

CHAPTER 10
PURCHASING

GENERAL PROVISIONS

1000. County Purchases.

All contracts for the purchase or lease of supplies, materials, equipment, or services, except as to personal and professional services and as otherwise provided by law, shall be accomplished through the office of the Director of Finance and Purchasing. It shall be the intent of this chapter that, whenever practicable, contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition. (Ord. 11, Sec. 3.185, Ord. 1208, 8-16-84; Ord. 3839, Eff. 11/28/06)

1001. Director of Purchasing, Powers and Duties.

In addition any powers and duties conferred by this code or by law, the Director of Finance and Purchasing shall have the following powers and duties. (Ord. 11, Sec. 3.187, Ord. 1208, 8-16-84; Ord. 3839, Eff. 11/28/06)

1001.1 Power to Promulgate.

The Director of Finance and Purchasing shall promulgate rules and regulations necessary to insure the operation and intent of this chapter. Any such rules and regulations shall be approved as to form by the County Counselor and shall be effective ten days after written approval by the County Executive. (Ord. 3839, Eff. 11/28/06)

1001.2 Petty Cash Funds.

The Director of Finance and Purchasing shall promulgate such rules and regulations as are necessary to insure the proper operation and accounting of County departmental petty cash funds. (Ord. 3839, Eff. 11/28/06)

1001.3 Recommend Disqualification of Bidders.

The Director of Finance and Purchasing may recommend that the County Legislature declare, as irresponsible bidders, those vendors who default on their quotations, and to disqualify them from receiving any business from the County for a stated period of time. (Ord. 11, Sec. 3.187.k., Ord. 1208, 8-16-84; Ord. 3839, Eff. 11/28/06)

1001.4 Maintain List of Bidders and Suppliers.

The Director of Finance and Purchasing shall maintain a bidders' and suppliers' list which shall list all persons, firms and corporations which have applied for that listing. (Ord. 11, Sec. 3.193, Ord. 1208, 8-16-84; Ord. 3839, Eff. 11/28/06)

1001.5 Transfer of Surplus or Obsolete Supplies.

The Director of Finance and Purchasing may transfer any surplus, obsolete, or unused supplies, materials, or equipment from one office, department, or agency

of the County to another on the written approval of the heads of the offices, departments, or agencies concerned, and on the written approval of the Chief Administrative Officer. (Ord. 11, Sec. 3.198, Ord. 1208, 8-16-84; Ord. 3839, Eff. 11/28/06)

1001.6 Annual Purchasing Report.

In February of each year the Director of Finance and Purchasing shall provide a performance-based annual report regarding formal competitive bids to the County Executive and the County Legislature. The report will describe procedures in place to ensure compliance with section 1054. (Ord. 3839, Eff. 11/28/06)

1002 Purchase Contrary to this Chapter.

Except as provided in the Charter, no County officer or employee shall have the authority to make any purchase, lease, or contract with the purview of this chapter other than through the Director of Finance and Purchasing. The County shall not be bound by any purchase, lease, or contract made contrary to the provisions of this chapter. (Ord. 3839, Eff. 11/28/06)

1003. Tax Clearance Required.

No person, firm, or corporation, resident in Jackson County, or otherwise legally within the taxing jurisdiction of the County, shall be eligible to provide any goods, contractual services, or anything covered by this chapter, unless that person, firm, or corporation is duly listed and assessed on the County tax rolls and is in no way delinquent on any taxes payable to the County. Further, no person, firm or corporation, regardless of state of residency, shall be eligible to provide any goods, contractual services, or anything covered by this chapter, of a cost in excess of \$150,000 per annum, if that person, firm, or corporation is in any way delinquent on any taxes payable to any local government entity with which Jackson County has entered into an "Intergovernmental Agreement for Tax Verification Information." (Ord. 3839, Eff. 11/28/06; Ord. 4553, Eff. 08/19/13)

1003.1 Director to Determine Eligibility.

Where any individual, firm, or corporation is a resident of Jackson County, or where it otherwise appears that the firm is legally within the taxing jurisdiction of the County, and has made an offer, bid, or quotation for any County purchase, the Director of Finance and Purchasing shall cause a search to be made of the County tax rolls, and, if applicable, an inquiry to be made of the appropriate personnel of any other local government entity with which Jackson County has entered into an "Intergovernmental Agreement for Tax Verification Information," to determine the eligibility of that person, firm, or corporation under this section. (Ord. 11, Sec. 3.184.b., Ord. 1208, 8-16-84; Ord. 3839, Eff. 11/28/06; Ord. 4553, Eff. 08/19/13)

1003.2 Lowest Bidder Ineligible, Procedure.

When the apparent lowest and best bidder for a given purchase order is ineligible under this section, the Director of Finance and Purchasing may, when time is not of the essence to the County, notify the bidder and allow three (3) days for the bidder to correct the deficiency or pay any delinquency involved. If the bidder fails,

after the notice to comply within three (3) days after such notice, or, if the director deems time to be of the essence, the director shall proceed as though the lowest and best bidder who is eligible under this section had entered the lowest bid. (Ord. 11, Sec. 3.184.c., Ord. 1208, 8-16-84; Ord. 3839, Eff. 11/28/06)

1002. - 1009. RESERVED

1010. Conflict of Interest, Affidavits Required of Vendors.

No contract shall be let to any person, firm, or corporation unless it has submitted an affidavit to the County stating that no officer or employee of the County, whether elected or appointed, shall in any manner whatsoever be interested in or receive any benefit from the profits or emoluments of any contract, job, work, or service for the County. (Ord. 3839, Eff. 11/28/06)

1011. Vendor Drafting Bid Specifications, Disqualification.

No contract shall be awarded to any person, firm, or corporation, which has, for any valuable consideration, provided any services in connection with the development of the contract's bid specifications, unless upon recommendation of the Director of Finance and Purchasing and a finding by the County Legislature that such award is in the County's best interests. (Ord. 2050, Eff. 11/27/91; Ord. 3839, Eff. 11/28/06)

1012. - 1029. RESERVED

COMPETITIVE BID NOT REQUIRED

1030. Competitive Bids Not Required, Circumstances.

The Director of Finance and Purchasing may accomplish the following purchases without competitive bidding, and without prior legislative approval except as specifically provided in this section. In accomplishing such purchases, the director shall be guided to the extent practicable by the policies set out in sections 1000. and 1054. of this chapter. (Ord. 3839, Eff. 11/28/06)

1030.1 Sole Source.

Competitive bidding shall not be required when the items to be purchased can be obtained from only one source. Before a purchase is made pursuant to this subsection which has a purchase price of over twenty-five thousand dollars (\$25,000), the Director of Finance and Purchasing shall submit said purchase to the County Legislature for approval and the purchase shall only be effective upon legislative approval. In the recommendation to the Legislature, the director shall set out the reason for the decision not to seek competitive bids. (Ord. 3839, Eff. 11/28/06)

1030.2 Acquisition From Other Government.

Competitive bidding shall not be required when the items to be purchased can be obtained from another government, at a price below that quoted by a private vendor. Before a purchase is made pursuant to this subsection which has a

purchase price of over twenty-five thousand dollars (\$25,000), the Director of Finance and Purchasing shall submit said purchase to the County Legislature for approval and the purchase shall only be effective upon legislative approval. In the recommendation to the Legislature, the director shall set out the reason for the decision not to seek competitive bids. (Ord. 3839, Eff. 11/28/06)

1030.3 Emergency Purchases.

Competitive bidding shall not be required when the County Executive has declared, in writing, the purchase to be an emergency. Purchases in excess of twenty-five thousand dollars (\$25,000) made under the provisions of this subsection shall be reported to the County Legislature at its next regularly scheduled meeting. (Ord. 3839, Eff. 11/28/06)

1030.4 Fixed Price Contractual Documents.

Competitive bidding shall not be required when the items purchased are the subject of existing and current federal, state, or local government fixed price contractual documents, if the prices quoted in those documents are more advantageous to the County than local market prices for like items. Before a purchase is made pursuant to this subsection which has a purchase price in excess of twenty-five thousand dollars (\$25,000), the Director of Finance and Purchasing shall submit the purchase to the County Legislature for approval and the purchase shall only be effective upon legislative approval. In the recommendation to the Legislature, the director shall set out the reason for decision not to seek competitive bids. (Ord. 3839, Eff. 11/28/06)

1030.5 Purchases of \$5,000 or less.

Competitive bidding shall not be required on any purchase in the amount of five thousand dollars (\$5,000) or less made from any one person, firm, or corporation. Cumulative purchases of the same or similar products or services from one vendor in an amount in excess of five thousand dollars (\$5,000) in any one-year period shall utilize the informal competitive bid procedure set out in section 1040. of this chapter. (Ord. 3839, Eff. 11/28/06)

1030.6 Purchase of Proprietary Goods for Resale.

Competitive bidding shall not be required when the items to be purchased are proprietary goods not available in a competitive market, provided that such goods are purchased for resale in a facility or service operated by the County. Proprietary goods are defined as goods manufactured under an exclusive individual/corporate right to make and sell them. Before a purchase is made pursuant to this subsection which has a purchase price of over twenty-five thousand dollars (\$25,000), the Director of Finance and Purchasing shall submit the purchase to the County Legislature for approval and the purchase shall only be effective upon legislative approval. (Ord. 3839, Eff. 11/28/06)

1030.7 Tax Exempt Organizations and Agencies.

Competitive bidding shall not be required when funds are appropriated and a contract for services is or will be awarded by resolution or ordinance of the County Legislature to an organization or agency which is exempt from federal income taxation. (Ord. 3839, Eff. 11/28/06)

1031. - 1039. RESERVED

INFORMAL COMPETITIVE BID

1040. Informal Competitive Bid Procedure.

The Director of Finance and Purchasing may use the informal competitive bid procedure described in this section for purchases of more than five thousand dollars (\$5,000) but not more than twenty-five thousand dollars (\$25,000), in lieu of the procedures described in sections 1050. through 1055. for award of formal contracts. (Ord. 3839, Eff. 11/28/06)

1040.1 Solicitation of Bids.

The Director of Finance and Purchasing or his or her designee shall solicit bids from prospective vendors by means at the director's discretion, including but not limited, to telephone, media, and public notice posted on bulletin boards of the courthouses in Kansas City and Independence. (Ord. 3839, Eff. 11/28/06)

1040.2 Three Competitive Bids.

At least three (3) competitive bids shall be obtained. (Ord. 3839, Eff. 11/28/06)

1040.3 Lowest and Best Bidder.

Purchases shall be awarded to the bidder providing the best products and/or services that are available for the lowest price consistent with the standards set forth in section 1054. (Ord. 3839, Eff. 11/28/06)

1040.4 Records.

The Director of Finance and Purchasing shall keep a written or electronic record of all purchases accomplished under this section and all bids submitted in competition for those purchases, and those records shall be open to public inspection. Each such record shall describe the means by which the bid was received and any specific considerations or conditions attached to the bid and/or product or service. (Ord. 3839, Eff. 11/28/06)

1041. - 1049. RESERVED

FORMAL COMPETITIVE BID PROCEDURE

1050. Formal Competitive Bid Procedure.

Except as provided in the Charter and in sections 1030. and 1040. of this chapter, any purchase or lease of supplies, materials, equipment, services, when the estimated cost exceeds twenty-five thousand dollars (\$25,000), shall be purchased under formal written

contract with the bidder providing the best products and services that are available for the lowest price observing the following formal procedures. (Ord. 3839, Eff. 11/28/06)

1051. Formal Competitive Bids, Notice Inviting.

Notice inviting bids shall be provided in the manner and utilizing such media as the Director of Finance and Purchasing or his or her designee deems most appropriate to the subject matter of the bid and the applicable time line available with the objective of encouraging fair and unbiased competition. The notice shall be designed to secure a reasonable distribution and a competitive bidding process and may include direct mail, electronic mail, on line listing services, the County's online procurement portal at jacksongov.org, newspaper advertisements, and/or such other means as the director may deem appropriate. In addition to any other solicitation, all purchases, leases, or sales shall also be advertised by notices posted on public bulletin boards in the courthouses in Kansas City and Independence. (Ord. 3839, Eff. 11/28/06, Ord. 5626, Eff. 6/21/22)

1051.1 Notice of Solicitation, Content, Timing.

The notice inviting competitive bids shall be distributed and/or posted at least five (5) business days preceding the last day for receipt of bids or proposals and shall include a general description of the products or services to be leased or purchased and state where bid forms and specifications may be obtained and the time and place for submission and opening of bids. (Ord. 3839, Eff. 11/28/06)

1051.2 Bidders and Suppliers List.

The Director of Finance and Purchasing shall review the bidders and suppliers list for prospective bidders and shall solicit bids from as many such bidders as is necessary to assure a reasonable distribution of the solicitation and adequate competition. (Ord. 3839, Eff. 11/28/06)

1051.3 Certain Solicitations, Evaluation Process.

Each solicitation that is to be accomplished by way of a Request for Proposals, Request for Statements of Qualifications and Interest, or a similar procurement mechanism, and that will result in a recommendation to the County Legislature for the award of a contract, shall contain in the notice and/or specifications the following statement: "Any Evaluation Criteria or weighting of criteria is used by the County as tool to assist the County in selecting the best proposal for the County. Evaluation scores or ranks alone do not create a right or expectation of a Contract or Agreement with the County."

1052. Bid Security Deposits or Surety Bid Bonds.

When deemed necessary by the Director of Finance and Purchasing, bid security deposits or surety bid bonds, or both, shall be prescribed in the notice of invitation for bids. (Ord. 3839, Eff. 11/28/06)

1052.1 Returned Bid Security Deposit.

An unsuccessful bidder who stands ready to perform according to the terms of its bid shall be entitled to the return of its bid surety deposit. (Ord. 3839, Eff. 11/28/06)

1052.2 Enforcement of Surety Bid Bond.

The County shall seek enforcement of a surety bid bond according to its terms. (Ord. 3839, Eff. 11/28/06)

1052.3 Surety Bid Bonds, Listing in Federal Register.

All surety bid bonds must be with companies listed in the Department of the Treasury, Federal Register as surety companies acceptable on federal bonds. (Ord. 3839, Eff. 11/28/06)

1053. Performance, Labor, and Material Payment Bonds.

Where the nature of the contract is such that the Director of Finance and Purchasing deems a performance bond necessary, or where the contract is for public works and requires compliance with section 107.170 RSMo, the notice of invitation for bids shall specify the amount of bond that is required. The notice shall also specify that any bid submitted pursuant to said solicitation will be presumed to include the cost of the required bond. (Ord. 3839, Eff. 11/28/06)

1053.1 Surety Performance Bonds, Listing in Federal Register.

All surety performance bonds and surety labor and material bonds must be with companies listed in the Department of the Treasury, Federal Register, as surety companies acceptable on federal bonds. (Ord. 3839, Eff. 11/28/06)

1054. Procedure for Receiving and Opening Bids.

The following applies to bids submitted under the formal competitive bid procedure:

1054.1 Submission.

All bids shall be submitted in the manner specified in the bid solicitation. (Ord. 3839, Eff. 11/28/06, Ord. 5626, Eff. 6/21/22)

1054.2 Bid Opening.

Bids shall be reviewed, opened, and recorded by the Director of Finance and Purchasing or his or her duly authorized representative in the particular room and on the day and at the time stated in the public notices, and secured in a manner that prevents tampering. (Ord. 3839, Eff. 11/28/06, Ord. 5626, Eff. 6/21/22)

1054.3 Bid Evaluation and Recommendations.

The Director of Finance and Purchasing shall evaluate the bids submitted and refer his or her recommendations to the appropriate department head, who shall within the shortest practicable time, confirm the recommended award or submit objections and suggestions to the director. Such objections and suggestions shall include specific reference to the manner in which the department head believes an alternate bid complies with the provisions of subsection 7 of this section. (Ord. 3839, Eff. 11/28/06, Ord. 5626, Eff. 6/21/22)

1054.4 Rejection of Bids.

The Director of Finance and Purchasing shall have the authority to reject, as often as he or she deems necessary, all bids, parts of all bids or all bids for any one or more supplies or contractual services included in the proposed contract, for failure to comply with the requirements of the invitation for bids or when the public interest will be served thereby, and require the solicitation of new bids. (Ord. 3839, Eff. 11/28/06, Ord. 5626, Eff. 6/21/22)

1054.5 Recommend Award of Bid.

The Director of Finance and Purchasing shall recommend to the County Legislature the award of the contract to the lowest and best bidder, unless all bids have been rejected as authorized in subsection 4 of this section. (Ord. 3839, Eff. 11/28/06, Ord. 5626, Eff. 6/21/22)

1054.6 Factors Which Shall Be Considered When Determining Lowest and Best Bidder.

The following factors shall be considered in determining the bidder that provides the best products and/or services that are available for the lowest price:

a. Cost and Future Maintenance.

The point of purchase cost of the product or service, the anticipated cost of maintenance or service (including applicable warranties), the ability of the bidder to provide future maintenance and service, the longevity of the product or service, and the cost of disposal. (Ord. 3839, Eff. 11/28/06)

b. Ability to Perform.

The ability, capacity, skill, or financial resources of the bidder to perform the contract or provide the service required;

c. Timely Performance.

Whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference;

d. Character and Reputation.

The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

e. Quality of Prior Performance.

The quality of the bidder's performance of previous contracts or services;

f. Compliance With Laws.

The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

g. Quality and Availability.

The quality, availability, and adaptability of the supplies or contractual services to the particular use required;

h. Conditions on Bid.

The number and scope of conditions attached to the bid;

i. Compliance With Bid Specifications.

Whether the bid as submitted fully complies with the minimum requirements of the bid specifications;

j. Environmental Preference.

The environmentally preferable nature of the product or service when compared with competing products or services that serve the same or similar purposes. This comparison may include consideration of raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, transportation of the product to the County from its point of origin, maintenance, and/or disposal of the product. (Ord. 3839, Eff. 11/28/06)

k. Social Responsibility.

The socially responsible nature of the product or service which shall include, but is not limited to, products or services that create meaningful work, encourage diversity, include women-owned and minority-owned enterprises, provide fair wages, or otherwise promote social equity.

l. Local Preference.

A bidder domiciled in Jackson County or whose products and services were manufactured, created, or have points of origin within Jackson County will be given a preference and a local bidder (a business in close proximity to Jackson County) will be given a secondary preference, when all other considerations are equal and the bidder is compliant with all provisions of this code. (Ord. 3839, Eff. 11/28/06)

1054.8 Analysis When Service Contracts are Bids.

Notwithstanding any other provision of this chapter, when a contract for services is to be awarded under the competitive bidding provisions of this chapter the Director of Finance and Purchasing shall perform an analysis of the respective bids submitted and shall submit such analysis to the Legislature for its consideration. (Ord. 3839, Eff. 11/28/06)

1055. Authorization of Purchase.

In accordance with sections 1050. through 1054., the purchase may be authorized by the affirmative vote of a majority of the members of the County Legislature. (Ord. 3839, Eff. 11/28/06)

1056. Veteran-owned Business Enterprise Goal.

With regard to any county contract, as defined in section 617. of this code, for which the county's compliance review officer has established, pursuant to section 643. of this code,

a contract goal for minority business enterprises (MBE) and/or woman-owned business enterprises (WBE), there shall also be established a voluntary contract goal equal to the lower of the MBE or WBE goal for participation in the contract by business enterprises that are majority-owned by one or more veterans of the United States armed forces, as the term “veteran” is defined in section 36.020, RSMo. In monitoring and enforcing the compliance of county contractors and/or vendors with any goal established pursuant to this section, the compliance review officer shall utilize and be guided by, as closely as is practicable, the procedures set out in chapter 6 of this code. (Ord. 4695, Eff. 11-24-14)

1057.- 1069. RESERVED

1070.1 Design-Build Projects

The County Legislature may by resolution direct the procurement of design-build construction services, as authorized by section 67.5060, RSMo, on a project-by-project basis. The directing resolution may tailor the services to be procured, the procedures for procurement, and the method of design-build construction, consistent with subsection 67.5060.21(2), to meet the individual requirements of the specific County project. (Ord. 5561, Eff. 11/8/21)

1072. Construction Projects - Requirements To Bid - Wages and Benefits - Certain Employers.

Jackson County reaffirms its long-standing policy that no less than the prevailing hourly rate of wages shall be paid to all workers performing work on construction projects on behalf of Jackson County. As a condition of eligibility to bid for or perform work on any Jackson County construction project funded in whole or in part by the County, producers or suppliers of dirt, sand, rock, asphalt, fly ash and/or concrete must pay their delivery employees no less than the prevailing rate of wages for work associated with the county construction project, as defined by section 290.210(5), RSMo, and the occupational titles listed in 8 CSR 30-3.060(Z). Wage rates for delivery employees shall be derived from the Missouri Annual Wage Order incorporated into the bid for the construction work. Delivery employees are covered under this section when delivering from an off-site location or a designated site location to the work site as outlined under 8 CSR-30-3.020(1) and (2). This section shall not apply to owners/operators of trucks hauling millings or delivering asphalt on a County construction project. (Ord. 3839, Eff. 11/28/06; Ord. 4297, Eff. 03/01/11; Ord. 4465, Eff. 10/15/12)

1072.1 Compliance Review Officer.

In addition to the duties set forth in chapter 6 of this code, it shall be the duty of the Compliance Review Officer to monitor the producers or suppliers of the commodities enumerated in this section awarded County contracts to insure compliance with the prevailing rate of wages. (Ord. 3839, Eff. 11/28/06)

1073. Acquisition of Interests in Real Property for Roads.

In connection with the acquisition of any interest in real property required for a road or bridge project, the Director of Public Works is authorized to accept, on behalf of the County, any conveyance of permanent right-of-way, a temporary or permanent easement

of any kind or nature, and/or a right-of-entry, and to record in the office of the Recorder of Deeds a suitable conveyance instrument documenting said acceptance. The Director of Public Works is further authorized, subject to the availability of budgeted funds, to expend up to \$5,000.00 per landowner per project for any interest in real property so acquired. (Ord. 3046, Eff.08/30/00; Ord. 3839, Eff. 11/28/06)

1073.1 Notice to Legislature.

Before any interest in real property is accepted by the Director of Public Works, the director shall give the members of the County Legislature five (5) working days' written notice of the proposed transfer. (Ord. 3046, Eff.08/30/00)

1073.2 Contents of Notice.

The notice shall set forth the proposed conveyance, the project involved, any time deadlines, and the recommended expenditure for the acquisition of the interest in real property. (Ord. 3046, Eff.08/30/00)

1073.3 Time for Legislature to Respond.

If the Director of Public Works has not received written objection by three (3) or more members of the County Legislature to the proposed conveyance within the period of five (5) working days, the director may proceed to accept the conveyance as indicated in the notice. (Ord. 3046, Eff.08/30/00; Ord. 3839, Eff. 11/28/06)

1073.4 Legislature Objects.

If the Director of Public Works receives written objections by three (3) or more members of the County Legislature within the period of five (5) working days, the director shall not accept the conveyance but shall submit his recommendation for County legislative approval. (Ord. 3046, Eff.08/30/00; Ord. 3839, Eff. 11/28/06)

1074. Definitions.

For the purposes of sections 1074. – 1079. of this chapter, the following definitions shall apply:

1074.1 County Jackson County, Missouri, and any of its departments, boards, commissions, employees, agencies, and/or fully or partially owned corporate body(s). (Ord. 5825, Eff.01/08/24)

1074.2 Directly Engaged in Construction work performed in and for work site preparation, including utility and excavation, erection of a structure or completion of an improvement, as well as employees working at nearby facilities used by an Independent Contractor or Subcontractor on an Incentivized Project. Persons engaged solely in the transportation of materials, fuel, or equipment to a site shall not be deemed to be Directly Engaged in Construction for the purposes of this subsection only, but should not be read as to not require payment of prevailing wages for these persons if otherwise required. (Ord. 5825, Eff.01/08/24)

1074.3 Incentive - economic value provided, authorized, or approved in any manner by the County (directly or through its departments, boards, commissions, employees, agencies, and/or County owned bodies corporate) whether by direct expenditure, grant, or a foregoing of collecting taxes, fees, or other revenue, including, but not limited to:

- (1) tax increment financing under sections 99.800 through 99.866, RSMO.
- (2) tax abatements under Sections 447.700 through 447.718 RSMO.
- (3) tax abatement under Sections 353.010 through 353.190, RSMO.
- (4) tax abatement under Sections 100.010 through 100.200, RSMO.
- (5) low or frozen loan programs, or County bonding requiring the County or any of its public or publicly owned or affiliated entities to expend or refrain from collecting monies or property otherwise due but for the Incentive.
- (6) a transportation development district under Sections 238.200 through 238.280, RSMO; or
- (7) a community improvement district under Sections 67.1401 through 67.1574; or
- (8) any incentivizing vehicle as described in the preamble or its functional equivalent. (Ord. 5825, Eff.01/08/24)

1074.4 Incentivized Project any development or redevelopment plan, development or redevelopment project, improvement, or project of any kind for which an engineer's estimate or the bid accepted for the total project cost is over two thousand dollars (\$2,000.00) and for which the County has approved an Incentive for such plan, project, or improvement. (Ord. 5825, Eff.01/08/24)

1074.5 Independent Contractor a self-employed worker or business entity hired to perform services, that controls the manner and means of the services performed, is responsible for its own taxes, is engaged in a business, and is not serving at the direction of another person or entity engaged in the same or like work or profession. (Ord. 5825, Eff.01/08/24)

1074.6 On-site Employee any laborer, worker, driver, equipment operator, or craft person employed by an Independent Contractor or Subcontractor to be Directly Engaged in Construction at the site of an Incentivized Project. (Ord. 5825, Eff.01/08/24)

1074.7 Receiving Entity any natural person, business entity (whether for, or not-for, profit), or political subdivision (including quasi-public entities) approved to receive an Incentive. (Ord. 5825, Eff.01/08/24)

1074.8 Subcontractor A person or business entity that enters into a subcontract with an Independent Contractor for construction of an Incentivized Project and

employs On-site Employees for performance of the subcontract. (Ord. 5825, Eff.01/08/24)

1074.9 Supervisor A foreman, project manager, safety director, or lead tradesman employed on an Incentivized Project. (Ord. 5825, Eff.01/08/24)

1075. Incentives and Incentivized Projects, Provisions Governing.

In addition to other applicable requirements, the County shall not approve any Incentive or any Incentivized Project unless the Receiving Entity ensures in writing that the following conditions are met:

1075.1 The Receiving Entity, its contractor(s), and subcontractor(s) performing construction, as defined and understood in 290.210 RSMo (2018), for any Incentivized Project will not pay less than prevailing wages per occupational title in 8 CSR 30-3.060, (2018) as defined in Section 290.210(7) RSMo. (2018) to any workers, as defined and understood in 290.210 RSMo (2018), performing construction on such project at the prevailing wage rate per occupational title determined as the relevant occupational title's rate in effect at the time the physical work begins on the project. (Ord. 5825, Eff.01/08/24)

1075.2 The Receiving Entity, its contractor(s), and subcontractor(s) performing construction, as defined and understood in 290.210 RSMo (2018), for any Incentivized Project will abide by a ratio of not more than one (1) non-journeyman worker for one (1) journeyman worker per occupational title in 8 CSR 30-3.060. (Ord. 5825, Eff.01/08/24)

1075.3 The Receiving Entity, its contractor(s), and subcontractor(s) will keep full and accurate records clearly indicating the names, addresses, occupations, and crafts of every worker employed by them or any contractor or subcontractor in connection with the Incentivized Project together with an accurate record of the number of hours worked by each worker and the wages paid thereof per occupational title. Such records shall be kept for a period of one year following the completion of the Incentivized Project. (Ord. 5825, Eff.01/08/24)

1075.4 The Receiving Entity shall permit the County's designee to inspect such books or records as deemed appropriate to determine compliance with this section and upon completion of an Incentivized Project, the Receiving Entity shall execute and file with the County an affidavit stating the provisions of this section have been fully complied with and shall further specify that the County may, upon written notice to the Receiving Entity, suspend any Incentives pertinent to such plan or project in the event the Receiving Entity's contractors or Subcontractors fail to pay the applicable prevailing wages or abide by the appropriate journeyman ratio; and shall further specify that Receiving Entity shall have five (5) business days to cure the defect noted in the written notice; and

1075.5 The Receiving Entity, its contractor(s), or Subcontractor(s) that does not cure a violation of the contract within five (5) business days from receiving a defect notice; or any developer, contractor or Subcontractor found to have violated this section after the plan or project in question is complete and/or when suspending the County's Incentive is not a practicable cure for the violation, shall be liable to the applicable worker(s) in an amount of not less than three (3) times the difference between the amount paid to said laborer or worker and that should have been paid to and on their behalf under this section together with market rate attorney fees and costs. The entity receiving the Incentive is deemed jointly and severally liable for its contractor's and Subcontractor's violations of this section. A contractor is deemed jointly and severally liable for its Subcontractor's violations of this section. The entity that has committed the violation may be subject to any or all of the following penalties, at the discretion of the County:

- a. Termination of the contract or subcontract, or suspension of work on the project until compliance is obtained.
- b. Withholding of payment due under contract or subcontract until compliance is obtained.
- c. Request revocation of permit and or license.
- d. Debarment from future bidding opportunities and contracts for the County for a period of up to three years. (Ord. 5825, Eff.01/08/24)

1076. Construction Projects, Responsible Bidders Only Eligible for Award.

No person or entity shall be awarded any contract on any RSMo Ch. 290 Public Work, County equivalent, or public procurement project of any kind unless such entity is deemed by the County to be a "responsible bidder" as herein described:

1076.1 The term "responsible bidder" shall require, except as to federal or state projects if prohibited as a condition of funding, only those bidders who certify by notarized statement that:

- a. they have not been barred from bidding on any federal or State projects within the last year.
- b. neither they, nor any entity any of the natural person owners of the bidder has a direct ownership stake in, has had any State or County-issued business, trade, or contracting license suspended or revoked within the last year.
- c. they have and enforce a drug-testing policy for all employees in the field.
- d. they show proof of employer-provided healthcare benefits.

- e. they prove their employees receive actual healthcare benefits equal to or greater than the minimum healthcare required by federal Public Law 111-148, approved March 23, 2010, as amended from time to time.
- f. they participate in or maintain an apprentice program that is approved by and registered with the United States Department of Labor and is compliant with 29 CFR Part 29 and 29 USC Sec. 50 for each craft that the bidder employs, the program has active and registered apprentices for each craft for which it is established and complies with all required United States Department of Labor regulations including affirmative action obligations described in 29 CFR Part 30.
- g. the apprenticeship program that the bidder participates in or maintains has graduated at least one apprentice to journeyman status in the last three years for each craft for which the apprenticeship program is established.
- h. all On-site Employees on the project will be employees and that there will be no use of Independent Contractors, nonpermanent employees, or “leased employees” for on-site work.
- i. all employees will be licensed with the appropriate licensing authority.
- j. No less than the equivalent to the prevailing wages will be paid to all employees per occupational title in 8 CSR 30-3.060, (2018) as defined in Section 290.210(7) RSMo. (2018) to workers, as defined and understood in 290.210 RSMo (2018), performing construction on such project at the prevailing wage rate per occupational title determined as the relevant occupational title’s rate in effect at the time the physical work begins on the project.
- k. all employees and Supervisors will be OSHA-certified and in compliance with then-current OSHA safety requirements prior to working on the project; and
- l. all Supervisors will be thirty-hour OSHA-certified.
- m. Nothing in this section shall be interpreted as precluding an action for enforcing this section as to any contractor or sub-contractor by any citizen or interested party. Such action shall be against the contractor and/or sub-contractor. Any citizen or interested party who prevails in a legal action to enforce this section shall be entitled to reasonable attorneys’ fees and costs.

- n. For any project for which either an engineer's estimate or the bid accepted by the public body for the total project cost is in the amount of seventy-five thousand dollars or less that becomes subject to a change order that increases the total project cost in excess of seventy-five thousand dollars, the provisions of this section shall apply only to that portion of the project that was in excess of seventy-five thousand dollars. However, the project shall not be separated into sections in a manner that circumvents this threshold.
- o. This section shall not apply if its application would disqualify the County from receiving monies from any external public source.
- p. If implementing the above provisions disqualifies the County from receiving monies from any public external source for a specific project, then any Receiving Entity that voluntarily agrees to implement the above provisions in its contract with the County will receive the same Incentive plus 5% of the total Incentive promised provided this provision does not otherwise disqualify the County from receiving monies from the public external source for the project or Incentive in question. (Ord. 5825, Eff.01/08/24)

1077. Expenditures for Redevelopment Plans and Projects.

Under no circumstances shall purchases or purchasing-related expenditures be made in relation to any redevelopment plan, redevelopment project, improvement, or project of any kind for which an engineer's estimate or the bid accepted for the total project cost is over seventy-five thousand dollars (\$75,000.00) and the entity receiving or otherwise benefiting from the purchase or purchasing related expenditure has not fully complied with Sec. 33.142 of this Code. (Ord. 5825, Eff.01/08/24)

1078. Sale or Transfer of County-owned Land.

Under no circumstances shall County land be sold or otherwise transferred to a private person or entity without an agreement that any construction project other than a single-family residence commenced within three years of the sale or transfer which would otherwise be subject to Missouri's prevailing wage laws had the County remained the owner thereof. The purchaser or transferee, and any subsequent purchaser or transferee would further agree to be subject to Missouri's prevailing wage laws for such initial three-year term. (Ord. 5825, Eff.01/08/24)

1079. Enforcement.

1079.1 Construction Workforce Development and Compliance Fee.

a. The County shall determine the incremental costs associated with implementation of monitoring and compliance efforts on County incentivized plans and projects and will establish appropriate fees and other funding sources to cover the costs of monitoring and compliance efforts on such plans and projects to support workforce development, diversity and inclusion initiatives including pre-apprenticeship programs and prevailing wage compliance.

b. In order to monitor and ensure compliance, the County shall have either adequate staffing by its employees; or the County may sub-contract monitoring and compliance to a non-profit entity capable of performing such work as required. (Ord. 5825, Eff.01/08/24)

1079.2 Penalties for False, Deceptive, or Fraudulent Statements/Information.

a. Any bidder or Subcontractor that willfully makes or willfully causes to be made a false, deceptive, or fraudulent statement, or willfully submits false, deceptive, or fraudulent information in connection with any submission made to the County shall be disqualified from bidding or working on all County projects for a period of three (3) years.

b. Such bidder or Subcontractor shall be liable for civil damages to the County for violations of this Chapter, and for its costs of monitoring such information, such other costs and penalties as are set forth in this Chapter, together with attorney fees. (Ord. 5825, Eff.01/08/24)

1079.3 Prosecution.

Violations of this Chapter shall be referred to the Jackson County Prosecuting Attorney. The Prosecuting Attorney may engage private attorneys to handle such matters. (Ord. 5825, Eff.01/08/24)

1080. Insurance Bids.

The Director of Finance and Purchasing shall cooperate with the Risk Manager and the Chief Administrative Officer in the preparation of specifications, solicitation of bids, and bid analysis on insurance. (Ord. 3046, Eff.08/30/00; Ord. 3839, Eff. 11/28/06)

1090. LEED Silver Standards.

1090.1 Policy.

It is the policy of the County that the design, construction, and operation of new facilities and renovations with five thousand (5,000) square feet of occupied area or more, for which a request for proposals for design services is issued, shall conform to the silver rating of the most recent version of the U. S. Green Building Council (USGBC) LEED green building rating system. (Ord. 3839, Eff. 11/28/06)

1090.2 Establishment of LEED Standard Committee.

The County Executive shall appoint a LEED standards committee composed of one representative from each of the following: Parks and Recreation Department, Little Blue Valley Sewer District, Public Works Department, as well as two at large citizen representatives with knowledge and expertise in LEED building and/or design. (Ord. 3839, Eff. 11/28/06)

1090.3 Contracts.

Each contract for the design, construction, remodeling or renovation of a County-owned or operated building or facility shall contain provisions determined by the LEED standards committee to be sufficient to require the designer and constructor to make good faith efforts for compliance with the LEED silver standard at a minimum and submit documentation to USGBC for its independent third-party review process. (Ord. 3839, Eff. 11/28/06)

1090.4 Projects in Process.

Projects involving design, construction, or renovation of County facilities with more than five thousand (5,000) square feet of occupied area where the request for proposals for design services was issued prior to the date of enactment of this section shall conform to the LEED silver standard to the extent possible without compromising the current project budget and current project completion schedule. (Ord. 3839, Eff. 11/28/06)

1090.5 Exemption.

For a given project, the LEED standards committee may select the most appropriate version of LEED and apply the silver standard, and/or require compliance with select credits, and/or set a life cycle cost/benefit ratio for budget increases related to green building costs, and/or exempt a construction project from any LEED compliance requirements. (Ord. 3839, Eff. 11/28/06)

1090.6 Rules and Regulations.

The County Executive may adopt rules and regulations to facilitate the LEED standards committee review and determination process. (Ord. 3839, Eff. 11/28/06)