

ORDINANCE NUMBER 3 - 2020

COUNTY OF FRANKLIN, KENTUCKY

AN ORDINANCE AMENDING THE PURCHASES AND CONTRACTS SECTION OF CHAPTER 30: ADMINISTRATIVE CODE OF THE FRANKLIN COUNTY CODE OF ORDINANCES TO REMOVE AND ADD LANGUAGE UNDER SUBSECTIONS §30.115, §30.116, §30.117, §30.118, §30.119, §30.120, §30.121, §30.122, §30.123, §30.124, §30.125, AND §30.126, (A), (B), (C), (D), (E), (F), AND (G).

WHEREAS, The Franklin County Fiscal Court adopted the General Administration Section of Chapter 30: Administrative Code by Ordinance No. 1-2021 on the 19<sup>th</sup> day of February, 2021, to establish procedures and processes relating to the Constitutional office of the Franklin County Judge Executive; and

WHEREAS, the Judge Executive has established an Administrative Service Committee consisting of two Magistrates and the Judge Executive to consider amendments to the Administrative Code; and

WHEREAS, The Administrative Service Committee has met and considered changes relating to the General Administrative Section of Chapter 30: Administrative Code of the Franklin County Code Ordinances relating to the office of Judge Executive; and

WHEREAS, the Administrative Service Committee desires consideration by the Fiscal Court the General Administrative Section of Chapter 30: Administrative Code of the Franklin County Code Ordinances relating to the office of Judge Executive

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF FRANKLIN, COMMONWEALTH OF KENTUCKY, THAT:

SECTION I. The Code of Ordinances, Administrative Code, Chapter 30, ~~§30.115-~~ **§30.115 (A), (B), and (C) is hereby amended to read as follows:**

**§ 30.115 AUTHORIZATION OF COUNTY CONTRACTS.**

**(A)** Every contract ~~of the county~~, change or amendment thereto, shall be authorized or approved by the ~~County Fiscal Court~~ FCFC before it is **being** executed by the County Judge/Executive ~~CJE~~, and every contract, except small purchase. **The County Attorney shall review every contract of the County, as to form and legality, except for contracts for small purchases. Each Department Head shall submit the contract for review at least ten (10) work days prior to FCFC meeting.** ~~be prior approved by the County Attorney as to form and legality.~~

- (B) The CJE may approve change orders that do not exceed ten (10) percent of the overall project scope not to exceed \$30,000. Change orders that exceed this amount must be approved by the FCFC. The FCFC must be apprised of all change orders at its next meeting.
- (C) All cost overruns shall be reported and explained to FCFC by staff, contractors or appropriate business representatives in person at a FCFC meeting before work proceeds so that all options for cost containment can be explored.

SECTION II. The Code of Ordinances, Administrative Code, Chapter 30, ~~§30.116 (A), (B), (C), (D), (E), and (F)~~ **§30.116 (A) is hereby amended to read as follows:**

**~~§ 30.116 SELECTION OF VENDORS AND CONTRACTORS (PROCEDURES FOR SEALED BIDDING).~~ PURCHASING DUTIES AND DELEGATION**

- (A) ~~The County Judge/Executive shall place an advertisement in the local newspaper of the largest circulation in the county and on the county website at least once, but not less than seven, nor more than 21, days before a bid opening. The advertisement will include the time and place the bid will be opened and the time and place where the specifications may be obtained. If the durability of the product, the qualities of the service or other factors are to be considered in the bid selection, such factors shall be stated in the advertisement.~~ **The CJE may delegate performance of a part or all of the following purchasing duties to a Purchasing Officer or to the Departmental Personnel:**
1. Preparation of specifications, invitations to bid, and solicitations for proposals.
  2. Completion of an inquiry and written determination of responsibility of bidders and offerors; and the maintaining of lists of pre-qualified, responsible contractors for particular types of supplies, services and construction items.
  3. Preparation of written determination as to the need for use of the negotiated process where appropriate.
  4. Notification of suppliers, through advertisement of other permissible methods of invitations to bid, solicitations for proposals, and request for quotations.
  5. Evaluation of the responsiveness of each bid and completion of appropriate negotiations with offerors.
  6. Cancellation of any invitation to bid upon a written determination that such action is in the best interest of the County.
  7. Inspection of the place of business and any operation and the examination of any financial information of any offeror engaged in the negotiated process with the county; and completion of an audit to be made of any contractor under a negotiated contract.



## 8. Preparation and maintenance of an inventory of all property of the County.

~~—(B) The County Judge/Executive shall open all bids publicly at the time and place stated in the advertisement and shall select the lowest and best bid by a qualified bidder. If the lowest bid is not selected, the reasons for the selection shall be stated.~~

~~—(C) The county, at its discretion, and unless otherwise prohibited by law, may provide a 5% price advantage to local qualified vendors.~~

~~—(D) Local qualified vendors are those vendors who have as their principle place of business located in the county and who are licensed and in good standing with all local, state and federal licensing requirements. Such qualified vendors submitting bids which are 5% or less higher than other competing bids may be considered low bids. The Court shall in the required advertisement state local qualified bidder criteria.~~

~~—(E) The County Judge/Executive shall submit the lowest and best bid selected to the Fiscal Court for approval.~~

~~—(F) The County Judge/Executive shall sign the contract on behalf of the county upon approval of the Fiscal Court.~~

SECTION III. The Code of Ordinances, Administrative Code, Chapter 30, §30.117 (A), (B), (C), (D), and (E), **§30.117 (A) is hereby amended to read as follows:**

### **§ 30.117 PROCEDURES FOR DETERMINATIONS OF QUALIFICATIONS OF BIDDERS. SELECTION OF VENDORS AND CONTRACTORS (PROCEDURES FOR SEALED BIDDING)**

(A) ~~Each bidder shall furnish in writing information pertaining to all contracts completed over the past two years and a listing of all the financial institutions used.~~ **The agency, department or person requiring supplies, services or construction shall submit to the CJE a request containing specifications and quantities desired.**

(B) ~~In the event the information is conflicting or incomplete, the County Judge/Executive shall make further inquiries of the bidder.~~ **The CJE shall determine the need for each item requested, the approximate cost and whether or not the expenditure is provided for in the budget.**

(C) ~~The contractors who have demonstrated, by past performance, the ability to perform satisfactorily in accordance with contracts on a timely basis and have shown a sound financial structure shall all be considered qualified.~~ **Any expenditure or contract for materials, supplies (except perishable meat, fish, and vegetables), equipment, or for contractual services other**

than professional, involving an expenditure of more than Forty Thousand Dollars (\$40,000) shall be subject to competitive bidding.

(D) ~~The County Judge/Executive may make a written determination as to the extent or responsibility of each bidder and shall maintain a list of those who qualify as responsible contractors for particular types of supplies, services and construction items.~~ **In accordance with KRS 424.260, when the cost of the contract, lease, or other agreements for materials, supplies, equipment or contractual services other than professional, exceeds forty thousand dollars (\$40,000), an Invitation for Bids notice must be authorized by the FCFC, unless the FCFC chooses to accept the State Bid Amount (commonly referred to as the State Price Contract) or the National Bid Price (commonly referred to as National Joint Purchasing Alliance) or any other recognized joint bidding cooperative.**

(E) ~~A new business may be exempt from the qualification requirements where circumstances warrant. The CJE or his designee shall adhere to KRS 424.130 when placing an advertisement in the newspaper of the largest circulation in the County at least once not less than seven (7) days nor more than twenty-one (21) days before bid opening. The advertisement shall include the time and place where the specifications may be obtained. If the durability of the product, the quality of service or other factors are to be considered in bid selection, such factors shall be stated in the advertisement. The County may also follow the alternative internet and newspaper publication procedures established in KRS 424.145.~~

(F) The Office of the CJE shall open all bids publicly at the time and place stated in the advertisements and the CJE may recommend the lowest and/or best bid by qualified bidder to the FCFC. Electronic bidding on the internet shall satisfy the requirements of this section. The FCFC is not required to select the lowest bid and may consider other factors in bid selection subject to the provision that such factors are relevant to the product or service sought. If the lowest bid is not selected, the reasons for selection shall be set forth on the record of the FCFC or in a written determination made on the record. Said reasons may be set forth and contained in the motion accepting the bid for the product and/or the service.

(G) The CJE shall have the authority to sign the approved contract, if one is used, and shall have further authority to issue a purchase order to the vendor.

SECTION IV. The Code of Ordinances, Administrative Code, Chapter 30, ~~§30.118 (A), (B), and (C)~~ **§30.0118 (A), and (B) is hereby amended to read as follows:**

**~~§ 30.118 PROCEDURES PREREQUISITE TO USE OF NEGOTIATED PROCESS.~~  
PROCEDURES FOR DETERMINATION OF QUALIFICATION OF BIDDERS**

(A) ~~The negotiated process may be used instead of advertisement for bids if the amount exceeds \$22,000 in the following circumstances:~~

~~—(1) An emergency exists; and~~



~~—(2) All bids received exceed the amount budgeted.~~

The CJE or his designee may require all bidders to provide sufficient information to determine their qualification to provide the services or product that is the subject of the competitive bidding.

~~(B) Before an emergency is declared, the County Judge/Executive shall determine whether or not a delay in obtaining bids will result in danger to health, safety or property.~~ Contractors who have demonstrated, by past performance, the ability to perform satisfactorily in accordance with the contracts on a timely basis and have shown a sound financial structure may be determined to be qualified and responsible bidders without additional documentation otherwise required of other potential bidders.

~~—(C) The County Judge/Executive shall certify the existence of any emergency and file a copy of such certificate with the Chief Financial Officer of the county.~~

SECTION V. The Code of Ordinances, Administrative Code, Chapter 30, ~~§30.119 (A), (B), (C), (D), and (E)~~ §30.119 (A), (B), (C), (D), and (E) is hereby amended to read as follows:

**§ 30.119 PROCEDURES FOR NEGOTIATED PROCESS. PREREQUISITE TO USE OF NEGOTIATED PROCESS**

~~(A) When the prerequisites have been met for use of the negotiated process, the County Judge/ Executive shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms for the county.~~ The negotiated process may be used instead of advertising for bids if the amount exceeds \$40,000 in the following circumstances:

- (1) An emergency exists.
- (2) Bids exceed available funds.
- (3) All bids received are deemed excessive.
- (4) The contract is for professional services, pursuant to KRS 45A.380; or,
- (5) Other circumstances as provided in KRS 45A.380.

~~(B) Professional services shall be negotiated with such persons as are properly licensed to perform such services.~~ Before an emergency is declared the CJE shall determine whether or not the delay in obtaining bids will result in danger to health, safety, property or unreasonable added expense to the County.

~~(C) Where more than one bid is received, and all are in excess of the amount available, the lowest three bidders shall be notified that the county desires to negotiate a contract for a lesser amount based on revised quantities or specifications and fix a time limit for submission of proposals.~~ The CJE shall certify the existence of any emergency and file a copy of such

certificate with the Treasurer. In said event, the CJE shall notify the FCFC of the emergency determination contemporaneously with certifying the existence of the emergency.

(D) ~~The County Judge/Executive examines the proposals received and shall negotiate with the suppliers for the terms most advantageous to the county.~~ **In the event all bids submitted are in excess of funds available or in the event all bids submitted are unreasonably excessive and/or would constitute an unreasonable expenditure of County funds, the CJE shall prepare a written determination that there are no additional funds available as to permit an award to the responsible bidder with the lowest and best bid and delay in advertising for additional bids is not in the best interest of the County.**

(D) ~~The best negotiated proposal shall be submitted to the Fiscal Court for approval and award. The County Judge/Executive shall prepare a record of all negotiated contracts, showing the items and quantities acquired, name of suppliers, cost and date of contract.~~ **The FCFC must approve all circumstances in which the negotiation process is used.**

SECTION VI. The Code of Ordinances, Administrative Code, Chapter 30, §30.120 (A), (B), (C) (D), (E), and (F), **30.120 (A), (B), (C), (D), and (E) is hereby amended to read as follows:**

**§ 30.120 SMALL PURCHASE PROCEDURES. PROCEDURES FOR NEGOTIATED PROCESS**

(A) ~~With prior approval of the County Judge/Executive or designee, authorized persons may purchase for their respective departments any supplies, services and the like at a cost of \$5,000 or less. However, a purchase order or vendor's billing for the purchase shall be submitted to the County Judge/ Executive for review.~~ **When the prerequisites have been met for use of the negotiated process, the CJE shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms for the County.**

(B) ~~Supplies, services or construction normally supplied, as a unit shall not be artificially divided for the sole purpose of using small purchase procedures.~~ **The CJE shall prepare a record of all negotiated contracts, showing the items and quantities acquired, name of suppliers, cost and date of contract.**

(C) ~~Before purchasing any supplies, services, at a cost exceeding \$5,000, but less than \$22,000, authorized persons shall submit to the County Judge/Executive a purchase order containing specifications, quantities desired and price quotes (three when possible) for the desired supplies or services. The County Judge/Executive shall determine the need for the item(s) requested, the approximate cost and whether or not the expenditure is provided for in the budget. The County Judge/Executive shall then select the price most advantageous to the county and purchase accordingly. If two or more local suppliers offer the same product at the same price, the County Judge/Executive may purchase or authorize a purchase from suppliers on a rotating basis.~~ **Professional services shall be negotiated with such persons as are properly licensed to perform such services.**



(D) A copy of the billing from the vendor along with a copy of the signed purchase order shall be submitted to the County Treasurer at the time of approval. **Where more than one bid was received and all were in excess of the amount available, the lowest three bidders shall be notified that the County desires to negotiate a contract for a lesser amount based on revised quantities or specifications and fix a time limit for submission of proposals.**

(E) ~~All purchases shall be debited from the budget appropriation for the department making or requesting such purchase.~~ **The CJE shall examine the proposals received and shall negotiate with the suppliers for the terms most advantageous to the County.**

(F) ~~No purchase shall be made for an amount that exceeds the sum budgeted and appropriated by the County Fiscal Court for such purchases.~~ **The best negotiated proposal shall be submitted to the FCFC for approval and award.**

SECTION VII. The Code of Ordinances, Administrative Code, Chapter 30, §30.121 (A), (B), (C), (D), (E), and (F), ~~§30.121 (A), (B), (C), (D), (E), and (F) is hereby amended to read as follows:~~

#### **§ 30.121 STORAGE AND INVENTORY CONTROL ~~SMALL PURCHASE~~ PROCEDURES**

(A) ~~All county property shall have affixed to it a property control number tag. All department heads will ensure that they maintain in their files an updated inventory of all property in their possession.~~ **The CJE determines the need for any item requested and whether or not the contract is for less than \$40,000 and the expenditure is provided for in the budget.**

(B) ~~All county owned vehicles shall have appropriate signage indicating the vehicles are county owned and are to be used for official business as permitted.~~ **For all "small purchases", as defined herein, any purchase exceeding the amount of five thousand dollars (\$5,000), the CJE or his designee, shall solicit three quotes from prospective suppliers or vendors, prior to the purchase and then select a purchase most advantageous to the County, in the judgment and discretion of the CJE.**

(C) ~~Once a year (preferably during the budget cycle), all county property will be inventoried by each department or agency. These updated inventories will be submitted to the County Judge/Executive's office for reconciliation and filing in the county's master inventory book.~~ **Purchases of less than five thousand dollars (\$5,000) shall be made in the open market. Every effort should be made to get the lowest and best price and to share the business among local, responsible vendors.**

(D) ~~All county inventories shall contain an item inventory number, an item description, date of purchase if known, purchase amount if known, and office/department/agency where property is assigned for use.~~ **For all purchases, the Designated Purchasing Agent will prepare a purchase order. Copies of the purchase order will be distributed as follows: one for the agency requesting the items, one for the Purchasing Agent, and one for the CJE.**

(E) After the execution of the purchase order, the CJE enters the anticipated expenditure in the small purchase ledger.

(F) After payment is made, the Accounts Payable Staff files one copy of the purchase order in numerical sequence and the other copy alphabetically by vendor's name along with the vendor's invoice.

SECTION VIII. The Code of Ordinances, Administrative Code, Chapter 30, §30.122 (A), (B), (C), (D), and (E), §30.122 (A) is hereby amended to read as follows:

**§ 30.122 PROCEDURES FOR DISPOSITION OF SURPLUS PROPERTY. HOLD HARMLESS CLAUSE**

~~—When property becomes surplus due to procurement of new items, the following steps will be taken:~~

(A) ~~The item will be identified on the inventory as a surplus item;~~ All contracts executed on behalf of the County concerning the purchase of services or products shall contain a “hold harmless clause”, whereby the vendor, provider of services, or seller agrees to hold the County harmless from any liability concerning the use of their product or the receipt of their service.

~~—(B) All offices and agencies will be contacted and informed that a surplus item exists. If appropriate, items can be transferred within the county as long as an accurate audit trail exists and appropriate change documents are prepared transferring the item from one agency to another;~~

~~—(C) Items that are not transferred will be transported to a location to be determined by the County Judge/Executive and stored pending disposition; and~~

~~—(D) Surplus property shall be disposed of pursuant to KRS 67.0802. In the event no sales can be had, after offer, the Fiscal Court may declare the property in question scrap and dispose of accordingly.~~

SECTION IX. The Code of Ordinances, Administrative Code, Chapter 30, §30.123 (A), (B), and (C), §30.123 (A), (B), (C), and (D) is hereby amended to read as follows:

**§ 30.123 SOLE SOURCE PROCUREMENT. STORAGE AND INVENTORY CONTROL (PROCEDURES FOR RECEIVING, STORING, AND DISBURSING REPETITIVE USE ITEMS)**



~~—Sole source procurement should be used only when competitive solicitation procedures like sealed bids or competitive proposals are not applicable to the requirements or are impracticable. Recipients may conduct noncompetitive ("sole source") procurement through solicitation of proposals from only one source when one or more of the following circumstances apply:~~

- (A) ~~The item/service is available only from one source.~~ **The inventory file shall contain an item inventory number, item description, date purchased, condition, purchase amount, fund source, and office assigned for use.**
- (B) ~~The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.~~ **The CJE hereby designates the Department Head for receipt and inspection of all property within their department.**
- (C) ~~Competition is determined inadequate after solicitation of a number of sources.~~ **Each item shall be inspected upon receipt and items which do not conform to specifications shall be rejected with a written notice of such rejection given to vendor within ten (10) work days.**
- (D) **The CJE will be responsible for establishing an inventory record for all property valued over three hundred (\$300) dollars purchased or otherwise owned by the County. The inventory file shall be completed by each department head and shall contain an item inventory number or serial/model number, item description, date purchased, purchase amount, fund source, and office assigned for use. The inventory file will be verified by the Department Head by actual inspection at least once a year and the condition of the item noticed and dated. See attached form. Each inventory file shall be turned into the County Inventory Officer after yearly inspection and turned into the CJE no later than March 31.**

SECTION X. The Code of Ordinances, Administrative Code, Chapter 30, §30.124 (A), (B), §30.124 (A), and (B) is hereby amended to read as follows:

§ 30.124 FEDERAL FUND PROCUREMENT. **DISPOSITION OF COUNTY SURPLUS PROPERTY**

- (A) ~~Procurement of goods and/or services with federal funds from a supplier or contractor should be checked for debarment before purchasing and/or awarding a contract or subaward. Debarment should be checked prior to purchasing or contracting with any entity or agency to ensure the entity or agency has not been debarred or suspended by the federal government at the System for Award Management website (<http://www.sam.gov/>).~~ **Real Property**
  - (1) **In the event the FCFC determines that the County has surplus real or personal property and that it will be in the best interest of the County to dispose of said real or personal property, the CJE shall make a written statement which includes:**

- (a) The real or personal property.
- (b) Its present use and the intended use at the time of acquisition.
- (c) The reasons why it is in the public interest to dispose of it; and
- (d) The method of disposition to be used.

The property may be transferred via the following method:

- (a) Transferred, with or without compensation, to another governmental agency.
- (b) Sold at public auction following publication of the auction in accordance with KRS 424.130(1)(b).
- (c) Sold by electronic auction following publication of the auction, including the uniform resource link (URL) for the site of the electronic auction, in accordance with KRS 424.130(1)(b); or
- (d) Sold by sealed bids. If the bids are unacceptable, the CJE, by direction of the FCFC, may negotiate an acceptable amount with the bidders.

(2) The aforementioned statement shall be submitted to the FCFC for their action.

(3) All real property that is estimated to be valued at \$40,000.00 shall require an appraisal by a certified real property appraiser.

(4) No County real property shall be sold on a negotiated basis for less than the appraised value.

(B) ~~All procurement contracts and agreements for both goods and services must have the following verbiage contained in the documentation immediately adjacent to the signature line:~~

**Tangible Property**

~~"Debarment and Suspension Certification—The contractor (or vendor, or consultant, depending on the transaction) certifies to the best of its knowledge and belief that it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency in accordance with Executive Order 12549 (2/18/86)."~~

- (1) The County office, agency, or person to which responsibility has been assigned by the CJE to use and take care of a particular tangible item or items will notify the CJE that a particular item is no longer needed or serviceable. The CJE shall inquire of other County offices to determine if they have need of, or want to use, the item.
- (2) If no use for the property can be found, the property shall be disposed of in the same manner as Real Property except that no appraisal is required.

SECTION XI. The Code of Ordinances, Administrative Code, Chapter 30, §30.125, **§30.125 (A), and (B) is hereby amended to read as follows:**



**§ 30.125 EFFECT OF FEDERAL GRANTS UPON PUBLIC PURCHASING UNITS.  
VENDOR CARDS**

~~If federal grant or other federal requirements differ from the provisions of this code or regulations adopted hereunder, nothing in this code or its regulations shall inhibit any public purchasing unit from complying with the terms and conditions of the federal grant or other federal requirements.~~

- (A) A county employee may be issued a vendor card to make purchases which are under one thousand dollars (\$1,000), for direct County business purposes only, and included in the approved County Budget.
- (1) Each individual issued a vendor card must acknowledge the responsibility of safekeeping and proper use of the card. Employees must keep vendor cards in a safe and restricted location at all times. Upon employee separation, the card shall be returned to the employee's Department Head or County Treasurer's Office. Each employee shall sign the attached form entitled "Employee Vendor Card Agreement." Form A8.11 These forms should be updated as cards and/or employees change.
  - (2) Any card may be withdrawn from the employee for any reason, including real or suspected misuse or noncompliance. All card activity will be subject to internal and external audit for compliance with this section of the Administrative Code.
  - (3) Lost or stolen cards or any suspected fraudulent transactions must be reported immediately to the Vendor's card services department, to the County Treasurer's Office and Department Head. Each Department Head shall utilize the attached Form B-8.11 for this purpose. A copy of this form shall be sent to the Accounts Payable Office for their records. These forms should be updated as cards and/or employees change.
  - (4) Each Department Head shall maintain a list of cards used in their department, including the vendor, employee name, and expiration date of card. This list should be routinely updated and shared with the Accounts Payable Office.

(B) Procedure for vendor card usage:

- (1) Any purchase over three hundred dollars (\$300) must be approved by the employee's Department Head. All purchases must be reviewed and evaluated so that the County is receiving the best value for the item.
- (2) The employee must ensure that the vendor knows that the purchase is tax-exempt and ensure that taxes are not added to the prices of items purchased.
- (3) Every purchase will be assigned a purchase order number that should be reflected on the invoice or receipt. The employee shall retain a copy for their records and provide

a copy of any transaction information (invoice, receipt, etc.) to the Accounts Payable Office to be reconciled.

- (4) It is the employee's responsibility to monitor the shipping/order documents and transaction receipts and report any discrepancies to their Department Head.
- (5) Vendor cards must only be used by the assigned cardholder. The employee should always carry their valid ID when making purchases.

SECTION XII. The Code of Ordinances, Administrative Code, Chapter 30, §30.126, **§30.126 (A)** is hereby amended to read as follows:

**§ 30.126 PROCUREMENT PROCEDURES**

(A) The procurement procedures shall be available with the FCFC Accounts Payable Office and shall be completed and submitted with each agenda request to the FCFC Clerk.

SECTION XIII. The Code of Ordinances, Administrative Code, Chapter 30, §30.127 (A), (B), AND (C) is hereby amended to read as follows:

**§ 30.127 SOLE SOURCE PROCUREMENT.**

Sole source procurement should be used only when competitive solicitation procedures like sealed bids or competitive proposals are not applicable to the requirements or are impracticable. Recipients may conduct noncompetitive ("sole source") procurement through solicitation of proposals from only one source when one or more of the following circumstances apply:

- (A) The item/service is available only from one source.
- (B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- (c) Competition is determined inadequate after solicitation of a number of sources

SECTION XIV. The Code of Ordinances, Administrative Code, Chapter 30, §30.128 (A), AND (B) is hereby amended to read as follows:

**§ 30.128 FEDERAL FUND PROCUREMENT.**

(A) Procurement of goods and/or services with federal funds from a supplier or contractor should be checked for debarment before purchasing and/or awarding a contract or subaward. Debarment should be checked prior to purchasing or contracting



with any entity or agency to ensure the entity or agency has not been debarred or suspended by the federal government at the System for Award Management website (<http://www.sam.gov/>).

(B) All procurement contracts and agreements for both goods and services must have the following verbiage contained in the documentation immediately adjacent to the signature line:

"Debarment and Suspension Certification - The contractor (or vendor, or consultant, depending on the transaction) certifies to the best of its knowledge and belief that it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency in accordance with Executive Order 12549 (2/18/86)."

SECTION XV. The Code of Ordinances, Administrative Code, Chapter 30, §30.129 is hereby amended to read as follows:

**§ 30.129 EFFECT OF FEDERAL GRANTS UPON PUBLIC PURCHASING UNITS.**

If federal grant or other federal requirements differ from the provisions of this code or regulations adopted hereunder, nothing in this code or its regulations shall inhibit any public purchasing unit from complying with the terms and conditions of the federal grant or other federal requirements.

SECTION XVI. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Franklin County Code of Ordinances as soon as practicable.

SECTION XVII. SEVERABILITY CLAUSE. If any section, part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Franklin County Fiscal Court in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION XVII. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

**INTRODUCED AND GIVEN FIRST READING IN SUMMARY** at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 18<sup>th</sup> day of December, 2025.

**GIVEN SECOND READING AND APPROVED** at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 7 day of January, 26 and of record in Fiscal Court Order Book 34, Page 527.



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Michael Mueller  
Franklin County Judge/Executive

ATTESTED TO:



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Kim Cox  
Fiscal Court Clerk

SUMMARY

This ordinance approves an amendment to Chapter 30, §30.115, §30.116, §30.117, §30.118, §30.119, §30.120, §30.121, §30.122, §30.123, §30.124, §30.125, §30.126, §30.127, §30.128, AND §30.129 (A), (B), (C), (D), ( E), (F), and (G) of the Administrative Code relating to Purchases and Contracts