

MINUTES, LIMESTONE COUNTY COMMISSION, NOVEMBER 18, 2013

The Limestone County Commission met in a regular meeting today, at 10:00 a.m. at the Clinton Street Courthouse Annex, 100 South Clinton Street, Athens, Alabama.

PRESENT: Gary Daly, Steve Turner, and Ben Harrison. Absent: James W. "Bill" Latimer. Stanley Menefee, Chairman presided.

The meeting began with the Pledge of Allegiance.

MOTION was made by Steve Turner and seconded by Ben Harrison to approve the minutes of November 4 & 13, 2013.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Gary Daly and seconded by Steve Turner to approve the following claims

11/1/13	Check # 26109	\$ 45.00
11/1/13	Check # 26110 - 26163	\$ 691,579.52
11/4/13	Check # 26164	\$ 340.00
11/7/13	Check # 26165 - 26210	\$ 409,890.64
	TOTAL	\$1,101,855.16

with detailed claims of the above being on file for review upon request to the County Administrator.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Ben Harrison and seconded by Gary Daly to authorize the Chairman to execute the following resolution to adopt the updated Policies to Govern Purchasing and Adopt the updated Code of Ethics to establish efficient and economical procurement and selection procedures for contracts.

RESOLUTION

BE IT RESOLVED BY THE CHAIRMAN AND COUNTY COMMISSION OF LIMESTONE COUNTY, ALABAMA, as follows:

1. That the Chairman and County Commission does hereby adopt the updated policies to govern purchasing and establish efficient and economical procurement and selection procedures for obtaining labor, materials and services.

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2. That the Limestone County Commission does hereby adopt the updated Code of Ethics and the County will maintain a written code of standards to conduct the governing of their employees engaging in the awarding and administration of contracts. No employee, officer or agent of the county shall participate in selection or in the awarding or administration of contract supported by federal funds if a conflict of interest is real or apparent would be involved.

THE EFFECTIVE DATE of this Resolution is November 18, 2013.

Signed for the Limestone County Commission:

By: _____
Chairman

Attest:

Pam Ball, County Administrator

**POLICIES TO GOVERN PURCHASING AND
ESTABLISH A CODE OF ETHICS FOR
LIMESTONE COUNTY**

A. PROCUREMENT AND SELECTION PROCEDURES

PURPOSE

To establish efficient and economical procurement and selection procedures for obtaining labor, materials, and services. Limestone County will follow the procurement methods described below and will ensure that all contracts will be in writing, include the appropriate state, federal, and local clauses, and that all contracts will be authorized by the Limestone County Commission. Further, Limestone County will ensure that the procurement of labor, services, or materials will be conducted in accordance with these local written procedures that conform to 24 CFR 85.36 (Common Rule), Title 41, Code of Alabama (Bid Law), and Title 39, Code of Alabama (Public Works Law).

Sec. 1 Scope.

All contract labor, materials, supplies and services purchased in whole or in part by Limestone County shall be acquired in accordance with these procedures.

Sec. 2 Applicable Legislation & References.

- State of Alabama Competitive Bid Law
- State of Alabama Public Works Law
- State of Alabama Code of Ethics
- Uniform Administrative Requirements (Common Rule) as adopted by ADECA
- OMB Circular A-87

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Sec. 3 Selection Procedures.

All labor, materials, and services that are acquired must be clearly documented to evidence that:

- (1) Competitive solicitations of offers contained a clear and accurate description of the materials, product or service to be procured.
- (2) All general and special bidder requirements relating to the materials, product or service were clearly stated in the solicitation.
- (3) The Alabama Small Business Procurement Office and Alabama Office of Minority Business Enterprises is notified in writing within 30 days of each bid opening to encourage the participation of small and minority owned businesses in all County projects.
- (4) Bid awards were made only to responsible contractors that possess the ability to perform successfully under the terms and conditions of the purchase agreement.

Sec. 4 Method of Procurement.

All labor, materials and services that are procured must conform to one of the following methods:

1. **Small Purchase**
 - a. See State Bid Law (Title 41, Code of Alabama) Common Rule (24CFR85.36),
 1. Price or rate quotations for purchases or contracts with an aggregate cost \$15,000 or less must be obtained from at least three (3) qualified sources. (No purchase or contract involving an amount in excess of \$15,000 shall be divided into parts involving amounts \$15,000 or less for the purpose of avoiding the requirements of the Bid Law.) File documentation is required.
 - b. See Public Works Law (Title 39, Code of Alabama) and Common Rule (24CFR85.36),
 1. Price or rate quotations for professional services with an aggregate cost of \$100,000 or less must be obtained from at least three (3) qualified sources. File documentation and contract for professional services are required.
 2. Contracts for public works involving \$50,000 or less may be let without advertising or sealed bids. Price or rate quotations must be obtained from at least three (3) sources. (No public work involving a sum in excess of \$50,000 shall be split into parts involving sums of

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\$50,000 or less for the purposes of evading the Public Works Law.)
File documentation is required.

2. **Competitive Sealed Bids**

- a. See State Bid Law (Title 41, Code of Alabama),
 1. All purchases in excess of \$15,000 shall be advertised by posting notice thereof on a bulletin board maintained outside the purchasing office and in any other manner and for any length of time as may be determined. Sealed bids shall also be solicited by sending notice by mail or other electronic means to all persons, firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for the particular items that are set forth in the request. All bids shall be sealed when received and shall be opened in public at the hour stated in the notice.
 2. All original bids together with all documents pertaining to the award of the contract shall be retained in accordance with a retention period of at least seven years established by the Local Government Records Commission and shall be open to public inspection.

- b. See Public Works Law (Title 39, Code of Alabama),
 1. Definition of Public Works: The construction, repair, renovation, or maintenance of public buildings, structures, sewers, waterworks, roads, bridges, docks, underpasses, and viaducts as well as any other improvement to be constructed, repaired, renovated, or maintained on public property and to be paid, in whole or in part, with public funds or with financing to be retired with public funds in the form of lease payments or otherwise.
 2. Before entering into any contract for a public works involving an amount in excess of \$50,000, the awarding authority shall advertise for sealed bids. If the awarding authority is the state or a county, or an instrumentality thereof, it shall advertise for sealed bids at least once each week for three consecutive weeks in a newspaper of general circulation in the county or counties in which the improvement or some part thereof, is to be made. If the awarding authority is a municipality, or an instrumentality thereof, it shall advertise for sealed bids at least once in a newspaper of general circulation published in the municipality where the awarding authority is located. If no newspaper is published in the municipality, the awarding authority shall advertise by posting notice thereof on a bulletin board maintained outside the purchasing office and in any other manner and for the length of time as may be determined. In addition to bulletin board notice, sealed bids shall also be solicited by sending notice by mail to all persons who have filed a request in writing with the official designated by the awarding authority that they be listed for solicitation on bids for the public works contracts indicated in the request. For all public works contracts involving an

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estimated amount in excess of \$500,000, awarding authorities shall also advertise for sealed bids at least once in three newspapers of general circulation throughout the state.

3. The advertisements shall briefly describe the improvement, state that plans and specifications for the improvement are on file for examination in a designated office of the awarding authority, state the procedure for obtaining plans and specifications, state the time and place in which bids shall be received and opened, and identify whether prequalification is required and where all written prequalification information is available for review. All bids shall be opened publicly at the advertised time and place.

3. **Competitive Negotiations**

The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- a. See Common Rule (24CFR85.36)
- b. Requests for proposals will be publicized and identify all evaluation factors and their relative importance.
- c. Proposals will be solicited from an adequate number of qualified sources.
- d. Grantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees.
- e. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
- f. Grantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

4. **Noncompetitive Negotiations**

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Procurement by noncompetitive proposals or “sole source” is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies: the item is available only from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; the awarding agency authorizes noncompetitive proposals; and after solicitation of a number of sources, competition is determined inadequate.

- a. Proper documentation that one or more of the above circumstances existed.
- b. There is no conflict of interest by the parties involved.
- c. Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

CAUTION: When using this method of procurement, you must ensure:

- Proper documentation that one or more of the above circumstances existed;
- There is no conflict of interest by the parties involved; and
- Costs for the service(s) are clearly in line with local or state practices.

5. Price/Cost Analysis

Grantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals.

- a. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts.
- b. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation.

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- c. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.
- d. Grantees will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed.
- e. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- f. Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see Sec. 85.22). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.
- g. The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

Sec. 5 Contracts.

All professional services shall be subject to the requirements of an approved professional services contract and shall be authorized by the Limestone County Commission. All construction services shall be procured in accordance with the Competitive Bid Law and the use of a Standard Bid Package setting forth applicable State and Federal Rules and Regulations. All contracted activities must be contractual and approved by resolution by the Limestone County Commission which authorizes the Chairman to enter into a contract on behalf of Limestone County.

Sec. 6 Responsible Personnel.

The Chairman of the Limestone County Commission shall appoint a purchasing coordinator to implement the procurement and selection procedures. The Purchasing Coordinator's duties and responsibilities will consist of:

- (1) The overall coordination of the procurement of labor, materials and services to ensure legal and programmatic compliance.
- (2) Sufficient and clear documentation of all purchase transactions.
- (3) Review of all purchase requests to avoid duplicative and ineligible purchases.
- (4) Review of all purchase requests to avoid division of partial purchases and promote minority enterprise development.
- (5) Determine the most economical approach to the procurement of labor, materials, or services and classify each purchase accordingly.

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- (6) As appropriate, the Purchasing Coordinator will assist the Community Development Coordinator in the financial and contractual administration of the program to ensure that payments for goods and/or services are issued only when:
- (a) The expense is an eligible item and is appropriately budgeted in the approved CDBG budget.
 - (b) Sufficient and detailed source documentation is available.
 - (c) The invoice has been approved for payment as required.
 - (d) Contractors, subcontractors, and vendors have performed according to the terms and conditions of the approved agreement.

For purposes of the procedures set forth above, the Purchasing Coordinator will be Pam Ball, County Administrator.

B. CODE OF ETHICS PURPOSE

Limestone County will maintain a written code of standards of conduct governing the performance of their employees engaged in the awarding and administration of contracts. No employee, officer or agent of the County shall participate in selection or in the awarding or administration of a contract supported by federal funds if a conflict of interest real or apparent would be involved.

Sec. 1 Declaration of Policy.

It is essential to the proper government and administration of Limestone County that the elected officials and employees be, and give the appearance of being, independent and impartial; that public service not be used for private gain; and that there be public confidence in the integrity of the Limestone County Commission. Because the attainment of one or more of these ends is impaired whenever there exists in fact, or appears to exist, a conflict between the private interest and public responsibilities of Limestone County officials and employees, the public interest requires that the County Commission protect against such conflicts of interest by establishing appropriate ethical standards with respect to the conduct of persons herein above named in situations where a conflict may exist.

It is also essential to the efficient operation of Limestone County that those persons best qualified be encouraged to serve in positions of public trust. Accordingly, the standards hereinafter set forth must be so interpreted and understood as not unreasonable to frustrate or impede the desire or inclination to seek and serve in public office by those persons best qualified to serve. To that end the persons herein above named should not, except as otherwise provided by law, be denied the opportunity available to all other citizens to acquire and maintain private, economic and other interests except where a conflict of interest situation would necessarily result. The policy standards of

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ethical conduct that shall be applicable to the persons herein above named in the discharge of their official duties; to implement the objective of protecting the integrity of the County and to prescribe only such essential restrictions against conflict of interest as will not impose unnecessary barriers against public service.

Sec. 2 Standard of Conduct.

No employee, officer, or agent of Limestone County shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved (such a conflict would arise when: the employee, officer, or agent; or any member of his immediate family, his partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The officers, employees, or agents of Limestone County, will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. (The Limestone County Commission may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.)

To the extent permitted by state (Title 36, Chapter 25, Alabama Code) or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the officers or employees of Limestone County or agents, or by contractors or their agents.

Revised and adopted this the **18th** day of **November 2013**.

Stanley Menefee, Chairman
Limestone County Commission

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Steve Turner and seconded by Ben Harrison to award the following bid proposals to the lowest responsible bidder meeting specifications as follows:

Proposal No.	Item	Awarded To	Amount
2459	Wireless Fire Alarm System (EMA)	International Fire Protection	\$25,879.00

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**Proposal No. 2460
Effective December 1, 2013 through November 30, 2014**

	McPherson	W. H. Thomas	Mid-State
SAE 5W30 Synthetic Oil	Brand: Cam2 Dexos 1 Full Synthetic	Brand: Lubrigold	Brand: Total Quartz 9000
5 Gallon Pail	No bid	No bid	\$ 43.91 case
55 Gallon Drum	\$705.10	\$754.05	\$616.67
SAE 10W Hydraulic Oil	Brand: Proteck Elite 10 WT	Brand: Lubriguard Premium	Brand: Total Azolla 25-32
5 Gallon Pail	\$ 55.90	\$ 40.40	\$ 52.00
55 Gallon Drum	\$572.00	\$444.40	\$475.25
15W-40	Brand: Conoco Family Fleet Supreme EC	Brand: Lubriguard 15W40	Brand: Total Rubia Tir 7900 15W40
55 Gallon Drum	\$471.35	\$557.70	\$614.90
Case (12-32 oz. bottles)	\$ 31.95 case	\$ 31.78	\$ 55.60
SAE-30W	Brand: Cam2 Super HD	Brand: Coastal HD30	Brand: Total Rubia S-30
55 Gallon Drum	\$545.60	\$503.81	\$614.90
Case (12-32 oz. bottles)	\$ 31.89	\$ 28.86	\$ 38.34
10W-30	Brand: Cam2 Super Pro Max Synthetic Blend	Brand: Warren GF5 10W30	Brand: Total Classic SN 10W30
55 Gallon Drum	\$476.30	\$466.40	\$532.40
Case (12-32 oz. bottles)	\$ 28.11	\$ 25.61	\$ 28.17
5W-30	Brand: Cam2 Super Pro Max Synthetic Blend	Brand: Warren GF5 5W30	Brand: Total Classic SN 5W30
55 Gallon Drum	\$491.15	\$466.40	\$463.10
Case (12-32 oz. bottles)	\$ 28.95	\$ 25.61	\$ 28.39
5W-20	Brand: Proteck Elite - Drum Cam2 Super Pro - Quarts	Brand: Warren GF5 5W20	Brand: Total Classic SN 5W20
55 Gallon Drum	\$356.95	\$466.40	\$463.10
Case (12-32 oz. bottles)	\$ 28.95	\$ 25.61	\$ 28.39
Delo 400 30 WT Oil 55 Gallon Drum	Brand: Proteck Elite	Chevron Delo 400	Brand: Total Rubia S-30
	\$724.90	\$611.00	\$614.90

Bid was determined by the overall lowest bidder of oil weight.

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The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Gary Daly and seconded by Steve Turner to employ the following as Corrections Officers, pending drug and alcohol screenings:

- Zebadiah Heath Roberson
- Paul David Inman
- Jeffery Alan Sides

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Steve Turner and seconded by Gary Daly to approve Family Medical Leave for Tim McNeill, from November 6, 2013 until December 4, 2013.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Ben Harrison and seconded by Steve Turner to approve the following merit increases, which are included in the base pay and cost of living pay as listed below.

Name	Position	Effective Date
Jeffery Cantrell	Corrections Officer	11/14/13
Jason Carter	Equipment Operator III	11/02/13
Elizabeth Clark	Recording Clerk II	11/14/13
Jennifer Easter	Assessment Clerk	11/09/13
Judith Harvey	Chief Appraiser	11/08/13
Jacob Lamar	Corrections Officer	11/01/13
Theresa Marlin	Tax Collection Clerk	11/01/13
Jacquelin McNatt	Corrections Officer	11/01/13
Carey Miles	Extradition Officer	11/14/13
Dannie Miller	District 2 Foreman	11/08/13
Larry Pierce	Corrections Officer	11/02/13
Felicia Powers	C.O.A. Van Driver	11/05/13
Jacob Rupp	Corrections Officer	11/01/13
Pat Ryan	Corrections Officer	11/03/13
Alicia Sanders	Human Resource Coor.	11/19/13
Emily Sandlin	Council on Aging Director	11/07/13
Paula Thompson	Assessment Clerk	11/24/13
Wendy Tucker-Brito	Recording Clerk	11/30/13

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The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Ben Harrison and seconded by Steve Turner to approve the following subdivision:

Name	S/D Type	Approval Type	Lots	District	Location
The Pointe Add. No. 1 (Replat Lots 4, 5, and 6)	Minor	Preliminary & Final	3	3	Marina Drive

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Gary Daly and seconded by Ben Harrison to approve a 20 mph speed limit on Nye Road in District 1.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Steve Turner and seconded by Ben Harrison to name First National Bank as the county depository pursuant to Code of Alabama 1975, Section 11-4-41.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Gary Daly and seconded by Steve Turner to authorize the purchase of the property located on East Pryor Street, Athens, AL 35611, Lot 2 Block 3, Parcel # 10 03 05 4 005 047.000, up to the purchase price of \$85,000.00, payment of customary closing cost, and subject to an appropriate purchase contract with county attorney approval.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Ben Harrison and seconded by Steve Turner to transfer the following inventory item:

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Transferred from	Transferred to	Item	Serial #
Information Technology	Council on Aging	Dell Optiplex 745	BWNBY01

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Gary Daly and seconded by Ben Harrison to approve Grant of Prompt Notification System Easement for warning siren on Clyde Mabry Drive.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye and Ben Harrison, aye. Motion carries unanimously.

Chairman Menefee announced the State of the County address on November 19th at 11:45 a.m. at Athens State University Ballroom.

Commissioner Turner publically thanked Commissioner Daly for sending a truck to assist with a bridge project on Copeland Road.

Recessed at 10:25 a.m. until 10:00 a.m. on Wednesday, November 27, 2013, at the Washington Street Courthouse Annex, 310 West Washington Street, Athens, AL.