



Sedgwick County...
working for you

Sedgwick County

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Wichita, KS 67203

Legislation Details (With Text)

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|----------------------|---|----------------------|---|--|--|
| File #: | 17-148 | Version: | 1 | Name: | |
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| File created: | 1/9/2017 | In control: | | Board of Sedgwick County Commissioners | |
| On agenda: | 1/18/2017 | Final action: | | 1/18/2017 | |
| Title: | A CHARTER RESOLUTION EXEMPTING SEDGWICK COUNTY, KANSAS, FROM K.S.A. 19-260a and 19-260b, RELATING TO ALL COUNTY PURCHASES AND CONTRACTS AND ADOPTING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME. Presented by: Mike Scholes, County Manager and Misha Jacob-Warren, Assistant County Counselor. | | | | |
| | RECOMMENDED ACTION: Approve and adopt the charter resolution. | | | | |

Sponsors:

Indexes:

Code sections:

Attachments: 1. Purchasing Charter Resolution FINAL

| Date | Ver. | Action By | Action | Result |
|-----------|------|--|----------|--------|
| 1/18/2017 | 1 | Board of Sedgwick County Commissioners | Approved | Pass |

A CHARTER RESOLUTION EXEMPTING SEDGWICK COUNTY, KANSAS, FROM K.S.A. 19-260a and 19-260b, RELATING TO ALL COUNTY PURCHASES AND CONTRACTS AND ADOPTING SUBSTITUTE AND ADDITIONAL PROVISIONS FOR THE SAME.

Presented by: Mike Scholes, County Manager and Misha Jacob-Warren, Assistant County Counselor.

RECOMMENDED ACTION: Approve and adopt the charter resolution.

As a general rule, the county home rule act provides that "the board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate . . .", subject, of course, to those limits, restrictions and prohibitions listed in the act. K.S.A. 19-101a(a). County purchasing and contracting is generally governed by K.S.A. 19-260a and 19-260b, both of which are nonuniform statutes. Accordingly, pursuant to the home rule authority set forth in K.S.A. 19-101a, Kansas counties have the authority to create for themselves, via charter resolution, specific purchasing and contracting policies and procedures. A county charter resolution exempts a county from the whole or any part of a nonuniform act of the legislature and provides substitute and additional provisions on the same subject. See K.S.A. 19-101b(b). Any county may use a charter resolution to exempt itself from the whole or any part of any act of the legislature applying to the county unless the act is one of those concerned with the limitations, restrictions or prohibitions listed in K.S.A. 19-101a(a).

All Sedgwick County purchasing and contracting is currently governed by Charter Resolution No. 65, adopted by the Board of Sedgwick County Commissioners on December 14, 2011, and which became effective on February 27, 2012.

Since early 2016, County staff, specifically the County Manager's Office, the Department of Finance,

and the Office of the County Counselor, have been working to revise, update, and expand current Charter Resolution No. 65 to provide additional management, efficiency, and transparency of the County's purchasing and contracting activities. Once in final draft form, the proposed charter was also vetted and reviewed by members of the Executive Team.

The proposed charter resolution includes not only the County's purchasing practices, but also specifically sets forth the County's contracting practices and procedures. Updated and/or new provisions of the proposed charter resolution include the following areas:

1. RFP Evaluation Team (composition and responsibilities)
2. Composition of Board of Bids and Contracts
3. Approval Processes
4. Cancellation of Solicitations
5. Debarment of Vendors
6. Contract Approval Process
7. Partnership Agreement Approval Process
8. Contracts for the Sale of County Goods and/or Services
9. Termination of Contracts
10. General Guidelines
11. Definitions
12. Evaluation Team Sample Checklist

Alternatives: Elect to retain Charter Resolution No. 65 or adopt different policy provisions that those being proposed.

Financial Considerations: N/A

Legal Considerations: Approval for the proposed Charter Resolution is governed by K.S.A. 19-101a and K.S.A. 19-101b under which any county, by charter resolution, may elect that the whole or any part of any act of the legislature applying to such county shall not apply to such county. A charter resolution is a resolution which exempts a county from the whole or any part of an act of the legislature and which may provide substitute and additional provisions on the same subject. For counties with five (5) commissioners, such charter resolution requires a 2/3 vote of all board members. Every charter resolution shall be published once each week for two (2) consecutive weeks in the official county newspaper and shall take effect sixty (60) days after final publication unless it is submitted to a referendum, in which event it shall take effect when approved by a majority of the electors voting thereon.

Policy Considerations: This proposed charter resolution alters (in some ways) the way Sedgwick County engages in purchasing and contracting procedures.

Outside Attendees: None.

Multimedia Presentation: None.