

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 1051., 1054., 1070., and 1071., Jackson County Code, 1984, relating to County purchasing, and enacting, in lieu thereof, two new sections relating to the same subject.

ORDINANCE NO. 5626, June 6, 2022

INTRODUCED BY Tony Miller, County Legislator

WHEREAS, with the implementation of the County's new Bonfire procurement portal, an amended to chapter 10 of the County Code is necessary to ensure that the County's new bid advertising and bid opening procedures are accurately reflected in the code; and,

WHEREAS, an amendment is also necessary to implement the recent transition of the bidding responsibility for construction projects in the Parks + Rec and Public Works Departments back to the Department of Finance and Purchasing; and,

BE IT ORDAINED by the Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause

Sections 1051., 1054., 1070., and 1071., Jackson County Code, 1984, are hereby repealed, and two new sections enacted in lieu thereof, to be known as sections 1051. and 1054., to read as follows:

1051. Formal Competitive Bids, Notice Inviting.

Notice inviting bids shall be provided in the manner and utilizing such media as the Director of Finance and Purchasing or his or her designee deems most appropriate to the

subject matter of the bid and the applicable time line available with the objective of encouraging fair and unbiased competition. The notice shall be designed to secure a reasonable distribution and a competitive bidding process and may include direct mail, electronic mail, on-line listing services, the County's online procurement portal at jacksongov.org, newspaper advertisements, and/or such other means as the director may deem appropriate. In addition to any other solicitation, all purchases, leases, or sales shall also be advertised by notices posted on public bulletin boards in the courthouses in Kansas City and Independence.

1051.1 Notice of Solicitation, Content, Timing.

The notice inviting competitive bids shall be distributed and/or posted at least five (5) business days preceding the last day for receipt of bids or proposals and shall include a general description of the products or services to be leased or purchased and state where bid forms and specifications may be obtained and the time and place for submission and opening of bids.

1051.2 Bidders and Suppliers List.

The Director of Finance and Purchasing shall review the bidders and suppliers list for prospective bidders and shall solicit bids from as many such bidders as is necessary to assure a reasonable distribution of the solicitation and adequate competition.

1051.3 Certain Solicitations, Evaluation Process.

Each solicitation that is to be accomplished by way of a Request for Proposals, Request for Statements of Qualifications and Interest, or a similar procurement mechanism, and that will result in a recommendation to the County Legislature for the award of a contract, shall contain in the notice and/or specifications the following statement: "Any Evaluation Criteria or weighting of criteria is used by the County as tool to assist the County in selecting the best proposal for the County. Evaluation scores or ranks alone do not create a right or expectation of a Contract or Agreement with the County."

1054. Procedure for Receiving and Opening Bids.

The following applies to bids submitted under the formal competitive bid procedure:

1054.1 [Sealed and Identified] Submission.

All bids shall be submitted in [a sealed envelope to the Director of Finance and Purchasing and shall be identified as bids on the envelope] the manner specified in the bid solicitation.

1054.2 Bid Opening.

Bids shall be reviewed, opened, and [read aloud publicly] recorded by the Director of Finance and Purchasing or his or her duly authorized representative [in the presence of the Clerk of the County Legislature or the duly authorized

representative of the clerk in the courthouse at Kansas City or Independence, in the particular room and] on the day and at the time stated in the public notices, [except that bids for construction projects undertaken pursuant to sections 1070. and 1071. of this chapter may, upon proper notice, be opened in the office of the Director of Public Works] and secured in a manner that prevents tampering.

1054.3 [Bids Recorded.

The Clerk of the County Legislature, or his or her duly authorized representative, shall record in writing the bids opened and read by the Director of Finance and Purchasing.

1054.4] Bid Evaluation and Recommendations.

The Director of Finance and Purchasing shall evaluate the bids submitted and refer his or her recommendations to the appropriate department head, who shall within the shortest practicable time, confirm the recommended award or submit objections and suggestions to the director. Such objections and suggestions shall include specific reference to the manner in which the department head believes an alternate bid complies with the provisions of subsection 7 of this section.

1054.[5] 4 Rejection of Bids.

The Director of Finance and Purchasing shall have the authority to reject, as often as he or she deems necessary, all bids, parts of all bids or all bids for any one or more supplies or contractual services included in the proposed contract, for failure

to comply with the requirements of the invitation for bids or when the public interest will be served thereby, and require the solicitation of new bids.

1054.[6] 5 Recommend Award of Bid.

The Director of Finance and Purchasing shall recommend to the County Legislature the award of the contract to the lowest and best bidder, unless all bids have been rejected as authorized in subsection [5] 4 of this section.

1054.[7] 6 Factors Which Shall Be Considered When Determining Lowest and Best Bidder.

The following factors shall be considered in determining the bidder that provides the best products and/or services that are available for the lowest price:

a. Cost and Future Maintenance.

The point of purchase cost of the product or service, the anticipated cost of maintenance or service (including applicable warranties), the ability of the bidder to provide future maintenance and service, the longevity of the product or service, and the cost of disposal.

b. Ability to Perform.

The ability, capacity, skill, or financial resources of the bidder to perform the contract or provide the service required;

c. Timely Performance.

Whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference;

d. Character and Reputation.

The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

e. Quality of Prior Performance.

The quality of the bidder's performance of previous contracts or services;

f. Compliance With Laws.

The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

g. Quality and Availability.

The quality, availability, and adaptability of the supplies or contractual services to the particular use required;

h. Conditions on Bid.

The number and scope of conditions attached to the bid;

i. Compliance With Bid Specifications.

Whether the bid as submitted fully complies with the minimum requirements of the bid specifications;

j. Environmental Preference.

The environmentally preferable nature of the product or service when compared with competing products or services that serve the same or similar purposes. This comparison may include consideration of raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, transportation of the product to the County from its point of origin, maintenance, and/or disposal of the product.

k. Social Responsibility.

The socially responsible nature of the product or service which shall include, but is not limited to, products or services that create meaningful work, encourage diversity, include women-owned and minority-owned enterprises, provide fair wages, or otherwise promote social equity.

l. Local Preference.

A bidder domiciled in Jackson County or whose products and services were manufactured, created, or have points of origin within

Jackson County will be given a preference and a local bidder (a business in close proximity to Jackson County) will be given a secondary preference, when all other considerations are equal and the bidder is compliant with all provisions of this code.

1054.8 Analysis When Service Contracts are Bids.

Notwithstanding any other provision of this chapter, when a contract for services is to be awarded under the competitive bidding provisions of this chapter the Director of Finance and Purchasing shall perform an analysis of the respective bids submitted and shall submit such analysis to the Legislature for its consideration.

[1070. Construction Projects, Bid Process.

Except as otherwise provided by law, the Director of Finance and Purchasing shall solicit bids and let contracts for construction projects in the manner provided in this chapter. The Director of Public Works shall cooperate with the Director of Finance and Purchasing in the preparation of specifications, solicitation of bids, and bid analysis on construction projects.]

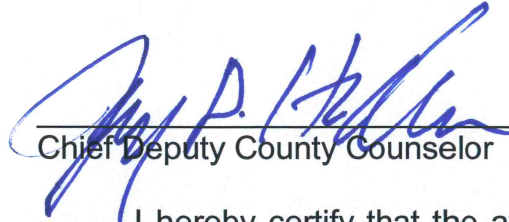
[1071. Construction Projects for the Parks and Recreation Department.

When requested by the Director of Parks and Recreation, the Director of Public Works shall solicit bids and let contracts on construction projects for the Parks and Recreation Department in the same manner as the Director of Finance and Purchasing solicits bids and lets contracts on other County purchases. The Director of Finance and Purchasing

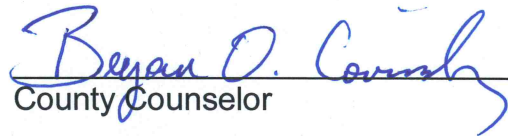
shall cooperate with the Director of Public Works in the preparation of specifications, solicitation of bids, and bid analysis on such projects.]

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:



Chief Deputy County Counselor



County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5626 introduced on June 6, 2022, was duly passed on June 21, 2022 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 6

Nays 0

Abstaining 0

Absent 3

This Ordinance is hereby transmitted to the County Executive for his signature.

6/21/2022

Date



Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5626.

6/21/2022

Date



Frank White, Jr., County Executive