

**ADMINISTRATIVE CODE OF LUZERNE COUNTY**

**EFFECTIVE DATE**

**APRIL 21, 2004**

**BOARD OF COUNTY COMMISSIONERS**

**Gregory A. Skrepenak, Chairman  
Todd A. Vonderheid, Vice-Chairman  
Stephen A. Urban, Secretary**

**April 14, 2004**

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## **Preface**

The Administrative Code of Luzerne County was enacted by the Board of County Commissioners to enumerate the departments and other administrative units of the county government and the division of powers among them. The code and its included organization chart is designed to promote a proactive, open view of the structure of county government, the relationships between and among departments and the people who direct them, and the rules and regulations which govern them.

Further, this Administrative Code makes provisions for purchasing procedures; a personnel system; budgeting and other financial procedures; an accountability, conduct, and ethics code; and other rules, regulations, and procedures necessary and desirable to the efficient administration of the county government. Under this code, county government is committed to fiscal restraint, responsibility, and transparency in all the functions of county government from spending to employment and purchasing regulations. The code embraces the concept of merit and supports equal opportunity by establishing high standards of conduct, integrity, and concern for the public interest.

This Administrative Code is consistent with the constitutions of the United States and Pennsylvania, Pennsylvania's Third Class County Code, and other applicable law.

## **Section 1 – Purpose, Construction, and Definitions**

**Section 1.01 – Short Title.** This Ordinance and all amendments hereto shall be known and may be cited as “The Administrative Code of Luzerne County.”

**Section 1.02 – Purpose.** The purpose of this Administrative Code is to set forth the details for the administration and operation of Luzerne County Government, consistent with the provisions of Pennsylvania’s Third Class County Code and all applicable laws of the Commonwealth of Pennsylvania.

## **Section 2 – Organization of County Government**

**Section 2.01 – Board of County Commissioners.** The Board of County Commissioners shall possess the legislative and executive powers of county government and shall exercise these powers and perform related functions and duties as provided for in the Third Class County Code and other applicable laws.

**Section 2.02 – Independently Elected County Officials.** The following county offices shall be operated by independently elected officials as provided for in the Third Class County Code and other applicable laws:

- Clerk of Courts
- County Controller
- County Coroner
- District Attorney
- Jury Commissioners – two (2)
- Prothonotary
- Recorder of Deeds
- Register of Wills
- Sheriff
- Treasurer

**Section 2.03 – Courts and Judiciary.** The Courts and Judiciary of Luzerne County shall consist of the Court of Common Pleas and all other minor courts and offices which are presently a part of the Eleventh (11<sup>th</sup>) District of the Unified Judicial System of the Commonwealth of Pennsylvania and any related judicial services and functions including but not necessarily limited

to: court administration; district justices; adult probation; juvenile probation; domestic relations; court reporters/stenographers; and Orphan's Court, as well as any related advisory boards and commissions.

**Section 3 – Organizational Structure Under the  
Direct Control of the Board of County Commissioners**

**Section 3.01 – Organization of the County Government.** The organization of county government under the direct control of the Board of County Commissioners shall consist of but not necessarily be limited to: the divisions of Administrative Services; Legislative Services; Budget and Finance Services; Economic Growth and Planning Services; Environment and Recreation Services; Operations and Engineering Services; Public Safety Services; and Human Services, as well as any related boards, commissions, committees, or other duly constituted advisory bodies.

**Section 4 – The Office of County Manager**

**Section 4.01** – The Office of County Manager shall be constituted by the County Manager for Legislation and the County Manager for Administration. By appointment of the Board of Commissioners one of the County Manager's shall perform, in addition to his/her duties, the duties of Chief Clerk as required under the Third Class County Code. The other County Manager shall serve as Deputy Chief Clerk and perform the duties required by the Third Class County Code in the absence of the Chief Clerk.

**Section 4.02** – The County Manager for Administrative Services and the County Manager for Legislative Services shall coordinate and work collectively to administer the goals and objectives of the Board of Commissioners.

**Section 4.03** – The County Manager for Legislation and the County Manager for Administration shall at all times be entitled to information gathered by each other for the performance of his/her duties and service to the Board of Commissioners.

## Section 5 –The Division of Legislative Services

**Section 5.01 – Division of Legislative Services/Chief Clerk.** The Office of County Manager for Legislation/Chief Clerk shall be responsible for exercising the duties and responsibilities of the Chief Clerk in counties of the third class and shall also serve as a liaison between and among the Board of County Commissioners, elected row offices, the courts and judiciary, commissions, boards and authorities and community constituency groups. The County Manager for Legislative Services shall work collaboratively with the County Manager for Administration and provide input necessary to build broad internal or external consensus for actions to be undertaken by the Board of Commissioners for coordination of all county services, functions, and programs under the direct control of the Board of County Commissioners and delegated accordingly; the coordination of county services, functions, and programs with the elected row officers and the courts and judiciary; and the direct management, supervision, oversight, and coordination of specific county departments, services, functions, and programs including, but not necessarily be limited to, the following: public information; voter services and purchasing, as well as any related boards, commissions, committees, other duly constituted advisory bodies and activities assigned or duly authorized by resolution/motion/ordinance of the Board of Commissioners. In addition, the office of County Manager for Legislation will coordinate, when directed, with the Salary, Retirement, Election and Prison Boards on behalf of and as delegated to by the Board of Commissioners.

### **Section 5.02 – The County Manager for Legislation/Chief Clerk.**

- a. The Office of County Manager for Legislation/Chief Clerk shall be headed by the County Manager for Legislation/Chief Clerk who shall have and exercise all the powers and duties of the Chief Clerk as provided for in the Third Class County Code as well as such other powers and duties as set forth in other applicable state laws, this Administrative Code, other county ordinances, or by the Board of County Commissioners.
  
- b. The County Manager for Legislation/Chief Clerk shall be responsible for building internal and external consensus and support for initiatives of the Board of Commissioners and

providing input to the Board and other senior administrative staff on all issues related to actions to be taken by administrative staff or by the Board of Commissioners directly.

- c. The County Manager for Legislation/Chief Clerk shall be responsible for the design, implementation, and management of the programs and activities of his/her office and coordination with any boards, commissions, committees, and other duly constituted advisory groups as well as any authorities related to the duties of his/her office, its core mission, and/or its relevant assignments.
- d. The County Manager for Legislation/Chief Clerk shall prescribe the internal organization of his/her office, delegate such powers as he/she may deem necessary for efficient operation, and assign the functions and duties of subordinate officers and employees.
- e. The County Manager for Legislation/County Chief Clerk shall be responsible and accountable for expenditure control in his/her office and shall report to the Chief of Budget and Finance at least monthly, or more frequently if so directed, on the status of the office's budget and forecasts for budget outcomes. Further, he/she shall present program, budget, and financial reports to the Board of County Commissioners on his/her office at least quarterly and a summary report at the close of the fiscal year.
- f. The County Manager for Legislation/Chief Clerk shall devote full-time to the duties of the office, shall report to the Board of County Commissioners, and shall serve as an at-will employee at the pleasure of the County Commissioners.

**Section 5.03 – Appointment and Qualifications of the County Manager for Legislation/Chief Clerk.** The Board County Commissioners shall appoint the County Manager for Legislation/Chief Clerk solely on the basis of merit and fitness for the position as demonstrated by education, professional preparation, work experience, and other relevant training, knowledge of the duties of the office, and/or relevant qualifications consistent with the job description for this position.

## **Section 6 – Division of Administrative Services**

**Section 6.01 – Division of Administrative Services.** The Division of Administrative Services shall be responsible for the management, supervision, oversight, and coordination of all county services, functions, and programs under the direct control of the Board of County Commissioners and delegated accordingly; the coordination of county services, functions, and programs with the elected row officers and the courts and judiciary; and the direct management, supervision, oversight, and coordination of specific county departments, services, functions, and programs including, but not necessarily be limited to, the following: human resources; information technology; management and productivity; and, as well as any related, boards commissions, committees, other duly constituted advisory bodies and activities assigned or duly authorized by resolution/motion/ordinance of the Board of Commissioners. The County Manager for Administration shall work collaboratively with the County Manager for Legislation and provide input necessary to build broad internal or external consensus for actions to be undertaken by the Board of Commissioners for coordination of all county services. In addition, the office of County Manager for Administration will coordinate, when directed, with the Salary, Retirement, Election and Prison Boards on behalf of and as delegated to by the Board of Commissioners.

### **Section 6.02 – The County Manager for Administration/Deputy Chief Clerk.**

- a. The Division of Administrative Services shall be headed by the County Manager for Administration who shall serve as and be known as the Deputy Chief Clerk of the county.
- b. The County Manager for Administration/Deputy Chief Clerk shall have overall responsibility for the management, supervision, oversight, and coordination of all county services, functions, and programs under the direct control of the Board of County Commissioners, shall serve as the county's Deputy Chief Clerk, and shall have such powers and duties as set forth in the Third Class County Code, other applicable state laws, this Administrative Code, other county ordinances, or by the Board of County Commissioners.

- c. The County Manager for Administration/Deputy Chief Clerk shall be responsible for the design, implementation, and management of the programs and activities of his/her division and its subordinate departments and other administrative units and coordination with any boards, commissions, committees, and other duly constituted advisory groups as well as any authorities related to the duties of his/her division, its core mission, and/or its relevant assignments.
- d. The County Manager for Administration/Deputy Chief Clerk shall prescribe the internal organization of his/her division and its subordinate departments and other administrative units, delegate such powers as he/she may deem necessary for efficient operation, and assign the functions and duties of subordinate officers and employees.
- e. The County Manager for Administration/Deputy Chief Clerk shall be responsible and accountable for expenditure control in his/her division and its subordinate departments and other administrative units as well as for the county as a whole and shall report to the Chief of Budget and Finance at least monthly, or more frequently if so directed, on the status of the division's budget and forecasts for budget outcomes. Further, he/she shall present program, budget, and financial reports to the Board of County Commissioners on his/her division as well as the county as a whole at least quarterly and a summary report at the close of the fiscal year.
- f. The County Manager for Administration/Deputy Chief Clerk shall devote full-time to the duties of the office, report to the Board of County Commissioners, and shall serve as an at-will employee at the pleasure of the Board of County Commissioners.

**Section 6.03 – Appointment and Qualifications of the County Manager for Administration/Deputy Chief Clerk.** The Board of County Commissioners shall appoint the County Manager for Administration/Deputy Chief Clerk solely on the basis of merit and fitness for the position as demonstrated by education, professional preparation, work experience, and other relevant training, knowledge of the duties of the office, and/or relevant qualifications consistent with the job description for this position.

## Section 7 – Office of the County Solicitor

**Section 7.01 – Office of the County Solicitor.** The Office of the County Solicitor shall be responsible for in-house analysis of federal, state and local law, drafting of resolutions and ordinances, and providing legal advice and opinions on matters of executive and legislative decisions, tax, human services and personnel, and all other appropriate legal matters.

### **Section 7.02 – The Chief County Solicitor.**

- a. The Office of the County Solicitor shall be headed by the Chief County Solicitor who shall have and exercise all powers and duties of the County Solicitor as set forth in the Third Class County Code, other applicable state laws, this Administrative Code, other county ordinances, or by the Board of County Commissioners.
  
- b. The Chief County Solicitor shall be responsible for the design, implementation, and management of the programs and activities of his/her office and coordination with any boards, commissions, committees, and other duly constituted advisory groups as well as any authorities related to the duties of his/her office, its core mission, and/or its relevant assignments.
  
- c. The Chief County Solicitor shall prescribe the internal organization of his/her office, delegate such powers as he/she may deem necessary for efficient operation, and assign the functions and duties of subordinate officers and employees.
  
- d. The Chief County Solicitor shall be responsible and accountable for expenditure control in his/her office and shall report to the Chief of Budget and Finance at least monthly, or more frequently if so directed, on the status of the office's budget and forecasts for budget outcomes. Further, he/she shall present program, budget, and financial reports to the Board of County Commissioners on his/her office at least quarterly and a summary report at the close of the fiscal year.

- e. The Chief County Solicitor shall report to the Board of Board of County Commissioners and shall serve as an at-will employee at the pleasure of the County Commissioners.

**Section 7.03 – Appointment and Qualifications of the County Solicitor.** The County Commissioners shall appoint the Chief County Solicitor solely on the basis of merit and fitness for the position as demonstrated by education, professional preparation, work experience, and other relevant training, knowledge of the duties of the office, and/or relevant qualifications consistent with the job description for this position.

### **Section 8 – Division of Budget and Finance**

**Section 8.01 – The Division of Budget and Finance.** The Division of Budget and Finance shall be responsible for all county budgeting and financial activities including, but not necessarily be limited to, the following county departments, functions, and services: budget; tax claim; grant writing; property assessment; and any other related budgetary and financial services or functions, as well as any related boards, commissions, committees, or other duly constituted advisory bodies.

**Section 8.02 – The Chief of Budget and Finance.**

- a. The Division of Budget of Finance shall be headed by the Chief of Budget and Finance who shall be responsible for developing the annual operating and capital budgets, financial forecasting, monitoring, cost controls, and reporting, any other related budgetary and financial services or functions as well as coordination with the Controller’s Office, third party financial advisors, debt and asset managers, and division and department heads and shall be known as the County’s Chief Financial Officer.
  
- b. Under the general direction of the County Manager for Administration and the County Manager for Legislation and within prescribed budgetary limitations, the Chief of Budget and Finance shall be responsible for the direct management, supervision, oversight, and coordination of all of the operations of the Division of Budget and Finance and shall design, implement, and manage his/her division and its subordinate departments and other

administrative units and coordination with any boards, commissions, committees, and other duly constituted advisory groups as well as any authorities related to the duties of his/her division, its core mission, and/or its relevant assignments.

- c. The Chief of Budget and Finance shall manage, supervise, and coordinate all duties and responsibilities of his/her division and its subordinate departments and other administrative units in a manner consistent with the Third Class County Code, other applicable state laws, this Administrative Code, other county ordinances, or the directives of the Office of County Manager or the Board of County Commissioners.
- d. The Chief of Budget and Finance shall prescribe the internal organization of his/her division and its subordinate departments and other administrative units, delegate such powers as he/she may deem necessary for efficient operation, and assign the functions and duties of subordinate officers and employees.
- e. The Chief Division of Budget and Finance shall be responsible and accountable for expenditure control in his/her division and its various departments and administrative units as well as for the county as a whole and shall report to the Office of County Manager at least monthly, or more frequently if so directed, on the status of the budget and forecasts for budget outcomes of his/her division and the county as a whole. Further, he/she shall present program, budget, and financial reports to the Board of County Commissioners on his/her division as well as the county as a whole at least quarterly and a summary report at the close of the fiscal year.
- f. The Chief of Budget and Finance shall devote full-time to the duties of the office, shall report directly to the Office of County Manager and ultimately to the Board of County Commissioners, and shall serve as an at-will employee at the pleasure of the Board of County Commissioners.

**Section 8.03 – Appointment and Qualifications of the Chief of Budget and Finance.** The Board of County Commissioners shall appoint the Chief of Budget and Finance solely on the

basis of merit and fitness for the position as demonstrated by education, professional preparation, relevant work experience, and other relevant training, knowledge of the duties of the office, and/or relevant qualifications consistent with the job description for this position.

### **Section 9 – The Division of Economic Growth and Planning**

**Section 9.01 – The Division of Economic Growth and Planning.** The Division of Economic Development and Planning shall be responsible for all county economic development and planning activities including, but not necessarily be limited to, the following county departments, functions, programs, and services: Office of Community Development; planning; workforce investment office; workforce development agency; Tourist Promotion Agency; and any other related economic development and planning services or functions, as well as any related boards, commissions committees, or other duly constituted advisory bodies.

#### **Section 9.02 – The Chief of Economic Growth and Planning.**

- a. The Division of Economic Growth and Planning shall be headed by a Chief of Economic Growth and Planning who shall be responsible for the management, supervision, oversight, and coordination of all the operations of the Division of Economic Growth and Planning.
- b. Under the general direction of the County Manager for Administration or through any directive by the County Manager for Legislation and the Chief of Budget and Finance as it relates to issues of finance, and within prescribed budgetary limitations, Chief of Economic Growth and Planning shall design, implement, and manage the programs, services, and activities of his/her division and its subordinate departments and other administrative units and coordination with any boards, commissions, committees, and other duly constituted advisory groups as well as any authorities related to the duties of his/her division, its core mission, and/or its relevant assignments.
- c. The Chief of Economic Growth and Planning shall manage, supervise, and coordinate all duties and responsibilities of his/her division and its subordinate departments and other administrative units in a manner consistent with the Third Class County Code, other

applicable state laws, this Administrative Code, other county ordinances, or the directives of the Office of County Manager or the Board of County Commissioners.

- d. The Chief of Economic Growth and Planning shall prescribe the internal organization of his/her division and its subordinate departments and other administrative units, delegate such powers as he/she may deem necessary for efficient operation, and assign the functions and duties of subordinate officers and employees.
- e. The Chief of Economic Growth and Planning shall be responsible and accountable for expenditure control in his/her division and its various departments and administrative units and shall report to the Chief of Budget and Finance at least monthly, or more frequently if so directed, on the status of the division's budget and forecasts for budget outcomes. Further, he/she shall present program, budget, and financial reports to the Board of County Commissioners on his/her division at least quarterly and a summary report at the close of the fiscal year.
- f. The Chief of Economic Growth and Planning shall devote full-time to the duties of the office, shall report directly to the Office of County Manager and ultimately to the Board of County Commissioners, and shall serve as an at-will employee at the pleasure of the Board of County Commissioners.

**Section 9.03 – Appointment and Qualifications of the Chief of Economic Growth and Planning.** The County Commissioners shall appoint the Chief of Economic Growth and Planning solely on the basis of merit and fitness for the position as demonstrated by education, professional preparation, work experience, and other relevant training, knowledge of the duties of the office, and/or relevant qualifications consistent with the job description for the position.

#### **Section 10 – The Division of Environment and Recreation**

**Section 10.01 – The Division of Environment and Recreation.** The Division of Environment and Recreation shall be responsible for all county environmental and recreational amenities and activities including, but not necessarily be limited to, the following county departments, functions, programs, and services: parks; recreation; solid waste/recycling; environmental special projects; and any other related environmental and recreation services or functions, as well as any related boards, commissions, committees, or other duly constituted advisory bodies.

**Section 10.02 – The Chief of Environment and Recreation.**

- a. The Division of Environment and Recreation shall be headed by a Chief of Environment and Recreation who shall be responsible for the management, supervision, oversight, and coordination of all the operations of the Division of Environment and Recreation.
- b. Under the general direction of the County Manager for Administration or through any directive by the County Manager for Legislation and the Chief of Budget and Finance as it relates to issues of finance, and within prescribed budgetary limitations, the Chief of Environment and Recreation shall design, implement, and manage the programs, services, and activities of his/her division and its subordinate departments and other administrative units and coordination with any boards, commissions, committees, and other duly constituted advisory groups as well as any authorities related to the duties of his/her division, its core mission, and/or its relevant assignments.
- c. The Chief of Environment and Recreation shall manage, supervise, and coordinate all duties and responsibilities of his/her division and its subordinate departments and other administrative units in a manner consistent with the Third Class County Code, other applicable state laws, this Administrative Code, other county ordinances, or the directives of the Office of County Manager or the Board of County Commissioners.
- d. The Chief of Environment and Recreation shall Prescribe the internal organization of his/her division and its subordinate departments and other administrative units, delegate such powers as he/she may deem necessary for efficient operation, and assign the functions and duties of subordinate officers and employees.

- e. The Chief of Environment and Recreation shall be responsible and accountable for expenditure control in his/her division and its various departments and administrative units and shall report to the Chief of Budget and Finance at least monthly, or more frequently if so directed, on the status of the division's budget and forecasts for budget outcomes. Further, he/she shall present program, budget, and financial reports to the Board of County Commissioners on his/her division at least quarterly and a summary report at the close of the fiscal year.
  
- f. The Chief of Environment and Recreation shall devote full-time to the duties of the office, shall report directly to the Office of County Manager and ultimately to the Board of County Commissioners, and shall serve as an at-will employee at the pleasure of the Borough of County Commissioners.

**Section 10.03 – Appointment and Qualifications of the Chief of Environment and Recreation.** The Board of County Commissioners shall appoint the Chief of Environment and Recreation solely on the basis of merit and fitness for the position as demonstrated by education, professional preparation, work experience, and other relevant training, knowledge of the duties of the office, and/or relevant qualifications consistent with the job description for the position.

### **Section 11 – The Division of Operations and Engineering**

**Section 11.01 – The Division of Operations and Engineering.** The Division of Operations and Engineering shall be responsible for improving the delivery of all county operational and engineering activities including, but not necessarily be limited to, the following county departments, functions, programs, and services: engineering, capital projects, road and bridge/park maintenance; buildings and grounds; courthouse and property security; and any other related operations and engineering services or functions, as well as any related boards, commissions committees, or other duly constituted advisory bodies.

**Section 11.02 – The Chief of Operations and Engineering.**

- a. The Division of Operations and Engineering shall be headed by a Chief of Operations who shall be responsible for the management, supervision, oversight, and coordination of all the operations of the Division of Operations and Engineering.
- b. Under the general direction of the County Manager for Administration or through any directive by the County Manager for Legislation and the Chief of Budget and Finance as it relates to issues of finance, and within prescribed budgetary limitations, the Chief of Operations and Engineering shall design, implement, and manage the programs, services, and activities of his/her division and its subordinate departments and other administrative units and coordination with any boards, commissions, committees, and other duly constituted advisory groups as well as any authorities related to the duties of his/her division, its core mission, and/or its relevant assignments.
- c. The Chief of Operations and Engineering shall manage, supervise, and coordinate all duties and responsibilities of his/her division and its subordinate departments and other administrative units in a manner consistent with the Third Class County Code, other applicable state laws, this Administrative Code, other county ordinances, or the directives of the Office of County Manager or the Board of County Commissioners.
- d. The Chief of Operations and Engineering shall prescribe the internal organization of his/her division and its subordinate departments and other administrative units, delegate such powers as he/she may deem necessary for efficient operation, and assign the functions and duties of subordinate officers and employees.
- e. The Chief of Operations and Engineering shall be responsible and accountable for expenditure control in his/her division and its various departments and administrative units and shall report to the Chief of Budget and Finance at least monthly, or more frequently if so directed, on the status of the division's budget and forecasts for budget outcomes. Further, he/she shall present program, budget, and financial reports to the Board of County Commissioners on his/her division at least quarterly and a summary report at the close of the fiscal year.

- f. The Chief of Operations and Engineering shall devote full-time to the duties of the office, shall report directly to the Office of County Manager and ultimately to the Board of County Commissioners, and shall serve as an at-will employee at the pleasure of the Board of County Commissioners.

**Section 11.03 – Appointment and Qualifications of the Chief of Operations and Engineering.** The Board of County Commissioners shall appoint the Chief of Operations and Engineering solely on the basis of merit and fitness for the position as demonstrated by education, professional preparation, work experience, and other relevant training, knowledge of the duties of the office, and/or relevant qualifications consistent with the job description for the position.

## **Section 12 – The Division of Public Safety Services**

**Section 12.01 – The Division of Public Safety Services.** The Division of Public Safety Services shall be responsible for all county correctional, criminal defense, and emergency services activities including, but not necessarily be limited to, the following county departments, functions, programs, and services: juvenile detention; public defenders office, 911/emergency communications; Emergency Management Agency; and any other related public safety and corrections services or functions, as well as any related boards, commissions committees, or other duly constituted advisory bodies.

**Section 12.02 – The Chief of the Division of Public Safety Services.**

- a. The Division of Public Safety Services shall be headed by the Chief of Public Safety Services who shall be responsible for the management, supervision, oversight, and coordination of all the operations of the Division of Public Safety Corrections Services.
- b. Under the general direction of the County Manager for Administration or through any directive by the County Manager for Legislation and the Chief of Budget and Finance as it relates to issues of finance, and within prescribed budgetary limitations, the Chief of Public

Safety and Corrections Services shall design, implement, and manage the programs, services, and activities of his/her division and its subordinate departments and other administrative units and coordination with any boards, commissions, committees, and other duly constituted advisory groups as well as any authorities related to the duties of his/her division, its core mission, and/or its relevant assignments.

- c. The Chief of Public Safety Services shall manage, supervise, and coordinate all duties and responsibilities of his/her division and its subordinate departments and other administrative units in a manner consistent with the Third Class County Code, other applicable state laws, this Administrative Code, other county ordinances, or the directives of the Office of County Manager or the Board of County Commissioners.
- d. The Chief of Public Safety Services shall prescribe the internal organization of his/her division and its subordinate departments and other administrative units, delegate such powers as he/she may deem necessary for efficient operation, and assign the functions and duties of subordinate officers and employees.
- e. The Chief of Public Safety Services shall be responsible and accountable for expenditure control in his/her division and its various departments and administrative units and shall report to the Chief of Budget Finance at least monthly, or more frequently if so directed, on the status of the division's budget and forecasts for budget outcomes. Further, he/she shall present program, budget, and financial reports to the Board of County Commissioners on his/her division at least quarterly and a summary report at the close of the fiscal year.
- f. The Chief of Public Safety Services shall devote full-time to the duties of the office, shall report directly to the Office of County Manager and ultimately to the Board of County Commissioners, and shall serve as an at-will employee at the pleasure of the Board of County Commissioners.

**Section 12.03 – Appointment and Qualifications of the Chief of Public Safety and Corrections Services.** The Board of County Commissioners shall appoint the Chief of Public Safety and Corrections Services solely on the basis of merit and fitness for the position as demonstrated by education, professional preparation, work experience, and other relevant training, knowledge of the duties of the office, and/or qualifications consistent with the job description for the position.

**Section 13 – The Division of Human Services**

**Section 13.01 – The Division of Human Services.** The Division of Human Services shall be responsible for all county human services activities including, but not necessarily be limited to, the following county departments, functions, programs, and services: aging; children and youth; drug and alcohol; mental health and retardation; Valley Crest; transportation; veterans’ affairs; and any other related human services or functions, as well as any related boards, commissions, committees, or other duly constituted advisory bodies.

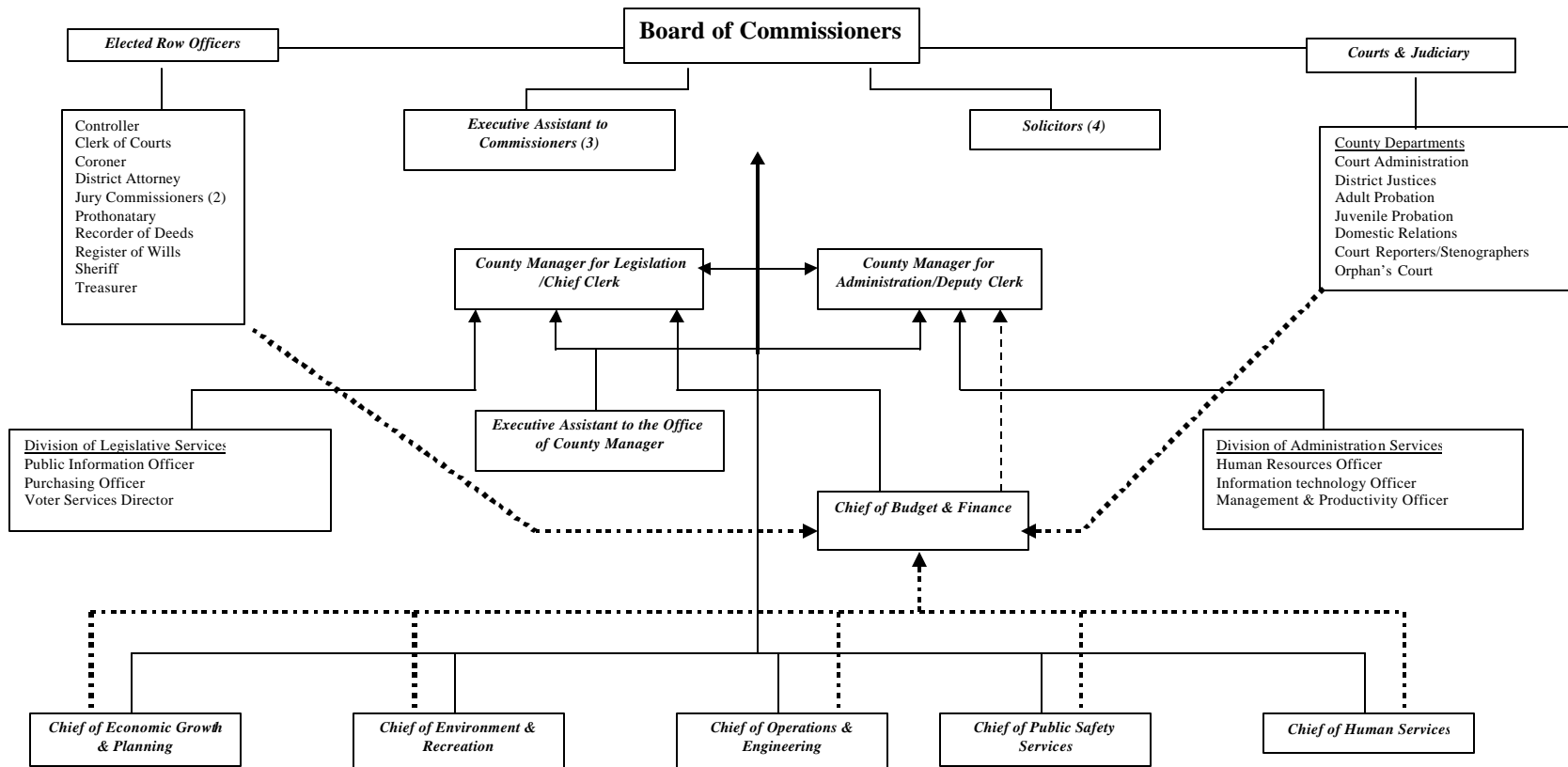
**Section 13.02 – The Chief of Human Services.**

- a. The Division of Human Services shall be headed by a Chief of Human Services who shall be responsible for the management, supervision, oversight, and coordination of all the operations of the Division of Human Services.
  
- b. Under the general direction of the County Manager for Administration or through any directive by the County Manager for Legislation and the Chief of Budget and Finance as it relates to issues of finance, and within prescribed budgetary limitations, the Chief of Human Services shall design, implement, and manage the programs, services, and activities of his/her division and its subordinate departments and other administrative units and coordination with any boards, commissions, committees, and other duly constituted advisory groups as well as any authorities related to the duties of his/her division, its core mission, and/or its relevant assignments.

- c. The Chief of Human Services shall manage, supervise, and coordinate all duties and responsibilities of his/her division and its subordinate departments and other administrative units in a manner consistent with the Third Class County Code, other applicable state laws, this Administrative Code, other county ordinances, or the directives of the Office of County Manager or the Board of County Commissioners.
- d. The Chief of Human Services shall prescribe the internal organization of his/her division and its subordinate departments and other administrative units, delegate such powers as he/she may deem necessary for efficient operation, and assign the functions and duties of subordinate officers and employees.
- e. The Chief of Human Services shall be responsible and accountable for expenditure control of in his/her division and its various departments and administrative units and shall report to the Chief of Budget and Finance at least monthly, or more frequently if so directed, on the status of the division's budget and forecasts for budget outcomes. Further, he/she shall present program, budget, and financial reports to the Board of County Commissioners on his/her division at least quarterly and a summary report at the close of the fiscal year.
- f. The Chief of Human Services shall devote full-time to the duties of the office, shall report directly to the Office of County Manager and ultimately to the Board of County Commissioners, and shall serve as an at-will employee at the pleasure of the Board of County Commissioners.

**Section 13.03 – Appointment and Qualifications of the Chief of Human Services.** The Board of County Commissioners shall appoint the Chief of Human Services solely on the basis of merit and fitness for the position as demonstrated by education, professional preparation, work experience, and other relevant training, knowledge of the duties of the office, and/or relevant qualifications consistent with the job description for the position.

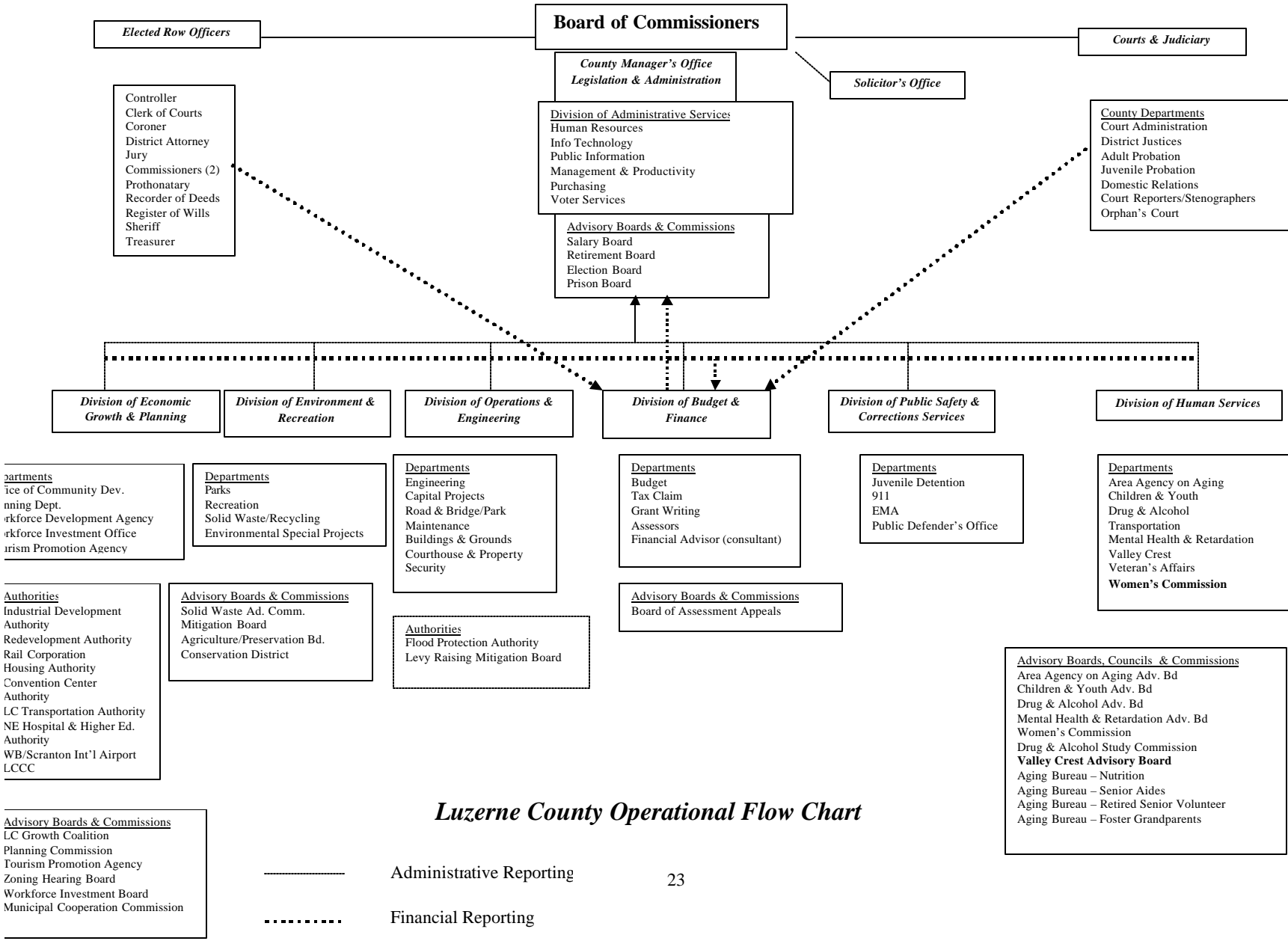
The People of Luzerne County



- Primary Administrative Reporting
- - - - Secondary Administrative Reporting
- ..... Financial Reporting

**Luzerne County Senior Staff Reporting Chart**

*The People of Luzerne County*



**Luzerne County Operational Flow Chart**

# Luzerne County Purchasing Department

## Purchasing Manual

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## STATEMENT OF PHILOSOPHY, MISSION AND VISION

### PHILOSOPHY

1. Understand the needs of each County department and the time frame required by that department to acquire products and services.
2. Effectively communicate with requisitioners regarding the status of their requisitions.
3. Educate requisitioners regarding proper requisition procedures.
4. Satisfy the needs of requisitioners in a cost effective and responsible manner.
5. Remain aware of and open to new issues, processes, procedures and technology that can improve the County's acquisitions of products and services.
6. Acquire the products and services in a manner that does not discriminate against any person on the basis of race, religion, gender, age, disability or any other discriminatory basis prohibited by applicable law.

### MISSION

The mission of the Luzerne County Purchasing Department is to acquire from appropriate sources the products and/or services needed by the County in a timely and cost effective manner while adhering to the policies and procedures prescribed by this Manual, as amended, and as required by applicable law.

### VISION

Luzerne County promotes a cooperative decision making environment that seeks team-oriented solutions to enable the County to:

1. Challenge and motivate employees to grow as professionals;
2. Provide quality processes, programs and services;
3. Consistently seek ways to better serve the County and its citizens;
4. Continue to expand the scope of services;
5. Treat others with respect and courtesy;
6. Maintain a level of professionalism and integrity that is beyond reproach.

## Section 1 INTRODUCTION

- 1.1 Purpose – This Purchasing Manual shall serve as the purchasing policies and procedures applicable to all units of County Government including but not limited to County Officers, County Employees, Independently Elected Officials, the Courts and Agencies of Luzerne County, including County boards and commissions.
- 1.2 Scope – The Scope of this Manual includes the purchases by all units of County Government including but not limited to County Officers, Independently Elected Officials, the Courts and Agencies of Luzerne County, including County boards and commissions. This Manual preempts all previous purchasing policies and procedures. Any issues regarding the County purchasing process that is not addressed in this Manual shall be addressed by the Purchasing Department at the direction of the Board of Commissioners.

While Luzerne County respects the supremacy of State and Federal law, there are policies and procedures within this Manual that seek to impose more stringent requirements on the County's purchasing procedures than are required by State or Federal law. In the event that a question should arise within the Purchasing Department as to whether an action to be taken pursuant to this Manual would violate then existing State or Federal law, no such action shall be taken unless and until the question is presented to the County Solicitor and such action is deemed permissible in a written opinion issued by the County Solicitor.

- 1.3 Definitions – The following words, when used in the Manual, shall be defined as follows, unless the context indicates otherwise or unless such words are redefined for the purposes of a section or subsection of this Manual.
  - 1.3.1 “Requisitioner” – shall mean any of the units of County Government including but not limited to County Officers, Independently Elected Officials, the Courts and Agencies of Luzerne County, including County boards and commissions.
  - 1.3.2 “Products” – shall mean materials, commodities, supplies, furnishings, equipment or personal property required for the conduct of business of the County.
  - 1.3.3 “Services” – shall mean services required for the conduct of business of the County.
  - 1.3.4 “Purchase” or “Purchases” – shall mean any contractual arrangement or transaction involving payment for the acquisition or lease of Products or Services.
  - 1.3.5 “Purchasing Officers” – shall mean those County employees in the Luzerne County Purchasing Department (presently known as the Department of Property and Supply) who are assigned by the head of such Department the responsibility of placing orders for the purchase of Products and/or Services.

- 1.3.6 “IFB”- shall mean an Invitation for Bids.
- 1.3.7 “RFP”- shall mean a Request for Proposals.
- 1.3.8 “RFQ” – shall mean Request for Qualifications.
- 1.3.9 “Code” – shall mean the County Code, 16 P.S. §101 et seq.
- 1.3.10 “Manual” – shall mean this Purchasing Manual.
- 1.4 Distribution – This Manual will be distributed to all units of County Government including but not limited to County Officers, Independently Elected Officials, the Courts and Agencies of Luzerne County, including County Boards and Commissions, and to all County Employees involved in the purchasing process. This Manual will also be available on the County’s website.
- 1.5 Implementation –
  - 1.5.1 Except for those contracts or purchases governed by Sections 2.7.8 and 3.13 of this Manual and except as otherwise mandated by State or Federal law, the Purchasing Department shall be responsible for the purchase or lease of all Products and Services. With respect to any contract or purchasing processes herein excluded from the responsibility of the Purchasing Department, the Purchasing Department shall be involved in such contract or purchasing processes in the manner and to the extent as directed at the discretion of the County Commissioners.
  - 1.5.2 The Purchasing Department shall be responsible for implementing and enforcing the policies and procedures as set forth in this Manual.
  - 1.5.3 The head of the Purchasing Department shall exercise functional authority over the County purchasing process for the purpose of implementing and enforcing these policies and procedures on a countywide basis, as well as in the Purchasing Department for its role in the process.
  - 1.5.4 Each Luzerne County Department Director, County Officer, Independently Elected Official, Agency Director and Court Administrator shall be responsible for implementing and enforcing these policies and procedures within their respective jurisdictions.

- 1.6 Revisions - This Manual is to serve as a permanent, up-to-date guide to County purchasing policies and procedures. This Manual shall be reviewed on an annual basis and appropriate changes in policies and procedures shall be made as needed from time to time.
- 1.7 Recommendations – County employees are encouraged to make recommendations on ways to improve this Manual by submitting such recommendations in writing to the Purchasing Department.

## Section 2      PURCHASES

- 2.1 Specifications – The Purchasing Officers will work with Requisitioners to develop specifications that allow the County to maximize efficiencies and cost savings while meeting the needs of the Requisitioner. The Purchasing Officer retains the authority and responsibility to challenge the needs of Requisitioners for purchases of Products or Services and/or the specifications submitted by Requisitioners describing the requirements of Products or Services to be purchased. Requisitioners must show compelling reasons why there is a need for a particular type or model of Product and whether there is more than one source or distributor for the Product or Service. The Purchasing Officer shall review to determine if there are other suitable competitive Products or Services and/or whether there are alternative suppliers selling the desired Product or Service.
- 2.2 Standardization – The Purchasing Officer shall work with all Requisitioners throughout the County to standardize, to the greatest extent practicable, similar types of Products or Services in order to effectuate cost effectiveness.
- 2.3 Requisitions – Unless a purchase is an emergency under Section 2.4 of this Manual, Requisitioners who require Products or Services shall submit a requisition to the Purchasing Officer on the appropriate County requisition form or in an approved electronic format.
  - 2.3.1 The Purchasing Department will work with Requisitioners regarding the identification and timing of needs.
  - 2.3.2 All information on the requisition form must be accurately provided. Item descriptions shall be complete, citing appropriate part numbers and specifications as applicable. In most cases, quantities must be requested by unit of measure.
  - 2.3.3 All requisitions shall identify an Expense Code that has sufficient appropriations in the Budget. Requisitions without sufficient appropriations will be returned to the requesting Requisitioner.

- 2.4 Orders during State of Emergency – The policies and procedures prescribed by this Manual may be waived at the direction of the County Commissioners following the declaration of a State of Emergency by the County Commissioners. However, any purchases made during a State of Emergency that do not comply with the policies and procedures of this Manual must be limited to those purchases directly related to emergency response and recovery activities.
- 2.5 Bidders Lists – Purchasing Officers shall retain lists of companies interested in bidding on Products and Services that a Purchasing Officer manages.
- 2.6 Purchases of \$3,000 to \$7,500
- 2.6.1 Requisitioners who require purchases of \$3,000 to \$7,500 for Products or Services not under County contract shall attach to the requisition written quotes provided from three (3) appropriate suppliers of the needed Products or Services. With respect to Sections 2.6.1 and 2.6.2.1 of this Manual, each written quote provided by a supplier shall be on the supplier's letterhead and shall identify at least the date of the quote, the Product or Service that is the subject of the quote, the quoted price, the name of the supplier, the address of the supplier, the telephone number of the supplier and the contact person of the supplier. If the Requisitioner has attempted to obtain written quotes from three (3) appropriate suppliers but less than three (3) suppliers have provided quotes, the Requisitioner shall attach to the requisition any quotes provided by suppliers and a memorandum identifying the other suppliers that were requested to provide quotes but that failed to do so.
- 2.6.2 Upon submission of a requisition for expenditures of \$3,000 to \$7,500 for items not under County contract, the Purchasing Officer shall review any Requisitioner-supplied quotes.
- 2.6.2.1 The Purchasing Officer shall either place the order as requested by the Requisitioner or obtain additional written quotes. In the event that fewer than three (3) qualified contractors exist in the market area within which it is practicable to obtain quotations, a memorandum verifying such fact shall be kept on file in lieu of the requisite number of price quotations.
- 2.6.2.2 As a general guideline, Purchasing Officers shall attempt to broaden the list of suppliers from whom the Purchasing Officers request quotes so as to afford other qualified suppliers a chance to earn County business. The goal shall be to obtain quotes from other than the same three (3) companies for similar purchases while at the same time obtaining the most cost effective purchase for the County.
- 2.6.2.3 Purchasing Officers are encouraged to negotiate with suppliers in order to get the lowest delivered cost for the purchase.

- 2.6.2.4 If Purchasing Officers believe it is advantageous to the County, they may negotiate to have particular prices held firm for an established period of time, which in all such instances shall be memorialized by a written agreement through a Letter of Agreement approved by the County Solicitor and signed by the head of the Purchasing Department as the designee of the County Commissioners unless such authorization is revoked or suspended by the County Commissioners. The Purchasing Officers shall, where possible, anticipate the needs of the various officers, agencies and operations of the County and endeavor to purchase in volume discounted quantities, where practicable and where savings could be achieved thereby.
- 2.6.2.5 The Purchasing Officer shall consider cost, quality and performance in determining whether he/she believes a fair and reasonable price has been obtained.
- 2.6.2.6 The Purchasing Officer shall keep a record of all quotations received and the awards made thereon. Written price quotations, written records of telephonic price quotations, Purchase Orders and related memoranda shall be retained for a period of three (3) years.
- 2.6.2.7 The Purchasing Officer may use electronic means, including auctions, to obtain quotes as appropriate.
- 2.6.2.8 The Purchasing Officer shall see that the purchasing process is fair and equitable.
- 2.6.3 Once an award decision has been made, the Product or Service shall be purchased with the standard County Purchase Order with appropriate terms and conditions and bearing the signature of the head of the Purchase Department as the designee of the County Commissioners unless such authorization is revoked or suspended by the County Commissioners. Should it be necessary or advantageous that an award be memorialized by documentation other than the standard County Purchase Order, such documentation shall first be approved by the County Solicitor prior to execution by the head of the Purchasing Department as the designee of the County Commissioners (unless such authorization is revoked or suspended by the County Commissioners).
- 2.6.4 Copies of all Purchase Orders, related memoranda and documentation, contracts and Letters of Agreement as set forth above shall be filed in the office of the County Controller as well as with the Purchasing Department.

2.7 Purchases over \$7,500 (Formal Purchase Process)

- 2.7.1 All contracts for Products and Services where the amount thereof exceeds the sum of \$7,500 shall be written and shall, except as set forth in Section 3.13 and as otherwise hereinafter specified, be made by advertising for bids.
- 2.7.2 Contracts or purchases for Products or Services in excess of \$7,500, except those hereinafter mentioned and except as provided by the act of October 27, 1979 (P.L. 241, No. 78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received" shall not be made except with and from the lowest responsible and responsive bidder submitting a bid in conformity with the specifications approved by the Board of Commissioners for the contract or purchase, after due notice in one newspaper of general circulation, published or circulating in the county, at least two (2) times at intervals of not less than three (3) days where daily newspapers of general circulation are employed for such publication, or in case weekly newspapers are employed then the notice shall be published once a week for two (2) successive weeks. The first advertisement shall be published not less than ten (10) days prior to the date fixed for the opening of bids. The requirements of this subsection need not be followed in cases of a State of Emergency, but in such cases the actual State of Emergency shall be declared and stated by resolution of the County Commissioners.
- 2.7.3 All bids shall be received by the County Controller in sealed envelopes. Bids shall be opened publicly at a time and place specified in the advertisement for bids, in the presence of the Controller, by the Commissioners or their designee. The Controller shall keep a record of all such bids and awards, and the Controller shall certify no checks for contracts not made agreeably thereto.
- 2.7.4 The amount or price of the contract shall, in all cases whether of straight sale price, conditional sale, lease, lease purchase or otherwise, be the entire amount which the County pays to the successful bidder, or his assigns, less the value of personal property transferred from the County to the bidder, or his assigns, at any time during the duration of the contract, in order to obtain the services or property, or both, and shall not be construed to mean only the amount which is paid to acquire title, or to receive any other particular benefit or benefits of the whole bargain. The value of personal property transferred to the bidder or his assigns upon execution of the contract shall be specified in the bid. The method of determining the value of personal property transferred to the bidder or his assigns at a time during the duration of the contract shall be specified in the bid and shall be determined using generally accepted valuation methods.
- 2.7.5 The acceptance of bids by advertising required herein shall be made by the Commissioners and shall only be made by public announcement at the meeting at

which bids are opened, or at a subsequent meeting, the time and place of which shall be publicly announced when bids are so opened. If for any reason the award is not made at either of the above meetings, the same business may be transacted at any subsequent meeting, the time and place of which shall have been announced at the previous meeting held for such award. The contract shall be awarded, or all bids shall be rejected, within thirty (30) days of the opening of the bids, except for bids subject to 62 Pa.C.S. (relating to procurement). Thirty-day extensions of the date for the award may be made by the mutual written consent of the Commissioners and any bidder who wishes to remain under consideration for award. The Commissioners shall excuse from consideration any bidder not wishing to agree to a request for extension of the date for the award and shall release such bidder from any bid bond or similar bid security furnished under subsection 2.8.6. All contracts shall be filed with the Controller, immediately after their execution.

- 2.7.6 The Commissioners may require that any bids advertised be accompanied by cash, by a certified check, cashier's check, bank good faith check or other irrevocable letter of credit in a reasonable amount drawn upon a bank authorized to do business in this Commonwealth or by a bond with corporate surety in a reasonable amount. Whenever it is required that a bid be accompanied by cash, certified check, cashier's check, bank good faith check or other irrevocable letter of credit or bond, no bid shall be considered unless so accompanied. In the event any bidder shall, upon award of the contract to him, fail to comply with the requirements hereinafter stated as to security guaranteeing the performance of the contract, the security furnished under this subsection shall be forfeited to the County as liquidated damages.
- 2.7.7 The successful bidder, when a formal bid is required herein, may be required to furnish a bond or irrevocable letter of credit or other security in an amount sufficient to the Commissioners guaranteeing performance of the contract within thirty days after the contract has been awarded, unless the Commissioners shall prescribe a shorter period. The successful bidder for a contract which involves the construction, erection, installation, completion, alteration, repair of or addition to any public work or improvement of any kind shall furnish security as provided in Section 2318 of the Code. Performance security for services and contracts for labor and materials delivered on a periodic basis, including, but not limited to, food service contracts, home health services and janitorial services and supplies, may be computed on the expected average value for one or more months at the discretion of the Commissioners. Upon failure to furnish such security within the time fixed, the previous awards shall be void. Deliveries, performances and guarantees may be required in all cases of expenditures, including the exceptions herein.
- 2.7.8 Notwithstanding the provisions of this Section to the contrary, the County Commissioners shall have authority to enter into contracts for equipment and services related to technology and information systems on the basis of best value

procurement. Contracts under best value procurement shall be made only after the County has solicited proposals based on performance and outcome specifications developed by the County and describing at minimum the objectives to be met by the system, the tasks to be performed by the system, the users of the system, system security issues, the time frame for system implementation, potential operating technologies, compatibility with existing systems, training and maintenance and shall indicate the process by which the contract shall be awarded. Best value procurement shall not require a sealed bid process and shall permit the commissioners to negotiate the terms of the agreement with any responsive and responsible vendor.

- 2.7.9 Every contract subject to this Section shall comply, as applicable, with the provisions of the act of March 3, 1978 (P.L. 6, No. 3), known as the "Steel Products Procurement Act," the act of October 28, 1983 (P.L. 176, No. 45), known as the "Antibid-Rigging Act," the act of December 20, 1967 (P.L. 869, No. 385), known as the "Public Works Contractors' Bond Law of 1967," the act of August 15, 1961 (P.L. 987, No. 442), known as the "Pennsylvania Prevailing Wage Act," the act of November 26, 1978 (P.L. 1309, No. 317), known as the "Public Works Contract Regulation Law," the act of February 17, 1994 (P.L. 73, No. 7), known as the "Contractor and Subcontractor Payment Act," the act of January 23, 1974 (P.L. 9, No. 4), referred to as the Public Contract Bid Withdrawal Law, and the act of April 4, 1984 (P.L. 193, No. 4), known as the "Motor Vehicle Procurement Act."
- 2.7.10 No Commissioner or Commissioners shall evade the provisions of Section 2.8.2 as to advertising for bids or purchasing or contracting for Services and Products piece-meal, for the purpose of obtaining prices under \$7,500 upon transactions which should in the exercise of reasonable discretion and prudence be conducted as one transaction amounting to more than \$7,500. This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts each for less than the advertising requirement price, or by making several simultaneous purchases or contracts each below said price, when in either case the transaction involved should have been made as one transaction for one price. Contracts for the erection, construction and alteration of any public building where the entire cost of such work shall exceed \$7,500 shall be bid in accordance with Section 2317 of the Code.

### Section 3 OTHER PURCHASING CONSIDERATIONS

- 3.1 Innovative Purchasing Processes – The Purchasing Officer may analyze, develop and implement innovative purchasing processes, including, but not limited to “on-line” purchases through computers, provided that such processes do not violate applicable law. These processes may include, but not be limited to, electronic bid distribution, electronic bid submissions, electronic reverse-auctions, and purchases over the Internet to include business-to-business and business-to-government trading sites.
- 3.2 Evidence of Receipt of Material– Upon receipt of ordered items, Requisitioners shall immediately sign, date and return to the Purchasing Department the Receipt of Material (ROM) so as to ensure that ordered goods are actually received prior to payment.
- 3.3 Samples – When sample materials are required of suppliers for the purpose of evaluation, requests for such samples shall be arranged through the Purchasing Department . It shall be the responsibility of the appropriate Purchasing Officer to expedite evaluations so that suppliers may be advised of results in a reasonable period of time after submission of samples. The Requisitioner shall notify the Purchasing Department in writing, as to the results of Product evaluations, which shall, in turn, so notify the supplier. Samples shall not be returned to suppliers. Purchasing Officers shall use discretion in disposing of samples.
- 3.4 Requisition Authority of Units of County Government including but not limited to County Officers, Independently Elected Officials, the Courts and Agencies of Luzerne County, including County Boards and Commissions – The head of each unit of County Government including but not limited to County Officers, Independently Elected Officials, the Courts and Agencies of Luzerne County, including County boards and commissions, shall designate the person or persons within said unit that have the authority to submit a requisition to the Purchasing Department on behalf of such unit. The Purchasing Department shall keep on file a list of such authorized persons in each unit as same may be amended from time to time.
- 3.5 Performance Record – The Purchasing Department may establish a supplier performance rating system for use in eliminating those suppliers who fail to perform or perform unsatisfactorily. The rating system shall be used for bid and proposal evaluation and award of contracts.
- 3.6 Penalties for Non-Performance – The Purchasing Department may establish penalties for non-performance, for delivery failures or default in contract. Continual failure to respond to IFBs or RFPs will result in removal from bidders lists.

- 3.7 Ineligible Source List – The Purchasing Department may establish an Ineligible Source List for a reasonable period not to exceed three (3) years. The following may be reasons to place a supplier on the Ineligible Source List:
- 3.7.1 Any supplier who submits a bid or proposal in bad faith,
  - 3.7.2 Any supplier who willfully or repeatedly breaches a contract with the County,
  - 3.7.3 Any supplier who repeatedly refuses to accept an award;
  - 3.7.4 Any supplier who has established a pattern or practice of unethical or immoral business practices.
- 3.8 Purchases from County Contracts – The County may, as requested by municipalities, school districts and authorities within the County, consolidate its requirements with these municipalities, school districts and authorities to realize cost-savings accruing from this consolidated purchasing power. The Purchasing Department shall, to the maximum extent practicable, include in its IFBs and RFPs a provision which shall grant municipalities, school districts and authorities within the County permission to purchase under contracts awarded by the County.
- 3.9 Inventory Control and Sale/Disposition of Surplus Material or Equipment
- 3.9.1 The Purchasing Department shall assist in tracking all County personal property with a value of at least \$500. Requisitioners shall notify the Purchasing Officer of his or her designee whenever items with a value greater than \$500 are moved between offices so that the location of these items may be noted in an inventory database. Requisitioners are responsible for these items; the Purchasing Department only maintains the database.
  - 3.9.2 The Purchasing Department maintains a transient items warehouse where items not needed by a particular Requisitioner, but still usable, may be temporarily stored until needed by another Requisitioner. Movement of items to the transient items warehouse shall be coordinated through the Purchasing Department. The transient items warehouse is not to be used as storage for Requisitioners' items. All items in the transient items warehouse are the property of the Purchasing Department.
  - 3.9.3 Items having no further useful life to any County Requisitioners and of nominal value shall be disposed of through scrap or salvage. The Purchasing Department and the Controller's Office share responsibility in this activity.
  - 3.9.4 Requisitioners shall notify the Controller's Office and the Purchasing Department that surplus material or equipment is available for disposition. A representative of the Controller's Office then appraises the value of the subject item(s). The

information is forwarded to the Purchasing Department and a request made that bids be solicited.

- 3.9.5 If the appraised value of the item(s) is over \$500, the Purchasing Department shall formally advertise for bid requests under terms and conditions prescribed and approved by Ordinance. In cases where the appraised value is less than \$500 or less, the County may sell the item(s) at private sale under terms and conditions prescribed and approved by Ordinance or may donate the item(s) to a municipal or non-profit organization where further use would serve a public purpose.
- 3.10 Electronic Auction bidding – If the Purchasing Department determines that a particular purchase may be in the County’s best interest if purchased through an electronic auction bidding process, the Purchasing Department shall request the County Commissioners to approve the use of electronic auction bidding for that purchase.
- 3.11 Gratuities – The Purchasing Officers shall not accept gratuities of any sort (excluding promotional materials of nominal value, for example – pens, pencils and calendars) from prospective suppliers, unless approval is specifically received from the County Commissioners. The Purchasing Officers shall not accept gratuities from current suppliers (unless the supplier’s contract is to expire within 120 days, in which case only promotional items of nominal value may be accepted).
- 3.12 “Buy Local” Policy – To the extent there are multiple bidders for a County contract that qualify as the lowest responsible and responsive bidder, the County shall give a preference to the bidder that is a resident of the County. The residency of the bidder for purposes of this Section 3.12 shall be deemed to be the location of the bidder’s principal place of business at the time the subject bid was submitted or the location of an office at which the bidder employed five (5) or more full-time employees as of the time the subject bid was submitted.
- 3.13 Purchases of Professional Services and other purchases exempted from bidding.
- 3.13.1 The contracts or purchases made by the Commissioners which shall not require advertising, bidding or price quotations, as hereinbefore provided, are as follows:
- (1) Those for maintenance, repairs or replacements for water, electric light, or other public works of the County where they do not constitute new additions, extensions or enlargements of existing facilities and equipment. Security may be required by the commissioners as in other cases for work done.
- (2) Those made for improvements, repairs and maintenance of any kind, made or provided by the County through its own employees. This shall not apply to construction materials used in a street improvement.

(3) Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, vehicles or parts thereof, are desired by the Commissioners, which are patented and manufactured or copyrighted products.

(4) Those made for surety company bonds, those made for public utility service and electricity, natural gas or telecommunication services, provided that, in the case of utilities not under tariff with the Pennsylvania Public Utility Commission, contracts made without advertising and bidding shall be made only after receiving written or telephonic price quotations in accordance with the procedures specified in section 2.7 of this Manual.

(5) Those involving contracts entered into by nonprofit cooperative hospital service associations for hospitals and nursing homes which are part of the institutional district or which are owned by the County, operated by the County or affiliated with the County by the purchasing of, or participating in contracts for, materials, supplies and equipment.

(6) Those made with any public body, including, but not limited to, the sale, lease or loan of any supplies or materials to the County by a public body, provided that the price thereof shall not be in excess of that fixed by the public body. The requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) shall not apply when a County purchases cooperatively with another public body which has entered into a contract for supplies or materials. As used in this paragraph, "public body" shall mean any of the following: (i) the Federal Government; (ii) the Commonwealth of Pennsylvania; (iii) any other state; (iv) a political subdivision, local or municipal authority or other similar local entity of the Commonwealth or any other state; or (v) an agency of the Federal Government, the Commonwealth or any other state.

(7) Those exclusively involving construction management services.

(8) Those involving computer software.

(9) Those involving services of members of the medical or legal profession, registered architects, engineers, certified public accountants or other personal services involving professional expertise.

(10) Those related to professional services involving professional expertise that are to be provided to customers of a County program or initiative where the following applies: (i) the costs of the services are to be paid, or reimbursed to the County, from state or federal funds, (ii) the service provider has been pre-approved by the state or federal government as an authorized service provider for such services and (iii) the customer has chosen the service provider from a list of pre-approved service providers.

3.13.2 Professional Services – Prior to the award of any contract that is more than \$7,500 and that is exempted from bidding pursuant to Sections 3.13.1(7), 3.13.1(8) and

3.13.1(9) of this Manual, the Commissioners shall first advertise a RFQ and/or RFP for the subject contract in one newspaper of general circulation, published or circulating in the county, at least two (2) times at intervals of not less than three (3) days where daily newspapers of general circulation are employed for such publication, or in case weekly newspapers are employed then the notice shall be published once a week for two (2) successive weeks. However, in the event that the Commissioners should determine, in their discretion, that special circumstances exist that necessitate the immediate engagement of the subject service, the Commissioners can waive the advertising requirements and elect to directly submit an RFQ and/or RFP to at least three (3) appropriate service providers. The response of a service provider to the County's RFQ and/or RFP must contain a statement of the range of fees or hourly rates presently charged for each category of task to be performed and/or for each professional to be assigned to the task and an assurance that the fees or hourly rates to be charged the County will be within such range and that the professionals assigned to each task will possess the qualifications and expertise needed to complete the task.

- 3.13.3 Newspaper Advertising – All newspapers of general circulation in the County shall be invited, from time to time, to submit proposals for the County's newspaper advertising. The County reserves the right to use one or more of such newspapers submitting such proposals provided that the County is always incurring the lowest quoted price.
- 3.13.4 Public Disclosure – For those contracts of more than \$7,500 that are exempted by this Manual from advertising, bidding and price quotations, the Commissioners shall make a public disclosure either prior to the execution of such contract or at the meeting of the Board of Commissioners immediately following the execution of the contract identifying the factors that gave rise to the award of the contract, including costs, qualifications, creativity, experience and community impact.

## **I. PURPOSE OF BUDGET AND FINANCE CODE**

The purpose of the Luzerne County Budget and Finance Code is to establish as the standing policy of Luzerne County the development of an annual budget and an on going three year plan necessitating the exercise of control and fiduciary responsibility on the part of Luzerne County through its department heads, the Luzerne County Court of Common Pleas and each row officer for the revenues and expenses within their respective control area(s). This code will provide for internal review and discussion of budget proposals as well as public input prior to the approval of the budget by the Luzerne County Commissioners (“Commissioners”) pursuant to the County Code (16 P.S. Section 1780 et seq.)

The Budget and Finance Code establishes a budget process that requires the involvement and cooperation of the Luzerne County Court of Common Pleas, Row Officers and department heads, encourages active internal and public discussion, and reflects the goals, objectives and economic realities of Luzerne County. The overall process will include an annual State of the County address, a public budget message to residents, public inspection and hearings.

The intent of the Budget and Finance Code is to:

1. Establish the Chief of Budget and Finance as the Commissioners’ Budget Administrator acting under their direction and on their behalf.
2. Establish an annual budget timeline that allows for sufficient review, comment and input of all budget proposals by the Board of Commissioners, Luzerne Court of Common Pleas, Row Officers, department heads and the public.
3. Mandate the preparation of the annual budget on a month-by-month basis.
4. Mandate the preparation of a three-year plan beyond the period being budgeted.
5. Establish procedures for the movement of budgeted dollars between accounts once the Commissioners have approved the budget.
6. Require the preparation and distribution of a monthly variance analysis, which will compare the current month’s actual results to those that were budgeted for the current month, as well as, to the results for the same period a year prior. The President Judge of the Luzerne County Court of Common Pleas, or his designee, all Row Officers and department’s heads will be asked to explain all variances that exceed 5%.

## ANNUAL BUDGET PROCESS

Luzerne County fiscal affairs will be managed and administered on a calendar year fiscal basis. Based on this, the annual budget timeline shall be as follows:

1. On or about June 15<sup>th</sup> of each year, the President Judge of the Luzerne County Court of Common Pleas and each Row Officer and department head will receive “Work Plan” templates for the upcoming year. The work plan submitted will be the narrative justification for the expenditures to be identified by item #2 and will set the non-fiscal goals and objectives of the Court of Common Pleas, each Row Office and department for the following calendar year. These templates must be completed and returned to the Office of County Manager by July 15<sup>th</sup>. The Chief of Budget and Finance will thereafter work with the Office of County Manager, the President Judge of the Luzerne County Court of Common Pleas or his/her designee, all Row Officers and department heads to reconcile the narrative justification, goals and objectives with the budget request and the Chief of Budget and Finance shall make recommendations to the Commissioners by August 15<sup>th</sup>.
2. On or about June 15<sup>th</sup> of each year, the President Judge of the Luzerne County Court of Common Pleas, all Row Officer and department heads will receive blank budget templates, along with instructions for completing the templates, for the upcoming year. These templates will allow them to provide their monthly budget projections for the upcoming year, as well as, their annual plan numbers for the following three (3) years. These templates be completed and returned to the Budget and Finance Office by July 15<sup>th</sup>.
3. The Budget and Finance Office will compile the data as it is received and based on the information will prepare the upcoming year’s initial draft budget and the ensuring plan years. After reviewing the draft budget and plans the chief of Budget and Finance may request additional data and/or information in order to adjust the draft budget or clarify potential questions prior to presenting the initial draft budget to the Board of Commissioners.
4. An initial draft budget and the associated plans for the next calendar year will be presented to the Commissioners by the Chief of Budget and Finance for its review by August 15.
5. The Commissioners will complete their review of this initial draft budget and the associated plans by September 1<sup>st</sup>. After completing their review the Commissioners will meet with the Chief of Budget and Finance individually to discuss any areas of concern they may have and provide direction on what areas of the budget and/or plans need to be modified. Thereafter, the Chief of Budget and Finance will contact the President Judge of the Luzerne County Court of Common Pleas, or his/her designee, the appropriate Row Officers and department

heads for the additional data and information needed to address the Commissioners' concerns.

6. Once the modifications to the budget and/or plans are completed a 2<sup>nd</sup> draft budget will be compiled and presented by the Chief of Budget and Finance to the Commissioners for it's review on or before October 1.
7. Following its review of the 2<sup>nd</sup> draft budget the Commissioners will meet publicly with the President Judge of the Luzerne County Court of Common Pleas, or his/her designee, Row Officers and department heads, as necessary, to discuss budget items and concerns that either the Commissioners or the Court, Row Officer or department head many have and to enable them to support their budget/plan proposals. The Row Officer and /or department head should be prepared to support, as necessary, their budget/plan proposals.
8. Based on the results of the discussions with Row Offices and department heads a 3<sup>rd</sup> draft budget will be compiled by the chief of Budget and Finance and presented to the Commissioners.
9. At its first public meeting in November the commissioners will present their tentative budget for the next year to the public. With Commissioners approval this tentative budget will be made available for public inspection. Public discussion of this tentative budget will be held in conjunction with the 2<sup>nd</sup> public meeting in November.
10. After considering public input and comment the Commissioners will direct the Chief of Budget and Finance to compile the final budget for the next year along with the associated plans. The next year's final budget and associated plans will be presented and voted on, by the Commissioners, at their first public meeting in December. At this same meeting the Commissioner Chairman will issue a public budget message in conjunction with a State of the County address that will discuss goals that have been achieved during the past year and introduce those that have been set for the upcoming year.

### III. CHANGES TO APPROVED ANNUAL BUDGET

1. Changes to the approved budget of the Commissioners will be limited to the movement of dollars between accounts.
2. No increases to budgeted expenses will be permitted without an offsetting decrease in another expense category.
3. Movement of budgeted dollars between accounts will be handled as follows:
  - a. **Intra-Department Transfer**: The Row Officer or department head must submit their request in writing to the Chief of Budget and Finance. This request is to include the account number from which money is being transferred ("donor account"), the account

number to which the money is being transferred (“recipient account”), the amount to be transferred, as well as a detailed explanation for the transfer. If the donor account has a balance that will sufficiently cover the requested transfer amount and the transfer is fiscally responsible based on the explanation provided the Chief of Budget and Finance will approve the transfer. Should the request be denied the requestor will be provided with a detailed explanation as to the reason(s) for the denial.

b. **Inter-Departmental Transfer**: The Row Officer or department head must submit their request in writing to the Chief of Budget and Finance. This request is to include the account number from which money is being transferred (“donor account”), the account number to which the money is being transferred (“recipient account”), the amount to be transferred, authorization from the Row officer or department head responsible for the donor account, as well as a detailed explanation for the transfer. If the donor account has a balance that will sufficiently cover the requested transfer amount and the transfer is fiscally responsible based on the explanation provided the Chief of Budget and Finance will approve the transfer. This request will then be placed on the agenda for the next scheduled public meeting of the Commissioners. If approved by the Commissioners the request will be authorized. Should the request be denied by the Chief of Budget and Finance or the Commissioners the requestor will be provided with a detailed explanation as to the reason(s) for the denial.

### **VARIANCE ANALYSIS**

The Chief of Budget and Finance shall prepare and present to the Commissioners on a monthly basis a budgetary variance analysis so as to enable the tracing of expenses and revenues, and the identification of potential problem areas before they can impact the county’s financial condition and future planning. This analysis will present a comparison of the current month’s actual results to the approved budget amount for the period, as well as, the result of the budget for the same period of the previous fiscal year. This report will be sent to the President Judge of the Luzerne County Court of Common Pleas, each Row Officer and department head together with a request for their written explanation within two weeks of their receipt of said report the reason(s) behind any variance that exceeds 5%.

## **Personnel Policy**

1. The Luzerne County Board of Commissioners shall adopt by Resolution a Personnel Policy fixing the guidelines, policies, and practices in the hiring and employment of personnel in Luzerne County government no later than July 1, 2004.
2. The Personnel Policy mandated by Section 1 above may be amended from time to time by Resolution duly adopted by the Luzerne County Board of Commissioners.
3. On or before December 1 of each year the Office of County Manager and the Human Resources Officer shall prepare and provide to the Board of Commissioners an annual review of the Luzerne County Personnel Policy including therein their recommendations for addition to and/or deletion from said Personnel Policy.
4. Annually, at its first regular meeting in January, the Board of Commissioners shall by Resolution either affirm the existing Personnel Policy or amend the Personnel Policy in the exercise of its discretion.

GENERAL PROVISIONS

**SEVERABILITY** ----- Should any section, subsection, sentence, clause or phrase of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the Ordinance in its entirety or any part thereof other than that so declared to be invalid.

**ORDINANCES REPEALED**----- All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**EFFECTIVE DATE**----- This Ordinance is Ordained and exacted and shall take affect this 21<sup>st</sup> day of April 2004.

Luzerne County Board of Commissioners

\_\_\_\_\_  
Gregory A. Skrepenak, Chairman

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Todd A. Vonderheid

Attest:

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Samuel T. Guesto, Jr.  
Chief Clerk

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Stephen A. Urban