

## ***DIVISION 2. PURCHASES<sup>1</sup>***

### **Sec. 2-261. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bid, proposal and quotation* mean any offer specifically given to the county in response to a solicitation.

*Bidder* means any business submitting an offer to the county.

*Business* means any corporation, partnership, individual, sole proprietorship, joint venture, joint stock company or any other legal entity.

*Contract* means all types of county agreements, regardless of what they may be called, for the purchase of materials, supplies and equipment and professional and contractual services.

*Contract management* means the negotiations to arrive at an agreement, preparation of contract documents and the servicing of that agreement during its performance as applicable to the services of architects, engineers, land surveyors, construction contractors, construction managers, design-build contractors, maintenance contractors, other technically related service providers and the acquisition of right-of-way or other real property directly related to capital improvement projects.

*Contractor* means any business having a contract with the county.

*Contractual services* means and includes all utilities (gas, water, electric, etc.), construction and services which include labor, time or effort.

*County manager* means the chief administrative officer of the county.

*Dollar value* means the maximum amount for a purchase that is authorized to be made by designated county officials and the initial dollar value shall be annually adjusted on October 1 of each year if the weighted five-year average increases.

*Employment cost index, total benefits, for state and local government workers, all workers (ECI)* means a report published by the United States Bureau of Labor Statistics (BLS), which measures the change in the cost of labor, free from the influence of employment shifts among occupations and industries.

*Invitation to bid* means and includes all documents, whether attached or incorporated by reference, used for soliciting sealed bids.

*Local business* means a prime contractor or subcontractor duly licensed and authorized to engage in the particular business at issue that maintains a permanent physical place of business in Brevard, Flagler, Lake, Orange, Osceola, Seminole or Volusia County, Florida, and holds a valid local business tax receipt for that place of business, for a minimum of six months prior to the date of submittal of the bid or quote to the county.

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<sup>1</sup>State law reference(s)—Consultants' Competitive Negotiation Act, F.S. § 287.055.

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*Preference* means the method of the reducing the proposed bid or quote price by a designated percentage for the sole purpose of determining the lowest price when compared to other prices submitted during a competitive solicitation subject to section 2-269.5.

*Prime contractor* means the person, firm, corporation or other business entity submitting a bid or quote to the county in response to a competitive solicitation governed by this division.

*Producer price index, finished goods (PPI)* means a report published by the United States Department of Labor, Bureau of Labor Statistics (BLS), which measures the average change over time in the selling prices received by domestic producers for their output.

*Professional services* means services as provided by architects, engineers, surveyors and other professionals as designated by the purchasing director, excluding attorneys and expert witnesses.

*Purchasing* means buying, renting, leasing or otherwise acquiring any supplies, materials and equipment and professional or contractual services, or construction. It also includes all functions that pertain to obtaining any supplies, materials and equipment, and professional or contractual services, or construction, including description of requirements, in conjunction with the using agency, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration, but not including contract management.

*Purchasing director* and *director* mean the purchasing director of the county.

*Responsible* means having the capability in all respects to perform fully the contract requirements and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment and credit which will ensure good-faith performance.

*Responsive* means conforming in all material respects to the requirements and criteria set forth in the invitation to bid.

*Subcontractor* means the person, firm, corporation or other business entity included in the bid or quote of a prime contractor for utilization by that prime contractor.

*Supplies* means and includes all supplies, materials and equipment.

*Using agency* means any department, division, agency, commission, board, committee, authority or other unit in the county government procuring supplies, materials or equipment or contractual, professional or construction services as provided for in this division.

*Vendor* means any business that will be or has been awarded a contract by the county.

*Weighted five-year average* means the average calculated by: i) using a 60/40 weighting to represent budget expenditures primarily associated with labor and goods/capital (nonlabor), respectively; ii) using ECI and PPI five-year averages last reported by BLS; iii) multiplying the labor weight to the ECI five-year average change; iv) multiplying the nonlabor weight to the PPI five-year average change; and v) totaling the weighted values. Example:

Budget Area	Wt.		BLS 5yr Avg.		Wtd. 5yr Avg.
Labor	60%	x	3.0%(ECI)	=	1.8%
Nonlabor	40%	x	2.0%(PPI)	=	0.8%
Total	100.0%				2.6%

(Ord. No. 90-20, § 3, 5-17-90; Ord. No. 2009-07, § I, 3-5-09; Ord. No. 2011-27, § I, 12-1-11)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

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**Sec. 2-262. Penalty.**

Violations of this division are punishable as provided in section 1-7.

(Ord. No. 90-20, § 24, 5-17-90)

**Sec. 2-263. Purpose.**

The purpose of this division is to prescribe the manner in which the county shall control the purchase of materials, supplies, equipment, and professional and contractual services of the county and to maintain a high ethical standard for all officers and employees of the county in connection therewith.

(Ord. No. 90-20, § 2, 5-17-90)

**Sec. 2-264. Reserved.**

Editor's note(s)—Ord. No. 2019-22, § II, adopted Dec. 10, 2019, repealed § 2-264, which pertained to establishment of purchasing division and derived from Ord. No. 90-20, § 4, 5-17-90.

**Sec. 2-265. Appointment and functions of purchasing director.**

- (a) *Position created.* There is hereby created the position of purchasing director, who shall be the principal contracting officer of the county. The purchasing director shall direct the purchasing division, and shall perform all duties required by law and such other duties as assigned by the county manager, and shall have the powers and duties prescribed by this division.
- (b) *Appointment.* The purchasing director shall be appointed by the county manager in accordance with merit system rules and regulations (chapter 86, article II), and other applicable laws.

(Ord. No. 90-20, § 5, 5-17-90)

**Sec. 2-266. Scope of purchasing authority of purchasing director.**

- (a) The purchasing director shall have the power, and it shall be his duty, to perform the duties specified in this division in connection with the purchase of or contracting for all supplies and professional and contractual services needed by any using agency which derives its support wholly or in part from the county in accordance with procedures prescribed by this division and such rules and regulations as may be adopted for the internal management and operation of the purchasing division.
- (b) The authority of the purchasing director to negotiate all purchases and contracts for all using agencies shall not be abridged, except as required by law, or as otherwise designated by the county council or county manager.
- (c) Certain contractual and professional services for which there is not a purchasing function are excluded from the provisions of this division. This would include agencies funded in part by the county but over which the county does not have jurisdictional control.

(Ord. No. 90-20, § 6, 5-17-90)

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### **Sec. 2-267. Specific powers and duties of purchasing director; delegation of authority.**

- (a) In addition to any other powers and duties conferred by this division, the purchasing director shall:
  - (1) Procure for the county the best value in supplies and contractual and professional services.
  - (2) Encourage competition, discourage uniform bidding and endeavor to obtain as full and as open competition as possible on all purchases and sales.
  - (3) Keep informed of current developments in the field of purchasing, prices, market conditions and new products, and secure for the county the benefits of research conducted in the field of purchasing by other governmental jurisdictions, technical societies, trade associations, and private businesses and organizations.
  - (4) Prescribe and maintain a standard purchasing manual for all using agencies.
  - (5) Prescribe and maintain such forms necessary to the performance of this division.
  - (6) Prepare and adopt standard purchasing nomenclature for using agencies and suppliers.
  - (7) Exploit the possibilities of buying in bulk to take full advantage of discounts.
  - (8) Obtain for the county all tax exemptions to which it is entitled.
  - (9) Have the authority to disqualify a bidder or vendor from receiving any business from the county for a stated period of time for noncompliance with this division or any other applicable laws, rules or regulations.
- (b) The purchasing director may delegate authority to designees or to any department, agency or official and shall be responsible for their actions.

(Ord. No. 90-20, § 7, 5-17-90)

### **Sec. 2-268. Additional regulations and procedures.**

The purchasing director is hereby authorized and directed to adopt such written regulations and procedures as may be necessary for the implementation of this division. Said regulations and procedures shall become effective when approved in writing by the county manager. Copies of the regulations shall be on file in the office of the purchasing director and shall be made available for public inspection during normal business hours.

(Ord. No. 90-20, § 8, 5-17-90)

### **Sec. 2-269. Disadvantaged, small and women-owned business enterprises.**

- (a) *Equal opportunity.* The county is firmly committed to the principles of equal opportunity and affirmative action and, in keeping with these principles, hereby establishes goals and procedures by which disadvantaged, small and women-owned business enterprises shall be assured equal access to providing supplies and professional and contractual services required by the county.
- (b) *Definition.* For purposes of this section, disadvantaged and women business enterprises are defined as a business firm which is at least 51 percent owned by disadvantaged or women group members; or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by disadvantaged or women group members. The disadvantaged or women business enterprise ownership must exercise actual day-to-day management and control of the business. The definition of a small business will depend on the industry,

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the commodity and the service involved. The county council may determine by resolution, amended periodically, groups that are socially and economically disadvantaged.

- (c) *Percentage goal for award of contracts.* The county council shall set a goal of ten percent which shall be a percentage of the aggregate of the county's annual contracts and subcontracts for supplies and professional and contractual services, to be awarded to disadvantaged, small and/or women business enterprises. The county council may, from time to time, set and adjust the goals.
- (d) *Implementation of policy.* The county council may adopt by resolution policies and procedures for implementing the intent of this section.

(Ord. No. 90-20, § 9, 5-17-90)

## **Sec. 2-269.5. Local bid and quote preference.**

- (a) *Applicability.* This section shall apply to purchasing subject to the formal bidding requirements of section 2-271, or that require multiple competitive quotes subject to the requirements of subsection 2-270(b), and result from an invitation to bid or request for quote by the county where price is the sole determining factor for the award of contract to the lowest responsible and responsive bidder.
- (b) *Preference.* Preference afforded under this section shall be calculated as follows:
  - (1) A prime contractor qualifying as a local business shall be granted a preference of three percent of the total bid price or quote.
  - (2) A prime contractor meeting the requirements of subsection (b)(1) proposing the utilization of a subcontractor shall be granted a preference of two percent of the bid price or quote if the work to be performed by all subcontractors, that qualify as local businesses, constitutes 51 percent or greater of the total work to be performed by all subcontractors. This subsection shall not apply if the invitation to bid or request for quote does not authorize utilization of subcontractors.
  - (3) In the event that a prime contractor qualifies for a preference under subsections (b)(1) and (b)(2), total preference shall not exceed five percent.
  - (4) Preference shall not be given to that amount of the total bid price or quote of a prime contractor exceeding \$25,000.00 from the nearest competing bid price or quote for that solicitation.

Preference shall be calculated based on the total bid or quote price, including any alternate or optional service or product in the bid or quote selected by the county.

- (c) *Exemptions.* Notwithstanding subsection (a), this section shall not apply to any of the following purchasing activities:
  - (1) Purchasing funded, in whole or in part, by an entity prohibiting application of the preferences provided by this section by grant agreement, contract or applicable federal, state or local law; or
  - (2) Emergency purchasing subject to section 2-275 of the Code.
- (d) *Certification.* A prime contractor claiming to qualify as a local business for purposes of this section shall so certify in writing on a form prescribed by the purchasing director as part of the competitive solicitation process.
- (e) *Verification.* Any prime contractor or subcontractor subject to a bid or quote subject under this section shall provide all documentation required by the purchasing director that demonstrates its qualification as a local business prior to time of purchase or recommendation of award of contract.
- (f) *Maintenance of status.* A prime contractor granted a preference under this section resulting in a written contract shall stipulate to maintaining its status as a local business throughout the term of the contract,

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including subcontractors for which preference is granted. This requirement shall be included in the contract between the prime contractor and subcontractor.

- (g) *Subcontractors.* A prime contractor seeking preference under this section shall be required to disclose all subcontractors in its bid or quote and stipulate to continued utilization of subcontractors for which preference is granted under this section in any resulting contract unless approved in writing by the county and without change in price.
- (h) *Employment vacancies.* A prime contractor, and its subcontractors, granted preference under this section stipulates to posting employment vacancies generated from a resulting contract with agencies or organizations that may be identified by the purchasing director.
- (i) *Compliance.* Noncompliance with this section shall be deemed a material breach of the resulting contract, grounds for termination by the county and may subject the prime contractor to disqualification in accordance with subsection 2-267(9).
- (j) *Reciprocity.* Effective July 1, 2012, no county, or municipality within a county, listed in the definition of local business in section 2-261 shall serve as a basis for preference under this section if that county or municipality authorizes preference in its procurement process to a business based on a physical location that does not include Volusia County.
- (k) *Review.* This section shall be reviewed by the county council by December 31, 2013.

(Ord. No. 2011-27, § II, 12-1-11)

## **Sec. 2-270. Small purchase procedures.**

- (a) *Generally.* All purchases of supplies and professional and contractual services with a total estimated dollar value of \$50,000.00 or less may be made without observing the procedures prescribed by this division for formal bidding.
- (b) *Minimum number of bids.* All small purchases with a total estimated value of \$3,000.00 or less may be awarded on the basis of a single verbal quote. All small purchases with a total estimated value of more than \$3,000.00 shall, whenever possible, be based on at least three competitive quotes and shall be awarded to the business offering the lowest acceptable quotation in accordance with the standards set forth in this division.
- (c) *Field purchase orders.* Field purchase orders for certain purchases, with the approval of the purchasing director, may be used by the departments for immediately needed supplies and contractual services not to exceed the maximum value of \$500.00.
- (d) *Invitation for quotes.* The purchasing director shall solicit either verbal or written quotes for small purchases and shall use all reasonably available bidders' lists. All quotes in excess of \$10,000.00 shall, whenever possible, be confirmed in writing.
- (e) *Public record of quotes.* The purchasing director shall maintain a record of all quotes received, and such records shall be open to public inspection after award is made.

(Ord. No. 90-20, § 10, 5-17-90; Ord. No. 2009-07, § II, 3-5-09)

## **Sec. 2-271. Formal bidding procedures.**

- (a) *Bidding required for certain purchases.* Except as otherwise provided in this division, when the estimated cost shall exceed \$50,000.00 all supplies and professional and contractual services shall be purchased by formal, written contract (purchase order) from the lowest responsible and responsive bidder after due public

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notice inviting sealed written proposals; provided, however, the county council shall have the authority to waive execution of the formal bidding process in cases where it deems it advisable to do so.

- (b) *Notice inviting bids.*
- (1) *Publication.* Notice inviting bids shall be published on the purchasing division website or once in at least one official newspaper having general circulation in the county and at least five working days preceding the day set for the receipt of bids.
  - (2) *Scope.* The notice required in this subsection shall include a general description of the supplies or professional or contractual services to be purchased, shall state where bid forms and specifications may be secured, and shall state the time and place for opening bids.
- (c) *Bid deposits.* When deemed necessary by the purchasing director, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to a return of their deposit where the purchasing director has required such. A successful bidder shall forfeit any deposit required by the purchasing director upon failure on his part to enter into a contract within ten days after the award.
- (d) *Sealed bids.* Bids shall be submitted sealed to the purchasing division and shall be identified on the outside of the envelope as a sealed bid.
- (e) *Opening of bids.* Bids shall be opened in public at the time and place stated in the invitation to bid and shall be witnessed.
- (f) *Tabulation of bids.* A tabulation of all bids received shall be made and shall be available for public inspection after award is made.
- (g) *Correction of bids.* Correction or withdrawal of inadvertently erroneous bids before or after award and cancellation of awards or contracts based upon such bid mistakes shall be permitted in accordance with regulations promulgated by the purchasing director. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the county or fair competition shall be permitted. Except as otherwise provided by regulation, all decisions to permit correction or withdrawal of bids or to cancel awards or contracts based upon bid mistakes shall be supported by a written determination by the purchasing director.

(Ord. No. 90-20, § 11, 5-17-90; Ord. No. 2009-07, § III, 3-5-09)

## **Sec. 2-272. Award of contracts.**

- (a) *Purchases having a dollar value of \$25,000.00 or less.* Each contract, having a dollar value of \$25,000.00 or less, shall be awarded by the purchasing director.
- (b) *Purchases having a dollar value in excess of \$25,000.00 and not exceeding \$75,000.00.* Each contract, having a dollar value in excess of \$25,000.00 but which does not exceed \$75,000.00, shall be awarded by the county manager to the lowest responsible and responsive bidder and shall be reported to the county council on a quarterly basis.
- (c) *Purchases having a dollar value in excess of \$25,000.00 and not exceeding \$125,000.00 for housing rehabilitation.* Each contract having a dollar value in excess of \$25,000.00 but not exceeding \$125,000.00, shall be awarded by the county manager to the lowest responsible and responsive bidder and shall be reported to the county council on a quarterly basis.
- (d) *Purchases having a dollar value in excess of \$75,000.00.* Each contract having a dollar value in excess of \$75,000.00 shall be awarded by the county council to the lowest responsible and responsive bidder, or the council may delegate to the county manager the authority to award the contract to the lowest responsible and responsive bidder (except as provided in subsections (e) and (f) of this section).

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- (e) *Blanket/price agreement contracts.* All blanket/price agreement contracts shall be awarded by the purchasing director.
- (f) *Purchase of capital equipment.* The county manager shall have the authority to award all contracts for capital equipment from the capital equipment list approved by the county council, provided that the final cost per item does not exceed the approved budget cost by more than a total dollar value of \$75,000.00.
- If the final cost of the item exceeds the total dollar value of \$75,000.00, then the award shall be made in accordance with subsections (b), (c) or (d) of this section.
- (g) *Determination of bids.* In determining the lowest responsible and responsive bidder, in addition to price, the following shall be considered:
- (1) The ability, capacity, skill and sufficiency of resources of the bidder to perform the contract.
  - (2) The bidder's ability to perform the contract within the time specified.
  - (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
  - (4) The quality of performance of the bidder on previous contracts.
  - (5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract.
  - (6) The quality, availability and adaptability of the supplies or professional or contractual services to the particular use required.
  - (7) The ability of the bidder to provide future maintenance and service, if required.
- (Ord. No. 90-20, § 12, 5-17-90; Ord. No. 2009-07, § IV, 3-5-09; Ord. No. 2011-27, § III, 12-1-11; Ord. No. 2020-13, § II, 8-25-20)

### **Sec. 2-273. Change orders and budgeted amounts.**

- (a) The purchasing director shall have the authority to approve contract modifications, change orders and contract price adjustments not to exceed \$25,000.00 cumulatively. Any modification, change order or price adjustment to a contract which would cause the contract's cumulative total dollar value to exceed \$25,000.00 requires approval in accordance with section 2-272.
- (b) The county manager shall have the authority to approve contract modifications, change orders and contract price adjustments not to exceed \$50,000.00 cumulatively. Any modification, change order, or price adjustment to a contract which would cause the contract's cumulative total dollar value to exceed \$50,000.00 requires county council approval in accordance with section 2-272.
- (c) The purchasing director and the county manager, as applicable, shall, when any contract whose final cost is less than the award or less than the budgeted amount, have the authority to approve the contract modification, change order or price adjustment.

(Ord. No. 90-20, § 13, 5-17-90; Ord. No. 2009-07, § V, 3-5-09)

### **Sec. 2-274. Rejecting bids; negotiation.**

- (a) *Rejecting bids.* The purchasing director shall have the authority to reject any and all bids.
- (b) *Negotiation.* If no bid is received, the county council may authorize the purchasing director to purchase by negotiation, and the award shall be made in accordance with section 2-272.

(Ord. No. 90-20, § 14, 5-17-90)



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## **Sec. 2-275. Emergency purchases.**

If the county manager determines that an emergency exists and a delay would be detrimental to the interests of the county, the county manager shall be authorized to direct the purchase of any supplies or professional or contractual services needed to protect the health, safety and welfare of the county and its residents and shall file with the county council a statement certifying the conditions and circumstances requiring such action for purchases having a dollar value exceeding \$50,000.00 at the next regular county council meeting.

(Ord. No. 90-20, § 15, 5-17-90; Ord. No. 2009-07, § VI, 3-5-09)

## **Sec. 2-276. Exceptions.**

- (a) *Excepted supplies and services.* The requirements for formal bidding and small purchase procedures shall be waived for the purchase of:
- (1) Books, periodicals, software, printed materials, artwork, photographs, film, film strips, videotapes, disc or tape recordings or similar material where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent with the state, a governmental agency or a recognized educational institute;
  - (2) Insurance coverage or claims expenditures as provided in the insurance fund established by resolution of the county council, excepting, however, damage to county-owned property;
  - (3) Commodities from established state, PRIDE, government pricing or Federal General Services Administration contracts;
  - (4) The purchase, lease or rental of real property;
  - (5) Certain professional services, design build, guaranteed maximum payment construction, and fast track construction, which shall be conducted in accordance with accepted industry practices, or as required by state law;
  - (6) Supplies and professional and contractual services from a single source upon certification by the purchasing director stating the conditions and circumstances requiring the purchase; this certification shall set forth the purpose, need and justification that the item or service is the only one that will produce the desired results;
  - (7) Public utility services; and
  - (8) Supplies or equipment where compatibility of equipment, accessories or replacement parts permits only one reasonable source of supply.
- (b) *Cooperative purchasing.* The purchasing director shall have the authority to purchase from and joining with other units of governments in cooperative purchasing ventures when the best interest of the county would be served thereby, and same is in accordance with the county and state laws.
- (c) *Public auctions.* The purchasing director shall have the authority to purchase supplies and capital equipment at public auction.
- (d) *Standardization.* Where standardization is determined to be reasonable and desirable by the purchasing director, the purchase of supplies and certain contractual services may be by negotiation.
- (e) *Reletting of improved property for county communication networks.* When an entity, its successor entity, or an assign, has constructed, managed, and maintained a cellular tower or other similar capital communications improvement on county owned real property pursuant to a lease agreement, and the agreement provided the county use of such tower or improvement for its communications or data networks

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at nominal or no cost, the county may, upon application by the lessee and without issuing a formal solicitation or bid, negotiate to relet such property to such corporation or legal entity when the county council has determined that such lease will benefit the public health, safety, or welfare by continuing to allow the county use of such tower or improvement at no or nominal cost, provided that any such lease complies with the following:

- (1) As a precondition to approval, any lease agreement negotiated pursuant to this subsection must be published as a time certain agenda item at a regular meeting of the county council. Members of the public will be afforded the opportunity to comment on the proposed lease.
- (2) If the county council is satisfied that the proposed use of the property will serve the public interest; is in the best interest of the county; and will be used in a manner consistent with county purposes, the council may, in its sole discretion, authorize the lease for rent, whether for nominal value or otherwise, as the council may fix, regardless of the actual value of the lease.
- (3) Any lease entered into pursuant to this exception must contain terms and conditions expressly stating the public purpose for which the property will be used, the rent to be paid, and the term of the lease. Such lease must further provide for the county's continued use of the improvement(s) upon the property for its data or communication networks. The lease must also require that if the property ceases to be used for or consistent with the public purpose cited within the lease or the county is denied use of the improvement(s) thereon, (i) the lease will be immediately terminated, (ii) the lessee shall peaceably surrender and vacate the property, and (iii) the county will have the right to reenter and repossess the property.
- (4) The lease and the purposes for and manner in which the real property are to be used must adhere to any applicable governing comprehensive plan and zoning ordinances unless compliance therewith is otherwise precluded or excused by applicable law.

(Ord. No. 90-20, § 16, 5-17-90; Ord. No. 2019-10, § I, 8-20-19)

### **Sec. 2-277. Unauthorized purchases.**

- (a) Except as provided in this division, it shall be unlawful for any county officer or employee to order the purchase of any materials, supplies, equipment or professional or contractual services or to make any contract within the purview of this division other than through the purchasing director. Any purchase order or contract made contrary to the provisions in this division shall not be approved, and the county shall not be bound thereby.
- (b) This section shall not apply to any emergency purchase which is subsequently approved by the county manager upon justification by the using agency.
- (c) No contract or purchase shall be subdivided to avoid the requirements of this division.

(Ord. No. 90-20, § 17, 5-17-90)

### **Sec. 2-278. Performance and payment bonds.**

Pursuant to state law, a vendor shall provide a bond to guarantee the full and faithful performance of his contract obligations and the payment of labor and materials expended pursuant to the contract whenever and in such amounts as is deemed necessary by the purchasing director.

(Ord. No. 90-20, § 18, 5-17-90)

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### **Sec. 2-279. Waiver of irregularities.**

The purchasing director shall have the authority to waive any and all irregularities in all purchases with a dollar value of \$25,000.00 or less. The county manager shall have the authority to waive any and all irregularities in all purchases with a dollar value of \$50,000.00 or less. The county council shall have the authority to waive any and all irregularities in all purchases with a dollar value in excess of \$50,000.00.

(Ord. No. 90-20, § 19, 5-17-90; Ord. No. 2009-07, § VII, 3-5-09)

### **Sec. 2-280. Inventory management.**

The purchasing director shall have general supervision of all storeroom inventories. This responsibility shall not, however, relieve any agency of accountability for tangible personal property and other supplies under its control.

(Ord. No. 90-20, § 20, 5-17-90)

### **Sec. 2-281. Surplus property.**

- (a) *Reports.* All using agencies shall submit to the purchasing director, at such times and in such forms as he shall prescribe, reports of property which is no longer used or which has become obsolete, worn out or scrap.
- (b) *Transfer.* The purchasing director shall have the authority to transfer surplus property to other using agencies.
- (c) *Disposal.* The purchasing director shall have the authority to dispose of all surplus property in any appropriate legal manner.

(Ord. No. 90-20, § 21, 5-17-90)

### **Sec. 2-282. Inspection and testing.**

The purchasing director shall inspect, supervise the inspection of or cause to be inspected all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.

- (1) *Inspection by using agency.* The purchasing director shall have the authority to authorize using agencies having the staff and facilities for adequate inspection to inspect all deliveries made to such using agencies under rules and regulations which the purchasing director shall prescribe.
- (2) *Tests.* The purchasing director shall have the authority to require tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the purchasing director shall have the authority to make use of laboratory facilities of any agency of the county or of any outside laboratory.

(Ord. No. 90-20, § 22, 5-17-90)

### **Sec. 2-283. Conflict of interest.**

No employee of the county shall contract with or for any business with the county whereby he may derive income or benefits other than those provided as remunerations from the county for his employment.

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(Ord. No. 90-20, § 23, 5-17-90)

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(Supp. No. 104, Update 2)

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