

Sec. 2-9-253. - Bilateral contracts.

- (a) A bilateral contract signed by both parties, and not a purchase order, is required:
- (1) Whenever property is acquired by means of lease, rental, or installment purchase, where the total cost is in excess of \$10,000.00;
 - (2) Whenever personal property is required where the exact quantity of goods, or the specific date when the goods will be needed, are unknown, and the estimated total cost is in excess of \$10,000.00;
 - (3) Whenever services are required by the county where the total cost is in excess of \$10,000.00;
 - (4) Whenever consultant or consultive services are to be acquired where the cost is in excess of \$1,000.00;
 - (5) Whenever real estate or any interest therein is to be acquired, except:
 - a. When acquired pursuant to the power of eminent domain and entry of a decree by a court;
 - b. When acquired as the result of the filing and recording of a map or plat as required by state law;
 - c. When acquired as a condition of the issuance of a land use or building permit;
 - d. When acquired as the result of the prior owner's failure to pay property taxes when due;
 - e. When acquired for the purpose of accessing and maintaining a government survey monument or public land survey government corner location; or
 - e.f. When acquired by gift;
 - (6) Whenever the requesting organization, the procurement division or the commission shall otherwise so specify;
 - (7) Whenever the vendor requires that a contract other than a purchase order be signed by the county;
 - (8) Whenever required by countywide policy on contribution agreements and grants.
- (b) The commission hereby delegates to the elected officials or department head the authority to approve the following types of form/standard agreements (approved by the county attorney as to form) on behalf of the county without having such contracts approved at a commission meeting:
- (1) Library director: Library facility and equipment rental agreements and other agreements as authorized in article VIII of this chapter.
 - (2) Information technology director: Agreements for changes in phone service providers when the change does not result in an increase in fees for such services.
 - (3) Eccles Conference Center Director, Peery's Egyptian Theater Director, Golden Spike Event Center Director, ice sheet director, parks and recreation director, and fair director: Standard facility and equipment rental contracts, catering agreements, and recreational program agreements that are based on commission-approved fees, formulas and/or standard promotional packages.
 - (4) County Surveyor: Public Right of Way Deferral Agreements, Monument Encroachment Permits, Assumption of Risk and Indemnification Agreements.
- (c) Under other circumstances approved by the purchasing agent, standard form contracts may be used. Contracts using a standard format prepared with the assistance of the attorney's office do not need to be individually approved as to form by the attorney's office following preparation, annual review and approval of the standard contract form by the attorney's office. The designation "Standard Contract Form," form number and date the standard form was approved shall be included in the contract title. Any alteration of the standard form language without approval of the attorney shall

render the agreement void and without effect which will be stated in an appropriate part of the contract. The purchasing agent and attorney shall maintain a file of all standard form contracts and review them annually for approval as to form as provided herein.

- (d) The duties of the purchasing agent may be delegated through contractual agreements approved by the commission. A contractual designee shall be subject to the same rules and regulations as provided in this chapter, or pursuant to such duties and procedures as the commission may require.

(Code 1985, § 6-11-6-3; Ord. No. 26-2006, 12-19-2006; Ord. No. 2011-12, § 6-11-6-3, 8-9-2011; [Ord. No. 2015-17](#), 10-6-2015)