



## **THE COOK COUNTY LAND BANK AUTHORITY**

### **PROCUREMENT CODE**

#### **ARTICLE 1. MISSION**

##### **Section 1.1 Mission**

The Cook County Land Bank Authority (CCLBA) is committed to the principles of transparency and accountability in the expenditure of all funds. To return vacant and abandoned properties to productive use and maximize the community's benefit, the CCLBA must also be efficient and flexible. This purchasing policy is designed to accommodate both needs as the CCLBA conducts its day-to-day business.

The mission of the CCLBA is to acquire, hold, and transfer interest in real property throughout Cook County for the following purposes: to promote redevelopment and reuse of vacant, abandoned, foreclosed or tax-delinquent properties; support targeted efforts to stabilize neighborhoods; stimulate residential, commercial and industrial development; all in ways that are consistent with goals and priorities established by local government partners and other community stakeholders.

#### **ARTICLE 2. DEFINITIONS**

##### **Section 2.1 Definitions**

Unless defined elsewhere in this Procurement Code the terms used in this Procurement Code shall have the meanings set forth below.

*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.

*Board* The term "Board" means the Board of Directors of the Cook County Land Bank Authority.

*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 multiple bids.

*Bid Notice* means the notice from the Executive Director or his or her designee 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.

*CCLBA* The acronym “CCLBA” stands for the Cook County Land Bank Authority.

*Chairperson* and *Chair* means the chairperson of the Cook County Land Bank Board.

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

*Contractor* means the Person that enters into a Contract with the Cook County Land Bank Authority.

*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.

*Execution* means to sign a Contract, after it has been approved by the Executive Director or the Cook County Land Bank Board, as required by this Procurement Policy.

*Executive Director* means the Executive Director of the Cook County Land Bank.

*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.

*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.

*Public Works* means all fixed works constructed or demolished by the CCLBA, or paid for wholly or in part out of public funds administered by the CCLBA. “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

multifamily residence. "Public Works" includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

*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.

*Purchase or Purchases* The term "Purchase" or "Purchases" means the expenditure of Cook County Land Bank Authority funds to obtain supplies, materials, equipment, goods, or services of any kind, but excluding the acquisition or disposition of real property.

*Respondent* The term "Respondent" means a Person responding to a Request for Qualifications.

*Response* means response to a 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 Cook County Land Bank Authority, and the integrity and reliability that will assure good faith performance. Factors taken into consideration in determining whether a Person is Responsible may include, but are not limited to, 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 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.

## **ARTICLE 3. PROCUREMENTS AND CONTRACTS**

### **Section 3.1 Procurements and Contracts**

All Procurements and Purchases for the CCLBA, 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 Board or the Executive Director or his or her designee and shall be approved and executed as set forth in the procedures promulgated pursuant to and in this Code.

No Person has the power or authority to approve, authorize or execute a Procurement, a Contract, Contract amendment or an expenditure of public money in the amount of \$150,000.00 or more without

approval of the 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 Board, payment of insurance premiums, or other Board-authorized transactions. Any action in violation of this section shall be null and void.

### **Section 3.2 Executive Director**

The Board shall hire an Executive Director who shall serve as the purchasing agent for the CCLBA and shall be responsible for making all Procurements and for managing the Procurement Process in accordance with this Procurement Code. In absence of an acting Executive Director, the Board Treasurer shall act as the purchasing agent for the CCLBA and shall be vested all powers and duties assigned to the Executive Director herein until an Executive Director is hired.

### **Section 3.3 Powers and duties of the Executive Director related to the Procurement Process;**

Section 3.3.1 The Executive Director or his/her designee shall:

- (a) Promulgate policies and procedures for Competitive Bidding, Small Procurements, Request for Proposals, Requests for Qualifications, Sole Source Procurements, Comparable Government Procurements, Consortium and Group Procurements and Innovative Procurements as required herein.
- (b) Ensure that Purchases required by the CCLBA shall be made pursuant to this Policy and any procedures promulgated pursuant hereto.
- (c) Promulgate general and special conditions appropriate for the various purchase methods and types of Purchases.
- (d) Develop a procedure enabling vendors to receive notice of procurement opportunities by nature or type of goods or services.
- (e) Make all Procurements and conduct all activities related to the Procurement Process in accordance with the Procurement Code and any procedures promulgated pursuant hereto.
- (f) Establish and maintain procurement policies and procedures, and standardized documents and forms to implement the Procurement Code.
- (g) Have authority to implement innovative procurement methods and processes pursuant to this Procurement Code.
- (h) Have authority to establish the commencement and expiration dates of any Contract as necessary to permit the Contract period to commence upon the date of Execution of the Contract by the Board, unless another commencement date is specified in the Contract.
- (i) Within the Executive Director's authority, approve and execute Contracts.
- (j) Ensure that all certifications, statements and affidavits required by this Procurement Code are submitted.
- (k) Determine when supplies, materials and equipment are obsolete or unusable, and trade in, sell or dispose of such property, except for real property.
- (l) Compile and maintain information for all Procurements, including those Procurements and Contract amendments which do not require Board approval.
- (m) Have authority to terminate a Contract in accordance with its terms.

- (n) Have charge of such other Procurement activities as may be assigned by the Board.
- (o) Ensure all Procurements are within the CCLBA's annual appropriation budget.

## **ARTICLE 4. PROCUREMENT PROCEDURES**

### **Section 4.1 Bid Purchases of \$150,000 or more.**

All Contracts for Purchases of \$150,000 or more shall be approved by the Board and executed by the Executive Director or his or her designee; multiple purchases from the same vendor or for substantially the same, supplies, materials, equipment or services within the same fiscal year in aggregate that equal a sum of \$150,000 or more shall be considered a Contract for Purchase of \$150,000 for all purposes of this Code.

Any Procurements of supplies, materials, equipment and services that are estimated to result in a Bid Price of \$150,000 or more shall require that multiple bids are gathered by the process set forth in this Section unless such Procurements meet the criteria for another procurement method set forth in this policy.

#### **Section 4.1.2 Bid Notice**

The Executive Director or his or her designee shall publish a Bid Notice on the CCLBA website at least five (5) days before the date for submission of Bids.

#### **Section 4.1.3 Development and approval of Bid documents**

The Executive Director or his or her designee shall prepare the Bid documents that shall include, a description of the Purchase, any minimum Bidder qualifications, any conditions with which the successful Bidder shall be required to comply, cost Proposal information and any other information determined necessary by the Executive Director.

#### **Section 4.1.4 Communications with the CCLBA 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 CCLBA or Board related to the Bid must be directed in writing (including electronically) to the Executive Director. Upon receipt of such a request, the Executive Director will determine if a response will be provided; and any such response shall be provided in addendum to all Persons who request a set of Bid documents.

#### **Section 4.1.5 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 Executive Director or his or her designee to correct a technical error or the removal superfluous material submitted with the Bid that is not part of the required Bid submission.

#### **Section 4.1.6 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 Executive Director. All Bids shall be opened at the direction of the Executive 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 Bid is publicly available within a reasonable time after the conclusion of the electronic Bidding period.

If only one Bid has been submitted, the Executive Director may determine whether to open the Bid or return the Bid to the Bidder. The Executive Director may thereafter determine whether to re-issue the Bid or use a different method to make the Purchase as prescribed in this Code.

#### **Section 4.1.7 Evaluation of Bids**

The Executive Director or his or her designee shall review and evaluate Bids.

#### **Section 4.1.8 Bid protest procedure**

Any Bidder who believes that the recommended Bidder is not the lowest bidder, or who has a complaint about the Bid process, may submit a Bid protest, in writing, directed to the Executive Director. Any Bid protest must be submitted no later than three business days after the date upon which the notice of the Executive 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 Executive Director.

#### **Section 4.1.9 Bid protest decision**

When a Bid protest has been submitted, no further action shall be taken on the Bid until the Executive Director makes a decision regarding the Bid protest. The Executive 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 practical. If the protest is upheld based upon lack of fairness in the Bid Procedure, the Executive Director shall re-Bid the procurement. If the Executive Director determines that the recommended bidder was not Responsive and Responsible, that Bidder shall be disqualified and the Executive Director shall either re-Bid the Purchase or recommend the lowest Responsive and Responsible Bidder.

#### **Section 4.1.10 Final Action**

After disposition of any Bid Protests, if the Purchase requires Board approval, the Executive Director's recommendation shall be forwarded to the Board for approval of award and execution. If the purchase does not require Board approval, the Executive Director shall award the Contract to the lowest Responsible and Responsive Bidder and shall thereafter arrange for execution of the Contract.

#### **Section 4.1.11 Right to Reject Bids Reserved**

The Board shall have the right to reject any and all Bids. The Executive Director is authorized to exercise this right on behalf of the Board. The Executive Director shall include a provision in the Bid documents reserving the right to reject any and all Bids.

### **Section 4.2 Bid Process for Procurement Valued under \$150,000**

Procurements with an estimated bid price of more than \$5,000 and less than \$150,000 may consist of a solicitation posted on the CCLBA website. The Board or Executive Director or his or her designee shall promulgate forms, policies and procedures to implement each Procurement. The Executive

Director or his or her designee need not read or announce these Bids publicly, but shall select the lowest Responsive and Responsible bidder.

#### **Section 4.3 Small Procurements**

Procurements of supplies, goods, equipment or services by the CCLBA of less than \$5,000.00 in the same fiscal year do not require a competitive bidding method. The Board or the Executive Director or his or her designee shall promulgate policies and procedures to implement such Procurements. It is the intent of the CCLBA to ensure all Purchases are made using the lowest acceptable price when possible.

#### **Section 4.4 Comparable Government Procurements**

If a governmental agency has awarded a contract through a competitive method for the same or similar supplies, equipment, goods or services as that sought by the CCLBA, the Procurement may be made from that vendor at a price or rate at least as favorable as that obtained by that government agency without utilizing a competitive procurement method set forth by the Executive Director.

#### **Section 4.5 Joint Procurements**

Procurements may be made pursuant to the Governmental Joint Purchasing Act, 30 ILCS 525.

#### **Section 4.6 Consortium and Group Procurements**

Procurements may be made by the Executive Director pursuant to the County's membership or participation in a purchasing consortium, provided that the Board has approved such membership or participation, for, at least in part, the purpose of obtaining advantageous pricing and other efficiencies for the CCLBA.

#### **Section 4.7 Sole Source procurements**

The Executive Director shall have the authority to approve Procurements, execute Contracts without use of competitive bidding processes if there is either only one source or there is a need for the unique or specialized skills, experiences, or abilities that are possessed by a particular source necessary to the function and mission of the CCLBA; provided, however, that Board approval shall be required for any Procurement of supplies, goods, equipment or services which would result in the aggregate amount of such Procurements Agency equaling or exceeding \$150,000.00 in any fiscal year.

#### **Section 4.8 Emergency purchases**

The Executive Director may make Procurements and execute Contracts without use of one of the competitive processes and without prior approval of the Board, when such Procurements are necessary (i) due to a threat to public health or safety, (ii) for repairs to CCLBA or County property in order to protect against further loss or damage, (iii) to prevent or minimize serious disruption in CCLBA or County services, (iv) to ensure the integrity of CCLBA or County records, or (v) in the reasonable opinion of the Executive Director, for the best interests of the CCLBA or County. The Executive Director shall notify the Board of all emergency purchases at, or before, the next scheduled Board meeting.

## **Section 4.9 Innovative Procurements**

The Executive Director may make a Procurement using innovative methods of procurement, including, but not limited to, electronic procurement, reverse auctions, electronic bidding, electronic auctions, prequalification and pilot procurement programs that have no cost to the CCLBA. In order to implement innovative methods of procurement, either directly or through a service provider, the Executive Director must make a determination that such process is competitive and in the best interest of the CCLBA.

## **Section 4.10 Criteria for use of Requests for Qualifications or Requests for Proposals**

The Executive Director may determine that it is in the best interest of the Board to make a Purchase by a Request for Qualifications (“RFQ”) or Request for Proposals (“RFP”) because such Purchase is not readily adaptable to a purchase under Section 4.1 or Section 4.2. 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 Board to make price a primary determinative factor. The Executive Director or his or her designee shall promulgate forms, policies and procedures to implement a RFQ or RFP.

## **Section 4.11 Rules and Regulations**

The Executive Director shall have the 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.

## **Section 4.12 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 Executive Director in electronic format subject to compliance with accepted means and methods of verification and authentication of electronic signature requirements.

## **ARTICLE 5. COUNTY ORDINANCE REQUIREMENTS**

### **Section 5.1 County Ordinance Requirements**

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

#### **Section 5.1.1 Living Wage**

All CCLBA Purchases shall comply with the requirements set forth in Section 34-160 (Living Wage) of the Cook County Code of Ordinances.

#### **Section 5.1.2 Prevailing Wage**



All CCLBA Purchases shall comply with Sec. 34-161 (Prevailing Wage) of the Cook County Code of Ordinances.

**Section 5.1.3 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 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 5.1.4 Prevailing Wages for Covered Services.**

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 janitorial cleaning services, window cleaning services, elevator operator and starter services, and security services under a Contract, in accordance with Section 34-163 of the Cook County Code of Ordinances.

**Section 5.1.5 Recycled Products**

All CCLBA Purchases shall comply with 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 “CCLBA” and the term “CPO” shall mean “Executive Director.”

**Section 5.1.6 Predatory Lenders.**

All CCLBA Purchases shall comply with Section 2-407 (Predatory Lender Ordinance) of the Cook County Code of Ordinances. Each Bid or Response submitted by a financial institution shall contain the certification set forth in Section 34-192 (Predatory lenders) of the Cook County Code of Ordinances,

**Section 5.1.7 Percentage of work of public works projects to be performed by county residents.**

For any Public Works Contract having an estimated contract price of \$100,000.00 or more, where not otherwise prohibited by Federal or State law, at least 50 percent of the total hours worked on the site by employees of the Contractor and subcontractors shall be performed by residents of the County.

**Section 5.1.8 Re-Entry Employment Bid Incentive.**

All Public Works Contracts with an estimated Bid Price of \$100,000.00 or more shall include the Bid Incentive Provision established in the Cook Re-Entry Employment Bid Incentive Ordinance as set forth in Section 34-231 through Section 34-236 of the Cook County Code of Ordinances.

**Section 5.1.9 Compliance with child support orders.**

All CCLBA Purchases shall comply with Sec. 34-369 (Child Support Payment) of the Cook County Code of Ordinances.

**Section 5.1.10 Minority and Women Owned Business Enterprises.**

All CCLBA 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 Executive Director shall have the duties and responsibilities imposed therein upon the County's Chief Procurement Officer and the Contract Compliance Officer; and that the Board shall have the powers and duties of the County Board.

**Section 5.1.11 Local Business Preference.**

As provided in Section 34-230 of the Cook County Code of Ordinances, the Executive 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 Responsible and Responsive Bidder by more than 2%.

**Section 5.1.12 Veteran's Preferences and Incentives.**

All CCLBA Purchases shall comply with Sec. 34-237 through Sec. 239 (Veterans Preference and Incentives) of the Cook County Code of Ordinances.

**ARTICLE 6. DISQUALIFICATION; PENALTIES**

Section 6.1 – The Executive Director shall disqualify Persons from participation in CCLBA contracts in accordance with Division 4 of the Cook County Procurement Code, Section 34-170 through 34-177 of the Cook County Code of Ordinances; all Persons disqualified by the County from participating in any County contract pursuant to Division 4 of the Cook County Procurement Code shall also be disqualified by the Executive Director from participating in any CCLBA Contract. The Penalties and Procedures provided in Division 4 of the Cook County Procurement Code, Section 34-175 through 34-177 of the Cook County Code of Ordinances shall be applicable to Persons who seek to enter into contracts with the CCLBA, as well as those Persons who have entered into contracts with the CCLBA. In applying such provisions, the term "County" shall mean "CCLBA" and the term "CPO" shall mean "Executive Director."

**ARTICLE 7. PAYMENTS**

**Section 7.1 - Invoices required for all service contracts.**

The Executive Director or his/her designee shall not issue a payment to any Contractor who has not submitted an invoice with work and expense records. The Executive Director shall not issue an advance payment to any Contractor providing services unless the invoice includes written authorization from the CCLBA documenting the contractual basis for the advance payment. Contractors approved for advance payment shall be required to submit invoices providing work and expense records on at least a monthly basis.

**ARTICLE 8. MISCELLANEOUS**

**Section 8.1 Amendments to this Policy; New Policies and Procedures**

Any change to this Policy requires the approval of the Board. The Executive Director or designee may approve supplemental rules, policies and procedures that are not inconsistent with this Policy and are proposed by the Executive Director to implement the provisions of this Policy the help carry out the functions or effectuate transactions not described in this Policy.

### **Section 8.2     Effective Date**

This Policy shall be effective upon the approval of the Board. This notwithstanding, in order to provide for an orderly transition, the provisions of this Policy will be implemented, in whole or in part, at the direction of the Board Treasurer until the Executive Director has the capability to undertake the specific powers and responsibilities set forth herein.

### **Section 8.3     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 CCLBA to act in a manner that is consistent with the Cook County Procurement Code, while retaining flexibility to design processes that will assist the CCLBA in achieving its Mission.