

**COOK COUNTY HEALTH AND HOSPITALS SYSTEM**  
**SUPPLY CHAIN MANAGEMENT**  
**PROCUREMENT POLICY**

**Table of Contents**

**PREAMBLE.....4**

**PART I. GENERAL PROVISIONS.....4**

Section 1.1. Definitions.....4

Section 1.2. Purchases; Power to Act. ....8

Section 1.3. System Director of Supply Chain Management. ....8

Section 1.4. Powers and Duties of the System Director of Supply Chain Management . ....8

Section 1.5. Purchases for a Period Exceeding One Year. ....10

**PART II. PROCUREMENT PROCEDURES .....10**

Section 2.1. Procurement Procedures. ....10

Section 2.2. Bid Purchases.....11

(a) Bid Notice.....11

(b) Development and approval of Bid documents. .... 11

(c) Pre-Bid conference or site inspection..... 11

(d) Communications with the System regarding Bids. .... 11

(e) Communication between Bidders..... 11

(f) No changes to Bid..... 12

(g) Bid opening. .... 12

(h) Evaluation of Bids..... 12

(i) Bid protest procedure..... 12

(j) Bid protest decision.....13

(k) Final action..... 13

(l) Right to reject Bids reserved..... 13

(m) Bid Process for procurements valued under \$150,000.....13

Section 2.3. Small Procurements.....13

Section 2.4. Requests for Qualifications or Proposals.....13

(a) Criteria for Use of Requests for Qualifications or Requests for Proposals..... 13

(b) Content of RFPs and RFQs..... 14

(c) Issuance. .... 14

(d) Opening of Proposals. .... 14

(e) Evaluation and Selection for Contract Negotiation..... 14

(f) Contract Negotiation and Approval/Execution..... 14

Section 2.5. Requests for Information; Value Analysis.....14

Section 2.6. Consortium and Group Procurements.....14

Section 2.7. Sole Source Purchases. ....15

Section 2.8. Comparable Government Procurements.....15

Section 2.9. Joint Procurements.....15

Section 2.10. Emergency Purchases. ....15

Section 2.11. Innovative Procurements.....15

(a) Direct Procurements.....	16
(b) Procurement Services Contract.....	16
(c) Rules and Regulations.....	16
(d) Electronic Submissions.....	16
Section 2.12. Purchase of Government Property.....	15
Section 2.13. Procurement of Public Works Contracts.....	16
Section 2.14. Procurement of Equipment to Be Leased.....	16
<b>PART III. COUNTY ORDINANCE REQUIREMENTS.....</b>	<b>17</b>
Section 3.1. Living Wage.....	17
Section 3.2. Prevailing Wage.....	17
Section 3.3. Federal Prevailing Wage.....	17
Section 3.4. Prevailing Wage for Covered Services.....	17
Section 3.6. Recycled Products.....	18
Section 3.6. Predatory Lenders.....	18
Section 3.7. Re-Entry Employment/Bid Incentive.....	18
Section 3.8. Child Support Payments.....	18
Section 3.9. Contracts for Consulting and Auditing Services.....	18
<b>PART IV. MINORITY-AND WOMEN-OWNED BUSINESS ENTERPRISES.....</b>	<b>19</b>
Section 4.1. Minority-And Women-Owned Business Enterprises.....	19
<b>PART V. BID INCENTIVES AND PREFERENCES.....</b>	<b>19</b>
Section 5.1. Local Business Preference.....	19
Section 5.2. Qualified Veteran-Owned Business Incentive.....	19
Section 5.3. Qualified Service-Disabled Veteran businesses Incentive.....	19
<b>PART VI. DISQUALIFICATION; PENALTIES.....</b>	<b>19</b>
Section 6.1. Disqualification Due to a Prior Default or Termination.....	19
Section 6.2. Disqualification for Tax or Debt Delinquency or obligation default.....	20
Section 6.3. Disqualification for Noncompliance with Child Support Orders.....	21
Section 6.4. Disqualification for Illegal Activity.....	21
Section 6.5. Disqualification for Willful Violation of Cook County Inspector General Ordinance.....	21
Section 6.6. Notices to Cook County Chief Procurement Officer.....	21
Section 6.7. Penalty for False Statements.....	22
Section 6.8. Penalties for Failure to Pay Cook County Taxes and Fees.....	22
Section 6.9. Uniform Penalties, Interest and Procedures.....	22
<b>PART VII. INTEGRITY IN THE PROCUREMENT PROCESS.....</b>	<b>22</b>
Section 7.1. Reporting Potential Irregularities.....	22
Section 7.2. Communications.....	23
Section 7.3. Soliciting Charitable Contributions.....	23
Section 7.4. Code of Ethics of the Cook County Code of Ordinances.....	233
(a) Limitations of contributions to candidates and elected officials.....	23
(b) Interest in County Business.....	24

<b>PART VIII. CONTRACT MANAGEMENT.....</b>	<b>24</b>
Section 8.1. Contracts.....	24
(a) Purpose and Funding.....	24
(b) Information to be Contained in Contracts.....	24
(c) Review of Contracts.....	24
(d) Content.....	24
Section 8.2. Contract Management.....	25
(a) Monitoring.....	25
(b) Contract Liaison.....	25
(c) Procedures and Training.....	25
Section 8.3 Invoices Required for All Service Contracts.....	25
(a) Work Performed.....	25
(b) Expenses.....	25
(c) Invoice Documentation.....	25
(d) Payment.....	26
Section 8.4. No Payment Prior to Submission of Invoice.....	26
<b>PART IX. MISCELLANEOUS.....</b>	<b>26</b>
Section 9.1. Amendments to this Policy.....	26
Section 9.2. Effective Date; Implementation Transition.....	26
Section 9.3. Cook County Procurement Code.....	26

## **PREAMBLE**

**WHEREAS**, the Cook County Health and Hospitals System (“System”) makes health care services available to persons who reside in Cook County; and,

**WHEREAS**, one goal of the System is to obtain quality goods and services for its patients at the lowest reasonable cost while operating at the highest standards of ethical conduct; and,

**WHEREAS**, the System seeks to make Purchases in such a manner as to ensure the timely and appropriate procurement of supplies, materials, equipment and services; and,

**WHEREAS**, the System seeks to employ a transparent procurement process to ensure that authority, responsibility and accountability are clearly delineated to maximize the efficiency of operations; and,

**WHEREAS**, the System seeks to employ a procurement process that is consistent with the Cook County Code of Ordinances on Procurement and Contracts and other applicable County Ordinances yet allows for maximum flexibility.

**THEREFORE**, the Procurement Policy of the System shall be as follows:

### **PART I.     GENERAL PROVISIONS**

#### **Section 1.1.   Definitions.**

*Affiliate.* An “Affiliate” of, or a Person “Affiliated” with, a specified Person shall mean any Person that directly or indirectly through one or more intermediaries, Controls, is Controlled by, or is under common Control with, the Person specified.

*Auditing Services* means the formal examination of accounting records or financial statements for compliance with financial accounting standards applicable to governmental entities, which functions are generally exclusively performed or supervised by Persons licensed and authorized to do business as public accountants in the State. The term "Auditing Services" shall also include any independent reports and management recommendations derived or resulting from the performance of auditing services and which reports and recommendations are included within the scope of the Contract for Auditing Services.

*Bid* means a response to a Bid Notice containing all Bid Documents and any other documents or information the Bidder is required to provide.

*Bid Documents* means the documents, specifications, forms and other information issued in connection with a competitive Bid.

*Bid Notice* means the notice from the System SCM Director regarding a Procurement which shall include: a general description of the Procurement; information necessary to obtain the Bid Documents; and the date, time and place for both the submission of Bids and the opening of the Bids.

*Bid Price* means the dollar amount set forth in a Bid.

*Bidder* means any Person who submits a Bid.

*Chief Executive Officer or CEO.* The term “Chief Executive Officer” or “CEO” means the Chief Executive Officer of the Cook County Health and Hospitals System.

*Chief Financial Officer or CFO.* The term “Chief Financial Officer” or “CFO” means the Chief Financial Officer of the Cook County Health and Hospitals System.

*Contract.* The term “Contract” shall include agreements, addenda, memoranda of understanding, and any other written document used to make purchases for the Cook County Health and Hospitals System.

*Consulting Services* means the rendering of analysis and advice requiring specialized expertise in a particular subject area or field. Such expertise may have been gained by education or experience in the area or field. The term "Consulting Services" expressly excludes auditing services.

*Contract Compliance Director or CCD* means the County Contract Compliance Director.

*Contractor* means the Person that enters into a Contract with the County.

*Control.* The term “Control”, “is Controlled by”, or is “under common Control with” shall mean a Person that has the power to directly or indirectly affect the management or the policies of the other through ownership of voting securities or voting rights, by contract or otherwise

*Cook County Procurement Code* shall refer to Chapter 34, Article IV of the Cook County Code of Ordinances, as amended from time to time.

*County Board.* The term “County Board” shall mean the Cook County Board of Commissioners.

*Covered Services* means janitorial cleaning services, window cleaning services, elevator operator and starter services, and security services.

*Execution* means to sign a Contract, after it has been approved by the System SCM Director or the System Board, as required by this Procurement Policy.

*Joint Venture* means an association of two or more Persons proposing to perform a for profit business enterprise. Joint Ventures must have an agreement in writing specifying the terms and

conditions of the relationship between the partners and their relationship and respective responsibility for the Contract.

*Lease* means an agreement for the lease by the System of personal property to be utilized by the System for a period of time.

*Local business* means a Person, including a foreign corporation authorized to transact business in Illinois, having a bona fide establishment located within the County at which it is transacting business on the date when a Bid is submitted to the County, and which employs the majority of its regular, full-time work force within the County. A Joint Venture shall constitute a Local Business if one or more Persons that qualify as a "Local Business" hold interests totaling over 50% in the Joint Venture, even if the Joint Venture does not, at the time of the Bid submittal, have such a bona fide establishment within the County.

*Not-for-Profit Organization* means an entity having tax exempt status under the United States Internal Revenue Code.

*Person.* Unless the context indicates otherwise, the term "Person" means any individual, corporation, partnership, joint venture, trust, association, limited liability company, unincorporated business, individually owned business, sole proprietorship or similar type of organization or association.

*Procurement.* The term "Procurement", "Procurements" or "Procuring" means obtaining supplies, equipment, goods, or services of any kind.

*Procurement Code* means Chapter 34, Article IV of the Cook County Code of Ordinances.

*Proposal* means a response to a Request for Proposals.

*Proposer* means a Person submitting a Proposal .

*Public Works* means all fixed works constructed or demolished by the County, or paid for wholly or in part out of public funds administered by the County. "Public Works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through federal or State government, or the County. "Public Works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. "Public Works" includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

*Professional and Managerial Services.* The term "Professional and Managerial Services" means a contract that falls under one of the following Cook County object/account codes, as set forth in the Cook County Annual Appropriation Bill: 260 - Professional and Managerial Services, 261 - Legal Fees Regarding Labor Matters, 262 - Legal Fees in Connection with Issuance of Tax Notes, 263 - Legal Fees, or 272 - Medical Consultation Services.

*Purchase or Purchases.* The term "Purchase" or "Purchases" means the expenditure of County funds to obtain supplies, materials, equipment or services.

*Respondent.* The term “Respondent” means a Person responding to an Request for Qualifications.

*Response* means response to an Request for Qualifications.

*Responsible* means a Person that has the capability in all respects to perform fully a Contract or to provide the required supplies, equipment, goods or services to the County, and the integrity and reliability that will assure good faith performance. Factors taken into consideration in determining whether a Person is Responsible may include quality, financial capacity, past performance, experience, adequacy of staff, equipment, and the ability to perform within the time frame required for the Procurement.

*Responsive* means a Bid, a Response or a Proposal is in compliance in all material respects with all the terms, conditions and requirements set forth in the Bid Documents, Request for Proposals, Request for Qualifications, request for quotations or other terms required for a Procurement, including but not limited to completion and timely submittal of all required affidavits, statements, certifications, Bid deposits, insurance, performance and payment bonds and other County requirements.

*RFP* means a Request for Proposals issued pursuant to this Procurement Code.

*RFQ* means a Request for Qualifications issued to obtain the qualifications of parties interested in providing specialized services.

*System.* The term “System” means the Cook County Health and Hospitals System.

*System Affiliate.* The term “System Affiliate” or “Affiliate” means the Ambulatory and Community Health Network of Cook County, Cermak Health Services of Cook County, Cook County Department of Public Health, Oak Forest Health Center, Provident Hospital of Cook County, Ruth M. Rothstein CORE Center, and John H. Stroger, Jr. Hospital of Cook County.

*System Board.* The term “System Board” means the Board of Directors of the Cook County Health and Hospitals System.

*System Director of Supply Chain Management or System SCM Director* shall refer to the individual designated by the CEO to perform the role of chief procurement officer for the Cook County Health and Hospitals System and shall include such persons as the System SCM Director may, with the approval of the CEO or his or her designee, identify in writing to perform specific responsibilities on his or her behalf.

*Using Department* means the System Affiliates and the System Administration.

*Wage.* The term “Wage” means compensation due to an Employee by reason of employment, including allowances for gratuities and for meals and lodging that are furnished by the Employer and actually used by the Employee.

**Section 1.2. Purchases; Power to Act.**

All Procurements and Purchases for the System, regardless of the source of funds used to pay for such Procurement, shall be made as provided in this Policy and the procedures promulgated pursuant to this Policy. All Contracts shall be in a form determined by the System SCM Director and shall be approved and executed as set forth in the procedures promulgated pursuant to and in this Policy. All Contracts for Purchases of \$150,000.00 or more shall be approved by the System Board and executed by the System’s Chief Executive Officer and Chief Financial Officer. All other Purchases shall be approved by the Chief Executive Officer or his or her designee and executed by the System SCM Director or as otherwise directed by the Chief Executive Officer; provided, however, all such Purchases shall require System Board approval in circumstances where the aggregate of Purchases by a Using Department to the same vendor for the same, or substantially the same, supplies, materials, equipment or services within the same fiscal year equal a sum of \$150,000.00 or more. The “amount” of a Purchase shall mean the maximum amount payable for such Purchase.

No Person has the power or authority to approve, authorize or execute a Procurement, a Contract, or the expenditure of public money in the amount of \$150,000.00 or more without approval of the System Board, except in the following instances: the payment of public utility bills, the payment of rent pursuant to the provisions of a lease previously approved by the System Board, payment of insurance premiums, or other System Board-authorized transactions. Any action in violation of this section shall be null and void.

**Section 1.3. System SCM Director.**

There shall be a System SCM Director for the System appointed by the Chief Executive Officer who shall report to the Chief Executive Officer or designee and shall be responsible for overseeing the System’s procurement process. The System SCM Director shall perform for the System the functions that the County’s Chief Procurement Officer performs for the County.

**Section 1.4. Powers and Duties of the System SCM Director.**

The System SCM Director shall:

- (a) Ensure that Purchases required by the System shall be made pursuant to this Policy and any procedures promulgated pursuant hereto.
- (b) Establish and maintain procurement procedures and forms to implement this Policy and to ensure integration of the System’s procurement process with the County’s payment process.
- (c) Promulgate general and special conditions appropriate for the various purchase methods and types of Purchases.



- (d) Establish and enforce standard and nonstandard specifications which shall apply to all System Purchases.
- (e) Have authority to implement innovative procurement methods and processes pursuant to this Procurement Code.
- (f) Develop a procedure enabling vendors to receive notice of procurement opportunities by nature or type of goods or services.
- (g) Have authority to approve an assignment of or amendment to a Contract or Lease; provided, however, that the total of such amendment(s) does not extend the Contract or Lease by more than one (1) year and further provided that the total cost of all such amendments does not increase the amount of the Contract or Lease beyond \$149,999 or, in the case of Contracts or Leases approved by the System Board, provided that the total cost of all such amendments does not increase the Contract or Lease by more than 10%.
- (h) Ensure that all certifications, statements and affidavits required by this Procurement Policy are submitted;
- (i) Determine when supplies, materials and equipment are obsolete or unusable and transfer, trade in, sell or dispose of such property.
- (j) Compile and maintain information for all Purchases, including those Purchases which do not require System Board approval. The System SCM Director shall submit a report to the System Board on a quarterly basis of the individual and total aggregate amount of all Purchases which do not require System Board approval, including a list of each vendor from whom the System makes such Purchases, the method of procurement applied and identifying contracts providing for advance payment for services.
- (k) Establish the commencement and expiration dates of any Contract unless another commencement date is specified in the Contract.
- (l) To the greatest extent practicable, make available on the System's website information related to all Purchases, including, but not limited to, a list of System contracts and a list of contractors and subcontractors.
- (m) Keep a record of any Person who has been disqualified under Part VI, Disqualification, Penalties, of this Policy, and provide a copy of such record to the Chief Procurement Officer for Cook County and other officials who may request it.
- (n) Have authority to terminate a Contract in accordance with its terms.
- (o) Issue notices of violation to enforce the provisions of this Code, as applicable, and institute enforcement proceedings under Chapter 2, Article 10 of the Cook County Code of Ordinances, as appropriate.

(p) Inform the Comptroller regarding all instances in which advance payments have been provided for in a Contract.

(q) Have charge of such other procurement activities as may be assigned from time to time by the Chief Executive Officer.

**Section 1.5. Purchases for a Period Exceeding One Year.**

(a) System Purchases may be made for a period exceeding one year. Any such Purchase shall be a valid and binding obligation of the County.

(b) Any Contract for a System Purchase for a period to exceed one year must contain the following provisions:

(i) A statement that the Contract is subject to County Board approval of appropriations for the purpose of the subject Contract;

(ii) A statement that in the event funds are not appropriated by the County Board, the Contract shall be cancelled without penalty to, or further payment being required by, the System Board or the County;

(iii) A statement that the System Board's or County's obligation to perform shall cease immediately upon receipt of notice to the vendor of lack of appropriated funds; and

(iv) A statement that the System Board's or County's obligation under the Contract shall also be subject to immediate termination or cancellation at any time when there are not sufficient authorized funds available to meet such obligation.

(c) In the event the System Board determines that there is a lack of appropriated funds sufficient to fund a contract, the System Board shall have the discretion to reduce or terminate the contract.

(d) The System SCM Director shall give the vendor notice of a lack of appropriated funds sufficient to fund the contract as soon as practicable after the System Board becomes aware of the failure of funding.

**PART II. PROCUREMENT PROCEDURES**

**Section 2.1. Procurement Procedures.**

System Purchases may be made pursuant to the appropriate procurement methods set forth below where such Purchases meet the criteria set forth in the applicable Section:

- Section 2.2 Competitive Bids
- Section 2.3 Small Procurements
- Section 2.4 Requests for Qualifications or Requests for Proposals
- Section 2.5 Requests for Information
- Section 2.6 Purchasing Consortia

Section 2.7	Sole Source Purchases
Section 2.8	Comparable Government Bid
Section 2.9	Joint Procurement
Section 2.10	Emergency Purchases
Section 2.11	Innovative Procurements

**Section 2.2. Bid Purchases.**

Procurements of supplies, materials, equipment and services shall be made by the competitive Bidding process set forth in this Section unless such Procurements meet the criteria for another procurement method set forth in this Part II. If a Purchase is estimated to result in a Bid Price of \$150,000 or more and is to be procured by means of a Bid, the System SCM Director shall follow the procedures set forth in (a) through (l) below. The System SCM Director may develop additional procedures consistent with this Policy.

**(a) Bid Notice.** The System SCM Director shall publish a Bid Notice on the System website at least five (5) days before the date for the submission of Bids.

**(b) Development and approval of Bid documents.** The System SCM Director shall prepare the Bid documents which shall include, but not be limited to, a description of the Purchase, any minimum Bidder qualifications, whether a pre-Bid conference or site inspection is required, any conditions with which the successful Bidder shall be required to comply, cost Proposal information and any other information determined necessary by the System SCM Director to prepare and finalize the Bid documents. The Using Department shall furnish the System SCM Director with information necessary to assist in preparation of the Bid documents.

**(c) Pre-Bid conference or site inspection.** The System SCM Director shall include details of any pre-Bid conference or site inspection in the Bid documents. Any changes to the date, time or place of such conference or inspection will be communicated in writing or electronically, where appropriate, by means of an Addendum to all Persons recorded as having requested Bid documents. Such notification shall be provided at least twenty-four (24) hours prior to the original scheduled conference or inspection date and at least two business days prior to any newly scheduled conference or inspection date.

**(d) Communications with the System regarding Bids.** From the time the Bid Notice is issued until the Person from whom a Purchase will be made has been determined, all communications to the County or System related to the Bid must be directed in writing (including electronically) only to the System SCM Director. Upon receipt of such a request, the System SCM Director will determine if a response will be provided; and any such response shall be provided in an addendum to all Persons who requested a set of Bid documents. The System SCM Director will not consider inquiries made in any other manner or to anyone else. However, the above notwithstanding, communications may be made with the Office of Contract Compliance in writing for the purpose of securing information necessary to respond to the provisions regarding minority and women owned business participation.

**(e) Communication between Bidders.** Until the Person from whom the Purchase will be made has been determined, no prospective Bidder, Person who requested the Bid documents or

Bidders shall communicate with any other such Person regarding the Bid, with the sole exception of communications with a minority or women owned business enterprise to meet minority or women owned business enterprise goals as set forth in Part IV, Minority-And Women-Owned Business Enterprises, Section 4.1, of this Policy. Such communications shall not include the amount of the Bid.

**(f) No changes to Bids.** No Bid may be changed, amended or supplemented in any way after the date and time for submission of Bids, except as required by the System SCM Director to correct a technical error such as an omission of Bid Documents issued by the County or the removal superfluous material submitted with the Bid that is not part of the required Bid submission.

**(g) Bid opening.** All Bids shall be opened and recorded at the date, time and location as stated in the Bid Notice or as prescribed in an addendum issued by the System SCM Director. All Bids shall be opened at the direction of the System SCM Director and the name of the Bidder and the total Bid Price shall be read publicly. If the Bid was submitted electronically, no public reading is required so long as a record of the Bids is publicly available within a reasonable time after the conclusion of the electronic Bidding period.

If only one Bid has been submitted, the System SCM Director will determine whether to open the Bid or return the Bid to the Bidder via certified mail. The System SCM Director will thereafter determine whether to re-issue the Bid or use a different method to make the Purchase.

If it is determined that an error was made in announcing the Bid or there was a failure to read all Bids into the record, the System SCM Director shall notify all Bidders and reconvene the Bid opening to correct the record as soon as reasonably possible.

**(h) Evaluation of Bids.** The System SCM Director shall review, evaluate and tabulate Bids. In determining the apparent low Responsible and Responsive Bid, the System SCM Director shall consider the Bidder's Responsiveness in complying with the requirements set forth in the Bid Documents, the Responsibility of the Bidder and all applicable preferences and incentives provided in the Cook County Procurement Code. Once a recommendation has been determined, the System SCM Director shall post a notice of such recommendation on the System's website.

**(i) Bid protest procedure.** Any Bidder who believes that the recommended Bidder is not the lowest Responsive and Responsible Bidder, or who has a complaint about the Bid process, may submit a Bid protest, in writing, directed to the System SCM Director. Any Bid protest must be submitted no later than three business days after the date upon which the notice of the System SCM Director's intended award or recommendation is posted. The Bid protest must specify the basis upon which the recommendation is erroneous, or the basis upon which the Bid procedure was unfair, including a statement of how the alleged error or unfairness prejudiced the protesting Bidder and the action requested of the System SCM Director. A Bid protest based upon an issue which could have been clarified through a request for clarification or information pursuant to Part II, Procurement Procedures, Section 2.2, Bid Purchases, (d), Communications regarding Bids, will not be considered if the protesting Bidder failed to make such a request.

**(j) Bid protest decision.** When a Bid protest has been submitted, no further action shall be taken on the Bid until the System SCM Director makes a decision regarding the Bid protest. The System SCM Director shall issue a written decision on the Bid protest to the protesting Bidder and to any other Bidder affected by such decision as soon as reasonably practicable. If the protest is upheld based upon a lack of fairness in the Bid procedure, the System SCM Director shall re-Bid the procurement. If the System SCM Director determines that the recommended Bidder was not Responsive and Responsible, that Bidder shall be disqualified and the System SCM Director shall either re-Bid the Purchase or recommend the lowest Responsive and Responsible Bidder.

**(k) Final action.** After disposition of any Bid Protests, if the Purchase requires System Board approval, the System SCM Director's recommendation of the lowest Responsive and Responsive Bidder shall be forwarded to the System Board for approval of award and execution. If the Purchase does not require System Board approval, the System SCM Director shall award the Contract to the lowest Responsive and Responsive Bidder and shall thereafter arrange for execution of the Contract.

**(l) Right to reject Bids reserved.** The System Board shall have the right to reject any and all Bids. The System SCM Director is authorized to exercise this right on behalf of the System Board. The System SCM Director shall include a provision in the Bid documents reserving the right to reject any and all Bids.

**(m) Bid Process for Procurements Valued under \$150,000.** The competitive Bidding process for procurements with an estimated Bid Price of more than \$5,000 and less than \$150,000 may consist of a solicitation posted on the System website. The System SCM Director shall promulgate forms, policies and procedures to implement such Procurements. The System SCM Director need not read or announce these Bids publicly, but shall select the lowest Responsive and Responsible Bid and shall post the results of the solicitation on the System website.

### **Section 2.3. Small Procurements.**

Procurements of the same or similar supplies, goods, equipment or services by a Using Department in an aggregate amount from the same vendor of less than \$5,000 in the same fiscal year does not require a competitive method. The System SCM Director shall develop forms and procedures to implement these Small Procurements which shall include, but not be limited to, provisions regarding the criteria for such Purchases.

### **Section 2.4. Requests for Qualifications or Requests for Proposals.**

**(a) Criteria for use of Requests for Qualifications or Requests for Proposals.** The System SCM Director may determine that it is in the best interest of the System to make a Purchase by a Request for Qualifications ("RFQ") or Request for Proposals ("RFP") because such Purchase is not readily adaptable to Bid. Examples include, but are not limited to: Purchases involving services requiring a high degree of professional skill where the ability or fitness of the Person plays an important part; Purchases where the requirements are not clearly known; Purchases where quality rather than quantity is a primary factor; and Purchases where it is not in the best interest of the System to make price a primary determinative factor.

**(b) Content of RFPs and RFQs.** The System SCM Director shall consult with the Using Department in determining the form and content of an RFP or RFQ. RFPs and RFQs shall include a provision stating that they may result in the negotiation of a Purchase with one or more Respondents or Proposers.

**(c) Issuance.** The System SCM Director shall issue the RFP or RFQ and shall post a notice of all RFPs and RFQs on the System's website. The System SCM Director may also request that the County's Chief Procurement Officer post the RFP or RFQ on the County's website.

**(d) Opening of Proposals.** Unless the Responses or Proposals are required to be submitted electronically, the Responses or Proposals shall be opened in the presence of one or more witnesses after the designated date and time for submission. The names of the Proposers shall be open for public inspection after the Purchase has been completed.

**(e) Evaluation and Selection for Contract Negotiation.** The RFP or RFQ shall include the factors to be used in evaluating Proposals and Responses. These factors may include, but are not limited to, price, experience and qualifications of the Proposer, the quality and cost effectiveness of the Proposal, and the demonstrated willingness and ability of the Proposer to satisfy the requirements of the System as described in the RFP. The evaluation shall be performed by a committee chaired by the System SCM Director or designee with representatives from the appropriate System Affiliate(s) and other persons designated by the System SCM Director. Any or all Respondents or Proposers may be requested to make presentations and/or submit clarifications or revisions to their Responses or Proposals for the purpose of obtaining best and final Responses or Proposals. The evaluation committee shall document the results of the evaluation and its recommendation. The contents of the Responses or Proposals shall not be disclosed to competing Proposers during the evaluation process.

**(f) Contract Negotiation and Approval/Execution.** The System SCM Director shall oversee the negotiation of a Contract(s) with the Proposer(s) identified following the evaluation. Upon completion of the negotiation of the Contract(s), the Contract(s) shall be submitted for approval and execution as provided in Section 1.2, Purchases; Power to Act, of this Policy.

**Section 2.5. Requests for Information; Value Analysis.**

The System SCM Director may adopt forms and procedures for the use of Requests for Information which may be used to ascertain available options for consideration in determining an appropriate method of procurement. In addition, the System SCM Director may establish a Value Analysis process to identify cost effective options in advance of a Purchase or Procurement.

**Section 2.6. Consortium and Group Procurements.**

Purchases may be made pursuant to the System's membership in a purchasing consortium, provided that the System Board has approved the System's membership in such purchasing consortium for, at least in part, the purpose of obtaining advantageous pricing and other efficiencies for the System. If the consortium is a group purchasing organization ("GPO"), selection of the GPO shall be pursuant to the issuance of a Request for Proposals which shall detail the types of goods to be purchased through the GPO. Purchases made through a

purchasing consortium shall be approved and executed as set forth in Section 1.2, Purchases; Power to Act, of this Policy.

**Section 2.7. Sole Source Purchases.**

Purchases of supplies, equipment, goods or services may be made without use of one of the competitive selection methods set forth in this Policy if there is a need for the unique or specialized skill, experience or ability possessed by a particular source or there is only one feasible source for the item or service. The Using Department shall submit a letter to the System SCM Director justifying the Sole Source Purchase and provide any other documents or information required by the System SCM Director. Sole Source Purchases shall be approved and executed as set forth in Section 1.2, Purchases; Power to Act, of this Policy

**Section 2.8. Comparable Government Procurement.**

If another governmental agency has awarded a contract through a competitive method for the purchase of the same or similar supplies, materials, equipment or services as those sought by the System, the System SCM Director, in his or her discretion, is authorized to Purchase such supplies, materials, equipment or services from that vendor at a price or rate at least as favorable as that obtained by the other government agency without engaging in a competitive procurement method.. The System SCM Director's recommendation for a Purchase based upon a comparable government procurement shall be approved and executed as set forth in Section 1.2, Purchases; Power to Act, of this Policy.

**Section 2.9. Joint procurements.**

Procurements may be made pursuant to the Governmental Joint Purchasing Act, 30 ILCS 525/0.01 et seq. In addition, the System may elect to utilize a Contract procured by the Cook County Chief Procurement Officer provided that the System SCM Director has approved those contract terms that pertain to System participation and issues a separate purchase order for any funds payable by the System. Such participation shall be subject to System Board approval if the amount applicable to the System is \$150,000 or greater.

**Section 2.10. Emergency Purchases.**

With the approval of the Chief Executive Officer or his or her designee, the System SCM Director may make Emergency Purchases without use of one of the competitive processes set forth in this Policy and without prior approval of the System Board when there exists a threat to public health or public safety, or when an immediate Purchase is necessary for repairs to System property in order to protect against further loss or damage, to prevent or minimize serious disruption in System services, or to ensure the integrity of System records. If practicable under the circumstances, the System SCM Director shall secure quotations from multiple vendors for an Emergency Purchase. The System SCM Director shall report the basis for the emergency and reasons for the selection of the particular vendor to the System Board Finance Committee within five (5) business days of making an emergency Purchase.

**2.11. Innovative Procurements.**

As an alternative to other methods of Procurement, the System SCM Director may adopt innovative methods of Procurement and adopt rules following a determination that such process is cost effective and in the best interests of the System.

*(a) Direct Procurements.* The System SCM Director may make a Procurement using innovative methods of procurement, including, but not limited to, electronic procurement, reverse auctions, electronic Bidding, electronic auctions, and pilot procurement programs that have no cost to the System.

*(b) Procurements Services Contract.* As an alternative or in addition to directly conducting procurement using innovative methods, the System SCM Director may make a Procurement of electronic procurement services for conducting reverse auctions, electronic auctions, or provide an on-line or electronic forum for competitive Bids, Requests for Qualifications and Requests for Proposals and other types of innovative methods of procurement on the System's behalf. The Contract for such Procurement may contain such terms as the System SCM Director deems necessary, including, but not limited to, terms that specify the source and amount of the compensation. With respect to Procurements made pursuant to this section, the System SCM Director is authorized to charge a reasonable service fee to the Contractors from which Procurements are made in order to cover part or all of the System's costs associated with such electronic procurement, including the costs of engaging a service provider. Such service fee shall be paid as directed by the System SCM Director.

*(c) Rules and Regulations.* The System SCM Director shall have authority to adopt rules and regulations for the proper administration and enforcement of the provisions of this section, including the authority to modify the requirements of this Procurement Policy as necessary to implement such innovative or electronic procurement method.

*(d) Electronic Submissions.* Any document, affidavit, certification or form required by the Procurement Policy or submitted in connection with any Procurement may be accepted by the System SCM Director in electronic format subject to compliance with accepted means and methods of verification and authentication of electronic signatures.

**Section 2.12. Purchase of Government Property.**

The System SCM Director is expressly authorized to procure from any Federal, State or local government unit or agency thereof such surplus materials, supplies, commodities, or equipment as may be made available through the operation of any legislation heretofore or hereinafter enacted. Purchases of surplus government property shall be approved and executed as set forth in Part II, Purchases, of this Policy.

**Section 2.13. Procurement of Public Works Contracts.**

The System SCM Director may request that the County continue to procure Public Works contracts entered into in connection with System facilities. The incentives set forth in the Cook County Procurement Code Sections 34-231 through 34-237 shall be included in such contracts as appropriate. Such Procurements shall comply with Section 34-190 (Percentage of work of Public Works projects to be performed by County residents) and Section 34-191(Green Construction) as applicable.

**Section 2.14. Procurement of Equipment to be Leased.**

The System SCM Director shall establish written procedures and forms for the selection of equipment that will be leased for use by the System.



### **PART III. COUNTY ORDINANCE REQUIREMENTS**

The System SCM Director shall ensure that all Purchases are subject to the following requirements as set forth in the Cook County Code of Ordinances.

#### **Section 3.1. Living Wage.**

All System Purchases shall comply with the requirements set forth in Section 34-160 (Living Wage) of the Cook County Code of Ordinances. The System SCM Director shall comply with any requirements therein imposed upon the County's Purchasing Agent. The System SCM Director shall also coordinate with the Cook County Chief Financial Officer and Cook County Purchasing Agent to enable them to carry out the provisions of Section 34-160 with regard to System Purchases.

#### **Section 3.2. Prevailing Wage.**

All System Purchases shall comply with Sec. 34-161 (Prevailing Wage) of the Cook County Code of Ordinances. The System SCM Director shall comply with any requirements therein imposed upon the County's Purchasing Agent.

#### **Section 3.3. Federal Prevailing Wage.**

As provided in Section 34-162 (Federal Prevailing Wage) of the Cook County Code of Ordinances, if a Procurement will be paid for using federal funds, and if such federal funding requires compliance with the Davis-Bacon Act (40 U.S.C. 276a-276a-7), then the Contract shall contain provisions requiring that the Contractor and any subcontractors shall pay the Federal Prevailing Wage.

#### **Section 3.4. Prevailing Wages for Covered Services.**

Procurements of janitorial cleaning services, window cleaning services, elevator operator and starter services, and security services shall comply with the following:

(a) Not less than the prevailing rate of Wages shall be paid and prevailing working conditions shall be provided to any laborer, worker and mechanic providing Covered Services under a Contract.

(b) In order to be considered a Responsive Bidder for any Contract for Covered Services, the Bidder shall certify that Wages paid to its employees will be no less, and fringe benefits and working conditions of such employees shall be no less favorable, than those prevailing in the locality in which the Covered Services are to be performed, as determined by the Chief of the Cook County Bureau of Human Resources and posted on the website.

(c) The System SCM Director shall include in the Bid Notice for any Contract for Covered Services, and shall include in the specifications for any such Contract a provision that (i) not less than the prevailing rate of Wages shall be paid, and prevailing working conditions shall be provided, to all laborers, workers and mechanics performing Covered Services and (ii) all bonds required under such Contract shall include such provisions as will guarantee the faithful performance of such provision in the Contract.

**Section 3.5. Recycled Products.**

All System Purchases shall comply with and Section 34-215 through Section 34-222(Recycled Products) of the Cook County Code of Ordinances. In applying such provisions, the term “County” shall mean “System” and the term “Purchasing Agent” shall mean “System SCM Director.”

**Section 3.6. Predatory Lenders.**

All System Purchases shall comply with the requirements set forth in Section 34-340 through Section 34-343 (Predatory Lenders) of the Cook County Code of Ordinances. The System SCM Director shall coordinate with the Cook County Chief Financial Officer to enable him or her to carry out the provisions of Section 34-340 through Section 34-343, with regard to System Purchases. With each Bid or Response submitted by a financial institution for any Contract, the following certification shall be signed by the chairman of the board, chief executive officer, or other officer of the financial institution acceptable to the Chief Financial Officer:

We pledge that we are not and will not become a predatory lender as defined in Cook County's Predatory Lending Ordinance. We further pledge that none of our affiliates is, and none of them will become, a predatory lender as defined in this Ordinance. We understand that becoming a predatory lender or becoming an affiliate of a predatory lender may result in the loss of the privilege of doing business with the County.

**Section 3.7. Re-Entry Employment/Bid Incentive.**

All System Purchases shall comply with Section 34-231 through Section 34-236 (Re-Entry Employment/Bid Incentive Ordinance), of the Cook County Code of Ordinances. The System SCM Director shall comply with any requirements therein imposed upon the County's Purchasing Agent or the Office of Purchasing Agent, other than those imposed in Section 34-352(c). The System SCM Director shall cooperate with the Director of the County's Office of Contract Compliance in carrying out the purposes of Sections 34-349 through 34-358 of the Cook County Code of Ordinances. For purposes of this Policy, the term “Contract” as used in Section 34-349 through 34-358 shall have the meaning ascribed as set forth in Part I, General Provisions, Section 1.1, Definitions, of this Policy.

**Section 3.8. Child Support Payments.**

All System Purchases shall comply with Section 34-366 through Section 34-370 (Child Support Payments) of the Cook County Code of Ordinances.

**Section 3.9. Contracts for Consulting and Auditing Services.**

The System shall not enter into any Contract for Consulting Services, nor shall it consent to a subcontract for such Consulting Services, with any Person, if such Person, or any Affiliate of such Person, has a Contract or subcontract to provide Auditing Services for the System. The System SCM Director shall require the Contractor in each Contract for Auditing or Consulting Services for the System to provide a certification acceptable to the System SCM Director that neither the Contractor nor any Affiliate of the Contractor has a Contract or a subcontract to provide Consulting or Auditing Services for the System which is prohibited under this section.

#### **PART IV. MINORITY-AND WOMEN-OWNED BUSINESS ENTERPRISES**

##### **Section 4.1. Minority-And Women-Owned Business Enterprises.**

The System Board is committed to the County's policy to promote equal opportunity in its procurement process, as well as to the goals aspired to by Cook County with respect to participation in County Contracts by Protected Class Enterprises. All System Purchases shall comply with Sec. 34-260 through Sec. 34-289 (Cook County Minority and Women Owned Business Enterprise) of the Cook County Code of Ordinances; provided, however, that the System SCM Director shall have the duties and responsibilities imposed therein upon the County's Chief Procurement Officer and the Contract Compliance Administrator or Office of Contract Compliance; and that the System Board shall have the powers and duties of the County Board, with the exception of the responsibilities of the County Board's Contract Compliance Committee as established in the Cook County Code of Ordinances.

#### **PART V. BID INCENTIVES AND PREFERENCES**

##### **Section 5.1. Local Business Preference.**

As provided in Section 34-230 of the Cook County Code of Ordinances, the System SCM Director shall recommend award of the Procurement to the lowest Responsible and Responsive Bidder which is a Local Business, so long as the Bid of such Bidder does not exceed the Bid of the lowest Responsive and Responsible Bidder by more than 2%.

##### **Section 5.2. Qualified Veteran-Owned Business incentive. (Effective 4/7/2012)**

As provided in Section 34-238 of the Cook County Code of Ordinances, and commencing with the effective date of that Section and the development of procedures to implement it, the System SCM Director shall give a preference of five percent of the amount of the Contract to a Responsible and Responsive Qualified Veteran-Owned Business.

##### **Section 5.3. Qualified service-disabled veteran businesses incentive. (Effective 7/1/2013)**

As provided in Section 34-239 of the Cook County Code of Ordinances and commencing with the effective date of that Section and the development of procedures to implement it, the System SCM Director shall make best efforts to recruit and solicit Bids and make procurements from qualified Service-Disabled Veteran-owned Businesses.

#### **PART VI. DISQUALIFICATION; PENALTIES**

##### **Section 6.1. Disqualification Due to a Prior Default or Termination.**

(a) No Person who has had an awarded Contract terminated for cause by the System Board or the County Board or who has failed to cure a default within any cure period provided by the Contract shall be awarded a Contract or subcontract by the System. The period of ineligibility shall continue for 24 months from the date the System Board or County Board terminates the Contract.

(b) When a Contract has been terminated for cause or when an uncured default exists under a Contract, the Person(s) may submit a written request to the System SCM Director for a reduction or waiver of the ineligibility period. The application shall be in writing and shall include

documentation that one or all of the following conditions have occurred: (i) There has been a bona fide change in ownership or control of the ineligible Person; (ii) Disciplinary action has been taken against the individual(s) responsible for the acts giving rise to the termination or default; or (iii) Remedial action has been taken to prevent a recurrence of the acts giving rise to the termination or default. The System SCM Director shall review the documentation, make any inquiries deemed necessary, and determine whether a reduction or waiver is appropriate.

(c) A Using Department may request an exception to such period of ineligibility, by submitting a written request to the System SCM Director, supported by facts sufficient to establish that it is in the best interests of the System that the Procurement be made from such ineligible Person. The System SCM Director shall review the documentation, make any inquiries deemed necessary, and determine whether a reduction or waiver should be approved. In the event an exception is granted, the exception shall apply to that Procurement only and the period of ineligibility shall continue for its full term as to any other Procurements.

(d) The System SCM Director's decision to reduce or waive the period of ineligibility, or to suspend ineligibility for a specific Contract, shall be reduced to writing and shall specify the reasons for the decision.

(e) In addition to the ineligibility provided in this Section, the System SCM Director may reject a specific Bid or Proposal, or a subcontractor proposed to be used in connection with that Bid or Proposal, submitted by any Person who or which is in arrears upon any debt to the System or the County or is in default of any Contract with the System or the County, or is a defaulter, as surety or otherwise, upon any obligation to the System or the County, or is otherwise prohibited by law or Ordinance from entering into the Contract. In addition, the System SCM Director may reject a Bid or Proposal, or a subcontractor proposed to be used in connection with that Bid or Proposal, submitted by any Person deemed unqualified due to insufficient or unsatisfactory history of creditworthiness or experience in performing other contracts, including those involving the types of responsibilities required under the Contract. The System SCM Director shall document the reasons for such rejection.

**Section 6.2. Disqualification for Tax or Debt Delinquency or obligation default.**

(a) As provided in Section 34-171 of the Cook County Code of Ordinances, a Person that is (i) delinquent in the payment of any tax (including real estate tax) or fees administered by the County, (ii) delinquent in the payment of any debt to the County, (iii); is in default of any obligation to the County; or (iv) is a "predatory lender," as determined pursuant to the Cook County Predatory Lending Ordinance, shall be ineligible to enter into a Contract with the County including the System. Notwithstanding the foregoing, a Person shall not be ineligible, nor shall there be any rights to set-off or other remedies set forth in Section 34-196 against a Person, if such Person is contesting liability for the delinquency in a pending administrative or judicial proceeding, or contesting the existence of a default, and shows proof of the contest; or if such Person has entered into an agreement for the payment of such delinquency and verifies compliance with the agreement.

(b) The System SCM Director shall obtain a written certification from every Person from whom the County seeks to make a Procurement that such Person meets the requirements of subsection (a).

(c) A Using Department may request an exception to such ineligibility by submitting a written request to the System SCM Director, supported by facts that establish that it is in the best interests of the System that the Procurement be made from such ineligible Person. The System SCM Director shall review the documentation, make any inquiries deemed necessary, and determine whether the request should be approved.

**Section 6.3. Disqualification for Noncompliance with Child Support Orders.**

(a) A Person shall be ineligible to enter into a Contract with the System if such Person or a Substantial Owner (as defined in Article V, Section 34-367 of the Cook County Code of Ordinances) is delinquent in the payment of a Court-Ordered Child Support Arrearage.

(b) If the System becomes aware that a Person or Substantial Owner becomes delinquent in payments under a Court-Ordered Child Support Arrearage after the System has entered into a Contract with such Person or Substantial Owner, then after notice from the System of such noncompliance and a thirty (30) day opportunity to pay such delinquency, such delinquency of such Person or Substantial Owner shall be an event of default under the Contract. Such Person or Substantial Owner shall provide sufficient evidence to the System SCM Director of payment of such delinquency.

**Section 6.4. Disqualification for illegal activity.**

(a) **Disqualifying Acts.** A Person who has been convicted of, entered a plea of *nolo contendere* as to, or made an admission of guilt, pursuant to the laws of any Federal, State or local jurisdiction, for any of the following, shall be ineligible to enter into a Contract for a period of five years from the date of conviction, entry of a plea or admission of guilt:

- (1) Bribing or attempting to bribe;
- (2) Bid-rigging, attempting to rig Bids;
- (3) Price fixing or attempting to fix prices; or
- (4) Defrauding or attempting to defraud.

(b) **Disqualification due to acts of owner, partner or shareholder.** A Person shall be ineligible to enter into a Contract if an individual who Controls such Person would be disqualified under any provision of this Sec. 34-173.

**Section 6.5. Disqualification for willful violation of Cook County Independent Inspector General Ordinance.**

As provided in Section 34-74 (Disqualification for willful violation of Cook County Independent Inspector General Ordinance) of the Cook County Code of Ordinances, a Person found to have willfully failed to cooperate in an investigation by the Cook County Independent Inspector General shall be subject to disqualification as provided in Article II, Section 2-291 of the Cook County Code of Ordinances.

**Section 6.6. Notices to Cook County Chief Procurement Officer.**

(a) When information comes to the attention of the System SCM Director that a Person has been convicted, made an admission of guilt or a plea of *nolo contendere* or otherwise falls within Sec.34-173 (Disqualification for Illegal Activity) of the Cook County Code of Ordinances; has violated Section 34-216 (Offering gift to induce others not to Bid; bribe offer to government employee; willful violation) of the County Inspector General Ordinance); or has been disqualified by the System, the System SCM Director shall provide notice to the County Purchasing Agent of such information for further proceedings by the County Purchasing Agent as set forth in Section 34-217 (Disqualification Procedures) of the Cook County Code of Ordinances.

(b) The System SCM Director shall regularly communicate with the Cook County Purchasing Agent to determine if any Person(s) is disqualified pursuant to the Cook County Code of Ordinances.

**Section 6.7. Penalty for false statements.**

Pursuant to Section 34-175 (Penalty for false statements) of the Cook County Code of Ordinances, any Person who knowingly makes a false statement of material fact to Cook County in writing in connection with a Procurement is liable to the County for a penalty of \$500.00, in addition to any other remedy provided for in the Procurement Code or at law or in equity, including termination of any Contract or disqualification. No fine will be imposed on any Person except after any applicable proceeding pursuant to Chapter 2, Article IX, Administrative Hearings, of the Cook County Code of Ordinances.

**Section 6.8. Penalties for failure to pay Cook County taxes and fees.**

As provided in Section 34-176 (Penalties for failure to pay Cook County taxes and fees) of the Cook County Code of Ordinances, the System SCM Director shall include in every Contract a provision that entitles the County to set off and subtract from the Contract price a sum equal to any fines and penalties, including interest, for each tax or fee delinquency and any debt or obligation owed by the Contractor to the County.

**Section 6.9. Uniform penalties, interest and procedures.**

The determination as to whether a Person is disqualified under any provision of this Division 4 or has made a false statement, shall be made pursuant to Chapter 2, Article IX, Administrative Hearings, of the Cook County Code of Ordinances.

**PART VII. INTEGRITY IN THE PROCUREMENT PROCESS**

**Section 7.1. Reporting Potential Irregularities.**

The System Board encourages any Person, including employees, to report any potential irregularities in the System's procurement process to the System's Chief Compliance Officer or the Office of the Cook County Independent Inspector General. In addition to any applicable laws protecting whistleblowers, the System shall ensure that a report made in good faith will not result in any adverse action taken by the System against the Person making such a report. The System SCM Director's procedures will include a mechanism to publish this provision to all appropriate employees and Persons.

**Section 7.2. Communications.**

For all Purchases, the System SCM Director shall establish procedures to ensure that communications from individuals outside the System regarding a Purchase shall be memorialized and maintained in the procurement file. Communications about a Purchase from or on behalf of a System Director or elected official shall also be memorialized and maintained in the procurement file. A listing of such communications shall also be memorialized in a log maintained by the System SCM Director and posted on the Supply Chain Management web page.

**Section 7.3. Soliciting Charitable Contributions.**

No Director of the System Board, directly, or through someone acting on his or her behalf, shall knowingly solicit a charitable contribution from a vendor who currently has or is seeking a contract with the System, unless such solicitation is on behalf of a charity created by the System or for the benefit of the System.

**Section 7.4. Code of Ethics of the Cook County Code of Ordinances.**

The following relevant provisions of the Code of Ethics of the Cook County Code of Ordinances are among those Code provisions that apply to System Purchases:

**(a) *Limitations of contributions to candidates and elected officials.***

(1) No person who has done business with the County within the preceding four years or is seeking to do business with the County or is a lobbyist registered with the County shall make contributions in an aggregate amount exceeding \$1,500.00:

- (i) To any candidate for County office or elected County official during a single candidacy; or
- (ii) To an elected official of the government of the County during any nonelection year of his or her term.
- (iii) The combined effect of these provisions is intended to permit total contribution up to but not exceeding \$3,000.00 in a year in which a candidacy occurs. A year for purposes of this section is from January 1 to December 31 of each year.

(2) For purposes of Subsection (a) of this section, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under Subsection (a) of this section.

(3) Any contributions made under this section shall be reported as required by the Election Code, 10 ILCS 5/1-1 et seq.

(4) For purposes of Subsection (a) of this section, "done business" or "doing business" means any one or any combination of sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000.00 in any 12-consecutive months. "Done business" or "doing business" also means representation involving real property assessments, property tax appeals, zoning matters, and property tax incentives, the total fees of which earned or accrued by a person exceed \$10,000.00 in any 12 consecutive months during the previous four years. . . .

(5) For purposes of Subsection (a) of this section, "seeking to do business" means taking action within the past six months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County as defined in Subsection (d) of this section."

**(b) *Interest in County business.***

No elected official or employee shall have a financial interest in his or her own name or in the name of any other person in any contract, work or business of the County or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the County. Compensation for property taken pursuant to the County's eminent domain power shall not constitute a financial interest within the meaning of this section. Unless sold pursuant to a process of competitive Bidding following public notice, no elected official or employee shall have a financial interest in the purchase of any property that:

- (1) Belongs to the County;
- (2) Is sold for taxes or assessments; or
- (3) Is sold by virtue of legal process at the suit of the County.

No appointed official shall engage in a transaction described in this Subsection (b) of this section unless the matter is wholly unrelated to the appointed official's County duties and responsibilities. For purposes of this Subsection (b), the term "financial interest" shall not include the interest of the spouse of an official or employee which interest is related to the independent occupation, profession or employment of the spouse."

## **PART VIII. CONTRACT MANAGEMENT**

### **8.1. Contracts.**

**(a) *Purpose and Funding.*** The purpose of this Part is to ensure that Contracts are performed in accordance with the Contract terms. The extent to which this Part is implemented shall be limited to the availability of funding.

**(b) *Information to be contained in Contracts.*** All Contracts which include the performance of Services shall contain a provision requiring the Contractor to adhere to the applicable standards of any accreditation or licensing organization utilized by the System which may be relevant in the performance of the Contract including, but not limited to, The Joint Commission and the Illinois Department of Public Health.

**(c) *Review of Contracts.*** All Contracts shall be reviewed on a periodic basis by the System SCM Director, or designee, and a designee of the Using Department.

**(d) *Content.*** The following shall apply to Contracts over \$1,000,000.00, as applicable:

- (1) Specifications, contract period, allowable renewals or extension periods, and procedures for amendments or changes;
- (2) Specific measurable deliverables, reporting requirements and due dates;
- (3) Payment schedules (including identification of payments that are tied to acceptance of deliverables or contract completion) and escalation factors;
- (4) Performance standards;
- (5) Appropriate signatures, approvals, acknowledgements, or witnesses;
- (6) Review and approval as to form by an attorney from the Cook County State's Attorney's Office prior to execution.



## **Section 8.2. Contract management.**

This Section shall apply to contracts over \$1,000,000 or as designated by the System SCM Director. The Supply Chain Management Department shall have primary responsibility for management and oversight of contracts.

**(a) *Monitoring.*** The System SCM Director shall identify which Contracts shall be monitored at the Using Department level or at the System Level consistent with applicable accreditation standards.

**(b) *Contract Liaison.*** The Using Department or applicable Department shall designate one or more individuals with appropriate knowledge, skills and time who shall serve as “Contract Liaison” to monitor the performance of the Contract within that Using Department. The Contract Liaison's duties shall include:

- (1) Monitoring performance of the Contract in accordance with its terms and reporting the results to the System SCM Director utilizing such forms or systems as the System SCM Director may implement;
- (2) Tracking budgets and comparing invoices and charges to verify compliance with contract terms and conditions before submitting them for payment, until automated systems are implemented to permit auditing of charges against contract pricing;
- (3) Documenting issues such as timeliness of performance and acceptance or rejection of deliverables and notifying the System SCM Director if action is required to enforce the Contract terms; and
- (4) Documenting compliance with Contract terms on a periodic basis during the term of the Contract and reporting this information to the System SCM Director.

**(c) *Procedures and Training.*** The System SCM Director shall:

- (1) Create uniform evaluation forms and procedures.
- (2) Establish a process to ensure that evaluations made during the prior three years are utilized in determining whether a Bidder or Proposer is Responsible;
- (3) Arrange for appropriate training of Contract Liaisons utilizing appropriate organizations and materials, particularly as applicable to procurement within the healthcare industry.

## **Section 8.3. Invoices required for all service Contracts.**

**(a) *Work Performed.*** All Contracts for services, regardless of compensation structure, shall contain a provision requiring the Contractor to maintain and submit for review upon request by the System, itemized records indicating the dates that services were provided, a detailed description of the work performed on each such date, and the amount of time spent performing work on each such date.

**(b) *Expenses.*** Contracts for services shall also require Contractors to submit documentation of the types and amounts of expenses incurred related to the work performed if the Contractor seeks reimbursement for any such expenses incurred.

**(c) *Invoice Documentation.*** All Contracts for services, regardless of compensation structure, shall contain a provision requiring the Contractor to submit itemized records indicating the dates or time period in which the services being invoiced were provided, a detailed description of the work performed for the time period being invoiced and the amount of time spent performing work for the time period in question. In addition, all Contracts for services that are procured as Sole Source must also contain a provision requiring the Contractor to submit itemized records indicating the dates that services were provided, a detailed description of the work performed on each such date, and the amount of time spent performing work on each such date.

*(d) Payment.* All Contracts for services shall further require that the itemized work and expense records required in Section 34-310 (b) and (c) of the Cook County Code of Ordinances be submitted to the System with the Contractor's invoice as a condition of payment for any services rendered.

**Section 8.4. No payment prior to submission of invoice.**

The County Comptroller shall not issue a payment to any Contractor providing services who has not submitted the requisite invoice with work and expense records unless the Contractor has been approved for advance payment by the System SCM Director per the Contract. The Comptroller shall not issue an advance payment to any Contractor providing services unless the invoice includes written authorization from the Using Department documenting the contractual basis for the advance payment. Contractors approved for advance payment shall be required to submit invoices providing work and expense records as described above in Section 34-310 on at least a monthly basis.

**PART IX. MISCELLANEOUS**

**Section 9.1. Amendments to this Policy; New Policies and Procedures.**

Any change to this Policy requires the approval of the System Board. The System Chief Executive Officer or designee may approve supplemental rules, policies and procedures that are not inconsistent with this Policy and are proposed by the System SCM Director to implement the provisions of this Policy or to address practices to be administered or followed by the System Department of Supply Chain Management in carrying out functions or effectuating transactions not described in this Policy.

**Section 9.2. Effective Date; Implementation Transition.**

This Policy shall be effective upon the approval of the System Board. This notwithstanding, in order to provide for an orderly transition of responsibilities from the County's Purchasing Agent and the Office of Contract Compliance to the System and the System's System SCM Director, the provisions of this Policy will be implemented, in whole or in part, at the direction of the Chief Executive Officer when in his or her discretion the System has the capability to undertake the specific powers and responsibilities set forth herein.

**Section 9.3. Cook County Procurement Code.**

This Policy refers to compliance with certain requirements set forth in Article IV, Procurement and Contracts, of the Cook County Code of Ordinances ("Cook County Procurement Code"). This Ordinance is available online at <http://www.municode.com>. It is the intention of the System to act in a manner that is consistent with the Cook County Procurement Code, while retaining flexibility to design processes that will assist System in delivering quality patient care and in implementing efficient, cost-effective services. In the event the County Board amends the Cook County Procurement Code, the System SCM Director is authorized to implement practices and procedures consistent with those amendments pending the System Board's corresponding change to this Policy.

**END OF PROCUREMENT POLICY**