1**  
**GENERAL PROVISIONS**

**CHAPTER 8**

**COUNTY PURCHASING POLICY AND PROCEDURES**

**Section**

- 1-8-1. Purchasing policy.**
- 1-8-2. Approval of purchases.**
- 1-8-3. Competitive bid requirements.**
- 1-8-4. Emergency purchases.**
- 1-8-5. Repealed.**

**1-8-1. Purchasing policy.**

The purpose of this chapter is to establish standards and guidelines for the acquisition of supplies, material, equipment, and services for Tooele County and its departments. This chapter is an effort to provide increased economy in procurement and to ensure equitable treatment for all persons who deal with or wish to deal with the County in the procurement process.

**1-8-2. Approval of purchases.**

(1) Department Heads or Elected Officers may authorize the purchase of supplies, equipment, materials, or services for their department after obtaining prior approval from the Auditor or purchasing authority for amounts of less than \$5,000, provided said procurement is within the budget of said department.

(2) For purchases of \$5,000 to \$19,999, prior authorization shall be required by the responsible Department Head or Elected Officer, one County Commissioner, and the Auditor.

(3) For purchases of \$20,000 or more, prior authorization shall be required by the responsible Department Head or Elected Officer, three County Commissioners, and the Auditor. If all three County Commissioners do not authorize the purchase, the proposed purchase may be placed on the County Commission agenda for authorization by a majority vote of the Commission.

(4) Any person who commits or expends County funds for purchases that do not comply with the provisions of this chapter may be held personally responsible for the payment of the unauthorized procurement, however, it shall not constitute a criminal offense to fail to comply with said procedures or the provisions of this chapter.

(5) The County Commission, with approval of the County Auditor, may designate a purchasing authority who, under the general direction of the Auditor, will act as a purchasing agent for the County.

(6) Authorization of a purchase by the Auditor shall be limited to:

- (a) a review of compliance with this chapter; and
- (b) a review of whether the purchase is within the approved budget of the office or department.

(7) If the Auditor fails to grant authorization for a purchase, the proposed purchase may be placed on the County Commission agenda for authorization by a majority vote of the Commission.

### **1-8-3. Competitive bid requirements.**

(1) When a purchase is made which is expected to be \$5,000 or more, but less than \$20,000, the Department Head or Elected Officer shall, under the direction of the Auditor or purchasing authority, obtain three (3) bids or proposals for the item or service to be purchased, from separate sources, which bids need not be in writing. Said bids or proposals shall be recorded by the Department Head or purchasing authority and kept as an official record of the County. Said official record shall include the name of the person or firm the bid or proposal was obtained from, the date of the bid, the name of the person who gave the bid, the item or service bid on, and the bid amount.

(2) When a purchase is made which is expected to be \$20,000 or more, the Department Head or Elected Officer shall prepare written specifications for said procurement and have said specifications approved by the supervising County Commissioner for the respective office or department prior to obtaining bids or proposals. If the supervising County Commissioner is unavailable for more than five (5) days, another County Commissioner may approve the written specifications. The written specifications for said procurement should be publicly advertised for sealed bids, unless the County Commission waives this requirement.

(3) When the County Commission does not require public advertisement for sealed bids, the Department Head or Elected Officer shall obtain at least three written bids or proposals from separate sources.

(4) The person or firm who submits the lowest bid or proposal that meets the approved specifications shall be awarded the bid, unless the Tooele County Commission authorizes the acceptance of another bid or proposal that it determines to be in the best interest of the County. A summary of the bids or proposals received shall be submitted with each purchase order.

(5) The contract price from the State of Utah's Cooperative Contracts, also known as the "State bid," is considered a "bid" to satisfy the requirements of this section.

(6) This chapter does not specify the additional requirements of Utah State Law for County purchases or other bidding requirements as from time to time may be required by Utah Law. For purchases in excess of \$100,000, the County Attorney shall be consulted by the Auditor to ensure compliance with this chapter prior to the Auditor's authorization.

(7) The County Commission will not generally permit a sole source procurement of a particular proprietary item if there is more than one potential bidder or offeror for that item or service. The County Commission may waive the foregoing bid procedures only if it determines that there is only one source that can meet the procurement requirements, or if the service to be acquired is considered to be professional or technical services where unique skills and expertise is indicated. In the event that a purchase reaches a total of \$50,000, foregoing the bidding process may only be accomplished by commission action in an open public meeting.

(8) "Professional service" means labor, effort, or work that requires an elevated degree of specialized knowledge and discretion, including labor, effort, or work in the field of:

- (a) accounting;
- (b) information technology;
- (c) the law;
- (d) medicine;
- (e) psychiatry; or
- (f) underwriting.

(9) Purchases shall not be artificially divided to avoid the bid requirements of this Section.

(10) All documents required by this section shall be delivered to the Auditor to be held as the official record of the County. Such documents include, but are not limited to, bids, proposals, invoices, and contracts.

**1-8-4. Emergency purchases.**

(1) An emergency condition is defined as a situation which creates a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reasons as may be determined by a Department Head or Elected Officer and one County Commissioner. The existence of such a condition must create an immediate and serious need for supplies, services, or construction that cannot be met through normal procurement methods.

(2) A Department Head or Elected Officer and one County Commissioner may authorize emergency procurements for those supplies, services, or construction items necessary to meet an emergency without complying with the foregoing provisions provided that said expenditures are not beyond the budget for the department that the emergency procurements are to be paid from. After an emergency procurement is made, the Department Head and authorizing County Commissioner will submit a written statement to the Auditor and County Commission indicating the basis of the emergency procurement and such other details necessary to process the procurement.

**1-8-5. Repealed.**