

ORDINANCE NO. 2024-BC- O - 15

**ORDINANCE REPEALING ORDINANCE NO. 1998-BC-O-4
AN ORDINANCE DESIGNATING
PURCHASE AGENCY AGENTS AND POLICY
FOR PURCHASING ITEMS FOR MADISON COUNTY, INDIANA**

WHEREAS, Indiana Code 5-22 (the "Act") applies to every expenditure of public funds by a government body; and

WHEREAS, Madison County (the "County") is a governmental body under the Act; and

WHEREAS, the Act authorizes the County to establish a purchasing agency; and

WHEREAS, The Board of Commissioners of the County desires to establish a purchasing agency for Madison County Government.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Madison County, Indiana that previous Ordinance No. 1998-BC-O-4 should be repealed in its entirety and replaced as follows.

Section I. All Madison County ("County") officers and employees who purchase items, supplies, etc. on behalf of the County are subject to the requirements set forth herein.

The Board of Commissioners hereby designates itself as purchasing agency for Madison County Government.

Section II. the Board of Commissioners hereby designates the following persons to serve as purchasing agents for the County:

- (a) The following elected officials: County Auditor County Clerk, County Assessor, County Treasurer, County Surveyor, County Sheriff, County Prosecutor; and
- (b) the County Highway Superintendent; and
- (c) the County Engineer; and
- (d) the Drainage Board of Madison County for Drainage Board projects only; and
- (e) the Executive Department Heads; and
- (f) each department head or above-listed elected official may designate a member of their department or office to act as purchasing agent, however, the purchasing agent as described herein shall remain responsible personally for all purchasing actions by the extended designee.

Section III. Only those listed above on Section II may purchase items in Madison County's name.

Section IV. A purchasing agent may elect to contract for the purchase of supplies or equipment in the Madison County name. All such contractors are bound by the requirements of this Ordinance. Failure to comply may result in the County Auditor denying a claim.

Section V. Computer equipment that is intended to be connected to the County network shall not be purchased by the purchasing agent until the Madison County Information Technology department has approved the purchase, in writing. The Madison County Information Technology department's decision on such purchase shall be final.

Section VI. Purchase of supplies and items with an estimated cost:

- A. Purchases of supplies and items with an estimated cost of less than Ten Thousand Dollars (\$10,000.00) may be made by the purchasing agent without soliciting bids, quotations, or proposals.
- B. Purchases in an amount between Ten Thousand Dollars (\$10,000.00) and One Hundred Thousand Dollars (\$100,000.00) shall solicit quotations from at least three (3) vendors that regularly do business in such supplies or items. Description and cost of the item or items shall be provided in writing to each organization at least fourteen (14) days before the time fixed for receiving their quote. All quotes may be rejected by the purchasing Agent. Such agent shall award a contract to the lowest responsible 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 supply or item without further bids, quotes, or proposals. All invitations to quote shall include those specifications necessary to adequately described the supply or item to be purchased, and all quotations received shall be opened publicly in the presence of one (1) or more witnesses at the time and place specified in the invitation and shall be made available for public inspection.
- C. A purchasing agent may make a purchase of supplies or an item for an amount in excess of One Hundred Thousand Dollars (\$100,000.00) A sealed competitive bid process shall be used. A sealed bid process includes:
 - a. Invitation for bids shall include description / specifications, and
 - b. All contract terms and conditions, and
 - c. Critical time frame that needs to be meet, and
 - d. Identify time and place for opening the bids, and
 - e. Financial proof and insurance requirements, and
 - f. Open in a Board of Commissioners public meeting
 - g. See Sections VII, VIII, and IX for further qualifications.

Section VII. Invitation to bids must comply with public notice requirements of IC 5-3-1.

- A. Notice must be published twice, published at least one week apart, with second notice published at least seven (7) days prior to deadline for receiving bids.

Section VIII. Bids must be opened as advertised pursuant to State law.

- A. A contract must be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder.
- B. Clarification during review of the bids will be allowed between opening the bids and awarding the bids. Bids may not be changed substantively after they have been submitted in writing or provision with requiring re-bidding.

- C. Bid results (summary) must be reviewed by the Board of Commissioners with a recommendation.
- D. The purchasing agent must maintain the name of each bidder and the bid proposals in hole for public access after the award and until at a minimum of three (3) years after the item or items have been received or long as the law requires.


Section IX. Purchases may not be artificially divided to constitute small purchases or to avoid solicitation of quotes or bids.

Section X. Purchases may be made without bidding, receiving quotations if:

- A. The item is being purchased with Indiana State GSA program and an agreement or contract is required, the purchasing agent must provide the contract and terms to the Board of Commissioners approval and signature.
- B. Any item or supply being purchased by the purchasing agent the funds need to already be in proper account and with sufficient funds to pay the claim, prior to ordering the item.

2nd **SO** **ORDAINED** by the Board of Commissioners of Madison County, Indiana, this July day of July, 2024.

MADISON COUNTY BOARD OF COMMISSIONERS



John Richwine, President



Darlene Likens, Vice- President



Olivia Pratt, Member

ATTEST:



Rick Gardner, County Auditor