

ORDINANCE NO. 98-07
BOARD OF COMMISSIONERS
WARREN COUNTY, INDIANA

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

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

WHEREAS, the Act authorizes the County to establish certain purchasing rules and policies for the County; and

WHEREAS, the Board of Commissioners of the County desires to establish certain purchasing rules for the County;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF WARREN COUNTY, INDIANA:

SECTION 1. The following are the purchasing rules for Warren County, Indiana:

Protection of Offers; Status of Documents as Public Records.

1. Protection of Offers Prior to Opening. The purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.
2. Unobstructed Evaluation of Offers. After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.
3. Public Records Status of Bids. Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.
4. Register of Proposals. The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

Discussions With Offerors Responding to a Request for Proposals.

The purchasing agent may conduct discussions with, and best and final offers may be obtained from responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

Delay of Opening of Offers.

When the Board of Commissioners makes a written determination that its in the county's best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

Evidence of Financial Responsibility

1. Purchases Less Than \$25,000. The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.
2. Purchases Between \$25,000 and \$100,000. The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.
3. Purchases Over \$100,000. The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.
4. Small Business Set-Asides. The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.

Use of RFP for Purchases of Designated Types of Supplies

The County determines that:

(A) It is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding; and

(B) Receiving proposals is the preferred method for purchasing the following types of supplies:

(those supplies as are designated in writing by the purchasing agents)

Modification and Termination of Contracts

1. Price Adjustments. The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

(A) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;

(B) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;

(C) Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;

(D) Price adjustments must be computed in such other manner as the contracting parties may mutually agree upon; or

(E) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations

under such clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.

2. Adjustments in Time of Performance. The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

3. Unilateral Rights of County. The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the County to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

4. Quantity Variations. The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

Purchase of Services

The County determines that each County agency, department and office and elected County official may purchase services in whatever manner the purchaser determines to be reasonable.

The County purchasing agency may not require any County agency, department or office, or any County elected official, to purchase services in any particular manner.

SECTION 2. This Ordinance is effective upon passage and signing by the presiding officer.

Adopted by the Board of Commissioners of Warren County, Indiana, this 29 day of June, 1998, by a vote of 6 ayes and 0 nays.

BOARD OF COMMISSIONERS,
WARREN COUNTY, INDIANA

Randall H. Brenner
Presiding Officer

Donald W. Andrews
Member

James E. Lenham
Member

ATTEST:

Jacqueline Brier
County Auditor

(SEAL)