

March 8, 2016  
RS-16-023  
Memorandum for Record

In accordance with policy, under State law, purchases over \$3K trigger the competitive procurement process that require contact with at least two historically unrecognized businesses on a rotating basis based on information provided by the General Services Commission (LGC 252.0215). If the list fails to identify a historically underutilized business in the county, there may be comment as such on the requisition. Three quotes are required even if there are no HUB's available for purchases over \$3K, the amount under State law that triggers the competitive procurement process. All quotes must be kept on file and included on the requisition for purchasing and for future audit. Council has been provided invoices are there quotes on file for each of the invoices provided?

Appendix G of the Purchasing Policy list examples of items that may be excluded from the three quote requirement however, does the listed exemptions waive State law triggering the competitive procurement process of purchases over \$3K?

Emergency purchases are included in the three quote exemptions indicated in Appendix G. In light of council briefing at workshop last Tuesday indicating the absence of a structural engineering assessment or assessment by licensed persons qualified to assess, how is it possible to apply 'emergency' designation to this project? What we do know is that floor(s) were evacuated. In accordance with 252.022, General Exemptions, expenditure for (1) a procurement made because of a calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality is allowable (3) a procurement necessary because of unforeseen damage to public machinery, equipment, or other property is allowable, (5) a procurement for work that is performed and paid for by the day as the work progresses is allowable.

However, the only indication of concern is the evacuation of floor(s) of City Hall, without qualified assessment that necessarily precipitates this project under other than normal circumstance. According to when evacuation of the floor(s) took place in conjunction with qualified assessment of severity, necessitates an emergency situation, and the manner in which this project took place.

My assertion is that this was not an emergency, did not qualify designation under applicable policy.

IAW LGC 252.061 I assert Injunction, that this project is without compliance, it is void, and the performance of the contract, including the payment of any money under the contract, may be enjoined by any property tax paying resident of the municipality. I am asserting enjoinder as a tax paying resident of our municipality.

IAW LGC 252.062(a)(b)(c), I assert Criminal Penalties.

IAW LGC 252.063(a)(b), I assert that Removal and Ineligibility is applicable.

As an elected official of our municipality, I request assistance in remedy.

Jonathan Okray  
Councilmember At-Large