PURCHASE OF SUPPLIES

Act 307 of 1917

AN ACT to provide for the purchase of all supplies, merchandise and articles of every description and character needed for the maintenance and operation of all county offices, departments and institutions, in counties adopting the provisions of this act.

History: 1917, Act 307, Eff. Aug. 10, 1917

The People of the State of Michigan enact:

45.81 County offices; departments or institutions; purchase of supplies.

Sec. 1.

In any county adopting this act, all supplies, merchandise and articles of every description and character necessary for the maintenance and operation of all county offices, departments or institutions shall hereafter be acquired and purchased, and paid and accounted for in the manner provided in this act.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1429 ;-- CL 1948, 45.81

45.82 County purchasing agent; appointment, term, compensation; interest in contracts or bids prohibited, penalty.

Sec. 2.

A county purchasing agent shall be appointed by the board of supervisors, who shall hold his office for the term of 2 years from the date of his qualification, and until his successor is appointed and qualified. Said purchasing agent shall receive an annual salary to be fixed by the board of supervisors, which shall not be increased or diminished during his term of office, and he shall not receive, directly or indirectly, any extra compensation in the way of commissions or otherwise. Said purchasing agent shall not be interested in or in any manner connected with, directly or indirectly, any contract or bid, for furnishing supplies or articles of any kind to any of the said offices, departments or institutions of the county, nor shall he collect or be paid his salary or any part thereof while he is in any manner or degree indebted to the county or in arrears in his accounts and report as such agent. Neither shall said agent accept or receive from any person, firm or corporation to whom any contract may be awarded, directly or indirectly, by rebate, gift or otherwise any money or other things of value whatever, nor shall he receive any promise, obligation or contract for future reward or compensation from any such party: Provided, That should said purchasing agent violate any of the provisions of this act, or should he receive any rebate, drawback, profit, or benefit from any contract either directly or indirectly, he shall be deemed guilty of a felony, and, upon conviction thereof shall be punished by imprisonment in the State Prison not less than 2 nor more than 5 years.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1430 ;-- CL 1948, 45.82

45.83 County purchasing agent; oath; bond; conditions; payment of premium; sales prohibited; accepting or receiving rebate, commission, or other thing of value.

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Sec. 3.

The agent, before entering upon the duties of the agent's office, shall take the constitutional oath of office, and as determined by the county board of commissioners, either shall be covered by a blanket bond or shall be required to furnish a surety company bond, payable to the county, in a sum to be approved by the county board of commissioners, and conditioned for the faithful performance of his or her duties, and that he or she shall correctly and honestly pass upon and award all bids and contracts for supplies, and shall fully and accurately account to and pay over to the county or to the persons authorized to receive the same, all money, merchandise, and articles of value that shall come into and pass through his or her hands as the county purchasing agent, or for which he or she may be responsible; and also conditioned that he or she shall honestly, faithfully, and accurately disburse and account for all money controlled or handled by him or her in the performance of his or her duties. The premium on an individual bond shall be paid by the county. The agent shall not sell or be concerned in the sale of merchandise, supplies, or other articles to any of the offices, departments, or institutions of the county. The purchasing agent shall not accept or receive, directly or indirectly, by rebate, commission, or in any other manner money or other thing of value, directly or indirectly, from an individual, sole proprietorship, partnership, association, or corporation, to whom the agent awards a contract. The individual bond shall be filed in the office of the county clerk, and recoveries may be had on the bond until exhausted.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1431 ;-- CL 1948, 45.83 ;-- Am. 1978, Act 592, Imd. Eff. Jan. 4, 1979

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45.84 Purchasing agent; advice of county officers.

Sec. 4.

All county officers and heads of county departments or institutions shall keep the purchasing agent constantly advised as to the amount and character of supplies on hand, and the amount and character required in order to keep the offices, departments or institutions constantly provided for. They shall also furnish any other information respecting such matters as may be desired or requested by said purchasing agent.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1432 ;-- CL 1948, 45.84

45.85 Purchasing agent; duties; estimates of county officers; advertisement for bids; manner of purchase, criteria.

Sec. 5.

It shall be the duty of the purchasing agent aforesaid to contract for all supplies, merchandise, printing and articles of every description needed for the maintenance and operation of each county office, department and institution, except those supplies that are of a strictly perishable character, basing his contract or contracts upon estimates to be furnished him by the county officers and heads of county departments and institutions. Such estimates shall be furnished by the first day of July of each year, for an entire year; and all such contracts shall be made after full notice by advertisement of not less than 4 weeks in at least 4 of the leading newspapers of the state to be selected by said agent. Such advertisements shall call for sealed bids or proposals to furnish the aggregate of the desired article and supplies as estimated for by such office, department or institution, naming the articles and supplies and the quantities and character required, and all such bids or proposals shall be for the entire

period of 1 year; such supplies, articles, and merchandise to be delivered at such times and in such quantities as said agent may from time to time designate, and should the supplies, or any portion thereof, as contracted for, be not sufficient for the year for which the contract or contracts shall be made, then the contractor or contractors shall be required to furnish such additional supplies at the prices named for similar articles under contract or contracts: Provided, That should said purchasing agent at any time discover that he could purchase the same supplies for less money for any 1 year by buying the same for less time than 1 year, he shall have the authority to make such purchase for a shorter length of time, but not less than 3 months, it being the purpose of this act to authorize and require said purchasing agent to make such contracts upon such terms as will secure the best and cheapest rates for the county in the purchase of articles and supplies of necessity for said offices, departments and institutions, and to that end he shall reserve the right to reject any and all bids, or to accept any bid in part or reject it in part; and if none of the bids and proposals are deemed advantageous and satisfactory, he may buy in the open market until a proper and satisfactory bid is offered. The period for which such bids or proposals are invited shall be clearly stated in said advertisements, as well as the terms and conditions contemplated by the provisions of this act. When the same article is estimated for by 2 or more offices, departments or institutions, but of different brands or grades, the purchasing agent may determine which of the brands or grades shall be purchased so as to produce uniformity in use by all the offices, departments and institutions: Provided, That other things being equal, supplies offered by bidders who have an established local business in the county shall have preference.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1433 ;-- CL 1948, 45.85

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45.86 Bids; bond or certified check required; acceptance.

Sec. 6.

Any and all bids or proposals under this act shall be accompanied by a good and sufficient bond or a certified check in such sum as the said purchasing agent may require, the same to be stated in the advertisement as aforesaid, and the said agent may, if he deems it advisable, advertise for the various articles and supplies needed separately or together, and may accept the bid or bids for the same to be furnished separately or all by 1 bidder, as may be most advantageous to the county, and when purchases are made by the county purchasing agent preference shall be given to county or home products, all things being equal.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1434 ;-- CL 1948, 45.86

45.87 Bids; inspection by purchasing agent; quality of supplies, rejection; estimates, content, filing, public inspection.

Sec. 7.

All bids shall be opened on the date and at the place specified in the advertisement for the same and such opening and inspection of the bids shall be made by the purchasing agent in the presence of the board of supervisors or auditors or their representatives. The supplies and articles furnished under all bids and contracts shall be such as are called by requisition of the county officers or heads of county departments or institutions and equal to and of the same quality as the sample furnished the purchasing agent, and all supplies furnished by contract as provided herein shall be equal to the sample which may be required to accompany the bid. If the supplies delivered under contract do not come up to the sample, the purchasing agent shall

refuse to accept the same. The estimates furnished said purchasing agent, as aforesaid, upon which he makes his advertisements and contracts, shall, as near as practicable, state the quantity and quality of the articles and supplies needed, and when possible, the brand of the same, and copies of such estimates shall be filed with the county clerk or, in counties having a board of county auditors, with such board, and be opened to public inspection.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1435 ;-- CL 1948, 45.87

45.88 Invoices; transmittal, approval, payment; rejection of supplies, replacement.

Sec. 8.

Invoices of all supplies of whatever kind shall be furnished in duplicate by the contractor or seller at the time of every delivery of said supplies, 1 of which shall be transmitted to the department or institution head to which supplies are sent, and 1 by the same mail to the purchasing agent. As soon as the supplies have been received and examined by the head of the institution or department to which the same shall have been shipped, and if he shall find them to correspond in every particular with the invoices transmitted him and the samples by which the supplies were sold, he shall transmit to the purchasing agent the said invoice with a certificate thereon that the supplies received correspond in every particular with the invoice and the sample by which the supplies were sold, and if the purchasing agent shall, upon further examination find such invoice to be correct, he shall transmit it with his approval to the board of supervisors or board of auditors, and when such invoice so approved by the head of the institution or department to which the supplies named therein have been furnished and by the purchasing agent, shall have been further approved by the board of supervisors or auditors it shall be the duty of the board to order their warrant for the amount due on the invoice, or upon so much thereof as has been allowed, upon the county treasurer. Whenever the department head shall reject any supplies, he shall immediately notify the purchasing agent and in such notification shall give his reasons for the rejection. All supplies shall be at the risk of the contractor or seller until accepted by the purchasing agent. Whenever any supplies shall be rejected, it shall be the duty of the contractor or seller to immediately take same away and replace such supplies with supplies that will conform to the provisions of the contract.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1436 ;-- CL 1948, 45.88

45.89 Bond of successful bidder; terms, filing, recoveries.

Sec. 9.

When any bid shall have been accepted, the purchasing agent may require of the successful bidder, a bond payable unto the county with good and sufficient surety, in the sum of not less than 1/3 of the amount of the bid, to be approved by the purchasing agent, conditioned that he will fully, faithfully and accurately execute the terms of the contract into which he has entered. Said bond shall be filed in the office of the purchasing agent and recoveries may be had on such bond until exhausted.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1437 ;-- CL 1948, 45.89

45.90 Emergency order; approval, purchase, report, payment; limitation.

Sec. 10.

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In case any temporary or unforeseen exigency should arise in any of the county offices, departments or institutions and it shall be made to appear upon the written statement of the county officer, or head of the county department or institution that a serious detriment will be caused to the service if the method of purchase as hereinbefore defined shall be pursued, then such officer or head, if upon examination he shall deem an immediate purchase necessary, may by appropriate order to be approved by the purchasing agent and duly entered upon his records, authorize the purchase of such supplies as may be needed to meet such temporary and unforeseen exigency, and which are not embraced in any existing contract, and the county officer or head of a county department or institution may thereupon purchase the same in open market. A report of such purchase, together with a copy of the application of the officer or head, shall be transmitted by the purchasing agent, with his endorsement thereon, to the county auditors, and upon it the county auditors shall issue their warrant upon the treasury of the county for the amount so expended. The provisions of this section shall only apply to articles and supplies that are not of a strictly perishable character.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1438 ;-- CL 1948, 45.90

45.91 Purchases to be in accordance with appropriations.

Sec. 11.

All purchases by contract, or otherwise, as herein authorized, shall be in accordance with such appropriations as have been made by the supervisors for the support of the several institutions respectively.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1439 ;-- CL 1948, 45.91

45.92 Purchase of perishable supplies; rules and regulations.

Sec. 12.

The purchasing agent shall frame and transmit to each county institution a system of rules and regulations for the purchase of such supplies as are strictly perishable in their character, and to which conformity by all the county institutions is hereby required.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1440 ;-- CL 1948, 45.92

45.93 Clerks; appointment, compensation; annual report by purchasing agent to county supervisors.

Sec. 13.

The purchasing agent shall have the authority, with the consent of the board of supervisors, to appoint clerks to assist him in his duties, with such salaries as may be allowed by said board, and shall make an annual report to the supervisors at the end of each fiscal year covering all his acts and doings.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1441 ;-- CL 1948, 45.93

45.94 Purchasing agent and clerks; appropriation for compensation; personal use of county supplies, penalty.

Sec. 14.

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Such sum of money as may be necessary is hereby appropriated out of the general fund in the county treasury, to pay the salary of the purchasing agent and the clerks aforesaid and contingent expenses for the first 2 years after the enactment and taking effect of this act: Provided, That no officer or employe created by this act shall ever use or receive for their own use any provisions, clothing, merchandise or other articles furnished by the county, but that the salaries herein fixed shall be their only compensation, and any person who violates this provision shall, upon conviction, be punished by imprisonment in the county jail for a term of not less than 2 nor more than 10 months.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1442 ;-- CL 1948, 45.94

45.95 Accounts; condition of payment; purchasing agent, offices, supplies and equipment.

Sec. 15.

No account for goods, wares or merchandise purchased by any officers created by this act, shall be paid, unless sworn to as required by law, which affidavit shall further state that no commission or other compensation has been or will be paid as a consideration for such purpose. The said purchasing agent shall be provided with offices at the county seat. It shall be the duty of the board of supervisors or board of auditors to provide the said agent with the necessary stationery and office equipment in the manner now in force in the various county departments.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1443 ;-- CL 1948, 45.95

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45.96 Repeals; construction of act.

Sec. 16.

All acts or parts of acts in any wise contravening the provisions of this act are hereby repealed: Provided, however, That the provisions of this act shall not be construed to repeal any of the accounting laws, except where the provisions of this act are in conflict therewith.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1444 ;-- CL 1948, 45.96

45.97 Adoption of act by counties; scope.

Sec. 17.

The provisions of this act shall not apply to any county except where such county, by its board of supervisors, shall adopt the provisions hereof. Upon petition of not less than 25 electors of any county in this state, addressed to the board of supervisors, such board shall have power, by resolution, to adopt the provisions of this act in and for their respective counties. The provisions of this act shall not apply to counties having a population of less than 75,000 inhabitants.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1445 ;-- Am. 1931, Act 144, Imd. Eff. May 21, 1931 ;-- CL 1948, 45.97