# RENO EVENING GAZETTE PROOF OF PUBLICATION

STATE OF NEVADA COUNTY OF WASHOE \$\) ss.

NOTICE OF COUNTY ORDINANCE
Notice is hereby given that Bill No. 204. Ordinance No. 159 entitled: "An ordinance providing for centralized purchasing through centralized control of expenditures of Washoe County Funds; providing for the powers and duties of a County Purchasing Agent; providing for procedural regulations; providing for procedural regulations; providing for exemptions from centralized purchasing; providing for requisitions and estimates of future requirements; providing for contracts, purchasers and sales, including open market purchases and sales and purchases of patented or proprietary articles; providing for unlawful purchases and personal liability therefor; providing for personal purchases and limitations thereon; providing for the consequences of offers and acceptances of gratifulfles; providing for the consequences of offers and acceptances of gratifulfles; providing for the stabilishment of a Board of Standardization and its powers, duties and limitation; providing for inspection by receiving agencies; providing for suprius, obsolete and waste commodities; providing for the submission of an anual report by the County Purchasing Agent to the County Commissioners; and other mafters properly relating thereto" was proposed on January 25, 1968 by the following vote of the Board of County Commissioners. Mccounty Commissioners. Those Voting Nay: Commissioners: McKissick, McKenzie, Sauer, Cunningham and Streeter.

This Ordinance shall be in full force and effect from and after February 16, 1964, the second date of publication. Notice is further given that typewritten

DOROTHY YOCOM being first duly sworn, deposes and says: That she is the legal clerk of THE RENO EVENING GAZETTE, a daily newspaper published at Reno, in Washoe County, in the State of Nevada. That the notice .... BILL NO. 204 of which a copy is hereto attached, was first published in said newspaper in its issue dated the .9th day of ... February ..., 19 68 and February 16 the full period of ..... days, the last publication thereof being in the issue dated the .....day February 19 68 Subscribed and sworn to before me this ..../19.68 .... 16th day of February Notary Public.



RICHARD J. TAYLOR

Notary Public — State of Nevada

Washoe County

My Commission Expires Jan. 22, 1971

SUMMARY: An ordinance providing for centralized purchasing through centralized control over expenditures of Washoe County funds.

BILL NO. 204

ORDINANCE NO. 159

AN ORDINANCE PROVIDING FOR CENTRALIZED PURCHASING THROUGH CENTRALIZED CONTROL OF EXPENDITURES OF WASHOE COUNTY FUNDS; PROVIDING FOR THE POWERS AND DUTIES OF A COUNTY PURCHASING AGENT; PROVIDING FOR PROCEDURAL REGULATIONS; PROVIDING FOR EXEMPTIONS FROM CENTRALIZED PURCHASING; PROVIDING FOR EMERGENCY PURCHASERS; PROVIDING FOR REQUISITIONS AND ESTIMATES OF FUTURE REQUIREMENTS; PROVIDING FOR CONTRACTS, PURCHASERS AND SALES, INCLUDING OPEN MARKET PURCHASES AND SALES AND PURCHASES OF PATENTED OR PROPRIETARY ARTICLES; PROVIDING FOR AVAILABILITY OF FUNDS; PROVIDING FOR UNLAWFUL PURCHASES AND PERSONAL LIABILITY THEREFOR; PROVIDING FOR PERSONAL PURCHASES AND LIMITATIONS THEREON; PROVIDING FOR THE CONSEQUENCES OF OFFERS AND ACCEPTANCES OF GRATUITIES: PROVIDING FOR DEBARMENT OF IRRESPONSIBLE BIDDERS; PROVIDING FOR THE ESTABLISHMENT OF A BOARD OF STANDARDIZATION AND ITS POWERS, DUTIES AND LIMITATION; PROVIDING FOR INSPECTION BY RECEIVING AGENCIES; PROVIDING FOR STOREROOMS AND DISPOSITION OF SURPLUS, OBSOLETE AND WASTE COMMODITIES; PROVIDING FOR THE SUBMISSION OF AN ANNUAL REPORT BY THE COUNTY PURCHASING AGENT TO THE COUNTY COMMISSIONERS; AND OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DO ORDAIN:

#### Section 1. PURPOSE

The purpose of this ordinance is to secure for the County
Taxpayers the advantages and economies which will result from
centralized control over the expenditures of County funds for
supplies, equipment, and contractual services; from the application of modern business-like methods to such expenditures; and
from better utilization of the articles procured at public expense.

#### Section 2. DEFINITIONS

As used in this ordinance:

- (A) "Agency" and "Using Agency" mean any of the departments, offices or other organization units of the County Government, and any special district whose affairs and funds are under the supervision and control of the County Commissioners and for which the County Commissioners is ex officio the governing body.
- (B) "Supplies", "Materials" and "Equipment" mean any and all articles or things which shall be furnished to or used by any agency, including any and all printing, binding, or publication of stationery, forms, laws, journals and reports, but excluding services or materials furnished "in kind" in lieu of cash to indigents.
- (C) "Contractual Services" means any and all telephone, gas, water, electrical light and power services; towel and window washing and cleaning service; the rental of equipment and machine; and all other types of agreements under which the contractor provides services which are required by the County Government but not furnished by its own employees. Provided,

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however, that "contractual services" shall not include legal advertising, and purchases of space for legal advertising shall not be subject to the provisions of this ordinance.

- (D) "Personal Services" means the service of attorneys, physicians, architects, engineers, consultants, or other individuals or organizations possessing a high degree of technical skill.
- (E) "Bidders List" means a current file of sources of supply of articles for each category of commodities repetitively purchased for County use.
- (F) "Responsible Bid" means an offer, submitted by a responsible bidder in ink or typewritten form, to furnish supplies, materials, equipment or contractual services in conformity with the specifications, delivery terms and conditions, and other requirements included in the invitation for bids.
- (G) "Responsible Bidder" means a bidder who submits a responsible bid; who has furnished when requested information and data to prove that his financial resources, production or service facilities, service reputation and experience are adequate to make satisfactory delivery of supplies, materials, equipment or contractual service on which he bids; and who has not violated, or attempted to violate, any provisions of this ordinance.
- (H) "Irresponsible Bidder" means a bidder or prospective bidder who fails to furnish, upon written request, proof of his responsibility; who has, as a vendor or contractor with the County, repeatedly made slow or unsatisfactory deliveries; or who has violated, or attempted to violate, the provisions of this ordinance.

# Section 3. POWERS AND DUTIES OF THE COUNTY PURCHASING AGENT

The County Purchasing Agent shall, subject to the provisions of this ordinance and applicable provisions of State law:

- (A) Purchase all supplies, materials, equipment and contractual services required by the agencies in amounts or estimated amounts of One Thousand Dollars (\$1,000.00) or less; and submit to the County Commissioners for award of all purchases of supplies, materials, equipment, and contractual services in amounts or estimated amounts in excess of One Thousand Dollars (\$1,000) in accordance with the provisions of the Local Purchasing Act.
- (B) Use standard specifications wherever they are applicable to purchase orders and contracts; and insure compliance with such specifications through adequate inspection of deliveries.
- (C) Transfer between agencies supplies, materials and equipment which are no longer needed by a holding agency but which can be used by the receiving agency.
- (D) Sell personal property in compliance with NRS and the Local Purchasing Act.
- (E) Develop, with the approval of the District Attorney as to legal sufficiency, standard forms and conditions to invitations to bid and purchase orders and contracts;

develop, and prescribe the use by agencies of, other forms required in carrying out the provisions of this ordinance; and amend or eliminate any such forms.

# Section 4. PROCEDURAL REGULATIONS

- (A) The County Purchasing Agent is hereby authorized to prepare procedural regulations to amplify the provisions of this ordinance; to submit such regulations and amendments thereto to the County Commissioners for approval to promulgate and enforce compliance with such regulations including, but not limited to:
  - (1) The procedure for securing from bidders and prospective bidders the data necessary to determine whether or not they are responsible;
  - (2) The procedure for inspection of deliveries of supplies, materials, equipment and contractual services:
  - (3) The procedure for making emergency purchases;
  - (4) The procedure for reporting receipt of deliveries of supplies, materials, equipment and contractual services;
  - (5) The procedure for submitting requisitions for the supplies, materials, equipment and contractual services required by the using agencies;
  - (6) The procedure for receipt and examination prior to audit of invoices for supplies, materials, equipment and contractual services delivered;
  - (7) The procedure for control and safeguarding of supplies, materials, and equipment in storerooms or at storage points, including the maintenance of a perpetual inventory system showing the quantative amounts and monetary values of the inventories; and
  - (8) Such matters as may be necessary to give effect to provisions of this ordinance and any amendment thereto.
- (B) A copy of such regulations shall be available in the County Purchasing Agent's office and shall be open to the public inspection during regular business hours.

#### Section 5. EXEMPTIONS FROM CENTRALIZED PURCHASING

The County Purchasing Agent, may, and where legally required to do so, shall authorize, in writing, any agency to purchase or contract for certain specified classes of supplies, materials, equipment, or contractual services, independently of the County Purchasing Agent's office; but such purchases or contracts shall be made in conformity with the applicable provisions of this ordinance. The County Purchasing Agenty may also rescind such authorization to purchase independently, by written notice to the agency or agencies concerned unless otherwise prohibited by law.

#### Section 6. EMERGENCY PURCHASES

(A) An emergency shall be deemed to exist when a breakdown in

machinery or in an essential service occurs; or when unforeseen circumstances arise, including delays by contractors, delays in transportation and unanticipated volume of work.

- (B) If an emergency occurs during regular business hours, the head or other employee of the using agency shall immediately notify the County Purchasing Agent, who shall either purchase the required commodity or service or authorize the using agency to do so. If the County Purchasing Agent is unawilable, the head of the using agency shall notify the County Manager before making the purchase. If an emergency occurs at times other than regular business hours, the using agency may purchase directly the commodity or commodities required. If the estimate cost of the emergency purchase exceeds Two Hundred Dollars (\$200), the head of such agency shall, wherever possible secure competitive telephone bids and order delivery to be made by the lowest responsible bidder. On every emergency purchase made, the agency head shall, not later than one week thereafter, submit to the County Purchasing Agent a requisition, a tabulation of bids received, if any, a delivery receipt and a written explanation of the circumstances of the emergency. The records of such emergency transactions shall be open to public inspection during regular business hours.
- (C) The County Purchasing Agent shall submit monthly to the Board of County Commissioners a list of all emergency purchases in excess of Five Hundred (\$500) dollars made during the preceding month, with an explanation of the circumstances of each.

#### Section 7. REQUISITIONS AND ESTIMATES OF FUTURE REQUIREMENTS

- (A) All agencies shall submit to the County Purchasing Agent requisitions for the supplies, materials, equipment and contractual services as required for their operations and for the purposes and within the limits of funds appropriated therefor. The County Purchasing Agent, after reviewing any such prices, may require from the head of the requesting agency a justification of the quantity or quality requisitioned.
- (B) All agencies shall also file with the County Purchasing Agent estimates of their requirements for supplies, materials, equipment and contractual services in such form, at such time and for such future periods as the County Purchasing Agent shall prescribe.

#### Section 8. CONTRACT PURCHASES AND SALES

- (A) All purchases of, and contracts for, supplies, materials, equipment and contractual services, and all sales of personal property which has been found by the County Commissioners not to be required for public use, shall be based, wherever possible, on competitive bids. If the amount of the expenditure for a contractual service or for a commodity, or for a class of commodities normally obtainable from the same sources of supply, is estimated to exceed One Thousand Dollars (\$1,000) or the amount specified by the Local Purchasing Act, contract bids shall be solicited by public notice.
- (B) The County Purchasing Agent shall, in addition solicit bids from prospective bidders for the class of commodities being purchased or sold as listed on the bidders list by sending them copies of the newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. All pending purchases or sales shall in all cases, be advertised by posting

a copy of the contract bid form on a public bulletin board in or adjacent to the County Purchasing Agent's office.

- (C) When sealed bids are required they shall be submitted to the County Clerk on the official contract bid form, when this is specified, and in an envelope, which will have indicated thereon the class of commodities to be purchased. When specified each bid shall be accompanied by surety in the form of a certified or cashier's check or bid bond in such amount as shall be prescribed in the public notice invitingbids or by other instruction to bidders. A tabulation of all bids received, whether accepted or rejected, shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening. The County Purchasing Agent shall submit a copy of the tabulation and all bids received to the County Commissioners together with his recommendation for award. The County Commissioners may reject any and all bids for any or all commodities or contractual services included in the bid form and may readvertise for bids when the public interest will be served thereby. If the low bids received are for the same total amount or unit price, the County Commissioners may authorize the County Purchasing Agent to award the contract to one of the tie bidders by drawing lots in public, negotiating between the two lowest bidders, or to purchase the commodities or contractual services in the open market, provided the price paid in the open market shall not exceed the lowest contract bid price submitted for the same commodity or contractual service. In all other cases, the contract shall be awarded by the County Commissioners to the lowest responsible bidder. In determining the lowest responsible bidder, the County Purchasing Agent, and the County Commissioners shall take into consideration the quality offered and its conformity with the specifications, the delivery and discount terms and conditions of the bid, the service reputation of the bidder, and other information and data required to prove his responsibility.
- (D) It shall be the duty of the County Purchasing Agent to discourage uniform bidding by every possible means and to endeavor to obtain as full and open competition as possible on all purchases and sales.
- (E) If the successful bidder does not enter into a contract within ten (10) days after mailing of notice of award of contract, he shall forfeit in cash an amount equivalent to the amount of any surety which accompanied his bid, unless the County is responsible for the delay. He shall also be held liable for any cost in excess of his bid price which the County incurs in purchasing the commodities or services elsewhere.
- (F) The successful bidder shall furnish surety in the form of cash, certified or cashier's check or bond for the faithful performance of the contract in the amount specified in the contract bid form.
- (G) All contract bid forms and all contracts shall be approved by the District Attorney as to form and legality. Following such approval all contracts shall be signed in behalf of the County by the County Manager. A copy of each signed contract shall be filed with the Clerk.

#### Section 9. OPEN MARKET PURCHASES AND SALES

(A) If the amount of the expenditures for a contractual service or for a class of commodities normally obtainable from the same source of supply, is estimated to be less than

One Thousand Dollars (\$1,000), it shall not be subject to the requirements of Section 8 of this ordinance. However, all such open market transactions shall, wherever possible, be based on at least three competitive bids.

- (B) The County Purchasing Agent shall solicit bids by direct mail, requests to prospective bidders for the class of commodities being purchased or sold as listed on the bidders list and by posting a copy of such invitation to bid on a public bulletin board in or adjacent to his office. However, bids may be solicited by telephone for open market purchases of less than One Thousand Dollars (\$1,000) or that amount specified by the Local Purchasing Act.
- (C) All open market purchases shall be awarded to the lowest responsible bidder.

# Section 10. TYPES OF CONTRACTS AND PURCHASES

- (A) It shall be the responsibility of the County Purchasing Agent:
  - (1) To reduce, to the maximum extent possible, the number of purchase transactions by combining into bulk orders and contracts the requirements of agencies for common-use item or items repetitively purchased; and
  - (2) To develop and use those types of contracts and purchase orders which will reduce to the minimum the accompanying paper work and which, in other respects, will be most advantageous to the County.
- (B) In carrying out the provisions of subsection 10 (A), the County Purchasing Agent is authorized to prescribe in the procedural regulations adopted pursuant to Section 4 of of this ordinance the use of various types of contracts and orders, including, but not limited to, the following:
- (1) Definite-quality contracts, whereby the contractor agrees to furnish a specified quantity of supplies, materials or equipment at a specified time.
- (2) Indefinite-quantity contracts, whereby the County agrees to obtain from the contractor all its requirements for specified supplies, materials or equipment in an estimated but indeterminate amount during a prescribed period of time at a definite unit price or at a specified discount from list or posted price.
- (3) Price agreements, whereby the contractor agrees to supply the County requirements for items, such as replacement parts for different makes of mechanical or automotive equipment during a prescribed period of time and within a designated geographical area of the County at a definite unit price or at a specified discount from list or posted prices.
- (4) Order books to be prenumbered and issued by the County Purchasing Agent for use in securing over-the-counter delivery of miscellaneous hardware, repair parts and similar items when the need arises in the vicinity of a source of supply. The use of such orders shall be limited to purchases in amounts not to exceed Twenty Dollars (\$20.00). All such orders shall be issued without regard to the requirements of Section 11 of this ordinance for availability of funds. All order books and all order blanks shall be

properly accounted for by the official to whom they have been issued.

# Section 11. PURCHASE OF PATENTED OR PROPRIETARY ARTICLES

- (A) When the County requires supplies, materials or equipment which are produced by only one manufacturer, the County Purchasing Agent shall specify such manufacturer's make or brand in the invitations to bid and shall obtain competitive bids from authorized dealers or distributors of such manufacturer.
- (B) When the County requires supplies, materials or equipment which are patented or proprietary and which are obtainable in two or more equally satisfactory and competitive makes, brands or types, the County Purchasing Agent shall list such acceptable and competitive makes, brands or types in the invitation to bid. Such lists shall also include the phrase "or equal" to permit bidders to bid on alternate or additional makes, brands or types. It shall be incumbent on each such bidder to prove to the satisfaction of the County that the alternate or additional make, brand or type which he offers is equal in quality or performance to those listed in the invitations to bid.

# Section 12. AVAILABILITY OF FUNDS

Except in emergencies as defined in Section 6 (A) of this ordinance no notice of award of contract shall be issued, no contract shall be signed, and no open market purchase order shall be issued, unless the unexpended balance in the appropriation or appropriations concerned is sufficient to defray the amount of such contract or purchase order.

#### Section 13. UNLAWFUL PURCHASES

- (A) If any agency purchases or contracts for any supplies, materials, equipment or contractual services contrary to the provisions of this ordinance, such purchase order or contract shall be void and of no effect. The head of the agency making such purchase transaction shall be personally liable for the amount of such purchase order or contract, and, if already paid for out of County funds, the amount thereof may be recovered in the name of the County in a appropriate action therefor.
- (B) It shall be unlawful for any agency to split its requirements for supplies, materials, equipment and contractual services into estimated amounts of less than One Thousand Dollars (\$1,000) or that amount set forth by the Local Purchasing Act in order to evade the provisions of Section 8 of this ordinance or split purchase requirements or puchase orders of any kind in order to evade provisions as set forth by the Local Purchasing Act or by the Purchasing Agent.

#### Section 14. PERSONAL PURCHASES

Purchases of supplies or equipment for the personal use of an official or employee of the County shall be made by the County Purchasing Agent, or by an agency to which he has voluntarily given an exemption in accordance with Section 5 of this ordinance, only when the item or items are required parts of a worker's equipment and are necessary to the successful performance of the duties of such County official or employee.

#### Section 15. GRATUITIES

(A) The acceptance of any gratuity in the form of cash, merchan-

dise or any other thing of value by an official or employee of the County from any vendor or contractor, shall be deemed to be a violation of this ordinance and shall be cause for removal or other disciplinary action.

(B) The offer of any such gratuity to any official or employee of the County by any vendor or contractor, or prospective vendor or contractor, shall be cause for declaring such individual or firm to be an irresponsible bidder and for debarring him from bidding, as provided in Section 15.

# Section 16. DEBARMENT OF IRRESPONSIBLE BIDDERS

The County Purchasing Agent may determine and declare a bidder to be irresponsible for the reasons cited in Section 2 (H) and Section 14 of this ordinance; may remove his name from the bidders list; and may debar him from bidding for a reasonable period, or not less than on year. Such debarred bidder shall be furnished with a statement of the reasons therefor.

#### Section 17. BOARD OF STANDARDIZATION

- (A) The County Commissioners may establish a Board of Standardization to be composed of the County Purchasing Agent as Chairman and such other officials as the County Commissioners may designate. The members of such Board shall serve without additional compensation.
- (B) If a Board of Standardization is established it shall be the duty of such Board to classify the requirements of the County Government for supplies, materials, and equipment which are common to the needs of two or more agencies and which are repetitively purchased; to adopt as standards the minimum number of quantities, sizes, and varieties of such supplies, materials, and equipment consistent with the efficient operation of the County Government; and to prepare, adopt and promulgate written specifications describing such standards. The Board shall, to the maximum practicable extent, adopt, for County use the standard specifications of other government and of nationally recognized standardizing bodies.
- (C) In the preparation and revision of any standard or standard specifications, the Board of Standardization shall seek the advice, assistance and cooperation of the County agencies concerned to ascertain their requirements. The Board of Standardization shall have the authority to make use of any laboratory and engineering facilities of the County and the technical staffs thereof in connection with the preparation and adoption of standards and written specifications. Each specification adopted or any commodity shall, insofar as possible satisfy the requirements of the majority of the County agencies which use it.
- (D) All specifications must be defined and certain and permit of competitive bidding after they are adopted. Each standard specification shall, until revised or rescinded, apply alike in terms and effect to every future purchase and contract for the commodity described in such specification.
- (E) Until a Board of Standardization is established, the County Purchasing Agent shall exercise the authority and carry out the duties conferred by this Section.

# Section 18. INSPECTION

(A) The receiving agencies shall inspect deliveries of supplies, materials and equipment or the furnishings of contractual services

to insure their conformance with the specifications set forth in the purchase order or contract.

- (B) Any agency which has the necessary facilities and staff for adequate inspection may be authorized and directed by the County Commissioners, on the recommendation of the County Purchasing Agent, to inspect deliveries made to other agencies.
- (C) The County Purchasing Agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries to the extent necessary to determine their quality and conformation with the specifications. For such tests, the County Purchasing Agent shall have the authority to make use of laboratory facilities of any agency or to engage the services of any outside laboratory.

#### Section 19. STOREROOMS

The County Purchasing Agent shall operate any storerooms hereafter established by the County Commissioners for the storage of common-use items. He shall be responsible for the safekeeping, and proper storage and handling of all supplies, materials, and equipment therein. In accordance with Section 4 (A) (7) of this ordinance, he may also prescribe and require the maintenance of a perpetual inventory system showing the quantitive amounts and monetary values of the inventories in any storerooms operated by other agencies.

# Section 20. SURPLUS, OBSOLETE AND WASTE COMMODITIES

- (A) All agencies shall submit to the County Purchasing Agent at such times and in such form as he shall prescribe, reports showing stocks of all supplies, materials, and equipment which are no longer used or which have become obsolete, worn out or scrapped, the County Purchasing Agent shall have the authority to transfer any such commodities which are usable to another or other agencies in lieu of filling requisitions for the purchase of new and additional stock of the same or similar articles.
- (B) The County Purchasing Agent shall have the authority to sell all such supplies, materials and equipment which cannot be used by any agency or which have been found by the County Commissioners not to be required for public use; or to exchange or trade-in such articles in part or full payment for new supplies, materials or equipment of a similar nature. Any such sale, exchange or trade-in shall be made in accordance with the Local Purchasing Act.

#### Section 21. ANNUAL REPORT

The County Purchasing Agent shall submit to the County Commissioners an annual report on the work of his office in carrying out the provisions of this ordinance.

# Section 22. CONFLICTING SECTIONS REPEALED

All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this ordinance or the Local Purchasing Act are hereby repealed.

#### Section 23. CONSTITUTIONALITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The County Commissioners

of the County of Washoe hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

### Section 24.

This ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS  $\S244.100$ .

Proposed on the <u>25th</u> day Proposed by Commissione	r Sauer
Passed on the 5th day	of February , 1968
Vote:	
Ayes:	Commissioners: McKissick, McKenzie, Sauer, Cunningham and
•	Streeter
Nayes:	Commissioners: None
SUPERIOR	Commissioners: None
	Thorand r. Mellissich
ATTEST	Chairman of the Board

This Ordinance shall be in force and effect from and after the 16th day of February . 1968.

ORDINANCE NO. 159

Amended by Ordinance No. 249, Bill 412, Item 75-159

Repealed by 2006

CC-M-53