

PROPOSED SUBSTITUTE TO FILE ID 16-4046
Finance Committee 8/3/2016

Sponsored by: JOHN A. FRITCHEY, County Commissioner

PROPOSED ORDINANCE AMENDMENT

AN AMENDMENT TO THE COOK COUNTY PROCUREMENT CODE

ARTICLE IV. PROCUREMENT CODE

NOW THEREFORE BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 34, Article IV, Procurement Code, Sections 34-125 and 34-126 are hereby amended as follows:

Sec. 34-125. Powers and duties of the Chief Procurement Officer.

The Chief Procurement Officer shall:

(a) Make all Procurements and conduct all activities related to the Procurement Process in accordance with the Procurement Code and any procedures promulgated pursuant hereto;

(b) Establish and maintain procurement policies and procedures, and standardized documents and forms to implement the Procurement Code;

(c) Cooperate with the Contracts Compliance Director to coordinate the procurement process with the Minority- and Women-Owned Business Program established pursuant to Division 8 of this Procurement Code;

(d) Develop and maintain procedures for disseminating information and notice of procurement opportunities;

(e) Have authority to implement innovative procurement methods and processes pursuant to this Procurement Code;

(f) Have authority to approve and execute an assignment of or an amendment to a Contract; provided that any such amendment does not extend the Contract by more than one year, and further provided that the total cost of all such amendments does not increase the amount of the Contract beyond the authority of the CPO granted in Section 34-123;

(g) Have authority to establish the commencement and expiration dates of any Contract as necessary to permit the Contract period to commence upon the date of Execution of the Contract by the County, unless another commencement date is specified in the Contract;

(h) Approve and execute Contracts within his or her authority, or as directed by the Board;

(i) Ensure that all certifications, statements and affidavits required by this Procurement Code are submitted;

(j) Determine in conjunction with the Department of Facilities Management when supplies, materials and equipment are ~~obsolete or unusable~~, surplus, and/or obsolete and trade in, sell or dispose of such property, except for such property which is the responsibility of the Cook County Health and Hospitals System and such property which has been approved for donation as a charitable contribution per Section 34-126 below;

(k) Compile and maintain information for all Procurements, including those Procurements and Contract amendments which do not require Board approval. The CPO shall submit a report to the Board on a monthly basis listing the Procurements and Procurement amendments executed by the CPO that do not require Board approval, including a list of each Person from whom the County makes such a Procurement and the method of Procurement applied, as well as Procurements that authorize the advance payment for services. Such reports shall include:

- (1) The name of the Vendor;
- (2) A brief description of the product or service provided;
- (3) The name of the Using Department and budgetary account from which the funds are being drawn; and
- (4) The amount and term of the Procurement; and
- (5) The amount and/or extension period of the amendment, if applicable. Such report shall be provided to the Board of Commissioners in an electronic format;

(l) Work with the Comptroller to provide a monthly report of the individual and total aggregate amount disbursements made for Procurements that do not require Board approval. The Comptroller shall provide to the Board of Commissioners a report of all payments made pursuant to contracts for supplies, materials and equipment and for professional and managerial services for Cook County, including the separately elected Officials, which involve an expenditure of \$150,000.00 or more, within two weeks of being made. Such reports shall include:

- (1) The name of the Vendor;
- (2) A brief description of the product or service provided;
- (3) The name of the Using Department and budgetary account from which the funds are being drawn; and
- (4) The contract number under which the payment is being made. Such report shall be provided to the Board of Commissioners in an electronic format;

(m) Make available on the County's website information related to all Procurements, including, but not limited to, a list of Contracts and a list of Contractors and subcontractors;

(n) Keep a record of any Person who has been disqualified under Division 4, Disqualification; Penalties, and shall provide such record to the Cook County Health and Hospitals System;

- (o) Have authority to terminate a Contract in accordance with its terms;
- (p) Issue notices of violation to enforce the provisions of this Code, as applicable, and institute enforcement proceedings under Chapter 2, Article IX, as appropriate;
- (q) Work with the Comptroller to assure that Contractors are not paid in advance of performance, unless such advance payment is provided for and properly justified in the Contract;
- (r) Have charge of such other Procurement activities as may be assigned by the President or the Board; and
- (s) Have the authority to require the CIO to review and approve all technology related Procurements, Contracts or Contract amendments in advance of CPO and/or Board approval; notice of the CIO's approval or disapproval shall be provided by the CIO to the CPO and/or Board prior to approval in order for the CPO and/or Board to make an informed decision on the requested technology related Procurement, Contract or Contract amendment; technology related Procurements, Contracts or Contract amendments include but are not limited to computer hardware, software, software and hardware maintenance, software and hardware service costs, information technology services, telecommunications services and telecommunications equipment Procurements, Contracts or Contract amendments.

Sec. 34-126. Distribution of Assets.

(a) The CPO, in conjunction with the Department of Facilities Management is authorized to approve or deny the distribution of supplies, materials and equipment that have been declared unusable, surplus, and/or obsolete per Section 34-125(j) above (hereinafter referred to collectively as "assets") as charitable donations.

(b) The CPO, in conjunction with the Department of Facilities Management, is authorized to adopt, promulgate and enforce rules and regulations and prepare forms to effectuate the purposes of this Section. Such rules and regulations shall require any charitable donation adhere to the following conditions:

- (1) The assets would be used to advance health, education, public safety, and/or social services; and
- (2) The recipient of the assets is a governmental entity or non-profit entity registered in accordance with applicable law.

Effective Date: This Ordinance Amendment shall be effective thirty (30) calendar days after passage.