

**TOOELE COUNTY  
ORDINANCE 2021-03**

**AN ORDINANCE REPEALING, RENAMING AND RE-ENACTING  
CHAPTER 8, COUNTY PURCHASING POLICY AND PROCEDURES,  
OF TITLE 1, GENERAL PROVISIONS, OF THE TOOELE COUNTY  
CODE**

**WHEREAS**, Tooele County has historically been governed by a Board of County Commissioners under the county commission form of government; and

**WHEREAS**, a majority of Tooele County voters who voted in the 2018 general election voted to change the form of Tooele County government from the county commission form of government to the council-manager form of government; and

**WHEREAS**, the change to the council-manager form of government occurred on January 1, 2021; and

**WHEREAS**, many of the provisions of existing Title 1, Chapter 8 became obsolete on that same date; and

**WHEREAS**, a new Title 1, Chapter 8 is expedient and necessary to govern and control procurements under the new council-manager form of government;

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

**SECTION I – CHAPTER REPEALED.** Chapter 8, *County Purchasing Policy and Procedures*, of Title 1, *General Provisions*, of the Tooele County Code is hereby repealed.

**SECTION II – CHAPTER RENAMED.** Chapter 8, *County Purchasing Policy and Procedures*, of Title 1, *General Provisions*, of the Tooele County Code is hereby renamed to *Procurement*.

**SECTION III – CHAPTER ENACTED.** Chapter 8, *Procurement*, of Title 1, *General Provisions*, of the Tooele County Code is hereby enacted to read as attached hereto, which attachment is, by this reference, made a part hereof.

**SECTION IV – REPEALER.** Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION V – 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.

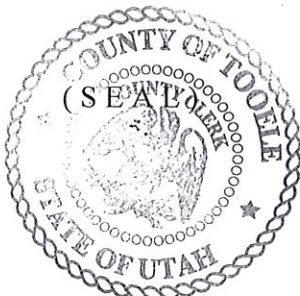
**IN WITNESS WHEREOF** the Tooele County Council, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 19<sup>th</sup> day of January, 2021.

**ATTEST:**

  
Marilyn K. Gillette, Clerk

**TOOELE COUNTY COUNCIL:**

  
Tom Tripp, Chair



Council Member Hamner voted aye  
Council Member Hoffmann voted aye  
Council Member Thomas voted aye  
Council Member Tripp voted aye  
Council Member Wardle voted aye

**APPROVED AS TO FORM:**

  
Colin R. Winchester  
Deputy Tooele County Attorney

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

**CHAPTER 8**  
**PROCUREMENT**

**Section**

**1-8-1. Purpose.**

**1-8-2. Approval.**

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

**1-8-4. Emergency procurements.**

**1-8-1. Purpose.**

The purpose of this chapter is to establish standards and guidelines for the acquisition of supplies, materials, equipment and services for Tooele County. The provisions of this chapter are intended to provide increased economy in procurement and to ensure equitable treatment for all persons who deal with or who wish to deal with the county in the procurement process.

**1-8-2. Approval.**

- (1) For procurements less than \$5,000, prior authorization shall be obtained from:
  - (a) the department head or elected official; and
  - (b) the auditor.
- (2) For procurements between \$5,000 and \$25,000, prior authorization shall be obtained from:
  - (a) the department head or elected official;
  - (b) the auditor; and
  - (c) the county manager.
- (3) For procurements greater than \$25,000, prior authorization shall be obtained from:
  - (a) the department head or elected official;
  - (b) the auditor; and
  - (c) a majority of the council.
- (4) Any person who commits or expends county funds for a procurement that does 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 the provisions of this chapter.
- (5) The auditor may only decline to authorize a procurement if:
  - (a) the procurement does not comply with the provisions of this chapter; or
  - (b) funds for the procurement are not within the budget of the procuring department or office.
- (6) If the auditor declines to authorize a procurement, the auditor's decision may be placed on the council agenda for override by a majority vote of the council.
- (7) Procurements shall not be artificially divided to avoid the requirements of this section.



(8) The provisions of this section do not apply to recurring routine expenses within the budget of the procuring department or office.

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

(1) When a procurement is expected to be between \$5,000 and \$25,000, the department head or elected official shall, under the direction of the auditor, obtain three bids or proposals for the item or service to be procured, from separate sources, which bids need not be in writing. Said bids or proposals shall be recorded by the department head or elected official and the auditor and shall be maintained as official county records. Said records 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 procurement is expected to be greater than \$75,000, the department head or elected official shall prepare written specifications for said procurement and shall have said specifications approved by the manager prior to obtaining bids or proposals. The written specifications for said procurement shall be publicly advertised for sealed bids unless the council waives this requirement.

(3) When the council does not require public advertisement for sealed bids, the department head or elected official shall either:

- (a) obtain at least three written bids or proposals from separate sources; or
- (b) obtain one written bid utilizing the State's Cooperative Contracts program.

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

(5) This chapter does not excuse compliance with additional requirements of state law, if any.

(6) For procurements greater than \$100,000, the auditor shall consult with the county attorney prior to authorizing the procurement.

(7) Except as provided in (3)(b), the council will not generally permit a sole source procurement of a particular item or service if there is more than one potential bidder or offeror for that item or service. The council 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 professional or technical services where unique skills and expertise are indicated. For procurements greater than \$50,000, foregoing the bidding process may only be accomplished by a majority vote of the council.

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

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

(9) Procurements 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 maintained as official county records. Such documents include, but are not limited to, bids, proposals, invoices, and contracts.

**1-8-4. Emergency procurements.**

(1) An emergency condition is defined as a situation that 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 majority of the council and an affected department head or elected official. The existence of such a condition must create an immediate and serious need for supplies, materials, equipment, services, or construction that cannot be met through normal procurement methods.

(2) A majority of the council and an affected department head or elected official may authorize emergency procurements for those supplies, materials, equipment, 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 affected department or office. After an emergency procurement is made, the majority of the council and the affected department head or elected official shall submit a written statement to the auditor stating the basis of the emergency procurement and such other details as are necessary to process the procurement.

**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. (Ord. 2015-09, 3/17/15; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

~~**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. (Ord. 2019-02, 3/19/19; Ord. 2015-09, 3/17/15; Ord. 2008-07, 2/12/08; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

### **~~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. (Ord. 2019-02, 3/19/19; Ord. 2015-09, 3/17/15; Ord. 2008-07, 2/12/08; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

**~~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. (Ord. 2015-09, 3/17/15; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

**~~1-8-5. Repealed.~~** ~~(Ord. 2015-09, 3/17/15; Ord. 2008-10, 3/25/08; Ord. 98-7, 2/18/98)~~