



BOARD OF COMMISSIONERS

1 S. Main St., 9th Floor
Mount Clemens, Michigan 48043
586.469.5125 FAX 586.469.5993
macombcountymi.gov/boardofcommissioners

BOARD OF COMMISSIONERS

REGULAR SESSION

THURSDAY, JANUARY 26, 2012, 7 P.M.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Invocation by **Commissioner Toni Mocerì**
5. Adoption of Agenda, **AS AMENDED, TO INCLUDE #8 AND #13**
6. Approval of Minutes dated 12-15-11, 12-20-11 (special), 12-28-11 (special) and 1-10-12 (Organizational) **(previously distributed)**
7. Public Participation (five minutes maximum per speaker, or longer at the discretion of the Chairperson related only to issues contained on the agenda)
8. Executive Session to Discuss Labor Negotiations
9. **COMMITTEE REPORTS:**
 - a) Health & Human Services, January 24 **(attached)**
 - b) Finance, January 25 **(attached)**
10. Correspondence from Executive

MACOMB COUNTY BOARD OF COMMISSIONERS

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District 8
Chair

Marvin E. Sauger
District 2
Vice Chair

Fred Miller
District 9
Sergeant-At-Arms

Toni Mocerì – District 1

David Flynn - District 4

James L. Carabelli - District 6

Roland Frascchetti- District 10

Bob Smith- District 12

Phillip A DiMaria- District 3

Ray Gralowski- District 5

Don Brown- District 7

Kathy Tocco- District 11

Joe Sabatini- District 13

11. **RESOLUTIONS:**

- a) Amend Resolution No. 11-23 to Establish a Comprehensive County Contracting Policy (offered by Board Chair; recommended by Finance Committee on 1-25-12) **(attached)**

12. **PROCLAMATIONS:**

- a) Commemorating the Grand Opening of the Chrysler World Class Manufacturing Academy (offered by Mocerri; include Carabelli and Flynn; recommended by Economic Development Committee on 1-25-12) **(attached)**
- b) Commending Gordon Fuerstenau – Retirement as Supervisor of Richmond Township (offered by Brown; recommended by Finance Committee on 1-25-12; previously provided at committee meeting)

13. Item Waived by Finance Committee Chair:

- a) Approve Ratification of Labor Agreement with POAM – Juvenile Justice Center **(attached)**

14. New Business

15. Public Participation (five minutes maximum per speaker or longer at the discretion of the Chairperson)

16. Roll Call

17. Adjournment



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January 24, 2012

TO: BOARD OF COMMISSIONERS

FROM: TONI MOCERI, CHAIR
HEALTH & HUMAN SERVICES COMMITTEE

RE: RECOMMENDATION FROM HEALTH & HUMAN SERVICES
COMMITTEE MEETING OF JANUARY 24, 2012

At a meeting of the Health & Human Services Committee, held Tuesday, January 24, 2012, the following recommendation was made and is being forwarded to the Full Board for approval:

1. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A MOTION WAS MADE BY FLYNN, SUPPORTED BY MILLER, TO RECOMMEND THAT THE BOARD OF COMMISSIONERS APPROVE THE MACOMB COUNTY BOARD OF COMMISSIONERS FOOD INITIATIVE, AS PER THE ATTACHED DOCUMENT. FURTHER, A COPY OF THIS BOARD OF COMMISSIONERS' ACTION IS DIRECTED TO BE DELIVERED FORTHWITH TO THE OFFICE OF THE COUNTY EXECUTIVE. **THE MOTION CARRIED.**

A MOTION TO ADOPT THE COMMITTEE REPORT WAS MADE BY CHAIR MOCERI, SUPPORTED BY VICE-CHAIR FLYNN.

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RESOLUTION NO. _____ FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO Review and Approve Macomb County Board of Commissioners Food Initiative

INTRODUCED BY Commissioner Toni Mocerri, Chair, Health and Human Services Committee

COMMITTEE/MEETING DATE

<u>Health and Human Services Committee</u>	<u>01-24-12</u>
<u>Full Board</u>	<u>01-26-12</u>

MACOMB COUNTY BOARD OF COMMISSIONERS FOOD INITIATIVE

Background: November 10, 2011 the Macomb County Board of Commissioners proclaimed the need for a comprehensive food system policy. The proclamation acknowledged that food is a basic human need and all residents of Macomb County should have access to nutritious, affordable, local and sustainably grown food. A comprehensive food system develops strategies in the areas of production, processing, distribution, consumption, retail and waste. Such a system would significantly affect the public health, land use, economy and quality of life in Macomb County.

Feeding America found that 17.7 percent of individuals and 25.4 percent of children in Macomb County are food insecure according to 2009 data. Over the last decade, Macomb County experienced a four-fold increase in the number of residents receiving food assistance with 115,081 residents receiving assistance in 2009. During the same period, 38 percent of Macomb County children received free or reduced lunch.

In Macomb County, food distribution provided 65 percent more meals in 2009 than the year before resulting in 3.8 million pounds of food distributed.

Still, far too many Macomb County residents do not have access to adequate meals.

Initiative: The Board of Commissioners recognizes that we must work to ensure our residents have access to healthy, good food 365 days of the year. Commissioners have the unique ability to leverage leadership positions and their relationships in their districts to raise awareness, advocate policy and connect resources to meet our food-related challenges and cultivate the inherent opportunity in those challenges.

Commissioners will choose from a variety of activities such as but not limited to the following:

- Promote purchase of local produce and food products
- Support local food economy through personal purchases
- Raise awareness about the Macomb Food Program (and the pantries it supports)
- Identify and establish sources for food gleaning to support organizations such as Forgotten Harvest
- Support the development and volunteer at local farmers' markets, food pantries and community gardens
- Promote farm-to-school programs (and farm-to-fork in other local institutions)
- Advocate for the acceptance of Bridge Card at local farmers' markets
- Attend the Macomb All About Food Conference
- Coordinate food and money drives to support the Macomb Food Program or other local food programs

- Advocate for local stores to provide local produce, accept WIC, etc.
- Volunteer with Meals on Wheels
- Promote and support Project FRESH and Senior Project FRESH
- Work with fellow policymakers at the local, state and federal levels to promote food policies presented in the Michigan Good Food Charter

Activities and outcomes related to the Food Initiative will be tracked on the Board of Commissioners website. Each commissioner will have a short bio to describe his or her specific food-related activities and accomplishments. At the same time, website will establish a baseline of metrics and statistics such as the volunteer hours, pounds of food raised, number of speaker engagements, number of gleaning sites established, etc. that will be tracked over to measure the impact of commission efforts.

DRAFT



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January 25, 2012

TO: BOARD OF COMMISSIONERS

**FROM: DON BROWN, CHAIR
FINANCE COMMITTEE**

**RE: RECOMMENDATIONS FROM FINANCE COMMITTEE
MEETING OF JANUARY 25, 2012**

At a meeting of the Finance Committee, held Wednesday, January 25, 2012, the following recommendations were made and are being forwarded to the Full Board for approval:

1. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A MOTION WAS MADE BY MILLER, SUPPORTED BY DiMARIA, TO RECOMMEND THAT THE BOARD OF COMMISSIONERS ADOPT ORDINANCE NO. 2011-7, AN ORDINANCE TO ESTABLISH COMPREHENSIVE POLICIES AND PROCEDURES GOVERNING THE AWARDDING OF MACOMB COUNTY CONTRACTS FOR THE PROCUREMENT OF SERVICES, SUPPLIES, MATERIALS AND EQUIPMENT, AS AMENDED; FURTHER, A COPY OF THIS BOARD OF COMMISSIONERS' ACTION IS DIRECTED TO BE DELIVERED FORTHWITH TO THE OFFICE OF THE COUNTY EXECUTIVE. **THE MOTION CARRIED.**

2. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A MOTION WAS MADE BY DiMARIA, SUPPORTED BY CARABELLI, TO RECOMMEND THAT THE BOARD OF COMMISSIONERS APPROVE A ONE-YEAR CONTRACT EXTENSION WITH SOUND COUNSELING TO PROVIDE PROFESSIONAL AND THERAPEUTIC SERVICES AT THE JUVENILE JUSTICE CENTER FROM JANUARY 1, 2012 TO DECEMBER 31, 2012; FURTHER, A COPY OF THIS BOARD OF COMMISSIONERS' ACTION IS DIRECTED TO BE DELIVERED FORTHWITH TO THE OFFICE OF THE COUNTY EXECUTIVE. **THE MOTION CARRIED.**

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3. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A MOTION WAS MADE BY CARABELLI, SUPPORTED BY MOCERI, TO RECOMMEND THAT THE BOARD OF COMMISSIONERS APPROVE INCREASES, PER ATTACHED DOCUMENTS, TO THE MSU EXTENSION 2012 GRANT-FUNDED BUDGET, WHICH INCLUDES ROLLING FORWARD 2011 FUND BALANCES AND/OR RECEIVING ADDITIONAL 2012 REVENUE FROM THE FOLLOWING FUNDS: GENERAL CHILD CARE, GENERAL HOUSING, GENERAL EXTENSION, GENERAL YOUTH DEVELOPMENT, ENVIRONMENTAL EDUCATION, GREAT LAKES EDUCATION PROGRAM (GLEP), NATIONAL FORECLOSURE MITIGATION COUNSELING (NFMIC) ROUND TWO AND ROUND FIVE AND MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA) FORECLOSURE; FURTHER, A COPY OF THIS BOARD OF COMMISSIONERS' ACTION IS DIRECTED TO BE DELIVERED FORTHWITH TO THE OFFICE OF THE COUNTY EXECUTIVE. **THE MOTION CARRIED.**

4. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A MOTION WAS MADE BY DIMARIA, SUPPORTED BY MOCERI, TO RECOMMEND THAT THE BOARD OF COMMISSIONERS APPROVE INCREASES IN BUDGET REVENUES AND EXPENSES IN THE AMOUNT OF \$644.66 WHICH IS 2011 FUND BALANCE ROLL FORWARD FOR THE BOARD OF COMMISSIONERS GREEN SCHOOLS PROGRAM; FURTHER, A COPY OF THIS BOARD OF COMMISSIONERS' ACTION IS DIRECTED TO BE DELIVERED FORTHWITH TO THE OFFICE OF THE COUNTY EXECUTIVE. **THE MOTION CARRIED.**

A MOTION TO ADOPT THE COMMITTEE REPORT WAS MADE BY CHAIR BROWN, SUPPORTED BY VICE-CHAIR MILLER.

RESOLUTION NO. _____

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGANRESOLUTION TO *SEE BELOWINTRODUCED BY: FROM THE FLOOR

At the 1-25-12 meeting, the following actions were taken:

COMMITTEE RECOMMENDATION – MOTION

A MOTION WAS MADE BY MILLER, SUPPORTED BY DiMARIA, TO RECOMMEND THAT THE BOARD OF COMMISSIONERS ADOPT ORDINANCE NO. 2011-7, AN ORDINANCE TO ESTABLISH COMPREHENSIVE POLICIES AND PROCEDURES GOVERNING THE AWARDED OF MACOMB COUNTY CONTRACTS FOR THE PROCUREMENT OF SERVICES, SUPPLIES, MATERIALS AND EQUIPMENT.

AMENDMENT

A MOTION WAS MADE BY MILLER, SUPPORTED BY DiMARIA, TO AMEND THE ORDINANCE AS FOLLOWS: PAGE 7, SECTION 4.1. GENERAL, INSERT THE FOLLOWING FIGURES: LINE 3, \$35,000; LINE 4, \$35,000, LINE 5, \$105,000 AND LINE 6, \$100,000.

AMENDMENT

A MOTION WAS MADE BY MILLER, SUPPORTED BY DiMARIA, TO AMEND THE ORDINANCE AS FOLLOWS: PAGE 8, 1., INSERT THE FIGURES OF \$5,000-\$35,000; 2., INSERT THE FIGURE OF \$35,000 AND 6., INSERT THE FIGURE OF \$35,000; ALSO, PAGE 13, SECTION 6.1., INSERT THE FIGURE OF \$5,000.

AMENDMENT

A MOTION WAS MADE BY DiMARIA, SUPPORTED BY CARABELLI, TO AMEND THE ORDINANCE AS FOLLOWS: PAGE 9, SECTION 4.1., ADD A NEW SECTION D TO READ: TO THE EXTENT NOT PROHIBITED BY LAW, ALL CONTRACTS FOR CONSTRUCTION, REPAIR, ALTERATION OR REBUILDING OF A COUNTY BUILDING OR OTHER PROPERTY SHALL INCLUDE A PROVISION REQUIRING THE CONTRACTOR AND ANY SUBCONTRACTOR PROVIDING SERVICES UNDER THE CONTRACT TO CONDUCT PRE-HIRE SCREENING FOR ILLEGAL DRUG USE BY THEIR EMPLOYEES WHO PROVIDE SERVICES UNDER THE CONTRACT.

COMMITTEE/MEETING DATE

Finance	<u>1-25-12</u>
Full Board	<u>1-26-12</u>

**ENROLLED ORDINANCE
NO. 2011-7**

INTRODUCED BY COMMISSIONER(S):

AN ORDINANCE TO ESTABLISH COMPREHENSIVE POLICIES AND PROCEDURES GOVERNING THE AWARDING OF MACOMB COUNTY CONTRACTS FOR THE PROCUREMENT OF SERVICES, SUPPLIES, MATERIALS, AND EQUIPMENT.

IT IS HEREBY ORDAINED BY THE CHARTER COUNTY OF MACOMB:

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ARTICLE 1. PURPOSE, POLICY, APPLICABILITY, AND DEFINITIONS

Sec. 1.1. Purpose

A. Section 8.10 of the Charter requires the Commission to adopt comprehensive policies and procedures governing the awarding of contracts, including the procurement and handling of services, supplies, materials, and equipment that are consistent with federal and state law, the Charter, and ordinances, resolutions, and policies of the Commission. The County Executive is responsible for implementing the policies adopted by the Commission, including requirements for competitive bidding and the use of sealed bids for procurements and contracts specified by ordinance.

B. This ordinance is intended to establish some of the required some policies and procedures governing the awarding of Contracts for Procurement and handling of services, supplies, materials, and equipment.

C. It is the County's policy to enter into Contracts for services, supplies, materials, and equipment for fair and reasonable consideration, pursuant to a process that is managed in accordance with the law and designed to ensure that County funds are spent wisely and fairly; County policies and practices protect against fraud and favoritism; participation by Macomb County businesses is encouraged; equality of opportunity for all businesses is promoted; and the needs of the County are fulfilled.

Sec. 1.2. Applicability

A. When state or federal laws, rules, regulations, grant agreements, permit or license conditions, or other binding state or federal requirements or policies require contracting procedures different than those provided in this Ordinance, those state or federally required procedures shall be followed. If such state or federal requirements also allow compliance with the procedures in this Ordinance, then both shall be followed.

B. Nothing in this ordinance shall prevent any County officer, employee, or Department from complying with the terms and conditions of any grant, gift, bequest, or approved Cooperative Procurement agreement that is otherwise consistent with law.

C. Compliance with this Ordinance does not affect other applicable requirements. Commission approvals and other requirements may exist under applicable separate County, Executive office, or departmental policies or procedures, under applicable state or federal laws, rules, regulations, permit or license requirements, or grant agreements, or pursuant to other contracts. Without limiting the generality of the foregoing, this ordinance does not in any way supersede, amend or modify the Commission's Contracting Policy and does not relieve or modify the need for County officers, employees, Departments and agencies to comply with that policy.

Sec. 1.3. Definitions

The following definitions shall apply to the terms used in this ordinance.

- A. Change order – A signed written order directing the Contractor to make changes according to the “changes” clause of the contract.
- B. Charter - The Home Rule Charter of Macomb County that took effect on January 1, 2011, as it may from time-to-time be amended.
- C. Commission - The County Board of Commissioners created by the Charter.
- D. Construction – The Services involved in building, altering, installing, renovating, or demolishing any public structure, building or other improvement to real property or any utility, not including the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.
- E. Contract – An agreement or understanding supported by present or future consideration.
- F. Contracting Policy – The Contracting Policy adopted by resolution of the Commission as it may from time to time be amended.
- G. Contract modification – Any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any Contract accomplished by mutual action of the parties to the Contract.
- H. Contractor – Any person and/or agent having a Contract with the County.
- I. Cooperative Procurement – Procurement conducted by or on behalf of more than one public procurement unit.
- J. County-based Enterprise – A business is deemed to be a county-based enterprise (CBE) if it satisfies all of the following criteria:
 - 1. Its headquarters is physically located within Macomb County, or it has been conducting business at a location with a permanent street address in the County on an ongoing basis for not less than one taxable year prior to its bid or response to a Request for Proposals.
 - 2. It has made payment of property taxes on real or personal property within the past year on property which is ordinarily needed to perform the proposed contract.
 - 3. At least 50 percent of its regular full-time employees are based at the County location to perform the proposed contract.

4. It has been dealing for at least one year on a regular commercial basis in the kind of goods or Services which are the subject of the bid or proposal.
- K. Department – Any County department, office, board, commission, or other unit of County government.
- L. Department Head – The person who, as a Countywide elected official or as a designee of the County Executive, is the head of a County Department, or that person’s designee.
- M. Ethics Ordinance – The County’s Ethics Ordinance, Ordinance No. 10, as it may from time-to-time be amended or replaced.
- N. Executive or County Executive - The person holding the office of County Executive as provided in the Charter or that person’s designee(s).
- O. Invitation for Bids – All documents (whether attached or incorporated by reference) utilized for soliciting Sealed Bids.
- P. Procurement – The buying, purchasing, renting, leasing, or acquiring of any Services, supplies materials, or equipment. It also includes all functions that pertain to the acquiring of any service, supply, material, or equipment, including description of requirements, selection, and solicitation of sources, preparation and award of Contract, and all phases of Contract administration.
- Q. Professional Services – Services which require a high degree of intellectual skill, advanced degrees, and/or professional licensing or certification and those providing such Services are distinguished from one another based on their specialized knowledge, experience and expertise, including by way of example and not limitation, accounting, actuarial, appraising, architectural, assessing, auditing, dental, engineering, environmental, investment adviser, legal, lobbying, medical, psychological or psychiatric, real estate brokerage, and title examination and abstracting services.
- R. Public Servant - A County employee, Countywide elected official, Commissioner, or appointee of the County.
- S. Purchasing Manager – The person designated by the County Executive to be the County’s principal procurement official who shall be under the control, supervision, direction, and authority of the County Executive and shall have such authority to delegate to others as provided by the County Executive.
- T. Request For Proposals (RFP) – All documents (whether attached or incorporated by reference) utilized for soliciting proposals.
- U. Responsible Bidder – A person or entity with the capability in all respects to perform fully the requirements set forth in an Invitation for Bids.

V. Responsive Bidder – A person or entity that has submitted a Sealed Bid which conforms in all material respects to the requirements set forth in the Invitation for Bids, unless irregularities or non-conformities are waived as provided in the Invitation for Bids.

W. Sealed bid – An advertised, open, competitive solicitation for prices that are opened publicly.

W. Services – The furnishing of time, labor, or effort by a Contractor not involving the delivery of a specific end product other than written documents such as reports, correspondence, drawings, plans, specifications, etc., which are incidental to the required performance.

Sec. 1.4. General Contracting Policy.

A. Procurement of services, supplies, materials, and equipment shall comply with the provisions of articles 2 through 9 of this ordinance.

B. All activities by Public Servants and other covered persons related to Procurement shall comply with the Ethics Ordinance and the Commission’s Contracting Policy.

C. As required by Charter, the County Organization Plan will provide for public access to the expenditure records of the County, including all Procurement Contracts.

ARTICLE 2. PURCHASING MANAGER

Sec. 2.1. Authority and Duties

A. The Purchasing Manager shall serve as the principal procurement official for the County and shall be responsible for Procurement in accordance with this ordinance, as well as the management and disposal of surplus personal property.

B. In accordance with this ordinance, the Purchasing Manager shall:

1. Supervise County Procurement ;
2. Establish and maintain programs for specifications development, Contract administration, and inspection and acceptance of all Services, supplies, materials, and equipment, in cooperation with the user agencies;
3. Exercise general supervision over inventories of goods belonging to the County;
4. Establish procedures for Contract management, including the monitoring of compliance and payments.

C. Consistent with this ordinance and with the County Executive’s approval, the Purchasing Manager may adopt operational procedures relating to the execution of his/her duties.

D. The Purchasing Manager shall work cooperatively with Departments and Public Servants in making determinations relative to Procurements.

ARTICLE 3 - REQUISITION PROCESS

Sec. 3.1. Requisition Required.

The procurement process is initiated in all cases by the requesting Department. Each Department shall supply the Purchasing Manager with a requisition which will include such data as specifications, recommended vendor, and other details including budget and account information, and must be approved by the Department Head or authorized departmental representative.

ARTICLE 4 – COMPETITIVE BIDDING AND PROPOSALS

Sec. 4.1. General

An openly publicized competitive process for the Procurement of services, supplies, materials, and equipment is the most effective means of determining the lowest cost from a responsible source and shall be utilized whenever possible. Procurements in excess of \$35,000, involving multiple purchases within a fiscal year that are likely to exceed \$35,000, that involve purchases over 3 or more fiscal years that will exceed \$105,000, and Procurements for Construction in excess of \$100,000, shall be subject to competitive sealed bidding. Professional Services Contracts shall not be governed by this article but shall instead be subject to the requirements set forth in Article 7.

A. Procurements shall be effected through one of the following methods:

1. Informal Bids
2. Sealed Bids
3. Multi-Step Sealed Bids
4. Small Purchases
5. Request for Proposal
6. Sole Source Procurement
7. Cooperative Procurement
8. Emergency Procurement

The conditions for the use of each method will be determined by the Purchasing Manager pursuant to the dollar expenditure limits adopted in this ordinance.

B. Except where otherwise provided:

1. Informal bids may be used for Procurements of \$5,000 to \$35,000. Competitive quotes are secured through bids generated by the Purchasing Manager. At least 3 bids shall be requested. These requests for bids shall contain standard terminology and specify a date by which they must be returned.
2. Sealed Bids shall be used for Procurements of \$35,000 and above. Requests or invitations for Sealed Bids shall contain standard terminology and performance specifications as well as the date and time due. Sealed Bids are solicited by public invitations for bids. All Sealed Bids must be received by the due date and time specified. Sealed Bids may not be received by facsimile or electronic mail.
3. Multi-step Sealed Bids may be used when it is impractical to initially prepare a purchase description to support an award based on price. An Invitation for Bids may be issued requesting the submission of un-priced offers to be followed by an Invitation for Bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.
4. Requests for proposals may be used to procure outside services or a combination of services and/or products based on a description of a problem or specific need. This Procurement method is more flexible and accommodates situations where it is desirable to obtain a custom proposal where ingenuity or creative solutions can be submitted to solve a problem in a more cost-effective manner.
5. A sole source procurement process may be used upon the written recommendation of the Purchasing Manager and the approval of the County Executive if, after conducting a good faith review of available sources, it is determined that there is only one source for the required supply or service item. Under this method, pricing must be established under government contract or negotiated. With this type of purchase more documentation is required and must be filed with each purchase order including the specific reasons for the designation as a sole source item and how the pricing was determined.
6. Cooperative Procurement allows the County to take advantage of bidding undertaken by other governmental units and may be used when state or federal governments enable local governments to take advantage of their bidding or when a joint effort with other local governments provides such procurement opportunities. Utilization of such programs requires verification that the programs used a procurement process that would meet the County's requirements under this ordinance given the types of goods being acquired and the amount of the proposed contract. Purchases over \$35,000 shall not utilize this process unless there is a cost per unit being acquired that is clearly more advantageous than is likely to result from the County's own solicitation of bids.

7. The Purchasing Manager may make or authorize others to make emergency Procurements of supplies or services pursuant to section 5.2.

8. Small purchases shall comply with Article 6.

C. When the County makes a Procurement, preference shall be given to products manufactured or services based first in Macomb County, then in Michigan, and then in the United States, when they are available at comparable prices and are of equal, superior, or similar quality.

D. To the extent not prohibited by law, all contracts for construction, repair, alteration, or rebuilding of a County building or other property shall include a provision requiring the contractor and any subcontractor providing services under the contract to conduct pre-hire screening for illegal drug use by their employees who provide services under the contract.

Sec. 4.2. Procedures for Sealed Bidding

A. All vendors interested in providing goods or services to the County must register their business on the Purchasing System Website currently in use by the County. Vendors may access the Purchasing System Website through the County's website. All current bidding documents shall be posted at the Purchasing System Website. Vendors shall comply with the personal disclosure requirements set forth in the Ethics Ordinance.

B. An Invitation for Bids shall be issued and shall include specifications and all contractual terms and conditions applicable to the Procurement.

C. Adequate public notice of the Invitation for Bids shall be provided not less than 12 calendar days prior to the date of the opening of bids. At a minimum, such notice shall be posted to the Purchasing System website. The public notice shall state the place, date, and time of bid opening.

D. The Purchasing Manager, after consultation with Corporation Counsel, may establish standard contract provisions for use in County Procurement Contracts. To the extent not prohibited by law, these clauses may include equal protection and non-discrimination compliance, labor harmony, and living wage provisions.

E. Bid, payment, and performance bonds or other security may be requested for Contracts as the Purchasing Manager deems necessary to protect the County's interests. Any such bonding requirements shall be set forth in the solicitation. Bid or performance bonds shall not be used as a substitute for a determination of a bidder's responsibility.

1. The limits for bonds are 5% of the total bid quote covered either by a 5% bid bond or bank certified check for 5%, and 100% for a performance bond. Bid bonds or bank certified checks will be held by the Purchasing Manager until an award decision is made. Upon final award, all other bid deposits shall be returned. If a vendor fails to submit a bid bond or bank certified check with its bid, the bid will be rejected.

2. When a Construction Contract is awarded in excess of \$20,000, the following bonds or security shall be delivered to the County and shall become binding on the parties upon the execution of the Contract:

a. A performance bond executed by a surety company authorized to do business in the State, or other security in a form satisfactory to the Purchasing Manager, in an amount equal to one-hundred percent (100%) of the price specified in the Contract; and

b. A payment bond executed by a surety company authorized to do business in the State, or other security in a form satisfactory to the Purchasing Manager, for the protection of all persons supplying labor or material to the Contractor or its subcontractors for the performance of the work provided for in the Contract. The bond shall be in an amount equal to one hundred percent (100%) of the price specified in the Contract.

F. The Purchasing Manager shall have the discretion to determine, in consultation with Corporation Counsel, whether insurance coverage by the Contractor shall be required, and, if so, the types and amounts of coverage that shall be required. The Contractor shall have the County named as an additional insured as its interest may appear and furnish the Purchasing Manager with satisfactory evidence of the insurance.

G. An Invitation for Bids, a Request for Proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when done for good cause and in the best interests of the County in the discretion of the Purchasing Manager in consultation with the County Executive and Corporation Counsel. Each solicitation issued by the County shall state that the solicitation may be canceled by the Purchasing Manager and that any bid or proposal may be rejected in whole or in part for good cause when in the best interests of the County. The reasons shall be made part of the Contract file and shall be provided upon request to unsuccessful bidders.

H. All Sealed Bids shall be opened publicly by the Purchasing Manager or authorized representative in the presence of one or more witnesses at the time and place designated in the bid invitation. Information as deemed appropriate will be read by the Purchasing Manager including the name of each bidder, the amount of each bid, and relevant information pertinent to the award. Bids shall be unconditionally accepted without alteration or correction.

I. After solicitation has been made to vendors it may become necessary in certain instances to issue addendums amending the specifications, or extending the bid due date. If the Purchasing Manager or requisitioning Department deems it necessary to make changes to the specifications, such changes will be posted to the Purchasing System website. Clarifications, modifications, or amendments may be made to any bidding document and will appear on the Purchasing System website. It shall be the responsibility of the bidder to check the website for additional postings. This procedure ensures that the process stays intact and is completed by the deadline or opening of the Sealed Bid. Sealed Bids received by the County

prior to the issuance of an extension or addendum shall be returned to the vendor along with the amended bid specification and due date.

J. A vendor may correct or withdraw a bid prior to the bid opening. The correction or withdrawal because of a mistake may be either in written form, delivered via the U.S. Postal Service or other carrier, or can be faxed or emailed to the Purchasing Department prior to the bid deadline. After the bid opening no changes in the bid prices or provisions shall be permitted. In lieu of correcting the bid, a bidder alleging a material mistake may withdraw its bid if the mistake is clearly evident or the bidder submits evidence that clearly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids are to be supported by a written determination to be made by the Purchasing Manager in consultation with the County Executive and Corporation Counsel.

K. Bids shall be evaluated based on the requirements in the Invitation for Bid, which may include criteria to determine acceptability such as inspection, testing of quality, workmanship, delivery, and suitability for a particular purpose. The "Invitation for Bids" shall establish the evaluation criteria to be used which may include such factors as discounts, transportation costs, total life cycle costs, and/or value analysis. Criteria not requested in the bid or intentionally left out may not be used in the award evaluation. The responsibility and responsiveness of the bidder will also be a factor. A Responsible Bidder is a bidder whose reputation, past performance, and financial capabilities are such that the bidder would be judged by the appropriate authority to be capable of satisfying the County's needs for a specific contract. A responsive bid is a bid that does not vary from the specifications and the terms set in the RFP.

L. Failure to perform or unsatisfactory performance on one or more County Contracts within a 2-year period shall be cause for the Purchasing Manager to determine non-responsibility. The unreasonable failure of a bidder to promptly supply information or samples in connection with an inquiry with respect to responsibility, or unacceptable performance on prior Contracts, may also be grounds for a determination of non-responsibility with respect to such bidder. If a bidder who otherwise would have been awarded a contract is found non-responsible, the Purchasing Manager shall consult with the County Executive and Corporation Counsel and prepare a written determination of non-responsibility setting forth the basis of the finding. A copy of the determination shall be sent promptly to the non-responsible bidder.

M. A local preference percentage credit from the following allowance table will be applied to the bid of any County-based Enterprise. This credit will be subtracted from the bid of the County-based Enterprise. In comparing bids, the bid of the County-based Enterprise after subtraction of the credit shall be considered the official bid. However, if the County-based Enterprise is awarded the Contract, the bid without the equalization percentage credit shall be the Contract price.

Contract Amount	Local Preference Percentage
Up to \$50,000.00	5
\$50,001.00 to \$200,000.00	3
\$200,001.00 and over	1

1. No business shall receive these credits unless it has been certified by the Purchasing Manager.
2. Any business who claims entitlement to any local preference credit shall disclose the records necessary to establish eligibility to the County.
3. After applying any local preference credits as provided above, the Contract shall be awarded to the lowest Responsible Bidder thus evaluated.

N. After approval by the County Executive and any requisite Commission approval, the Contract shall be awarded by appropriate written notice to the lowest Responsive and Responsible Bidder whose bid best meets the requirements and criteria set forth in the Invitation for Bids, if the bid is within the amount of funds appropriated.

ARTICLE 5 – PURCHASES EXEMPT FROM COMPETITIVE SEALED PROPOSALS; EMERGENCY PURCHASES

Sec. 5.1. Purchases Exempt from Competitive Sealed Proposals

When a Department Head conducts a good-faith review of available sources and determines that the requisite contract by its very nature is not suitable to competitive bids or proposals, the Department Head shall forward to the Purchasing Manager a request for an “exempt purchase.” The Purchasing Manager will review and approve or disapprove such requests and notify the County Executive. If the Purchasing Manager reviews and approves the Department Head’s recommendation that the Procurement is exempt from competitive bids or proposals, the Department is not required to employ the competitive proposal or bidding process to enter into a Contract. Examples of Contracts which may not be suitable for competitive bids or proposals are:

- A. There is only one source for the required services, supplies, materials, or equipment.
- B. There exists a long standing, successful relationship for Professional Services and the knowledge gained through this relationship adds value integral to the services provided.
- C. A sole supplier’s item is needed for trial use or testing.
- D. Purchases of used equipment.
- E. Purchases at auctions.

Sec. 5.2. Emergency Procurement

The Purchasing Manager may make or authorize others to make emergency Procurements when there exists an imminent threat to public health, welfare, or safety, or to prevent or minimize serious disruption of government services. In each instance as much competition as is practical under the circumstances shall be obtained before making any award. Written documentation specifying the nature of the emergency must be included in the Contract file and approved by the County Executive.

ARTICLE 6. SMALL PURCHASES

Sec. 6.1. Small Purchase Procurement

Competitive quotations solicited by a Department Head or the Purchasing Manager shall be obtained for Procurements up to \$5,000 ("Small Purchase") to determine the source that is in the County's best interests.

Sec. 6.2. Small Purchase Procedures

A. Three quotations shall be received whenever possible prior to a Small Purchase Procurement. Circumstances may exist where the Purchasing Manager determines that it is not feasible to secure three quotations. In other situations, the Purchasing Manager may determine that it is in the best interests of the County to consider only one supplier who has previous expertise relative to a Procurement. Whenever the Purchasing Manager determines that it is not feasible, or is not in the County's best interests to obtain at least three quotations, the reason for this determination shall be indicated in writing and retained in the Procurement file. The Purchasing Manager shall conduct negotiations, as appropriate, as to price, delivery, and terms.

B. Evaluation factors which may justify an award to a vendor who has not provided the lowest quotation include, but are not limited to, delivery requirements, quantity requirements, quality, and past vendor performance. Whenever the Purchasing Agent or designee determines that it is in the County's best interests to make a Small Purchase Procurement from a vendor who did not submit the lowest quote, the reason for this determination shall be indicated in writing and retained in the Procurement file.

ARTICLE 7– PROFESSIONAL SERVICES

Sec. 7.1. General

When procuring Professional Services, the user Department requiring such services may procure them through the Purchasing Department in accordance with the selection procedure specified in this article.

Sec. 7.2. Statement of Qualifications

The Purchasing Manager may prepare a request for qualifications detailing the services needed. Persons engaged in providing Professional Services shall submit a statement of qualifications and expressions of interest in providing such Professional Services. The Public Servant or Department procuring such Professional Services may specify a uniform format for the statement of qualifications.

Sec. 7.3. Request for Proposals

Requests for proposals shall be sent to qualified people showing an interest in providing the services required and they shall describe the services requested, list the types of information and data required of each bidder, and state the relative importance of particular qualifications. The award criteria should be documented by the Public Servant or head of the Department procuring the required Professional Services, or by the Purchasing Manager. The evaluation and selections process shall be conducted by a committee composed of the using Department director, the County Executive, and Corporation Counsel, or their designees. If the Commission is seeking its own Professional Services, the Commission shall select its own reviewing committee.

ARTICLE 8 - COOPERATIVE PROCUREMENT

Sec. 8.1. Cooperative Procurement Authorized

Subject to applicable state law, the County may participate in, sponsor, conduct, or administer a Cooperative Procurement agreement for Procurement with one or more public procurement units in accordance with an agreement entered into between the participants. Such Cooperative Procurement may include, but is not limited to, joint or multi-party contracts between public procurement units and open-ended state public procurement unit contracts which are made available to other public procurement units.

Sec. 8.2. Sale, Acquisition, or Use of Goods

The County may sell to, acquire from, or use any goods belonging to another public procurement unit independent of the requirements stated herein.

Sec. 8.3. Cooperative Use of Goods and Services

The County may enter into an agreement independent of the requirements stated in this ordinance with any other public procurement unit for the cooperative use of goods or services under the terms agreed upon between the parties.

Sec. 8.4. Joint Use of Facilities

The County may enter into agreements for the common use or lease of warehousing facilities, capital equipment, and other facilities with another public procurement unit under the terms agreed upon between the parties.

ARTICLE 9 - CONTRACT CHANGES

Sec. 9.1. Change Orders and Contract Modifications

A. When the total of Change Orders, Contract Modifications, or price adjustments on any Contract approved by resolution of the Commission exceeds 10% of the original Contract amount, the Change Order, Contract Modification, or price adjustment will be presented to the Commission. The Commission shall approve or reject the proposed Change Order, Contract Modification, or price adjustment at its next meeting if the Change Order, Contract Modification, or price adjustment is provided to the Commission prior to the deadline for submission of agenda items for that meeting. If the Commission fails to approve or reject the Change Order, Contract Modification, or price adjustment at that meeting, the County Executive may approve or reject the Change Order, Contract Modification, or price adjustment without Commission action.

B. The County Executive shall sign all Change Orders, Contract Modifications, and price adjustments.

ARTICLE 10. EFFECTIVE DATE.

This ordinance shall take effect upon the expiration of 10 business days after its adoption.

Date: January __, 2012

Kathy D. Vosburg, Commission Chairperson

Carmella Sabaugh, County Clerk

Adopted: January __, 2012

Notice Published: _____, 2012

RESOLUTION NO. _____ FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO Approve one-year contract extension with Sound Counseling to provide professional and therapeutic services at the Juvenile Justice Center from January 1, 2012 to December 31, 2012. Forward to the Finance Committee.

INTRODUCED BY Commissioner Phillip DiMaria, Chair, Justice and Public Safety Committee

COMMITTEE/MEETING DATE

<u>JPS Committee</u>	<u>01-24-12</u>
Finance	1-25-12
Full Board	1-26-12

RESOLUTION NO.

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO Approve increases, per attached documents, to the MSU Extension 2012 grant – funded budget, which includes rolling forward 2011 fund balances and/or receiving additional 2012 revenue from the following funds :

- General Child Care
- General Housing
- General Extension
- General Youth Development
- Environmental Education
- Great Lakes Education Program (GLEP)
- National Foreclosure Mitigation Counseling (NFMC) Round Two and Round 5
- Michigan State Housing Development Authority (MSHDA) Foreclosure

INTRODUCED BY:

COMMITTEE MEETING DATE

Economic Development 1/25/12

APPROVED

Finance 1-25-12

Full Board 1-26-12

MICHIGAN STATE
UNIVERSITY

Extension

Date: January 9, 2012

To: Mark Deldin, Deputy County Executive

From: Marie Ruemenapp, District Coordinator

Re: 2012 Budget Adjustments

Macomb MSU Extension is requesting a routine budget adjustment to roll forward the 2011 fund balances discussed below. The budget adjustments include \$306,244.08 of Fund Balance Rollover, \$26,700 of Federal Revenue, \$13,000 of Reimbursement-Other and \$160,000 of Private Revenue for a total Budget Adjustment of \$505,944.08.

General Childcare:

A fund balance identified as "General Childcare" has accrued because revenue for a number of childcare grants over multiple years was based on fixed fees per unit of service, not on reimbursement for actual expenditures. Careful stewardship by MSUE staff has allowed a fund balance to build up. The General Childcare Fund Balance will be utilized in the future toward the support of the full time Coordinator and part time Account Clerk IV, as well as programming expenses. The General fund is not, and will not be charged for any expenses incurred that are related to childcare training.

The budget adjustment for General Childcare consists of \$66,125.03 of Fund Balance, \$6,700 of Federal Revenue and \$3,000 of Reimbursement-Other for a total budget adjustment of \$75,825.03.



MSU EXTENSION

General Housing:

The General Housing funds results from a combination of donations from financial institutions, CDBG funds and fee-for-service related to Habitat for Humanity counseling. General Housing funds will support expansion into new home and community energy conservation/greening programs, as well as other expenses not budgeted for in the General Fund.

The budget adjustment for General Housing consists of \$35,738.84 of Fund Balance and \$10,000 of Private Revenue for a total budget adjustment of \$45,738.84.

General Extension:

This fund balance resulted from funds collected over the years for various educational programs and special projects that MSUE facilitated. In the future, these funds will support a part time Account Clerk IV, as well as other minor miscellaneous expenses not budgeted for in the General Fund.

The budget adjustment for General Extension consists of \$70,283.03 of Fund Balance and \$10,000 of Reimbursement-Other for a total budget adjustment of \$80,283.03.

21885 Dunham Rd
Verkuilen Bldg, Suite 12
Clinton Twp, MI 48036

Phone: 586-469-5180
Fax: 586-469-6948
www.msue.msu.edu

General Youth Development:

The General Youth Fund Balance was created because revenue from a number of youth training and mentoring grants was based on fixed fees per unit of service and MSUE was able to fulfill the contract requirements at a cost lower than the revenue received.

The funds will be expensed to continue 4H youth development, training and mentoring programs as well as partially supporting a grant-funded part-time Account Clerk IV.

The budget adjustment for General Youth Development consists of \$42,833.26 of Fund Balance.

Environmental Education:

The original dollars came from a contract MSUE received to provide education programs to community schools. These funds will continue to be used to supplement environmental education programs in the county not covered by other sources.

The budget adjustment for Environmental Education consists of \$12,873 of Fund Balance.

Great Lakes Education Program (GLEP):

These funds originate from schools that participate in the GLEP program. Each class is charged the same dollar amount to participate. In addition to GLEP, these funds are used to cover program related expenses for the Water Conservation Education Program and the new Blue Economy including salary and fringe for a Program Instructor and partial funding for a grant-funded part-time Account Clerk IV.

The budget adjustment for GLEP consists of \$10,088.09 of Fund Balance.

National Foreclosure Mitigation Counseling (NFMC) Round 2 and Round 5:

Since 2008, MSUE has served county residents by providing foreclosure prevention education and counseling services. The funding comes through annual fee –for- service contracts with the National Foreclosure Mitigation Counseling Program (NFMC) in conjunction with the Michigan State Housing Development Authority (MSHDA). The fund balances will be used to continue ongoing counseling and program expenses for Macomb County residents facing foreclosure. A part-time Account Clerk IV will be partially supported by the NFMC grants. General Fund dollars are not used to support MSUE's foreclosure prevention education programs

Additionally, in 2012, MSHDA will release funds to be used for Round 5 Foreclosure counseling and Macomb County is anticipated to receive \$20,000 of this funding.

The budget adjustment for NFMC Round 2 and Round 5 consists of \$68,302.83 of Fund Balance in Round 2 and \$20,000 of Federal Revenue in Round 5.

Michigan State Housing Department Agency (MSHDA) Foreclosure:

Since 2008 MSUE has served as a contractor to provide education and counseling services for Macomb County residents in the areas of financial, housing and foreclosure prevention. The education and counseling is conducted by MSU Extension MSHDA-certified staff. Education and counseling services are billed to MSHDA based on the services rendered to the client and reimbursed by MSHDA on a fee-for-service basis. These funds support four part-time MSHDA counselors as well as a grant-funded part-time Account Clerk IV.

The budget adjustment for MSHDA Foreclosure consists of \$150,000 of Private Revenue.

Cc: Steven C. Gold, MPH
Peter Provenzano, Director of Finance

RESOLUTION NO. _____

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO approve increases in budget revenues and expenses in the amount of \$644.66 which is 2011 fund balance roll forward for the Board of Commissioners Green Schools Program

INTRODUCED BY: Don Brown, Chair, Finance Committee

This balance resulted from unused sponsorship funds that were donated in 2011. Funds are used to facilitate the Green Schools Program and the purchase of the flags and patches that are awarded to participating schools.

COMMITTEE/MEETING DATE

Finance	1-25-12	APPROVED
Full Board	1-26-12	

RESOLUTION NO. _____

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGANRESOLUTION TO *SEE BELOWINTRODUCED BY: FROM THE FLOOR

At the 1-25-12 meeting, the following actions were taken:

COMMISSIONER TOCCO REFERRED TO PAGE 4, II.B.1., AND REQUESTED THAT THE WORD "GENERALLY" BE DELETED. INDEPENDENT COUNSEL SUGGESTED THE WORDS "EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS POLICY." THAT WAS ACCEPTED BY COMMITTEE.

COMMISSIONER TOCCO REFERRED TO PAGE 5, 3., AND REQUESTED THE ADDITION OF CLARIFYING LANGUAGE PERTAINING TO THE CHARTER. INDEPENDENT COUNSEL SUGGESTED ADDING: PURSUANT TO SUBSECTION 4.4(D) OF THE CHARTER. THAT WAS ACCEPTED BY COMMITTEE.

COMMITTEE RECOMMENDATION – MOTION

A MOTION WAS MADE BY MILLER, SUPPORTED BY MOCERI, TO ADOPT A RESOLUTION TO AMEND RESOLUTION NO. 11-23 TO ESTABLISH A COMPREHENSIVE COUNTY CONTRACTING POLICY, AS AMENDED.

AMENDMENT

A MOTION WAS MADE BY MILLER, SUPPORTED BY TOCCO, TO AMEND THE POLICY AS FOLLOWS: PAGE 5, INSERT THE FIGURE OF \$35,000 IN 3.C. AND 3.E. AND PAGE 6, 3.F., 3.H., 3.J. AND 3.K.; ALSO, PAGE 6, INSERT THE FIGURE OF \$100,000 IN 3.G.

AMENDMENT

A MOTION WAS MADE BY FLYNN, SUPPORTED BY DiMARIA, TO AMEND THE POLICY AS FOLLOWS: PAGE 8, ADD THE FOLLOWING TO SECTION 3.: A. COPIES OF THOSE POLICIES AND ANY AMENDMENTS SHALL BE SUBMITTED TO THE COMMISSION FOR INFORMATION WITHIN 14 DAYS AFTER THE EXECUTIVE APPROVES THEM. AS AN ALTERNATIVE, THE EXECUTIVE MAY POST THESE MATERIALS ON THE COUNTY'S WEBSITE WITHIN THE SAME 14 DAYS AND ENSURE THEY CONTINUE TO BE AVAILABLE ON THE WEBSITE; AND B. COPIES OF CONTRACTS THAT DO NOT REQUIRE COMMISSION APPROVAL UNDER THIS POLICY OR OTHER APPLICABLE LAW, SHALL BE SUBMITTED TO THE COMMISSION FOR INFORMATION WITHIN 14 DAYS AFTER THEY ARE SIGNED BY THE EXECUTIVE AS REQUIRED BY THE CHARTER. AS AN ALTERNATIVE, THE EXECUTIVE MAY POST THESE MATERIALS ON THE COUNTY'S WEBSITE WITHIN THE SAME 14 DAYS AND ENSURE THEY CONTINUE TO BE AVAILABLE ON THE WEBSITE.

AMENDMENT

A MOTION WAS MADE BY TOCCO, SUPPORTED BY FLYNN, TO AMEND THE POLICY AS FOLLOWS: PAGE 7, D.1., INSERT AT THE END OF THE FIRST SENTENCE: REGARDLESS OF THE CONTRACT AMOUNT.

COMMITTEE/MEETING DATE

Finance	<u>1-25-12</u>
Full Board	<u>1-26-12</u>

BOARD OF COMMISSIONERS
CHARTER COUNTY OF MACOMB, MICHIGAN

RESOLUTION NO. 12-01

A RESOLUTION TO AMEND RESOLUTION NO. 11-23
TO ESTABLISH A COMPREHENSIVE COUNTY CONTRACTING POLICY

WHEREAS, Resolution 11-23 currently requires the submission of all County contracts in the amount of \$15,000 or more to the Board of Commissioners (the "Commission") for review and approval; and

WHEREAS, discussions among representatives of the Commission and representatives of the Executive have resulted in an exchange of ideas as to a contracting policy that will (i) ensure compliance with the Home Rule Charter of Macomb County (the "Charter"), (ii) better ensure accountability to County citizens, businesses and taxpayers, allow for effective and efficient operation of County offices and departments, (iii) ensure County contracting is ethical and cost effective, and (iv) otherwise promotes the general public welfare; and

WHEREAS, the Commission's Finance Committee has proposed Contracting Policy attached as Exhibit A.

It is resolved that Resolution No. 11-23 is amended to read as follows:

"The Contracting Policy attached as Exhibit A is hereby adopted to apply to all contracts binding the County and shall take immediate effect."

EXHIBIT A**CHARTER COUNTY OF MACOMB COUNTY****CONTRACTING POLICY****I. Background, Purpose, General Applicability and Definitions.****A. Background, purpose and applicability.**

1. Among other provisions of the Charter that may affect the issue of County contracting, the Commission interprets subsections 4.4(d) and (j) of the Charter to authorize and even require the Commission to approve contracts binding the County. The Executive disagrees with this interpretation. The Commission also interprets section 3.17 of the Charter requires the County Executive or the Executive's designee to sign "all contracts and instruments bind the County." Section 8.10 of the Charter also requires the Commission to adopt comprehensive policies and procedures governing the awarding of contracts, including the procurement and handling of services, supplies, materials, and equipment that are consistent with federal and state law, the Charter, and ordinances, resolutions, and policies of the Commission. Section 8.10 also makes the County Executive responsible for implementing the policies adopted by the Commission.

2. This policy addresses the Charter's mandate for a comprehensive policy governing the awarding of contracts. Because it is necessary to also ensure parts of the County's policy are applicable to persons and entities that are not part of or employed by the County, this policy is supplemented by the Procurement Ordinance adopted by the Commission.

3. Except to the extent otherwise specifically required by federal or state laws, rules or regulations or by contracts that either existed prior to the effective date of this policy or were themselves made as provided by this policy, this policy shall, to the extent provided in this policy, apply to all Macomb County contracts.

B. Definitions.

The following definitions shall apply to the terms used in this ordinance.

1. Change order – A signed written order directing the Contractor to make changes according to the "changes" clause of the contract.

2. Charter - The Home Rule Charter of Macomb County that took effect on January 1, 2011, as it may from time-to-time be amended.

3. Commission - The County Board of Commissioners created by the Charter.
4. Construction – The Services involved in building, altering, installing, renovating, or demolishing any public structure, building or other improvement to real property or utilities, not including the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.
5. Contract – An agreement or understanding supported by present or future consideration.
6. Contract modification – Any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any Contract accomplished by mutual action of the parties to the Contract.
7. Contractor – Any person and/or agent having a Contract with the County.
8. Department – Any County department, office, board, commission, or other unit of County government.
9. Ethics Ordinance – The County’s Ethics Ordinance, Ordinance No. 10, as it may from time-to-time be amended or replaced.
10. Executive or County Executive - The person holding the office of County Executive as provided in the Charter or that person’s designee(s).
11. Procurement Ordinance – The Procurement Ordinance adopted by the Commission as it may from time to time be amended.
12. Professional Services – Services which require a high degree of intellectual skill, advanced degrees, and/or professional licensing or certification and those providing such Services are distinguished from one another based on their specialized knowledge, experience and expertise, including by way of example and not limitation, accounting, actuarial, appraising, architectural, assessing, auditing, dental, engineering, environmental, investment adviser, legal, lobbying, medical, psychological or psychiatric, real estate brokerage, and title examination and abstracting services.
13. Public Servant - A County employee, Countywide elected official, Commissioner, or appointee of the County.
14. Services – The furnishing of time, labor, or effort by a Contractor not involving the delivery of a specific end product other than written documents such as reports, correspondence, drawings, plans, specifications, etc., which are incidental to the required performance.

II. Requirements.

A. Compliance with other requirements.

1. The Commission has adopted the Procurement Ordinance governing the awarding of contracts involving the procurement and handling of services, supplies, materials, and equipment. That ordinance will be implemented as required by the Charter for those procurements addressed in that ordinance, including the requirements for competitive bidding and the use of sealed bids for certain types of purchases and contracts. This policy is not intended to and does not replace, supersede, or otherwise modify that ordinance.

2. When state or federal laws, rules, regulations, grant agreements, permit or license conditions, or other binding state or federal requirements or policies require contracting procedures different than those provided in this policy, those state or federally required procedures shall be followed. If such state or federal requirements also allow compliance with the procedures in this policy, then both shall be followed.

B. General procedure.

1. Except as otherwise specifically provided in this policy, in order to be effective, contracts must be first be approved by the Commission. However, as listed in subsections B.2 and B.3, some contracts will not require the Commission's approval in order to be effective.

a. The Executive will submit proposed contracts to the Commission a minimum of 8 calendar days prior to the next scheduled Commission meeting, at which the Commission will, except as otherwise provided in this policy, act to approve or reject them.

b. The Executive's submission of a contract to the Commission shall be accompanied by information reasonably needed to determine whether the contract would involve expenditures within or outside of approved budget appropriations and whether it originated in compliance with all applicable requirements including this policy and the Procurement Ordinance. It shall also be accompanied by any other information the Executive believes may be helpful to the Commission as it considers the proposed contract. The Commission may also request that certain information accompany the Executive's submission of certain contracts. During its consideration of a proposed contract, if it determines additional information is necessary for that consideration, the Commission may ask the Executive to provide it.

c. If the Executive does not have the requested information available to provide during the meeting, if the information is too complex or voluminous to

adequately review during the meeting, or for any other reasons stated during the meeting, the Commission may delay the Commission's consideration of the proposed contract to a subsequent meeting, in which case the Commission will not need to further consider the proposed contract at the initial meeting.

d. If the Commission adopts a motion or resolution rejecting a proposed contract, that motion or resolution may also be accompanied by reasons for rejection of the contract which, if addressed in a revised version of the contract, could result in its approval by the Commission. If the Commission adopts a resolution to reject a proposed contract, that proposed contract shall not be effective. A Commission motion or resolution to approve a proposed contract that is not adopted due to a lack of sufficient votes in its favor shall be deemed to be a rejection of the proposed contract.

2. The Charter specifically requires Commission approval of the following types of contracts before they become effective, regardless of the amounts involved:

- a. Collective bargaining agreements under Charter subsection 7.3.2; and
- b. Intergovernmental contracts under Charter subsection 3.10.

3. Pursuant to subsection 4.4(d) of the Charter, the following types of contracts must first be approved by the Commission:

- a. Contracts involving the acquisition, leasing, or licensing of any real property, buildings, or other improvements to real property for use by any Public Servant or County department or entity;
- b. Contracts involving the sale, conveyance, leasing, licensing, management, or operation of any County-owned, County-leased, or County-managed real property, buildings, or improvements to real property to or with any other person or entity;
- c. Contracts by which the County is acquiring land, property, or equipment by installment or lease purchase arrangement providing for the payment of \$35,000 or more in any fiscal year or will require payments in more than 5 fiscal years;
- d. Contracts for the provision of group employee fringe benefits;
- e. Contracts the terms of which require expenditures from County funds for a budget year beyond that in which they are made, if they require payment of \$35,000 or more in any future budget year or will require payments in more than 5 fiscal years;

- f. Contracts involving the procurement of tangible goods in an amount or \$35,000 or more, either at one time or from any single vendor during one fiscal year;
- g. Contracts involving construction projects in an amount of \$100,000 or more;
- h. Contracts for any types of services, including without limitation, professional services requiring payments totaling \$35,000 or more or allowing retention of any portion of fees charged for the service in they will total \$35,000 or more in any fiscal year;
- i. Contracts with renewal or other options that could result in total payment amounts or a total number of payments or years exceeding any of the above limits;
- j. Contracts for the sale or disposal of any County-owned personal property that includes any item of \$35,000 or more in value; and
- k. Any other contracts where the County is to pay or to receive funds or other consideration of \$35,000 or more, including for example and not for limitation, grants from non-governmental persons or entities.
- l. Change orders, contract modifications, or price adjustments on any contract approved by resolution of the Commission to the extent it exceeds 10% or the original contract amount.
- m. Contracts permitting use of the County's name, logo or pictures of County-owned property.
- n. Any types of contracts not specifically mentioned in this subsection, in the Procurement Ordinance, or in another Commission policy as exempt from or not requiring Commission approval.

C. Exclusions.

- 1. Subsection B shall not apply to contracts for goods or professional services required by the Executive to operate his office provided they fall within the appropriated amounts. For example, and not for limitation, subsection B does not apply to the Executive's contracts for legal services. However, all such contracting shall comply with the Procurement Ordinance. Any contract for representation of any Public

Servant or agency by outside counsel in any criminal investigation or proceeding shall require Commission approval.

2. Subsection B shall not apply to contracts for goods or professional services required by the Commission to operate its office provided they fall within the amounts budgeted therefore. For example, and not for limitation, subsection B does not apply to the Commission's contracts for legal services. While the Executive's signature is required on such contracts, the Executive's signature in this circumstance shall be treated as a ministerial act that does not imply the Executive's recommendation or approval of such contracts. However, all such contracting shall comply with the Procurement Ordinance except that the Commission's staff rather than the Executive shall issue, review and make recommendations regarding RFQs and RFPs for professional services for the Commission. Any contract for representation of any Public Servant or agency by outside counsel in any criminal investigation or proceeding shall require Commission approval.

3. The Executive may propose policies to the Commission that would allow some of additional contracts to become effective without Commission approval and, if the Commission approves any such policy, those contracts will become effective when the policy requirements have been met and the Executive signs them.

4. Subsection B shall not apply to contracts that for reasons of effective law enforcement must remain confidential because their disclosure could adversely affect the investigation or the apprehension or prosecution of particular crimes or suspects, or could endanger the safety of law enforcement or prosecution personnel, witnesses or informants. For example, and not for limitation, subsection B does not apply to contracts with jury consultants or expert witnesses retained with respect to specific investigations or prosecutions, or travel expenses related to a specific investigation or prosecution.

5. In emergencies involving an imminent significant threat to public health, welfare, or safety, or to prevent or minimize serious disruption of government services can result in a need to enter into contracts without complying with subsection B. Written documentation specifying the nature of the emergency must be included in the Contract file and approved by the Executive. When such contracts are made, the Executive shall promptly forward the executed contract to the Commission. Ratification of the contract by the Commission is desirable but shall not be a condition necessary to ensure the continued validity and enforceability of the contract.

D. Additional provisions.

1. The Commission reserves the right to request copies of County contracts and related materials from the Executive with respect to all County contracts, regardless of the contract amount. However, Commission approval of contracts before they become

effective shall be required only as provided in this policy or as otherwise provided by applicable laws, rules, or regulations, or by subsequent lawful ordinances or resolutions.

2. All Public Servants shall provide information requested by the Executive and shall cooperate with the Executive in the implementation of this policy so that, except to the extent otherwise specifically required by federal or state laws, rules or regulations or by contracts that either existed prior to the effective date of this policy or were themselves made as provided by this policy, applies to all County contracts.

3. All purchasing and procurement decisions, actions, and contracts which are outside the scope of this policy, whether by their character, by their terms, by dollar amount, or otherwise, shall be governed by the Executive's policies. Purchasing and procurement shall be effected by the Executive in accordance with the County's Procurement Ordinance and all applicable state and federal law.

a. Copies of those policies and any amendments shall be submitted to the Commission for information within 14 days after the Executive approves them. As an alternative, the Executive may post these materials on the County's website within the same 14 days and ensure they continue to be available on the website.

b. Copies of contracts that do not require Commission approval under this policy or other applicable law, shall be submitted to the Commission for information within 14 days after they are signed by the Executive as required by the Charter. As an alternative, the Executive may post these materials on the County's website within the same 14 days and ensure they continue to be available on the website.

Official Proclamation
Of the Board of Commissioners
Macomb County, Michigan

**A Proclamation Commemorating the Grand Opening of the
Chrysler World Class Manufacturing Academy**

Commissioners Toni Mocerri, David Flynn and James Carabelli,
On Behalf of the Board of Commissioners,
Offer the Following Proclamation:

Whereas, the Macomb County Board of Commissioners would like to publicly welcome and congratulate **Chrysler** as they celebrate the grand opening of the **World Class Manufacturing Academy (WCM)** in Warren in January 2012; and

Whereas, the **World Class Manufacturing Academy** is the primary training facility for Chrysler's manufacturing operations in the United States, Canada and Mexico. Approximately 1,200 employees will be trained in this facility every year; and

Whereas, the Board appreciates the **World Class Manufacturing Academy's** investment in the community and also the services they offer to increase skills, education and training of Chrysler employees. This state-of-the-art training academy is a welcome site for Warren; and

Whereas, it is right and fitting to welcome the **World Class Manufacturing Academy** to Macomb County and recognize it for the valuable contributions it offers to all Macomb County residents.

Now, Therefore, Be It Resolved By The Board Of Commissioners, Speaking For And On Behalf Of All County Citizens As Follows:

I

That By These Presents, the Macomb County Board of Commissioners, hereby publicly acknowledges the grand opening of **Chrysler's World Class Manufacturing Academy**.

II

Be It Further Resolved that a suitable copy of this Proclamation be presented to the **World Class Manufacturing Academy** in testimony of the high esteem in which it is held by the Board of Commissioners.

RESOLUTION NO. _____

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO recommend, on behalf of the Macomb County Executive and the Human Resources and Labor Relations Department, that the Macomb County Board of Commissioners ratify the Labor Agreement (from January 1, 2012 to December 31, 2013), which follows the template as all other ratified Labor Agreements, and has been tentatively agreed to and ratified by the membership of the following bargaining group: POAM – Juvenile Justice Center

INTRODUCED BY: Don Brown, Chair, Finance Committee

***This item was waived to Full Board by the Finance Committee Chair**

COMMITTEE/MEETING DATE
Full Board 1-26-12*
