

1 FROM THE OFFICE OF JOSPEH J. CZARNEZKI

2
3 MILWAUKEE COUNTY CLERK

4
5 County Ordinance No. 12-9

6
7 File No. 12-246

8
9
10
11 AN ORDINANCE

12
13 The County Board of Supervisors of the County of Milwaukee does ordain as
14 follows:

15
16 **SECTION 1.** Section 32.21, 32.23, 32.24, 32.25, 32.26, 32.27, 32.285, 32.31,
17 32.38, 32.40, 32.42, 32.43, 32.44, 32.46, 32.47, 32.48, 32.49, 32.50, 32.51 of the
18 General Ordinances of Milwaukee County is hereby amended as follows:

19 32.21. - General administration.

20 The procurement division shall be directly supervised by the ~~purchasing administrator~~
21 procurement director, and its general policies shall be subject to the review of the
22 director of the department of administrative services, except for those matters under the
23 jurisdiction of the purchasing standardization committee.

24 32.23. - Purchasing standardization committee.

25 (1) There shall be a purchasing standardization committee composed of three (3)
26 private citizens: a representative of: the department of human resources, department of
27 parks, recreation and culture, department of public works and the sheriff's department.
28 Each of the departmental representatives shall be selected by the department head.
29 The private citizen members are to be appointed by the county executive for a term of
30 four (4) years, subject to the confirmation of the county board, and shall be residents of
31 the county who are knowledgeable in procurement. A representative of the corporation
32 counsel's office and the ~~purchasing administrator~~ procurement director or his or her
33 designee shall be technical advisers to the committee.

34 32.24. - Technical subcommittees.

35 The ~~purchasing administrator~~ procurement director or his or her designee shall
36 coordinate the organization and work of technical subcommittees, and act as liaison
37 between them and the purchasing standardization committee. Technical subcommittees
38 shall be composed of the procurement division buyer responsible for those
39 commodities, and other representatives having expertise therein.

40 32.25. - Purchasing and contracting procedure.

41 (1) Purchases of supplies, materials, equipment and contractual services shall be

42 based on competitive bids. Bids may be rejected when it is determined by the
43 | ~~purchasing administrator~~ procurement director or his or her designee that to award a
44 contract would not be in the best interest of the county. The method of evaluating bids
45 and awarding contracts shall be stated in each bid document. Contracts shall be
46 awarded to the lowest, qualified, responsive, responsible bidder. If equal low and
47 | responsive bids are received, the ~~purchasing administrator~~ procurement director or his
48 | or her designee shall break the tie by a lot drawing in the presence of a buyer and
49 another member of the procurement division at a specific time and date. The tied
50 bidders shall receive written advance notice.

51 (2) *Discretionary purchases.* Any procurement having an estimated aggregate value of
52 ten thousand dollars (\$10,000.00) or less shall be made at the discretion of the buyer.

53 (3) *Open market purchase.* Any procurement having an estimated aggregate value in
54 excess of ten thousand dollars (\$10,000.00) and less than twenty-five thousand dollars
55 (\$25,000.00) shall be made by solicitation of three (3) quotations documented by the
56 buyer.

57 (4) *Informal purchases.* Any procurement having an estimated aggregate value of
58 twenty-five thousand dollars (\$25,000.00) and less than fifty thousand dollars
59 (\$50,000.00) shall be solicited from all vendors of the item on the vendor's list
60 maintained by the procurement division and the contract awarded by sealed bidding.

61 (5) *Formal purchases.* Any procurement having an estimated aggregate value of fifty
62 thousand dollars (\$50,000.00) or more shall have sealed bids solicited by public notice
63 inserted at least once on the official county web-site at least two (2) weeks before the
64 bid opening date, and by posting official notice on the procurement board in the
65 procurement division office for the same period. The procurement division shall solicit
66 sealed bids by mail from all vendors of the item on the vendor list maintained by the
67 procurement division.

68 (6) *Sealed bids.*

69 (a) All sealed bids shall be received in the office of the county clerk and
70 transferred to the procurement division at the time of bid opening, which shall be
71 conducted in public at a specified date, time and place.

72 (b) A summary of each bid, with the name of all bidders, shall be posted for public
73 inspection in the office of the procurement division during regular county business
74 hours for a period of not less than ten (10) days after award.

75 (c) A noncollusive statement requiring the signature of an authorized officer of the
76 | bidder shall be included in each sealed bid. The ~~purchasing administrator~~
77 | procurement director or his or her designee shall report suspected collusive bids to
78 the district attorney.

79 (7) *Exceptions.*

80 (a) Competitive bidding requirements of this chapter shall apply, except as

81 follows:

82 (1) When, after soliciting sealed bids, it is determined by the ~~purchasing~~
83 ~~administrator~~ procurement director or his or her designee, and verified by the
84 purchasing standardization committee, that no valid bids have been received,
85 the purchasing standardization committee may authorize procurement without
86 competition.

87 (2) Purchases from a single source which, by their nature, are not adapted to
88 award by competitive bidding as determined by the ~~purchasing administrator~~
89 procurement director or his or her designee and approved by the purchasing
90 standardization committee.

91 (3) Purchases from any federal, state or local governmental unit or agency of
92 surplus materials, supplies, commodities or equipment, as approved by the
93 committee on financial and audit of the county board, and otherwise when
94 expressly authorized by the county board.

95 (4) Discretionary purchase of ten thousand dollars (\$10,000.00) or less as
96 authorized in subsection 32.25(2) of this section.

97 (5) Any contract for a public works construction project where the director of
98 public works or his/her designee has recommended, and the ~~purchasing~~
99 ~~administrator~~ procurement director or his or her designee has agreed in
100 writing, that the ~~purchasing administrator~~ procurement director or his or her
101 designee shall negotiate for the purpose of services, supplies, materials or
102 equipment needed for such project.

103 (b) Purchase of name brand items for resale may be awarded to other than the
104 low bidder.

105 (c) Purchases required for immediate budgeted repairs, exclusive of inventory
106 items.

107 (d) Notwithstanding any other provisions of this chapter to the contrary, the
108 ~~purchasing administrator~~ procurement director or his or her designee shall have
109 the authority, in any situation where a contract is to be let through the bidding
110 process, to reserve such contract exclusively for vendors listed on the minority
111 business enterprise and women business enterprise list. In such event, the bid
112 announcements shall indicate such reservation, citing this subsection as authority
113 therefor. Reservations by the ~~purchasing administrator~~ procurement director or his
114 or her designee may be on a commodity basis or on an individual contract basis.

115 (e) Annually the county board shall adopt by resolution a recommended minimum
116 percentage goal for the participation of disadvantaged business enterprise vendors
117 in contracts awarded pursuant to chapter 32. Such goals are not mandatory;
118 however, the ~~purchasing administrator~~ procurement director or his or her designee
119 shall make diligent efforts to achieve or exceed such annual participation goals.

120 32.26. - Protest and appeal procedure.

121 | Protests to any sealed bid, procurement or award recommended by the ~~purchasing~~
122 | ~~administrator- procurement director or his or her designee~~ may be made by any bidder
123 | and/or using department head as follows:

124 (1) *Prior to bid opening:*

125 (a) Protests to form and content of bid documents shall be received by the
126 | ~~purchasing administrator- procurement director or his or her designee~~ not less
127 | than five (5) days prior to the time scheduled for bid opening. A protest shall
128 | be in writing and state the reason for it.

129 | (b) The ~~purchasing administrator- procurement director or his or her designee~~
130 | shall review protests and, if modification is necessary, the bid opening date
131 | shall be extended and addenda containing the changes shall be sent to each
132 | bidder. If modification is rejected, the protestor shall be notified. The decision
133 | of the ~~purchasing administrator- procurement director or his or her designee~~ is
134 | final.

135 (2) *After bid opening:*

136 (a) Protests concerning irregularities on sealed bid opening procedures, or
137 | compliance by bidders with bid documents, shall be received by the
138 | ~~purchasing administrator- procurement director or his or her designee~~ within
139 | seventy-two (72) hours after time of bid opening.

140 (b) When a sealed bid is awarded to other than the low bidder, all bidders
141 | shall be notified in writing by certified mail, return receipt requested, or by fax
142 | machine transmission, of the proposed award. Protests to the award must be
143 | delivered to the ~~purchasing administrator- procurement director or his or her~~
144 | ~~designee~~ within seventy-two (72) hours after receipt of notice. The ~~purchasing~~
145 | ~~administrator's- procurement director's or his or her designee's~~ copy of the fax
146 | transmission cover sheet, or the department's fax log, shall be conclusive
147 | proof of the time and date of receipt by a bidder.

148 (c) A protest under either subsection (a) or (b) must be in writing and state
149 | the reason for it. The ~~purchasing administrator- procurement director or his or~~
150 | ~~her designee~~ shall review the protest and notify the protestor of a decision in
151 | writing by fax, within five (5) days. No contract shall be awarded while a
152 | protest is pending. A protest which is untimely, fails to state the reason for it or
153 | shall have been made prior to bid opening is invalid. The decision of the
154 | ~~purchasing administrator- procurement director or his or her designee~~
155 | disqualifying the protest for these reasons is final and cannot be appealed.

156 (3) *Appeals to purchasing standardization committee:*

157 (a) Protests from decisions of the ~~purchasing administrator- procurement~~
158 | ~~director or his or her designee~~ shall be made to the purchasing standardization

159 committee by delivering a written request for appeal hearing both to the
160 procurement division and the committee within seventy-two (72) hours after
161 receipt of the ~~purchasing administrator's~~ procurement director's or his or her
162 designee's decision.

163 (b) The request shall state the grounds upon which the protest is based and
164 shall request an appeal hearing. No contract shall be awarded until final
165 disposition of the protest.

166 (c) The chairperson of the committee shall notify all interested persons of the
167 time and place of the hearing.

168 (d) The committee shall affirm, reverse or modify the decision of the
169 ~~purchasing administrator~~ procurement director or his or her designee and its
170 decision shall be final.

171 32.27. - Delegation of purchasing authority.

172 Any department may be delegated by the ~~purchasing administrator~~ procurement
173 director or his or her designee, in writing, to purchase supplies, materials or services.
174 Such delegation shall remain in effect until rescinded, in writing, by the ~~purchasing~~
175 ~~administrator~~ procurement director or his or her designee and shall comply with the
176 following regulations:

177 (1) No procurement shall exceed two thousand dollars (\$2,000.00), including any
178 freight and any handling charges.

179 (2) Purchasers shall use county-wide blanket contracts.

180 (3) This authority shall not be used to circumvent bulk purchases of any item by
181 repeated purchases in the amounts of two thousand dollars (\$2,000.00) or less.

182 (4) All procurement forms and procedures shall be approved by the ~~purchasing~~
183 ~~administrator~~ procurement director or his or her designee prior to use. The
184 purchasing card is an acceptable alternative to written forms if approved by the
185 ~~purchasing administrator~~ procurement director or his or her designee.

186 32.285. - Procurement of items of apparel.

187 (1) *Policy.* The county chooses to allocate its purchasing dollars related to wearing
188 apparel to enhance the economic and social well-being of people, while acquiring the
189 best possible quality goods at the lowest cost.

190 (2) *Definitions.* As used in this section:

191 (a) "Apparel" means all items of clothing and cloth produced by weaving, knitting
192 and felting, and shall include uniforms, coveralls, footwear, linens and entrance
193 mats.

194 (b) "Manufacture" means to process, fabricate, assemble, treat or package.

- 195 (c) "Non-poverty wage" means the following for:
- 196 1. Domestic manufacturers. A base hourly wage adjusted annually to the
197 amount required to produce, for two thousand eighty (2,080) hours worked, an
198 annual income equal to or greater than the U.S. Department of Health and
199 Human Services' most recent poverty guideline for a family of three (3) plus an
200 additional twenty (20) percent of the wage level paid either as hourly wages or
201 health benefits.
- 202 2. Outside the United States. A nationwide wage and benefit level which is
203 comparable to the non-poverty wage for domestic manufacturers as defined in
204 subdivision 1 after being adjusted to reflect the country's level of economic
205 development by using a factor such as the relative national standard of living
206 index in order to raise a family of three (3) out of poverty. In addition, workers
207 shall not be subject to disciplinary wage deductions.
- 208 (d) "Responsible manufacturer" means an establishment engaged in
209 manufacturing, distributing, laundering or dry cleaning that can demonstrate all of
210 the following:
- 211 1. Compliance with all applicable local and international labor laws and
212 workplace regulations regarding wages and benefits, workplace health and
213 safety, as well as the fundamental conventions of the international labor
214 organization, including those regarding forced and child labor and freedom of
215 association.
- 216 2. Payment to its employees of non-poverty wages as defined in subsection
217 (c)1. for domestic manufacturers and subsection (c)2. for manufacturers
218 located outside of the United States.
- 219 3. Termination of its employees only with just cause.
- 220 4. Establishment of a mechanism for the resolution of workplace disputes.
- 221 (3) *Requirements.*
- 222 (a) *Application.* Contracting departments shall award contracts in excess of five
223 thousand dollars (\$5,000.00) relating to the purchasing, renting, laundering and dry
224 cleaning of items of apparel to responsible manufacturers.
- 225 (b) *Affidavits.*
- 226 1. No contracts for the purchasing, renting, laundering and dry cleaning of
227 items of apparel shall be entered into by contracting departments unless the
228 lowest responsible bidders first submit to the ~~purchasing director~~ procurement
229 director or his or her designee sworn reports or affidavits which include the
230 following information for the specified time periods of the contracts:
- 231 a. The names and addresses of the companies and facilities in which
232 the items of apparel have been or will be manufactured, distributed,

233 laundered or dry cleaned.

234 b. The names and addresses of all owners of the facilities in which the
235 items of apparel have been or will be manufactured, distributed,
236 laundered or dry cleaned.

237 c. The base hourly wage and the percent of wage level paid as health
238 benefits for persons working at the facilities in which the items of apparel
239 have been or will be manufactured or distributed, laundered or dry
240 cleaned.

241 d. Sworn statements by the contractors that facilities identified pursuant
242 to this paragraph are responsible manufacturers as defined in subsection
243 (2)(d).

244 e. Any other information deemed necessary by the ~~purchasing director~~
245 procurement director or his or her designee for the enforcement of this
246 section.

247 2. Contractors shall procure and submit sworn reports or affidavits from
248 every subcontractor employed by the contractor during the specified time
249 period of the contract for the fulfillment of contracts covered under this section.

250 3. In the event that any information provided by the contractor or
251 subcontractor pursuant to this paragraph changes during the specified time
252 period of the contract, the contractor shall submit or cause to be submitted to
253 the ~~purchasing director~~ procurement director or his or her designee sworn
254 reports or affidavits relating to the updated information.

255 4. The ~~purchasing director~~ procurement director or his or her designee shall
256 maintain and make available for public inspection any sworn report or affidavit
257 submitted pursuant to this paragraph.

258 (4) *Contract bid specifications.* Contracting departments shall add a digest of the
259 provisions of this section to all specifications for apparel purchasing, renting, laundering
260 and dry cleaning upon which they issue invitations to bid.

261 (5) *Specification for apparel contracts.* No contract for the purchasing, renting,
262 laundering and dry cleaning of items of apparel covered under this section shall be
263 entered into by the county unless the contract contains a stipulation stating that the
264 contractor agrees to provide in fulfillment of the contract items of apparel which have
265 been manufactured, laundered and dry cleaned by responsible manufacturers, and that
266 the contractor agrees to include an equivalent stipulation in all subcontracts.

267 (6) *Monitoring and enforcement.*

268 (a) *Responsibility.* The business operations division—procurement services
269 section—department of administration shall be responsible for monitoring contracts
270 for compliance with this section. The department shall review and monitoring

271 contracts for compliance with this section. The department shall review and monitor
272 the sworn reports or affidavits submitted by apparel contractors, receive and
273 investigate complaints relating to compliance with this section, and impose
274 appropriate sanctions upon any contractor who provides false information to the
275 department or fails to comply with the provisions of this section.

276 (b) Notice. The department shall provide in a timely manner notice and related
277 documentation regarding the following:

278 1. The issuance of invitations to bid and the awarding of contracts relating to
279 the purchasing, renting, laundering and dry cleaning of times of apparel
280 covered by this section.

281 2. The receipt of sworn reports or affidavits submitted pursuant to section
282 3(b).

283 (c) Sanctions. Any contractor or subcontractor engaged in an apparel contract
284 who has been found by the business operations division-procurement services
285 section-department of administration to have submitted any false, misleading or
286 fraudulent information, or to have failed to comply with the provisions of this
287 section, may be subject to any of the following sanctions imposed by the business
288 operations division:

289 1. Withholding of payments.

290 2. Termination, suspension or cancellation of the contract in whole or in part.

291 3. After a due process hearing, denial of the right of the contractor or
292 subcontractor to bid on future county contracts, by himself or herself, partner
293 or agent, or by any corporation of which he or she is a member, for a period of
294 one (1) year after the first violation is found and for a period of three (3) years
295 after a second violation is found.

296 (7) *Waiver*. The requirements of this section may be waived in writing by the
297 ~~purchasing director~~ procurement director or his or her designee if any of the following
298 are true:

299 (a) All bidders to a contract are deemed ineligible under this section.

300 (b) The contract is necessary in order to respond to an emergency endangers the
301 public health and safety, and no contractor who complies with the requirements of
302 this section is immediately capable of responding to the emergency.

303 32.31. - Cooperative purchasing.

304 The procurement division is authorized to join with other units of government, and with
305 quasigovernmental agencies funded in whole or in part by the county, in cooperative
306 purchasing plans when in the best interests of the county as determined by the
307 ~~purchasing administrator~~ procurement director or his or her designee. Each of the
308 participating units or agencies shall issue its own purchase order and be separately

309 invoiced by the vendors for purchases made under such plans. The county shall not be
310 obligated for purchases other than those required for its own use.

311 32.38. - Converting from sealed bidding to negotiation procedures.

312 | When the ~~purchasing administrator~~ procurement director or his or her designee has
313 | determined that a sealed bid is to be canceled and that use of negotiations is
314 | appropriate to complete the acquisition, the ~~purchasing administrator~~ procurement
315 | director or his or her designee may negotiate and make award without issuing a new
316 | solicitation subject to the following conditions:

317 | (1) Prior notice of intention to negotiate and a reasonable opportunity to negotiate
318 | have been given by the ~~purchasing administrator~~ procurement director or his
319 | or her designee to each responsive, responsible bidder that submitted a bid in
320 | response to the invitation for bids;

321 | (2) The negotiated price is the lowest negotiated price offered by any responsible
322 | bidder; and

323 | (3) The negotiated price is lower than the lowest rejected bid price of a
324 | responsive, responsible bidder that submitted a bid. However, this paragraph
325 | (3) does not apply if the invitation was canceled and all bids were rejected.

326 32.40. - General.

327 | (1) Requests for proposals (RFPs) are used in negotiated acquisitions to communicate
328 | county requirements to prospective vendors and to solicit proposals from them.
329 | Solicitations shall contain the information necessary to enable prospective vendors to
330 | prepare proposals properly. Solicitation provisions and contract clauses may be
331 | incorporated into the solicitations and contracts by reference.

332 | (2) The ~~purchasing administrator~~ procurement director or his or her designee shall
333 | furnish identical information concerning a proposed acquisition to all prospective
334 | vendors.

335 | (3) The ~~purchasing administrator~~ procurement director or his or her designee shall
336 | solicit proposals only when there is a definite intention to award a contract.

337 32.42. - Evaluation factors.

338 | RFPs shall identify all evaluation factors and their relative importance. Numerical
339 | weights, which may be employed in the evaluation of proposals, need not be disclosed
340 | in solicitation. Proposals shall be evaluated solely on the factors specified in the
341 | solicitation. The factors that will be considered in evaluating proposals shall be tailored
342 | to each procurement and include only those factors that will have an impact on the
343 | source selection decision. The evaluation factors that apply to an acquisition and the
344 | relative importance of those factors are within the broad discretion of the ~~purchasing~~
345 | administrator procurement director or his or her designee. However, price or cost to the
346 | county shall be included as an evaluation factor in every source selection. Quality also

347 shall be addressed in every source selection. In evaluation factors, quality may be
348 expressed in terms of technical excellence, management capability, personnel
349 qualifications, prior experience, past performance and schedule compliance. Other
350 relevant factors may also be included.

351 32.43. - Right to award without negotiations.

352 If so stated in the RFP, the ~~purchasing administrator~~ procurement director or his or her
353 designee may make an award on the basis of the original proposals, without negotiation
354 with any offeror. If the ~~purchasing administrator~~ procurement director or his or her
355 designee conducts negotiations at all, however, then negotiations must be conducted
356 with all offerors in the competitive range.

357 32.44. Pre-proposal conferences.

358 (1) A pre-proposal conference may be held to brief prospective offerors after a
359 solicitation has been issued but before offers are submitted. Generally these
360 conferences should be used in complex negotiated procurements to explain or clarify
361 complicated specifications and requirements.

362 (2) The ~~purchasing administrator~~ procurement director or his or her designee shall
363 decide if a pre-proposal conference is required and make the necessary arrangements,
364 including the following:

365 (a) If notice was not in the solicitation, give all prospective offerors who received
366 the solicitation adequate notice of the time, place, nature, and scope of the
367 conference.

368 (b) If time allows, request prospective offerors to submit written questions in
369 advance. Prepared answers can then be delivered during the conference.

370 (c) Arrange for technical and legal personnel to attend the conference, if
371 appropriate.

372 (3) The ~~purchasing administrator~~ procurement director or his or her designee or a
373 designated representative shall conduct the pre-proposal conference, furnish all
374 prospective offerors identical information concerning the proposed acquisition, make a
375 complete record of the conference, and promptly furnish a copy of that record to all
376 prospective offerors. Conferees shall be advised that:

377 (a) Remarks and explanations at the conference shall not qualify the terms of the
378 solicitation; and

379 (b) Terms of the solicitation and specifications remain unchanged unless the
380 solicitation is amended in writing.

381 32.46. - Late proposals and modifications.

382 (1) When a proposal or modification is received and it is clear from available
383 information that it cannot be considered for award, the ~~purchasing administrator~~

384 | procurement director or his or her designee shall promptly notify the offeror that it was
385 | received late and will not be considered.

386 | (2) Late proposals and modifications that are not considered shall be held unopened,
387 | unless opened for identification, until after award and then retained with other
388 | unsuccessful proposals.

389 | (3) The ~~purchasing administrator~~ procurement director or his or her designee shall
390 | retain complete and sole discretion to waive the requirements of subparagraphs (1) and
391 | (2), above, if such waiver is deemed to be in the best interests of the county. Such
392 | decision of the ~~purchasing administrator~~ procurement director or his or her designee is
393 | not subject to appeal to the purchasing standardization committee.

394 | 32.47. - Disclosure and use of information before award.

395 | (1) After receipt of proposals, none of the information contained in them or concerning
396 | the number or identity of offerors shall be made available to the public or to anyone in
397 | county government.

398 | (2) During the pre-award or pre-acceptance period of a negotiated procurement, only
399 | the ~~purchasing administrator~~ procurement director or his or her designee of designee,
400 | and other specifically authorized shall transmit technical or other information and
401 | conduct discussions with prospective vendors. Information shall not be furnished to a
402 | prospective vendor if, alone or together with other information, it may afford the
403 | prospective vendor an advantage over others. However, general information that is not
404 | prejudicial to others may be furnished upon request.

405 | (3) Prospective vendors may place restrictions on the disclosure and use of data in
406 | proposals. The ~~purchasing administrator~~ procurement director or his or her designee
407 | shall not exclude proposals from consideration merely because they restrict disclosure
408 | and use of data, nor shall they be prejudiced by that restriction. The portions of the
409 | proposal that are so restricted (except for information that is also obtained from another
410 | source without restriction, or information required to be disclosed to county auditors)
411 | shall be used only for evaluation and shall not be disclosed outside the county without
412 | the permission of the prospective vendor.

413 | 32.48. - Best and final offer.

414 | After negotiations are concluded each offeror in the competitive range shall be required
415 | to submit a best and final offer at a uniform cutoff date and time. Best and final offers
416 | received after the uniform cutoff date and time may be rejected without right of appeal.
417 | The ~~purchasing administrator~~ procurement director or his or her designee may, in his or
418 | her sole discretion, waive this provision if waiver is deemed to be in the best interests of
419 | the county, and such decision is not subject to appeal to the purchasing standardization
420 | committee.

421 | 32.49. - Awards.

422 | In awarding a contract, price is but one (1) factor to be considered, and the award is not

423 required to be made to the lowest responsive, responsible bidder. Awards shall be
424 made to the responsive, responsible firm whose proposal overall is the most
425 advantageous to the county, as determined in the sole opinion of the ~~purchasing~~
426 ~~administrator~~ procurement director or his or her designee. The county reserves the right
427 to reject all proposals if the ~~purchasing administrator~~ procurement director or his or her
428 designee, in his or her sole discretion, determines such rejection to be in the public
429 interest. Such rejection is not subject to appeal to the purchasing standardization
430 committee.

431 32.50. - Protests to awards.

432 (1) All unsuccessful offerors shall be notified by fax machine transmission of the
433 pending contract award. Protest to the award must be delivered to the ~~purchasing~~
434 ~~administrator~~ procurement director or his or her designee within seventy-two (72) hours
435 after receipt of notice. The ~~purchasing administrator's~~ procurement director's or his or
436 her designee's copy of the fax transmission cover sheet, or the departments fax log,
437 shall be conclusive proof of the time and date of receipt by the offeror.

438 (2) A protest must be in writing and clearly state the reason for it. The ~~purchasing~~
439 ~~administrator~~ procurement director or his or her designee shall review the protest and
440 notify the protestor of a decision by fax machine transmission within five (5) days. No
441 contract shall be awarded while a protest is pending. A protest that is untimely or fails to
442 clearly state the reason for the protest is invalid. The ~~purchasing administrator's~~
443 procurement director's or his or her designee's copy of the fax transmission cover
444 sheet, or the departments fax log, shall be conclusive proof of the time and date of
445 receipt by the offeror.

446 (3) The decision of the ~~purchasing administrator~~ procurement director or his or her
447 designee disqualifying the protest for these reasons is final and cannot be appealed.

448 32.51. - Appeals to purchasing standardization committee.

449 (1) Except as provided in sections 32.46(3), 32.49 and 32.50(3), protests from
450 decisions of the ~~purchasing administrator~~ procurement director or his or her designee
451 shall be made to the purchasing standardization committee by delivering a written
452 request for appeal hearing both to the procurement division and the purchasing
453 standardization committee within seventy-two (72) hours after receipt of the ~~purchasing~~
454 ~~administrator's~~ procurement director's or his or her designee's decision.

455 (2) The request shall state the grounds upon which the protest is based and shall
456 request an appeal hearing. No contract shall be awarded until final disposition of the
457 protest.

458 (3) The chairman of the purchasing standardization committee shall notify all
459 interested persons of the time and place of the hearing.

460 (4) The purchasing standardization committee shall affirm, reverse or modify the
461 decision of ~~purchasing administrator~~ procurement director or his or her designee and its
462 decision shall be final.

463 |
464 |

SECTION 2. This ordinance shall become effective upon publication.

465 |
466 |
467 |
468 |

Adopted by the Milwaukee County Board of Supervisors

March 15, 2012