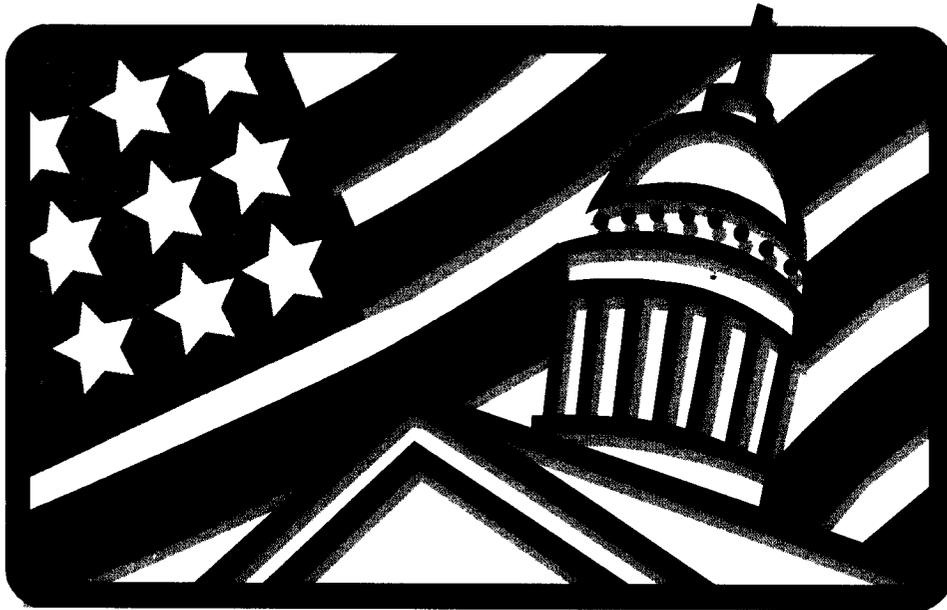


# JACKSON COUNTY GOVERNMENT



## Purchasing Manual

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## **TABLE OF CONTENTS**

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Introduction	i
Forward	ii

### **Purchasing Policy**

Purpose of Manual
Policy
Responsibilities
Requisition
Purpose Orders
Bids
Request for Bids
Bid Processing
Single Bids
Local Bid Preference
Addenda Modifying Plans &
Specifications
Accepted Bids
Unopened Bids
Rejected Bids
Tie Bids
Low Bid Protests
Payments of Bids

### **Purchasing Ordinance**

Definitions
Purchasing Manager
Duties of the Purchasing Manager
Award of Contracts
Competitive Request for Bids over \$20,000.00
Competitive Quotations under \$19,999.00
Purchases less that \$999.00
Selection of Professional Services
Rejection of Bids or Quotations
Federal and State Contract Purchases
Price Agreement Contracts
Cooperative Purchasing Agreements
Emergency Purchases
Bid Bonds or Deposits
Local Buying Preference

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# PURCHASING POLICY

## PURPOSE OF MANUAL

The purpose of this manual is to provide all of the departments of Jackson County with the policies and procedures to be used in the requesting and issuing of materials and equipment. Each department should keep a copy of the manual in case of questions.

## POLICY

As a matter of policy, the Purchasing Department shall be of service to all County Departments.

### **Purchasing policy as follows:**

1. The Purchasing Department shall have full authority to question the quality, quantity, and type of commodity or service requisitioned to assure that the best interest of the County are served. However, the Purchasing Department shall not alter or in any way change technical requirements stated on the purchase requisition.
2. The Purchasing Department shall have the authority to require a performance bond, before entering a contract, in such amount as it shall find reasonably necessary to protect the best interests of the County.
3. The Purchasing Department shall not receive any benefit or profit from any contract or purchase made by the County.
4. Other than advertising novelties, acceptance of gifts at any time shall be prohibited. No County employee shall become obligated to any vendor and shall not conclude any County transaction from which they may personally benefit directly or indirectly.
5. The Purchasing Department shall strive to maintain strong professional and cooperative relationships with vendors and also with those who have a desire to meet the quality, service, and price needs of the County.
6. All qualified bidders shall be given equal opportunities and terms to quote on a specified item.
7. The Purchasing Department shall not knowingly issue a purchase order when there is a conflict of interest. All known or suspected conflicts of interest shall be referred to the County Attorney, whose opinion shall be final in the absence of any specific instructions from the County Manager or County Commissioners. The issuing authority shall document such instructions.
8. The Purchasing Department shall have the authority to place Vendors on the Ineligible Vendor List for a period of Two (2) Years if the Vendor submits a bid in bad faith, willfully or repeatedly breaches a contract with the County, or establishes a pattern or practice of unethical or immoral business practices.

## **RESPONSIBILITIES**

Every person employed by the County is responsible for the control of supplies, materials, and equipment that has been provided in order to accomplish his/her activities. Department Heads are responsible for the control of material usage, allocation of supply quantities, physical security for materials and proper disposition of surplus items.

1. Department heads will have the following responsibilities:
  - A. Initiating requisitions for items based on need, lead-time, and **approved** budgetary amount. In case the bids exceed the budgeted amount for an item, the department head shall request approval from the Board of Commissioners for the increase in price or reject all bids received. If, an item was not approved in the budget, he/she shall obtain approval from the County Manager before asking permission from the Board of Commissioners to solicit bids and/or funds.
  - B. Submitting in writing to the Purchasing Department any substitutions he/she needs to make because of emergencies. For example, a machine breaks down unexpectedly that is mandatory for the department to operate. These emergency items shall be an amount equal to or less than any item that was already approved for the current fiscal year.
  - C. Receiving materials and submitting documents to substantiate invoice payment.
  - D. Indicating to the Purchasing Department of any undelivered items, damaged items, or other discrepancies.
  
2. The Purchasing Manager will have the following responsibilities:
  - A. Review requisitions for completeness and correctness.
  - B. Obtain, whenever possible, at least three competitive quotations for each requested item.
  - C. Purchase items for price, quality, and performance using Standard Purchasing techniques.
  - D. Investigate discrepancies and reconcile problems relating to vendors and sales representatives.
  - E. Coordinate with Department Heads on the specifications of bids and then processing the bid.
  - F. Inform Department Heads of market changes, new products, and other factors.
  - G. Maintain good vendor relations.
  - H. Dispose of obsolete, excess, and junk materials.
  
3. The Finance Department will have the following responsibilities:
  - A. Alert the Purchasing Department of any discrepancies on invoices.
  - B. Approve all transactions for fund availability.
  - C. Pay vendor invoices in a timely manner as per bid specifications and take discounts when possible.

## **REQUISITION**

1. The requisition is to be completed and approved by the Department Head or who they designate. Correct preparation will include the requisition date, department name, account/project number to charge, quantity, item description, delivery date desired, and may include any suggested vendors.
2. The Purchasing Department shall review the requisition for completeness, accuracy, and clarify any questions by contacting the requester. All requisitions shall have a general ledger account number or it will be returned to that department. If any changes need to be made concerning the requisition, it shall be discussed with the Department Head.
3. Whenever possible, requisitions shall be combined into a single purchase order or combined into a single bid if volume buying advantages may be gained.
4. Any requisitions that are submitted by the Department Head shall allow the purchasing department a reasonable time limit to approve and complete a purchase for said item. Planning ahead for any purchase will enable the system to work efficiently.

## **PURCHASE ORDERS ARE PREPARED WHEN THE COST EXCEED \$1,000.00 OR GREATER**

Purchase orders are prepared with an original and three copies.

The original will be faxed or mailed to the vendor.

One copy will be filed in the Purchasing Department's Office.

One copy will be given to the Accounts Payable Department. The Finance Department will alert the Purchasing Department of any problems with the purchase order. For example, a department did not receive the total amount that was ordered.

One copy will be sent to the Department to sign off the copy and return to Finance when all goods have been received to be paid.

Purchases of less than \$1,000.00 may be ordered by the using Department Head with a Purchase Order number and three phone quotes, as long as the money is in the budget. If there is not money in the budget, a request to have money transferred by Budget must be completed first before any orders are placed. Departments that exceed their total budget at any time must meet with the Manager for continued purchasing. Budget submits monthly budget report to each department, and any budget transfers must be handled on a monthly basis to ensure the yearly budget is not overspent.

### **Purchase Orders Estimated over \$1,000.00 but Under \$5,000.00**

Each item that is estimated to cost from \$1,000.00 - \$5,000.00 shall have at least three (3) written quotes from vendors. The Purchasing Department or the requesting department may obtain these quotes. Phone quotes can only be taken when the amount of an item is less than \$1,000.00. The information needed when taking a phone quote will include writing down legibly the vendor name, unit

price, date, and name of person giving the quote. All quotes (faxed or hand written) must be submitted to the Purchasing Department in conjunction with the computerized requisition. All requisitions need to be submitted to the Purchasing Department and may be verified. The Purchasing Manager **SHALL** be authorized to award purchases up to \$5,000.00. All line item budgets will be checked before orders are placed.

#### Purchase Orders Estimated over \$5,000.00 but Under \$20,000.00

Each item that is estimated to cost from \$5,000.00 - \$20,000.00 requires **SEALED BIDS** from three vendors and **SHALL** be approved by the County Manager. Fuel bids are the only commodity exempt from sealed bids because of the quantity, time factor of demand, and the daily pricing volatility.

#### Purchase Orders Estimated over \$20,000.00

Each item that is estimated to cost over \$20,000.00 requires **FORMAL ADVERTISING, SEALED BIDS**, and **SHALL** be awarded by the Board of Commissioners.

NOTE: All such requisitions or proposals, including community facility improvements shall be handled by Purchasing.

#### Change Orders for Community Facilities & Non-Community Facilities

- A. A Community Facility is a building that is owned and operated by a Government Agency that can be used by the public. A Non-Community Facility is a building owned and operated by a Government Agency that may only be used by the intended end user. The County Manager can approve change orders for community facility improvements totaling ten percent (10%) or \$10,000.00 of the original contract, whichever is less. The Manager shall notify the Board of Commissioners of the change amount and reasons for the change. Any change order or totals exceeding this limit must be approved directly by the Board of Commissioners.
- B. The Department Head can approve change orders for non-community facility improvements totaling under \$1,000.00, the County Manager under \$10,000.00, and the Board if it is over \$10,000.00. The Board of Commissioners must approve any changes exceeding ten percent (10%) of the original bid.

#### Seized Money

Purchase Order Process **DOES NOT APPLY** to Seized Money. Seized money has its own separate rules and regulations as determined by Federal and Georgia State Law. Seized money shall be designated on the requisition form.

#### **BIDS:**

##### State Contract

Items on the Georgia State Bid list are exempt from the bidding requirements. However, depending on the item, the County Manager, the

Board of Commissioners, or the Purchasing Department may recommend bidding.

#### Road Contracts & Public Works Contracts

Public Works Contract is an agreement with a county governing authority and the lowest responsible bidder to perform any type of public work that is required to build or repair any public building, bridge, causeway, or other public works in the county.

Georgia Statute #36-10-4 requires the County to formally bid all road contracts and public works contracts exceeding \$20,000.00.

#### Sole-Source Vendor

The County Manager shall approve the purchase of any item that is available only from ONE vendor before this item may be submitted to the Purchasing Department. If a department wishes to buy an item from only one vendor when there are other vendors, it shall submit a list of details to the County Manager describing the need for using a Sole-Source Vendor.

#### Emergency Purchases

Emergency purchases are those that are made to alleviate a situation in which there is a threat to health, welfare, or safety under certain conditions defined as an emergency by jurisdiction, that does not allow time for normal, competitive purchasing procedures. For example, flooding, power outages or other natural disasters. In this event, the Department Head shall notify either the County Manager or Finance Director as soon as possible. This situation should indicate the department(s) involved, the vendor (if known at that time), the (approximate) price and details of materials needed. If this requisition is justified, then a purchase order will be issued. At the conclusion of the reconstruction (problem) or no later than two (2) working days from the date the purchase order was issued, a written copy of the entire emergency situation that required a purchase order shall be submitted to the Purchasing Department and County Manager. Item(s) that a department did not realize it would need to operate throughout the budget year is not defined as an emergency purchase.

#### Purchase Used, Leased, or Rented Equipment

The County Manager may waive the bidding requirements for the purchase of used equipment or obtaining equipment through a rental or lease agreement that is in the best interest of the County. The waiver can only be accomplished on a per incident basis.

#### **A. Request for Bids**

A requisition will be submitted by the Department Head to the Purchasing Department with all specifications and special conditions of the item. The invitation should consist of, but not limited to the following:

Place, time and date that the bids will be received, opened and publicly read.  
Delivery requirements (responsibility for shipping charges).  
Persons to contact for clarification of specifications.  
Special conditions not included in specifications.  
Contract conditions and terms.

The Purchasing Department, in conjunction with the requesting department, will prepare the bid package; which should include the Invitation to Bid, specifications, price sheet and any other special bid sheets. The Purchasing Department is responsible for obtaining the concurrence of the Department Head before announcing bid invitations. The bid package will be mailed to vendors on the vendors' list known for offering the commodity or service being requested. The Purchasing Department is also to place an advertisement for any bid that will cost over \$20,000.00 in the local newspaper for once a week for two (2) consecutive weeks, at least seven (7) business days before the bid opening.

**B. Bid Processing**

**Handling of Sealed Bids over \$20,000.00**

Sealed bids will be received at any time during regular business hours prior to the specific date and time as advertised. Each bid will be date and time stamped as received. The bids will be publicly opened and read as stated in the bid package. All bids will then be available for public inspection.

**C. Single Bids**

Where only one bid is presented, the same rules apply as to acceptance and rejection. Thus, if the single bid applies with all the material specifications, the County may award the single bidder the contract as the lowest, responsive, and responsible bid. Conversely, the County states on all its' bids that it has the right to reject any and all bids. Therefore, the County has the privilege to reject a single bid that it found not to be acceptable. Should there be a decision to set a new bid date, the single bid should be returned to the vendor unopened with a letter explaining the entire transaction.

**D. Local Bid Preference**

The Board of Commissioners has the authority to award a bid to a vendor from the local community that meets all of the specifications even if it is not the lowest bid price. A bid may be awarded to a local vendor if their price is no higher than 2% of the lowest total bid price up to a maximum amount of \$2,000.00. **Note: State Law Prohibits Local Preference for Public Works bids.**

**E. Addenda Modifying Plans & Specifications**

Addenda modifying plans and specifications shall not be issued within a period of (3) days of the advertised time for the bid opening, excluding weekends and legal holidays. If it becomes necessary to issue an addendum modifying plans or specifications within the (3) days immediately preceding the date set for the bid

opening, then the bid opening time and date shall be extended exactly (1) week without the requirement for re-advertising. The addendum issued within this time frame shall require that all bidders include a copy or acknowledgement of the addendum with the bid when submitted. Any bid that does not include the addendum or notification that the bid is being offered in compliance with the addendum will be rejected.

**F. Accepted Bids**

Bids opened and accepted by the county will be awarded according to the lowest responsive and responsible bid. If the amount of the purchase is less than \$20,000.00, the County Manager and the department involved will determine the successful bidder. If the amount of the purchase totals over \$20,000.00, all the information concerning the bid results and recommendation will be forwarded to the County Clerk's Office in order for that item to be placed on the Agenda of the Board of Commissioners Meeting for the final decision.

**G. Unopened Bids**

Bids may be returned to the vendor unopened if instructions pertinent to the bid have been ignored. If a bid is opened in error and the vendor did not submit the required information on the face of the envelope, the bid will be returned to the bidder as having been rejected for noncompliance.

**H. Rejected Bids**

Bids will be rejected if received after the time and date set for the opening. These bids will be date and time stamped and returned to the vendor unopened in a separate envelope with a letter notifying the vendor of the reasons for rejection.

Bids that fail to comply with any provision or specification will be rejected.

Bids that include an escalation clause shall be rejected unless otherwise specified.

Alternate bids will not be accepted unless requested in the specifications.

If a bidder submits an envelope containing more than one bid that opened on different days, all the bids will be returned to the vendor.

When bids or proposals are rejected or solicitation canceled, all bids received shall be returned to the vendor unless the bid or proposal has been rejected subsequent to the time of the scheduled bid opening. In this case, the bid or proposal shall be retained and become part of the purchase file.

The County Manager may deem it necessary in the best interest of the County, to reject all bids that have already been received and/or opened when a more suitable alternative source has been discovered for that item(s) or service.

**I. Tie Bids**

If bids are received for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder. When this situation is not applicable, the Commissioners shall award the contract to one of the tie bidders by drawing lots in public.

**J. Low Bid Protests**

When the Board of Commissioners does not award to the low bidder, the Purchasing Department shall document the reason(s) why the low bid was not awarded. If there is a bid protest by a bidder, he shall file a written protest within three (3) business days after the bid has been awarded. He is to do this by way of sending a signed letter/facsimile explaining his protest to the Purchasing Department.

**K. Payments of Bids**

1. Payment shall comply with the terms of the vendor from whom the County purchases the item from unless otherwise stated in the specifications.
2. Partial Payments are allowed on purchase orders based on delivery and acceptance of materials or services. No more than one (1) partial payment per month can be processed.
3. Partial Payments for community facility improvements require a retainage amount of ten percent (10%) of the amount authorized to be held for the first half of the project. After more than half the project is completed and with approval of the project architect and/or engineer the retainage amount is reduced to five percent (5%). The retainage cannot be released until:
  - A. The Board accepts project.
  - B. The Contractor provides a Waiver of Liens.
  - C. The punch list items are resolved.

# Purchasing Ordinance of Jackson County Board of Commissioners

*The Board of Commissioners of Jackson County hereby adopts and sets forth a Code of Ordinances for Jackson County, Georgia entitled "Purchasing".*

**T**he provisions of this ordinance shall apply to all primary departments and agencies receiving appropriations from the governing authority of Jackson County, and to other agencies as the governing authority may deem appropriate.

## **SECTION 1-1**

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### • **Definitions**

1. Purchasing Manager – the individual who is assigned the general duties and responsibilities of supervising and administering the provisions of this ordinance.
2. Goods and Services – the tangible items and/or labor and materials provided by outside contractors and professionals necessary to provide an effective and economically responsible delivery of services by Jackson County and for which financial appropriations have been made by the governing authority.
  - a. Supplies, Material, or Contractual Services– all tangible equipment, commodities, repairs or non-professional services necessary to operate the government.
  - b. Professional Services – services provided by the following licensed professionals need not be subject to competitive bidding: practitioners of law, medicine, podiatry, dentistry, optometry, psychology, veterinary medicine, physiotherapy, public accounting
3. Using Agency – any department, division, agency, bureau, commission, board, authority or other unit of the Jackson County Government using goods and services to carry out the duties and responsibilities of such functions and for which financial appropriations have been made by the government authority.

## **SECTION 1-2**

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- **Purchasing Manager**

The Purchasing Manager shall administer the policies, regulations, and procedures for governing the purchase of all goods and services for Jackson County. The Purchasing Manager shall exercise general supervision of all functions pertinent to purchasing, subject to the review of the Manager.

## **SECTION 1-3**

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- **Duties of the Purchasing Manager**

The Purchasing Manager shall have the following authority, responsibility, and duties:

1. To carry put the policies, regulations, and procedures for purchasing all good and services required by the using agencies of Jackson County pursuant to the provisions of this ordinance, and other directives of the governing authority or the Manager not in conflict with this ordinance.
2. To obtain the highest quality of goods and services for the most economical costs which will provide the most effective operations of Jackson County.
3. To discourage restrictive bidding and specifications, and to promote open competition.
4. To maintain up-to-date files of all vendors known to the governing authority who are reputable and responsible vendors of goods and services, prices, and discounts as may be available.
5. To establish a standard uniform list of classification of all goods and services regularly used by Jackson County, to be distribute to all using agencies and suppliers, in order to achieve uniformity of common purchases among the various using agencies.
6. To take advantage of all exemptions, discounts, and special offers to which Jackson County may be entitled, to ensure the most economical purchase without sacrificing quality, including the availability of “bulk” purchases.
7. To coordinate with the Finance Department to ensure that all purchases are in compliance with Jackson County’s budgeting and accounting policies and procedures.
8. To be informed of the “state-of-the-art” developments and procedures in the fields of governmental purchasing, current market conditions, new products, and prices.

9. To develop and prescribe, such forms as may be necessary to effectively and efficiently carry out the purchasing procedures of Jackson County and to require that such forms be utilized by all using agencies.
10. To ensure that all goods and services purchased by Jackson County are property received and are representative of and in accordance with the prescribed terms and specifications of the purchasing agreement.
11. With the approval of the Manager, to declare ineligible any vendor that misrepresents or defaults on any quotation, bid or purchase agreement with Jackson County and to disqualify such vendor doing further business with Jackson County for a specified period of time.
12. To uphold policies and procedures, with the approval of the Manager, to administer and carry out the provisions of this ordinance or other policies established by Jackson County, pertaining to governmental purchases; to develop and maintain a uniform purchasing manual which shall include all such policies and procedures to be followed by all using agencies.

## **SECTION 1-4**

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- **Award of Contracts**

The County Manager shall be authorized to award a contract for purchase of goods and services to the lowest and most responsible bidder or vendor when approved in the budget or approved project resolution up to \$20,000.00. The approval of the Manager shall be required before the award of a contract over \$10,000.00 that is in excess of the budget or approved project resolution. The Board of Commissioners shall approve all contracts over \$20,000.00. The Manager shall be authorized to award contracts in case of an emergency and report all emergency contracts awarded to the Board of Commissioners on a quarterly basis.

## **SECTION 1-5**

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- **Competitive Request for Bids over \$20,000.00**

Any supply, material, or contractual service to be purchased by Jackson County which has an estimated cost of more than \$20,000.00 shall be purchased through formal sealed bids with formal advertising in the local newspaper in which the Sheriff's sales appear. Such notice shall be published once a week for two (2) consecutive weeks prior to the time of the advertised bid opening.

## **SECTION 1-6**

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- **Competitive Quotations under \$19,999.00**

Any supply, material or contractual service to be purchased by Jackson County which has an estimated cost of not less than \$1,000.00 and not more than \$19,999.00 shall be purchased on the open market, without regard for formal advertising. Upon the receipt of documented written price quotations from at least three (3) reputable vendors, the Purchasing Manager shall award the contract up to \$5,000.00 and the County Manager shall award contracts up to \$20,000.00.

## **SECTION 1-7**

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- **Purchases less than \$999.00**

Any supply, materials or contractual services which have an estimated cost of less than \$999.00 may be purchased from any approved vendor recommended by the using agency, or in the absence of such recommendation, from any approved vendor selected by the Purchasing Manager. The head of the using agency shall authorize each such purchase. Three oral quotes shall be received by the using department whenever possible.

## **SECTION 1-8**

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- **Selection of Professional Services**

Professional services may be required on a project basis, for specific activities or for certain durations of time. Procurement of these services shall be the primary responsibility of the user agency with the assistance of the Purchasing Manager. A contract for professional services will be awarded to the best-qualified proposal based on the evaluation of the proposals and negotiation of reasonable and fair compensation for services. Such professional service needs must be approved by the Manager and shall be limited to a maximum duration of two (2) years with a one-year optional renewal without again requesting proposals for such general services from the professional community. The initial selection of such professional services shall be accomplished as outlined in section (a) below. Fees for such services may be negotiated at the time of such designation on a project/activities basis.

- a. Professional services, which have an estimated cost of more than \$20,000.00, shall be purchased through Request for Proposals. When determined appropriate by the Manager, solicitation may be made through formal advertising in the local newspaper in which the Sheriff's sales appear or regional newspapers, or any other similar means to notify the professional community.

- b. Professional services which have an estimated cost of not less than \$1,000.00 and not more than \$19,999.00 shall be purchased on the open market, without the regard for formal advertising. Upon the receipt of written proposals from at least three (3) qualified professionals of the service, the user agency shall select and the County Manager shall award the contract.
- c. Professional services which have an estimated cost of less than \$999.00 may be purchased from any approved list of professionals recommended by the using agency or, in the absence of such recommendation, from any approved professional selected by the Purchasing Manager. The head of the using agency shall authorize each purchase.

## **SECTION 1 - 9**

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- **Rejection of Bids or Quotations**

The Manager shall be authorized to reject any or all bids, in whole or in part, when the terms, conditions or specifications received are not in compliance with those in the Jackson County bid solicitation. In such event, the Manager shall document the circumstances of such rejection and re-issue the solicitation, as is deemed appropriate.

## **SECTION 1 - 10**

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- **Federal and State Contract Purchases**

Whenever any goods or services are available to Jackson County through a contract with the federal or state government, and when such items or services meet the requirements of a using agency, such item or service shall be deemed to have all the requirements of competitive bidding and may be purchased under the federal or state contract without regard to further government requirements.

## **SECTION 1 - 11**

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- **Price Agreement Contracts**

Goods or services used by one or more using agencies on a regular and continuing basis may be purchased under a contract covering a specified extended period of time, at an established price for such goods or services which shall be valid for the duration of the contract period. Purchase agreements under this provision shall be subject to applicable bidding or quotation requirements as any other purchase.

## **SECTION 1 - 1 2**

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- **Cooperative Purchasing Agreements**

The Manager shall be authorized to enter into cooperative purchasing agreements with other units of government when it would be in the best interest of Jackson County.

## **SECTION 1 - 1 3**

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- **Emergency Purchases**

The Manager shall be authorized to waive any or all-bidding requirements for the purchase of necessary goods or services when ever an emergency condition exists which presents a threat to the safety, health and welfare of the citizens of Jackson County, and whenever such requirements would cause undue delay in the delivery of essential services under such conditions.

## **SECTION 1 - 1 4**

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- **Bid Bonds or Deposits**

The Manager shall be authorized to require a bid bond or deposit, payable to Jackson County for contracts up to \$99,999.00 from vendors bidding on any goods or services when, and in such amounts, the nature of the goods or services warrant such a bond or deposit, or whenever such bond or deposit is required under state law. Notice of a bond or deposit shall be included in the public notice and bidding specifications. Contracts over \$100,000.00 shall require a bid bond or deposit. Such bond or deposit shall not exceed one hundred percent (100%) of the bid amount.

## **SECTION 1 - 1 5**

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- **Local Buying Preference**

The Board of Commissioners has the authority to award a bid to a vendor from the local community that meets all of the specifications even it is not the lowest bid price. A bid may be awarded to a local vendor if their price is no higher than 2% of the lowest total bid price up to a maximum amount of \$2,000.00.

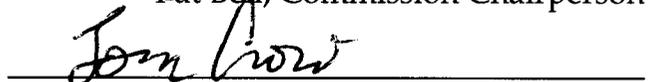
- **State Law Prohibits this preference for Public Works Bids**

APPROVED THIS 21<sup>ST</sup>, DAY OF November, 2005

The Board of Commissioners of Jackson County

  
Pat Bell, Commission Chairperson

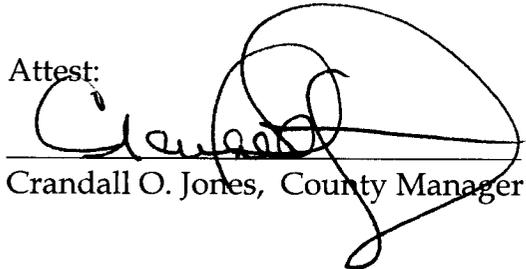
SEAL

  
Tom Crow, Commissioner District 1

  
Jody Thompson, Commissioner District 2

  
Emil Beshara, Commissioner District 3

Attest:

  
Crandall O. Jones, County Manager

  
Tony Beatty, Commissioner District 4