

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6307AA

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. STEFANCIK

PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MS. O'BRIEN

ON THE 1 DAY OF OCTOBER, 2020

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, CHAPTER 2 ARTICLE VII, SECTION 2-274, PURCHASING PROCEDURES, AND PROVIDE FOR REPEAL, SEVERABILITY AND DATE OF ENACTMENT.

WHEREAS, it is deemed necessary to amend the Parish Code in order to affect changes in purchasing procedures for Parish Government.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the Parish Code of Ordinances, Chapter 2, Article VII, Section 2-274, Purchasing Procedures, to make changes as follows, to-wit:

SEC. 2-247 Purchasing procedures.

(a) The parish shall follow the purchasing procedures in accordance with R.S. 38L2181 et seq. (Public Contracts) and this section.

(b) The director of finance, purchasing supervisor and purchasing technician have the authority to issue, amend, administer and/or terminate purchase orders on behalf of the parish upon receipt of a properly authorized requisition or written notice of cancellation from a parish department. The director of finance will ensure that requisitions meeting the following criteria are reviewed and approved as indicated prior to initiating any contract action:

(1) *Materials, supplies and equipment.* The parish president shall review and approve requisitions that meet state law requirement for "advertisement for bids," not to exceed \$ 20,000.00. Those exceeding \$ 20,000.00 must be approved by the parish council, unless specifically identified in the capital outlay budget adopted by the council. All road materials used in the construction of District Capital Road Projects shall be regulated by the Parish governing authority, including the Parish Council and Parish Administration.

(2) *Contracts for professional services.*

a. *Establishment of professional service list.*

1. Each June, the purchasing department will advertise for the submission of request for qualifications from all interested professional service vendors.

2. Upon receipt, the purchasing department will separate the vendors into specific categories, prepare the official "Professional Service List" and shall make the list available to all parish departments.

3. Additional vendors may submit their qualifications during the year, at which time the purchasing department will revise the professional service list and distribute to all departments.

b. *Selection of vendor for professional service contract.*

1. The director of the awarding department shall identify the project and verify that same is an approved expense under the current year operating and capital budgets, if applicable.

2. The director of the awarding department in consultation with a designee appointed by the parish council shall select three vendors from the professional list, based upon the qualifications and guidelines

as identified in Section 2-125 (e) needed for the specific project, who in his opinion would be best suited to perform the tasks required.

3. The director of the awarding department, through the purchasing department, shall issue a request for proposals to each of the three vendors for the specific project.

4. Upon receipt and review of the RFPs by an evaluation committee which shall include a designee appointed by the parish council, the director shall present his recommendation for the award of the professional service contract to the CAO.

5. The CAO shall provide the council administrator with a copy of the recommendation upon which the council administrator shall notify the appropriate councilmembers and advise the CAO of any issues of concern.

6. The CAO will then issue a contract and purchase order.

(3) *Real property.* Purchase of land and buildings must be approved by the parish council.

(4) *Public works contracts.* The term "public works contracts" are defined as the erection, construction, alteration, improvement or repair of any public facility or immovable property owned, used or leased by the parish must be approved as indicated:

a. Public works projects (excluding roads and bridges) up to \$ 150,000.00 shall be approved by the parish president. Projects exceeding this amount must be approved by the parish council, unless specifically identified in the capital outlay budget adopted by the council.

b. Public works roads and bridges improvements (excluding minor repair) must be on the current capital improvement list as approved by the parish council.

(5) *Notice of contract approval.*

a. Upon approval of any professional services or public works contract as authorized by this section, written notice of the contract and its approval shall be provided to the parish council office.

b. Dividing or splitting purchase requirements in order to circumvent the monetary limitations imposed by state law and this section is strictly prohibited. The director of finance shall monitor and challenge such request and report any violations to the parish president for appropriate action.

c. The act of an employee who orders and/or accepts supplies and services prior to the submission of an approved requisition and in advance of a purchase issued is deemed as an unauthorized commitment. Such a commitment is not legal and does not obligate the parish to pay for the supplies or services rendered. A personal liability may be levied against the individual making the unauthorized commitment. The parish president has the authority to ratify unauthorized commitments which do not require council approval, however, they will not be routinely approved. A review shall be implemented prior to determining the appropriate action.

d. The parish president will appoint department heads and/or individuals having the authority to review, approve, or submit requisitions for supplies, materials, and services in writing and assign monetary limitations of approval as appropriate. Those appointees will ensure that there is a valid requirement and that sufficient funding within their budget is available for requisitions that are submitted. Unfunded requirements must be approved in accordance with budgeting procedures within this Code.

e. The parish president may implement internal controls, purchasing procedures, and amplify this section as deemed necessary to prevent fraud, waste, and abuse of public funds.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 3 DAY OF DECEMBER, 2020; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MICHAEL R. LORINO, JR., COUNCIL CHAIRMAN

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: JANUARY 8, 2020

Published Adoption: _____, 2020

Delivered to Parish President: _____, 2020 at _____

Returned to Council Clerk: _____, 2020 at _____