

## CHAPTER 392

### COUNTY PURCHASING DEPARTMENT

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#### 392.01 COUNTY PURCHASING AGENT IN CERTAIN COUNTIES.

In any county now or hereafter having not less than 50,000 nor more than 70,000 inhabitants according to the last federal census and consisting of not less than 35 nor more than 47 congressional townships, the county board may by resolution duly adopted at a meeting of the board appoint a county purchasing agent who shall act during the pleasure of the board and who shall have supervision, under the direction of the board, of the purchase and distribution of all merchandise and supplies used by any department of the county, up to the amount of \$500. The board may allow such clerical help to such county purchasing agent as it shall deem necessary. The board may provide in the county courthouse a suitable storeroom in which to store and from which to distribute the supplies and may prescribe such rules and regulations for the management of the work of the purchasing agent as it shall deem necessary.

**History:** *Ex1937 c 33 s 1; 1943 c 182 s 1 (969-11)*

#### 392.02 COMPENSATION.

The compensation of such purchasing agent and of any assistants shall be fixed by the county board, by resolution, and, upon receipt of any such resolution certifying the name, compensation, and date of appointment, it shall be the duty of the county auditor to enter the name of such purchasing agent and any assistants in the books of the office kept for recording the names of county officers and their employees and the county purchasing agent and his assistants shall be paid such compensation in the same manner as other county officials and employees are now paid, and the same shall be in full compensation for all services rendered to the county by the county purchasing agent and his assistants.

**History:** *Ex1937 c 33 s 2 (969-12)*

#### 392.03 OATH; BOND.

The county purchasing agent herein authorized to be appointed shall take the oath prescribed by law for public officials and file with the county recorder for record a public bond running to the county, in the amount of \$1,000, the reasonable premium for which, if paid to any corporate surety company, shall be paid by the county.

**History:** *Ex1937 c 33 s 3; 1976 c 181 s 2 (969-13)*

#### 392.06 CREATION OF COUNTY PURCHASING DEPARTMENT.

In order to effect economies through volume buying, and in order to promote competitive bidding and provide more efficient public service, the county board of any county may establish a county purchasing department. The county board may direct an existing county office, department or agency to perform the duties of the county purchasing department or may create a new department or agency for that purpose.

**History:** *1961 c 447 s 1*

**392.07 DUTIES OF PURCHASING DEPARTMENT.**

Subdivision 1. The county purchasing department shall perform all acts necessary to the purchase or contract for all supplies, materials, equipment, and contractual services required by any or all county offices, departments or agencies. The county board shall select the county offices, departments or agencies to be serviced by the county purchasing department. The board may authorize any county office, department or agency designated by the board to purchase directly, without the intervention of the director of purchasing, certain specified supplies, materials, equipment, or contractual services, and shall designate the manner in which such purchases shall be made.

Subd. 2. The county purchasing department also shall perform the following duties:

- (1) Prepare all specifications for supplies, materials and equipment;
- (2) Transfer to or between county offices, departments or agencies, or sell supplies, materials, and equipment which is surplus, obsolete, or unused.

**History:** 1961 c 447 s 2

**392.08 DIRECTOR OF PURCHASING; EMPLOYEES.**

The county board shall appoint a director of purchasing to direct and supervise the operations of the county purchasing department. The director of purchasing shall be qualified by training and experience for the position. The board may appoint an existing county officer to serve as director of purchasing. The board shall fix the salary of the director and shall require him to post such bond as the board determines necessary. The board shall provide the director with such assistants, office space, equipment, and supplies as may be necessary to carry out the duties of the office. Except for the director, who may be removed from that office by the board for reasons of misconduct or incompetency after due notice and hearing, all employees of the county purchasing department shall be employed in accordance with civil service regulations existing in the county, if any such regulations exist.

**History:** 1961 c 447 s 3

**392.09 RULES AND REGULATIONS.**

The county board shall promulgate such rules and regulations as are necessary to carry out the provisions of sections 392.06 to 392.10 and shall file them with the county auditor. The board may authorize any county office, department or agency designated by it to purchase supplies, materials, equipment or contractual services in the open market for immediate delivery in emergencies. It shall define such emergencies and designate the manner in which these purchases shall be made and afterwards reported to the director of purchasing.

**History:** 1961 c 447 s 4

**392.10 VOIDABLE PURCHASES, CONTRACTS, AND SALES.**

The purchase or contract for any supplies, material, equipment, or contractual service by any county office, department or agency, or the sale of surplus, obsolete, or unusable supplies, material, or equipment by any county office, department or agency contrary to the provisions of sections 392.06 to 392.10 is voidable. The head of the office, department or agency is personally liable for the cost of such an order or contract and for the reasonable value of supplies, material, or equipment sold. If an order or contract has been paid for out of county funds, the amount may be recovered in the name of the county in an action brought for that purpose. Property sold contrary to the provisions of

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sections 392.06 to 392.10, or the reasonable value of the property, likewise may be recovered in the name of the county.

**History:** 1961 c 447 s 5

## **392.11 LAWS NOT AFFECTED.**

Sections 392.06 to 392.10 are not intended to modify, amend, or repeal any law relating to counties in regard to bidding or any law existing at the time of passage of sections 392.06 to 392.10 which authorize the establishment or creation of a county purchasing agent or department, or a combined city and county joint purchasing arrangement.

**History:** 1961 c 447 s 6