

Agenda Item # 45

Distribution
County Board
Office of Management & Budget
County Administrator
Central Services

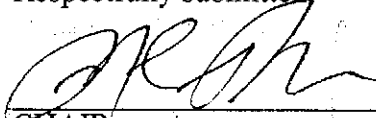

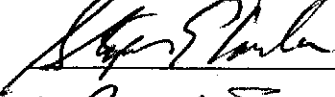

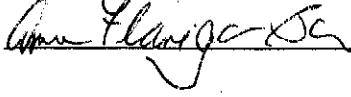
STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS
ADJOURNED REGULAR SEPTEMBER, A.D., 2004 SESSION
MARCH 8, A.D., 2005

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Financial and Administrative Committee presents herewith a Resolution amending the Lake County Purchasing Ordinance; and request its adoption.

Respectfully submitted,

	AYE	NAY
CHAIR	X	_____
	X	_____
VICE-CHAIR	_____	_____
	✓	_____
	✓	_____
	✓	_____
_____	_____	_____

FINANCIAL and ADMINISTRATIVE
COMMITTEE

RESOLUTION

WHEREAS, it is the goal of Lake County to establish purchasing procedures to ensure that taxpayer funds are spent wisely and in compliance with the laws of the State of Illinois to best meet department needs.

WHEREAS, in 1986, Lake County adopted a Purchasing Ordinance; and

WHEREAS, in 2004, the Purchasing Ordinance was last modified; and

WHEREAS, it is beneficial to modify Article 8- Contract Changes to authorize the Director of Central Services to sign contract assignments and Article 12- Ethics in Public Purchasing/Contracting to bring consistency to all of the County ethics policies;

WHEREAS, Lake County has determined it to be in their best interest to adopt these amendments;

NOW, THEREFORE, BE IT RESOLVED, that the Lake County Purchasing Ordinance be amended as attached hereto, and that changes shall be effective upon adoption by the County Board on March 8, 2005.

DATED, at WAUKEGAN, LAKE COUNTY, ILLINOIS, on this 8th day of March, A.D., 2005.

ARTICLE 8 – CONTRACT CHANGES

8-101 CHANGE ORDERS AND CONTRACT MODIFICATIONS

(1) When the total of change orders, contract modifications or price adjustments on any contract approved by Resolution of the County Board exceeds ten percent (10%) of the original contract amount, approval of the Standing Committee in charge of the using agency and the Financial and Administrative Committee is required.

(2) When a change order or series of change orders authorize or necessitate an increase or decrease in either the cost of a contract by a total of \$20,000 or more, or the time of completion by a total of 30 days or more, the authorized employee or official shall make a determination in writing that;

- (a) the circumstances said to necessitate the change in performance were not reasonably foreseeable at the time the contract was signed, or
- (b) the change is germane to the original contract as signed, or
- (c) the change order is in the best interests of the County and authorized by law.

The written determination and the written change order resulting from that determination shall be retained in the contract file which shall be open to the public for inspection.

- (1) The Director of Central Services is authorized to sign all change orders and to consent to contract assignments. Additionally, the County Engineer is authorized to sign change orders for projects relating to planning, design, construction and maintenance of highways, bridges, and culverts. The Superintendent of Public Works is authorized to sign change orders relating to planning, design, construction and maintenance of water and sewer projects. The Facilities Manager is authorized to sign change orders relating to planning and design and such other projects he is assigned by the County Administrator to administer. Planning and design contracts that are included are those relating to services provided by engineers, architects and land surveyors pursuant to the Local Government Professional Services Selection Act (510 ILCS 510/1et seq).

ARTICLE 12 – ETHICS IN PUBLIC PURCHASING/CONTRACTING

12-101 STATEMENT OF POLICY

Public employment is a public trust. Proper conduct by Lake County officers and employees inspires confidence in the work of Lake County. County officers and employees involved directly or indirectly in Lake County's various procurement activities have a responsibility to perform their duties in a manner that will insure the integrity of Lake County's purchasing transactions.

This Article is intended to provide principles and guidelines to maintain the highest ethical standards in Lake County's Purchasing/Contracting Policies, Procedures and Systems.

12-102 APPLICABILITY

(1) The policies and guidelines expressed in this Article shall apply to all employees, officers and agents of Lake County involved in any procurement procedure with or on behalf of Lake County or any of its divisions or departments, excepting in those sections which expressly state to whom the section applies.

~~(1) This policy shall be read with all other rules, policies and procedures of Lake County applicable to officers, employees and agents.~~

12-103 GENERAL ETHICAL STANDARDS

(1) It shall be unethical for individuals and organizations to use their positions to manipulate Lake County's Purchasing/Contracting Ordinance, policies and procedures for for a personal gain or profit.

(2) It shall be unethical for an individual to attempt to influence any involved individual or organization to violate the ethical standards for Lake County Purchasing/Contracting activities.

(3) Individuals involved in Lake County's Purchasing/Contracting activities shall conduct their activities in good faith and shall use the resources, property and funds under their control wisely and in accordance with ethical standards and legal requirements.

(a) All county employees and officers shall, at all times, comply with any and all rules and regulations enacted by the County as defined in the Lake County Gift Ban Ethics Ordinance which was adopted ~~July~~ May of ~~1999~~ 2004 and is incorporated herein by reference. With respect to any provisions of this paragraph which overlap and/or conflict with the above described ordinance the more strict of the two provisions shall govern ~~(pursuant to provisions of state statute, 5 ILCS 425/45).~~

(b) To the extent that violations of the ethical standards of conduct set forth in this article constitute violations of state statutes, they shall be prosecuted and punishable as provided therein. Such penalties shall be in addition to the civil sanctions set forth in this Article. Criminal, civil and administrative sanctions against individuals which are in existence on the effective date of this Ordinance shall not be impaired.

(4) Individuals involved in Lake County's Purchasing/Contracting activities shall conduct their activities to avoid the appearance of attempting to influence others or of being ~~subject to being~~ influenced by others to violate the ethical and legal standards for Lake County's Purchasing/Contracting standards.

12-104 EMPLOYEE CONFLICT OF INTEREST/BIAS

(1) County Employees shall not participate directly or indirectly or influence or attempt to influence any procurement, contract, purchase order or invoice decision when the county employee knows or has reason to know that:

- (a) the county employee or any member of the county employee's immediate family has a financial interest related to the said procurement, contract, purchase order or invoice, decision or activity; or
- (b) the county employee or a member of a county employee's immediate family is negotiating for or already has an arrangement concerning employment with an individual or organization involved in the said procurement, decision or activity.

(2) County employees who discover an actual or potential conflict of interest, relative to a procurement, contract, purchase order, or invoice decision shall immediately disclose said conflict and file a written statement of disqualification with their department head or the Director of Central Service and shall withdraw from further participation in the transaction.

(3) County employees involved directly or indirectly in the procurement process shall not become contemporaneous employees of any person or organization with whom the county is contracting.

(4) The Financial and Administrative Committee may grant a waiver from the employee conflict of interest provision (Section 11-104(2); Employee Conflict of Interest) or the contemporaneous employment provision (Section 11-104(3); Contemporaneous Employment Prohibited) upon making a written determination that:

- (a) the contemporaneous employment or financial interest of the County employee has been publicly disclosed;
- (b) the County employee will be able to perform his/her procurement functions without actual or apparent bias or favoritism; and
- (c) the award will be in the best interests of the County.

(5) Individuals shall not engage in unlawful discrimination or prejudice based on race, religion, national origin, language, gender, political affiliation, disability, or age when involved in a procurement, contract, purchase order or invoice decision.

12-105 ~~DIRECT~~ GIFTS OR FINANCIAL GAIN

Individuals involved either directly or indirectly in the procurement process are prohibited from the following activities:

(1) accepting financial gratuities, gifts, offers of employment expense paid trips, private vacations, or other special financial treatment and favors from any person or organization in connection with any direct or indirect involvement in a procurement activity or decision ~~in connection with any direct or indirect involvement in a procurement activity or decision~~, excluding the acceptance of nominal gifts including, but not limited to, advertising samples.

(2) ~~participating~~ ~~participating~~ in or allowing situations in which any form of payment, gratuity or offer of employment is made by or on behalf of any contractor or subcontractor in an effort to influence the award of a contract with Lake County.

(3) accepting a commission, percentage, brokerage or contingent fee in exchange for assisting individuals or organizations to secure a Lake County contract, purchase or invoice.

Individuals involved either directly or indirectly in the procurement process are NOT prohibited from the following activities:

(1) accepting a ~~meal~~ food or refreshment not exceeding \$75 per person on a single calendar day in the course of conducting business with an individual or organization with whom Lake County is involved in ~~procurement~~ business activities, provided the food or refreshment ~~are~~ is (i) consumed on the premise from which ~~they were~~ it was purchased or prepared or (ii) if it is catered.

(2) accepting only nominal gifts ~~including similar, but not limited~~ to advertising samples, from an individual or organization with whom Lake County is involved in procurement activities.

(3) attending conferences or ~~other outings~~ professional events at the expense of an individual or organization ~~with whom Lake County is involved in procurement activities~~ with whom Lake County is involved in procurement activities to which all customers or suppliers and/or the general public is also invited.

12-106 CONFIDENTIALITY

(1) Individuals are prohibited from using confidential or proprietary information received in the course of their jobs to give any other individual or organization unfair advantage in Lake County's procurement process.

(2) Individuals are prohibited from using confidential information received in the course of their procurement-related duties for personal gain, including, but not limited to financial gain.

(3) Individuals have a duty to protect confidential information, gained through procurement activities, from being disclosed to other parties.

12-107 DUTY TO REPORT

(1) An employee shall immediately report to his or her supervisor or department head any attempt by any other individual or organization to induce him or her to violate any of the ethical principles and guidelines in this Article.

(2) A non-employee shall immediately report to the Director of Central Services any attempt by any other individual or organization to induce him or her to violate any of the ethical principles and guidelines in this Article.

12-108 SANCTIONS

(1) An employee who violates the ethical principles and guidelines of this Article may be subject to discipline up to and including the termination of employment pursuant to the Lake County Personnel Policies and Procedures Ordinance. ~~Said~~ Employees ~~will also~~ may also be subject to sanctions under the Lake County ~~Gift Ban~~ Ethics Ordinance.

(2) ~~An Officer who violates the ethical principles and guidelines of this Article is subject to those applicable sanctions provided in the Lake County Gift Ban Ordinance and any appropriate state statutes.~~

(32) A non-employee, non-officer who violates the Ethical Principles and Guidelines is subject to the applicable state statutes and the following penalties as determined by the ~~Finance~~ Financial and Administrative Committee after consulting with the Director of Central Services;

- (a) written warning or reprimand;
- (b) termination of contract;
- (c) determination as a non-responsible contract bidder;
- (d) recovery by Lake County of the value of anything given or received in violation of the Ethical Principles and Guidelines of this Article, including, but not limited to, monetary gifts; gratuities and kickbacks.