



AGENDA

REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF ST. LOUIS COUNTY, MINNESOTA

Tuesday, November 10, 2015, 9:30 A.M.

**County Board Room, Second Floor
St. Louis County Courthouse
100 N. 5th Avenue West
Duluth, Minnesota**

**PETE STAUBER, Chair
Fifth District**

**FRANK JEWELL
First District**

**PATRICK BOYLE
Second District**

**CHRIS DAHLBERG
Third District**

**TOM RUKAVINA
Fourth District**

**KEITH NELSON
Sixth District**

**STEVE RAUKAR, Vice-Chair
Seventh District**

County Auditor
Donald Dicklich

County Administrator
Kevin Gray

County Attorney
Mark Rubin

Clerk of the Board
Phil Chapman

The St. Louis County Board of Commissioners welcomes you to this meeting. This agenda contains a brief description of each item to be considered. The Board encourages your participation. If you wish to speak on an item contained in the agenda, you will be allowed to address the Board when a motion is on the floor. If you wish to speak on a matter that does not appear on the agenda, you may do so during the public comment period at the beginning of the meeting. Except as otherwise provided by the Standing Rules of the County Board, no action shall be taken on any item not appearing in the agenda.

When addressing the Board, please sign in at the podium and state your name and address for the record. Please address the Board as a whole through the Chair. Comments to individual Commissioners or staff are not permitted. The St. Louis County Board promotes adherence to civility in conducting the business of the County. Civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issue before the Board. Tools of civility include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility [County Board Resolution No. 560, adopted on September 9, 2003]. Speakers will be limited to five (5) minutes.

****In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify Property Management 72 hours prior to the meeting at (218)725-5085.****

All supporting documentation is available for public review in the County Auditor's Office, 100 North 5th Avenue West - Room No. 214, St. Louis County Courthouse, Duluth, MN, during regular business hours 8:00 A.M. - 4:30 P.M., Monday through Friday. Agenda is also available on our website at <http://www.stlouiscountymn.gov/GOVERNMENT/BoardofCommissioners.aspx>

AGENDA
St. Louis County Board
November 10, 2015
Page 2

9:30 A.M. Moment of Silence
Pledge of Allegiance
Roll Call

*Excellence in Customer Service Award –
Wayne Suliin, Veterans Services Officer*

Employee and Retiree Longevity Recognition

AT THIS TIME CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD ON ITEMS NOT ON THE AGENDA. [Speakers will be limited to 5 minutes each.]

FOR ITEMS LISTED ON THE BOARD AGENDA OR COMMITTEE OF THE WHOLE AGENDA, CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD AT THE TIME A MOTION IS ON THE FLOOR.

CONSENT AGENDA

All matters listed on the consent agenda are considered routine and/or non-controversial and will be enacted by one unanimous motion. If a commissioner requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

REGULAR AGENDA

Environment & Natural Resources Committee – Commissioner Rukavina, Chair

1. Special sale to the Duluth Housing and Redevelopment Authority. **{15-469} [Without recommendation from the October 27, 2015 Committee of the Whole meeting.]**
2. Consideration of an appeal of a prescriptive easement across private land (RD-ID-15970) by Anthony Scherer. **{15-478} [Without recommendation from the October 27, 2015 Committee of the Whole meeting.]**
3. Consideration of an appeal of a prescriptive easement across private land (RD-ID-20391) by Daniel Johnson and Jeff Couture. **{15-479} [Without recommendation from the October 27, 2015 Committee of the Whole meeting.]**

Finance & Budget Committee – Commissioner Nelson, Chair

4. Adopt the revised St. Louis County Purchasing Rules and Regulations, effective December 1, 2015, and rescind County Board Resolution No. 08-610, dated November 18, 2008. **{15-494} [Without recommendation.]**

ADJOURNED:

Special Sale to the Duluth Housing and Redevelopment Authority

BY COMMISSIONER _____

WHEREAS, The Duluth Housing and Redevelopment Authority (HRA) has requested to purchase state tax forfeited lands for the price of \$40,000, plus fees, for the purpose of a low income housing development as described in County Board File No. _____; and

WHEREAS, Minn. Stat. § 282.01, Subd. 1(a), authorizes the sale of state tax forfeited land to an organized governmental subdivision for any public purpose for which the subdivision is authorized to acquire property; and

WHEREAS, These parcels of land have not been withdrawn from sale pursuant to Minn. Stat. §§ 85.012, 92.461, 282.01, Subd. 8, and 282.018, and other statutes that require the withholding of state tax forfeited lands from sale; and

WHEREAS, These parcels of land have been classified as non-conservation land pursuant to Minnesota Stat. § 282.01; and

WHEREAS, Minn. Stat. § 282.01, Subd. 1a(d), allows for non-conservation tax forfeited land to be sold to a governmental subdivision for less than market value if a reduced price is necessary to provide an incentive to correct blighted conditions or will lead to the development of affordable housing;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the sale of state tax forfeited land, as described, to the Duluth HRA for \$40,000 plus the following fees: 3% assurance fee of \$1,200, deed fee of \$25, deed tax of \$132, recording fee of \$46, for a total of \$41,403 to be deposited into Fund 240 (Forfeited Tax Fund);

RESOLVED FURTHER, That the St. Louis County Auditor shall offer for sale at public auction the state tax forfeited land described here if the Duluth HRA does not purchase the land by March 31, 2016.

Special Sale to the Duluth Housing and Redevelopment Authority

Legal: LOT: 0257 BLOCK: 058, DULUTH PROPER SECOND DIVISION
Parcel Code: 010-1120-06010
LDKey: 118172

Legal: E 1/2 LOT: 0259, BLOCK: 058, DULUTH PROPER SECOND DIVISION
Parcel Code: 010-1120-06020
LDKey: 117614

Legal: WLY 1/2 OF LOT 259 AND ALL OF LOT 261, BLOCK: 058, DULUTH
PROPER SECOND DIVISION
Parcel Code: 010-1120-06030
LDKey: 117615

Legal: N 140 FT LOT: 0258, BLOCK: 058, DULUTH PROPER SECOND
DIVISION
Parcel Code: 010-1120-06120
LDKey: 100634

Legal: LOT: UND 2/3 S 10 FT LOT: 0258, BLOCK: 058, DULUTH PROPER
SECOND DIVISION
Parcel Code: 010-1120-06130
LDKey: 100635

Legal: LOT: UND 1/3 S 10 FT LOT: 0258, BLOCK: 058, DULUTH PROPER
SECOND DIVISION
Parcel Code: 010-1120-06132
LDKey: 100636

Legal: E 35 93/100 FT LOT: 0260, BLOCK: 058, DULUTH PROPER SECOND
DIVISION
Parcel Code: 010-1120-06140
LDKey: 100637

Legal: W 31 14/100 FT LOT: 0262, BLOCK: 058, DULUTH PROPER SECOND
DIVISION
Parcel Code: 010-1120-06150
LDKey: 100638

Legal: EX S 100 FT MEASURED ON THE CENTER LINE LOT: 0266, BLOCK:
058, DULUTH PROPER SECOND DIVISION
Parcel Code: 010-1120-06190
LDKey: 100640

Legal: W 14 7/100 FT OF LOT 260 AND LOT 262 EX W 31 14/100 FT BLOCK:
058, DULUTH PROPER SECOND DIVISION
Parcel Code: 010-1120-06160
LDKey: 100639

Legal: LOT: 0268, BLOCK: 058, DULUTH PROPER SECOND DIVISION
Parcel Code: 010-1120-06220
LDKey: 100641

Legal: LOT: 0270, BLOCK: 058, DULUTH PROPER SECOND DIVISION
Parcel Code: 010-1120-06230
LDKey: 100642



**HOUSING AND REDEVELOPMENT AUTHORITY
OF DULUTH, MINNESOTA**

222 EAST SECOND STREET
P.O. BOX 16900 • DULUTH, MINNESOTA 55816-0900
PHONE 218/529-6300 • FAX 218/529-6344 • TTY 7-1-1



July 30, 2015

Karen Zeisler
St. Louis County Land Department
Government Services Center – Room 607
320 West 2nd Street
Duluth, Minnesota 55802

Re: Acquisition and Conveyance

Ms. Zeisler,

This letter is requesting the acquisition and conveyance of the tax forfeit property identified by the following legal description by the Housing and Redevelopment Authority of Duluth to be included in a land assembly for housing development.

Legal Description Attached

I understand that there have been previous conversations with Rick Ball, the former Executive Director of the HRA regarding this property. In his emails it was suggested that due to the fact that the builder is a not-profit organization building housing for the residents with high housing barriers, the county board might look at a considerable reduction in price. Please let me know if we need to do something specific to receive this consideration.

Sincerely,

David Peterson, MA
Development Coordinator



Legal Description

Combined:

Lots 257, 258, 259, 260, 261, 262, 268, Block 58, DULUTH PROPER SECOND DIVISION, St. Louis County, MN.

-and to-

Lot 266, Block 58, DULUTH PROPER SECOND DIVISION, except those parts described as follows:

Measuring on the center line of said Lot 266, further described by metes and bounds as follows: Commencing at a point on the Northerly line of Piedmont Avenue at the center of Lot 266, thence in a Northerly direction 100 feet to a point at the center of said lot, thence West at right angles 25 feet to the West line of said Lot 266, thence South along the West line of said Lot to the North line of Piedmont Avenue, thence along the North line of Piedmont Avenue in a southerly direction to the place of beginning.

And

Beginning at a point on the intersection of the center line of Piedmont Avenue and the dividing line between Lots 264 and 266 produced to the center line of Piedmont Avenue, thence in a northwesterly direction along the dividing line between Lots 264 and 266 for the distance of 149.56 feet, thence in a southwesterly direction and at right angles to the last described line for the distance of 25.03 feet, thence in a southwesterly direction and at right angles to the last described line for the distance of 134.89 feet to the center line of Piedmont Avenue, thence in an easterly direction along the center line of Piedmont Avenue for the distance of 28.99 feet to the place of beginning.

Tax Legal Breakdowns:

Parcel I – Tax I.D. No. 010-1120-06010
Lot 257, Block 58, DULUTH PROPER SECOND DIVISION.

Parcel II – Tax I.D. No. 010-1120-06120
North 140 feet of Lot 258, Block 58, DULUTH PROPER SECOND DIVISION.

Parcel III – Tax I.D. No. 010-1120-06130
An undivided 2/3rds interest in and to the South 10 feet of Lot 258, Block 58, DULUTH PROPER SECOND DIVISION.

Parcel IV – Tax I.D. No. 010-1120-06132
An undivided 1/3rd interest in and to the South 10 feet of Lot 258, Block 58, DULUTH PROPER SECOND DIVISION.

Parcel V – Tax I.D. No. 010-1120-06020
East half of Lot 259, Block 58, DULUTH PROPER SECOND DIVISION.

Parcel VI – Tax I.D. No. 010-1120-06030
West half of Lot 259 and all of Lot 261, Block 58, DULUTH PROPER SECOND DIVISION.

Parcel VII – Tax I.D. No. 010-1120-06140
East 35 93/100 feet of Lot 260, Block 58, DULUTH PROPER SECOND DIVISION.

Parcel VIII – Tax I.D. No. 010-1120-06160
West 14 7/100 feet of Lot 260 and Lot 262, Except West 31 14/100 feet, Block 58, DULUTH PROPER SECOND DIVISION.

Parcel IX – Tax I.D. No. 010-1120-06150
West 31 14/100 feet of Lot 262, Block 58, DULUTH PROPER SECOND DIVISION.

Parcel X – Tax I.D. No. 010-1120-06190
Lot 266, Except South 100 feet measured on the center line, Block 58, DULUTH PROPER SECOND DIVISION.

Parcel XI – Tax I.D. No. 010-1120-06220
Lot 268, Block 58, DULUTH PROPER SECOND DIVISION.

Parcel XII – Tax I.D. No. 010-1120-06230
Lot 270, Block 58, DULUTH PROPER SECOND DIVISION.



St. Louis County Land & Minerals Department Tax Forfeited Land Sales

Special Sale

Legal : LOT: 0257 BLOCK:058, also E 1/2 LOT: 0259, BLOCK: 058, also WLY 1/2 OF LOT 259 AND ALL OF LOT 261, BLOCK: 058, also N 140 FT LOT: 0258, BLOCK: 058, also LOT: UND 2/3 S 10 FT LOT: 0258, BLOCK: 058, also LOT: UND 1/3 S 10 FT LOT: 0258, BLOCK: 058, also E 35 93/100 FT OF LOT: 0260, BLOCK: 058, also W 31 14/100 FT LOT: 0262, BLOCK: 058, also EX S 100 FT MEASURED ON THE CENTER LINE LOT: 0266, BLOCK: 058, also W 14 7/100 FT LOT 260 AND LOT 262 EX W 31 14/100 FT, BLOCK: 058, also LOT: 0268, BLOCK: 058, also LOT: 0270, BLOCK: 058
DULUTH PROPER SECOND DIVISION

Parcel Codes: 010-1120-06010, 6020, 6030, 6120, 6130, 6132, 6140, 6150, 6160, 6190, 6220, 6230

LDKeys: 118172, 117614, 15, 100635 thru 42

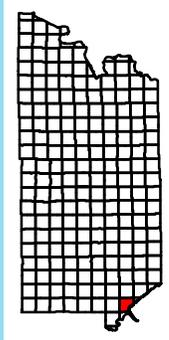


City of Duluth

Sec: 33 Twp: 50 Rng: 14

Commissioner District # 3

- State Tax Forfeited Land
- Water
- Road
- Area of Interest
- Tract



St. Louis County, Minnesota

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. This drawing is a compilation of recorded information and data located in various city, county, state and federal offices. St. Louis County is not responsible for any incorrectness herein.

**St. Louis County
Land & Minerals
Department
2015**



RECOMMENDATION:

It is recommended that the St. Louis County Board retain the map designations for prescriptive easement No. RD-ID-15970 to ensure the road will be available to the county's land managers and open for public travel in perpetuity.

Appeal of Prescriptive Easement across Private Land (RD-ID-15970) Scherer

BY COMMISSIONER _____

WHEREAS, Pursuant to Minn. Stat. § 282.041, the St. Louis County Board has adopted and recorded a county forest road map to record county forest road prescriptive easements for access to state tax forfeited lands according to Minn. Stat. § 89.715; and

WHEREAS, A property owner who is directly affected by a proposed map designation may appeal the map designation to the County Board within 60 days of the map being recorded by filing a written request for review. The County Board shall review the request and any supporting evidence and render a decision within 45 days of receipt of the request for review; and

WHEREAS, Mr. Anthony Scherer has formally appealed the decision to record prescriptive easement No. RD-ID-15970 across his property by filing a written request for review, which was received on September 30, 2015;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board has reviewed the request to appeal the map designation for prescriptive easement No. RD-ID-15970, and has decided to retain prescriptive easement No. RD-ID-15970 to ensure the road will be available to the county's land managers and open for public travel in perpetuity.



Saint Louis County

Land and Minerals Dept. • www.stlouiscountymn.gov • landdept@stlouiscountymn.gov

Mark Weber
Land Commissioner

August 3, 2015

SCHERER ANTHONY
9919 JULEP TRL N
SCANDIA MN 55073

Re: Prescriptive Forest Road Easements adopted by the St. Louis County Board

Dear Property Owner:

This letter is to inform you of an action that has been taken by the St. Louis County Board, which affects land you own, and your options to appeal this action.

In 2005, the Minnesota Legislature passed Minnesota Statute 89.715, Alternative Recording for State Forest Road. This statute allows the Minnesota Department of Natural Resources (DNR) to record easement interests in long used roads, which may not have been properly recorded at the time of the construction of those roads. Minnesota Statutes, Section 282.041, authorizes the County Board to record easement interests on long used forest roads pursuant to Minnesota Statute 89.715.

You are listed as the owner of property in St. Louis County listed in the attached document which is (are) affected by the statute. The St. Louis County Board has approved the recording of the easement for this road, where it crosses your property. The easement will cover the existing roadbed, ditches and back slopes.

A Public Hearing, to which you were invited, was held to discuss this easement on February 26, 2014, 6:00 p.m., at the Mountain Iron Community Center in Mountain Iron, MN. The Hearing resulted in no changes to the proposed easement that affects your property.

If you do not believe the recording of this easement is the correct action, you may appeal by contacting the Chair of the St. Louis County Board in writing with your concerns by October 3, 2015.

The County Board will then have 45 days to review and respond to your letter. If you are not satisfied with the County Board's response you may appeal within 60 days by filing a formal appeal in District Court.

Please feel free to contact Jason Meyer (218-726-2606) if you have any concerns or comments about this process.

Sincerely,

Mark Weber
Land Commissioner

Land Commissioner's Office
320 West 2nd Street, GSC 302
Duluth, MN 55802
(218) 726-2606
Fax: (218) 726-2600

Pike Lake Area Office
5713 Old Miller Trunk Hwy
Duluth, MN 55811
(218) 625-3700
Fax: (218) 625-3733

Virginia Area Office
7820 Highway 135
Virginia, MN 55792
(218) 742-9898
Fax: (218) 742-9870

"Trust Lands, Managed For The People Of This County"

Mark Weber

From: Pam,Tony <pamtony@midco.net>
Sent: Wednesday, September 30, 2015 5:47 PM
To: Mark Weber
Subject: appeal

To Whom it may concern,

I am appealing the easement through the middle of my property located at 5515 section 8 pwp. 55.0 rg. NE 1/4 of NW 1/4 with the following concerns:

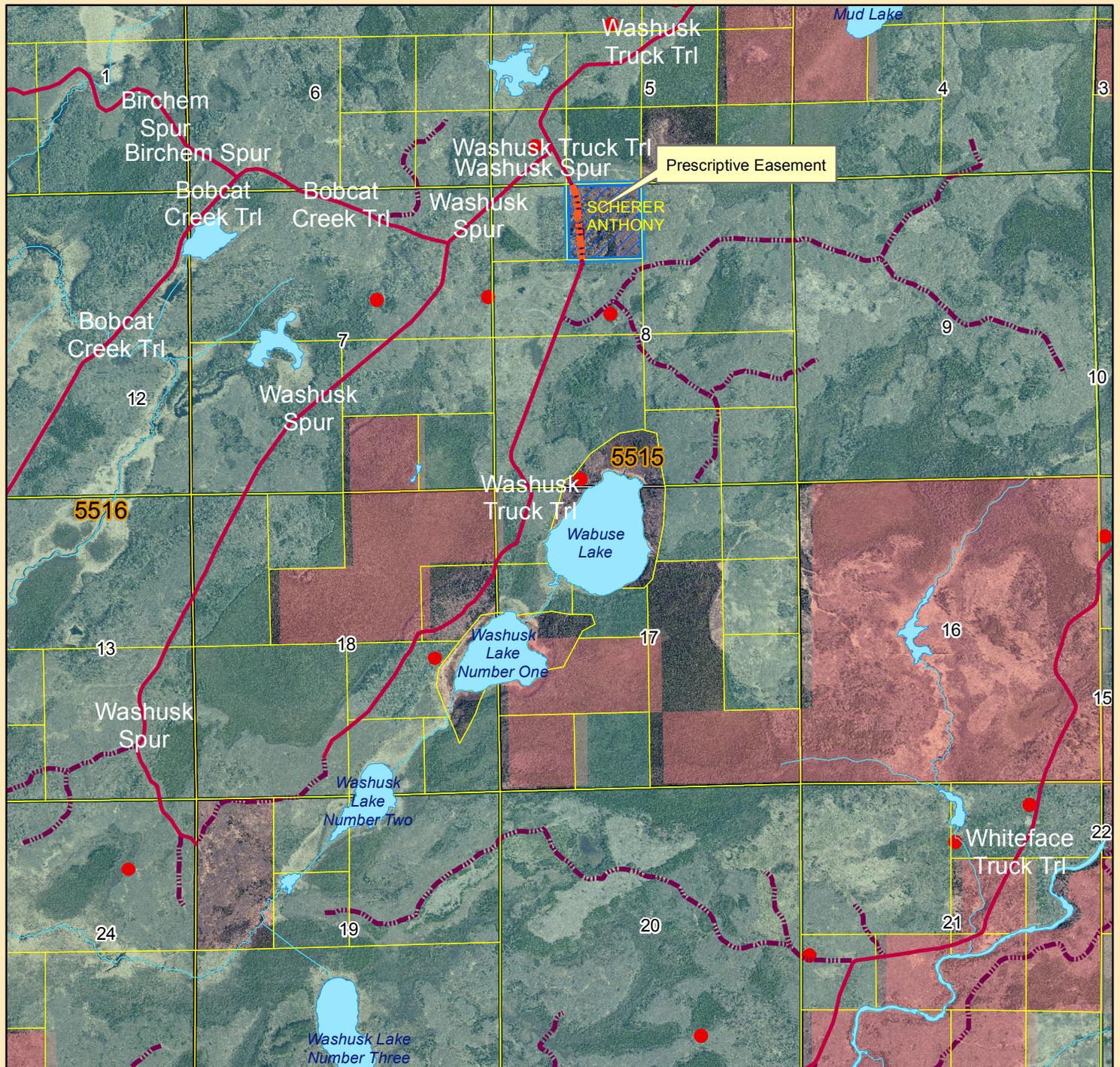
The traffic coming down the road that runs through my property is not used for what it was originally intended for. What was first utilized as a forestry road is now being used for lease access. I have this property to get away from the hustle and bustle of life and feel I'm no longer able to enjoy much peace and quiet on my property anymore.

This is now the second time I am requesting you to remove the easement on my property. If you have questions or concerns please feel free to contact me:

Tony Scherer
9919 Julep Trl N.
Scandia, MN 55073
651 433-4514



St. Louis County Land and Minerals Department



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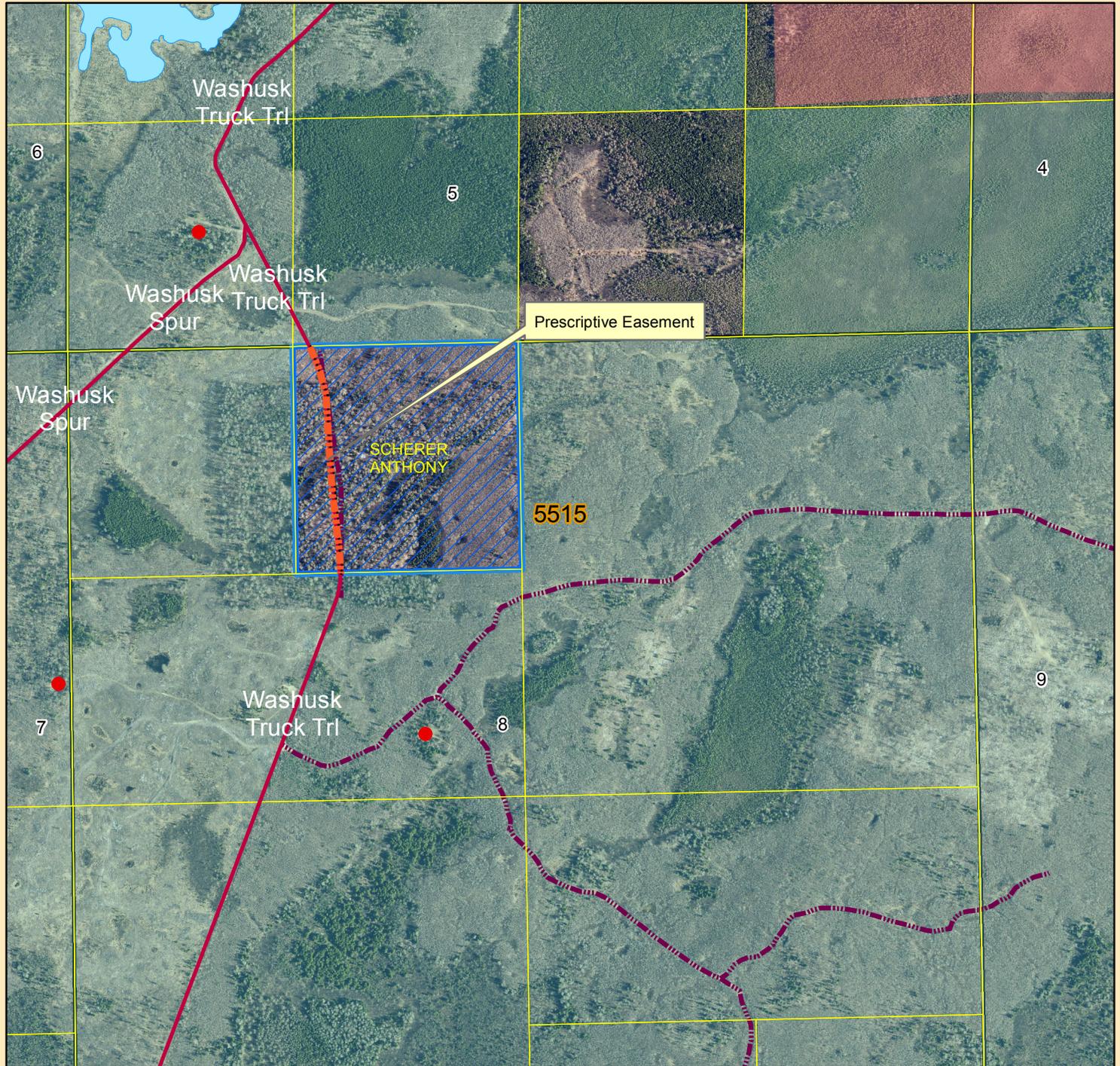
St. Louis County Prescriptive Easements

Legend

- Forest Management Road
- Haul Road - all weather
- Appeal Parcels
- Tax Forfeit Lands**
 - Full Interest
 - Undivided Interest
- Cabin Leases
- DNR Lands
- Prescriptive Easement RD-ID-15970



St. Louis County Land and Minerals Department



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St. Louis County Prescriptive Easements

Legend

-  Forest Management Road
-  Haul Road - all weather
-  Appeal Parcels
- Tax Forfeit Lands**
-  Full Interest
-  Undivided Interest
-  Cabin Leases
-  DNR Lands
-  Prescriptive Easement RD-ID-15970

BOARD LETTER NO. 15 - 479

ENVIRONMENT & NATURAL RESOURCES COMMITTEE NO. 2

NOVEMBER 10, 2015 BOARD AGENDA NO. 3

DATE: October 27, 2015 **RE:** Appeal of Prescriptive
Easement across Private Land
(RD-ID-20391) Johnson,
Couture

FROM: Kevin Z. Gray
County Administrator

Mark Weber, Director
Land and Minerals

Donald Dicklich
County Auditor/Treasurer

RELATED DEPARTMENTAL GOAL:

Ensure sustainable forest management on state tax forfeited lands.

ACTION REQUESTED:

The St. Louis County Board is requested to review the appeals from property owners who are directly affected by a proposed map designation of a prescriptive easements pursuant to Minn. Stat. § 89.715.

BACKGROUND:

On June 9, 2015, the St. Louis County Board adopted a county forest road map to record county forest road prescriptive easements pursuant to Minn. Stat. § 89.715, Subd. 3, and Minn. Stat. § 282.041 (County Board Resolution No. 15-377). Recording the prescriptive easements ensures that these forest roads will be available to the county's land managers and left open for public travel and rural landowner access in perpetuity.

A property owner who is directly affected by a proposed map designation may appeal the map designation to the County Board within 60 days of the map being recorded by filing a written request for review. The County Board is required to review the request and any supporting evidence and render a decision within 45 days of receipt of the request for review.

Mr. Daniel Johnson and Mr. Jeff Couture have formally appealed the decision to record prescriptive easement No. RD-ID-20391 across their properties by filing a written request for review which was received on October 1, 2015. The County Board is asked to move this resolution to the November 3, 2015 Board Meeting without recommendation for final consideration.

RECOMMENDATION:

It is recommended that the St. Louis County Board retain the map designations for prescriptive easement No. RD-ID-20391 to ensure the road will be available to the county's land managers and open for public travel in perpetuity.

**Appeal of Prescriptive Easement across Private Land (RD-ID-20391)
Johnson, Couture**

BY COMMISSIONER _____

WHEREAS, Pursuant to Minn. Stat. § 282.041, the St. Louis County Board has adopted and recorded a county forest road map to record county forest road prescriptive easements for access to state tax forfeited lands according to Minn. Stat. § 89.715; and

WHEREAS, A property owner who is directly affected by a proposed map designation may appeal the map designation to the County Board within 60 days of the map being recorded by filing a written request for review. The County Board shall review the request and any supporting evidence and render a decision within 45 days of receipt of the request for review; and

WHEREAS, Mr. Daniel Johnson and Mr. Jeff Couture have formally appealed the decision to record prescriptive easement No. RD-ID-20391 across their properties by filing a written request for review, which was received on October 1, 2015;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board has reviewed the requests to appeal the map designation for prescriptive easement No. RD-ID-20391, and has decided to retain prescriptive easement No. RD-ID-20391 to ensure the road will be available to the county's land managers and open for public travel in perpetuity.



Saint Louis County

Land and Minerals Dept. • www.stlouiscountymn.gov • landdept@stlouiscountymn.gov

Mark Weber
Land Commissioner

August 3, 2015

JOHNSON DANIEL I
9640 HIGHWAY 37
IRON MN 55751

Re: Prescriptive Forest Road Easements adopted by the St. Louis County Board

Dear Property Owner:

This letter is to inform you of an action that has been taken by the St. Louis County Board, which affects land you own, and your options to appeal this action.

In 2005, the Minnesota Legislature passed Minnesota Statute 89.715, Alternative Recording for State Forest Road. This statute allows the Minnesota Department of Natural Resources (DNR) to record easement interests in long used roads, which may not have been properly recorded at the time of the construction of those roads. Minnesota Statutes, Section 282.041, authorizes the County Board to record easement interests on long used forest roads pursuant to Minnesota Statute 89.715.

You are listed as the owner of property in St. Louis County listed in the attached document which is (are) affected by the statute. The St. Louis County Board has approved the recording of the easement for this road, where it crosses your property. The easement will cover the existing roadbed, ditches and back slopes.

A Public Hearing, to which you were invited, was held to discuss this easement on February 26, 2014, 6:00 p.m., at the Mountain Iron Community Center in Mountain Iron, MN. The Hearing resulted in no changes to the proposed easement that affects your property.

If you do not believe the recording of this easement is the correct action, you may appeal by contacting the Chair of the St. Louis County Board in writing with your concerns by October 3, 2015.

The County Board will then have 45 days to review and respond to your letter. If you are not satisfied with the County Board's response you may appeal within 60 days by filing a formal appeal in District Court.

Please feel free to contact Jason Meyer (218-726-2606) if you have any concerns or comments about this process.

Sincerely,

Mark Weber
Land Commissioner

Land Commissioner's Office
320 West 2nd Street, GSC 302
Duluth, MN 55802
(218) 726-2606
Fax: (218) 726-2600

Pike Lake Area Office
5713 Old Miller Trunk Hwy
Duluth, MN 55811
(218) 625-3700
Fax: (218) 625-3733

Virginia Area Office
7820 Highway 135
Virginia, MN 55792
(218) 742-9898
Fax: (218) 742-9870

RECEIVED

OCT 01 2015

SLC ADMIN

Routed to:

Comms.
Admin.
Board File
Other Land & Minerals
Director

September 28, 2015

Commissioner Pete Stauber, Board Chair
100 N 5th Ave W
Room 202
Duluth, MN 55802

Re: Prescriptive Forest Road Easements adopted by the St. Louis County Board

Dear Commissioner Stauber:

I spoke with Jason Meyer last winter and was informed they had just begun the process regarding the above. I suggested that rather than a prescriptive easement I would grant the County an easement for timber management activities. Mr. Meyer said he would discuss it with other County personnel and get back to me. Much to my dismay, I never heard back until receiving the enclosed letter.

After my discussion with Commissioner Raukar, I wish to appeal the action of the prescriptive easement. By allowing uninhibited public access, I and the adjacent landowner would be forever relinquishing our rights as taxpaying property owners. I offer you the following facts:

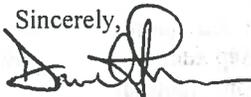
- Numerous vehicles proceed down the access trail and then get stuck.
- ATV use is on the increase and theft has occurred at my hunting shack lease (my lease is approx 1.5 miles from my house and 40 acres that I own subject to your easement process)
- People throw garbage onto my property off the access trail
- 3 Years ago someone dumped a wolf carcass onto my property alongside the access trail
- Two years ago an elderly man from southern Wisconsin drove his vehicle down the trail and was stranded out of sight. He was suffering from dementia and he had a missing persons report on him for many days. Luckily he was found alive and I notified the authorities who treated him for dehydration and returned him to his loved ones.
- People trespass onto my property from the access trail

It is not my intention to prohibit timber management activities nor prohibit access to other private land owners. I have no problem allowing access to the public, and would continue to do so as has occurred in the past. However, I would like to reserve the right to not allow the "bad apples" onto my property. Therefore, I believe it is reasonable to grant the County a specific easement for timber management and it is also prudent on the Board's part to avoid a costly and time consuming legal process. I have spoken with the adjacent landowner Jeff Couture. He is in agreement to allow a specific easement rather than a prescriptive easement.

I can be reached at (218) 258-7419. My home address is as listed on the enclosed letter. The property address subject to the easement is 7142 Berklund Rd, Canyon MN 55717.

Thank you for your time in serving me as a citizen and taxpayer of St. Louis County.

Sincerely,



Daniel I. Johnson

Cc: Jeff Couture

Commissioners: Jewell, Boyle, Dahlberg, Rukavina, Nelson, Raukar

enclosure

RECEIVED

OCT 01 2015

SLC ADMIN

Routed to:

Comms.

Admin.

Board File

Other Land & Minerals
Director

September 28, 2015

Commissioner Pete Stauber, Board Chair
100 N 5th Ave W
Room 202
Duluth, MN 55802

Re: Prescriptive Forest Road Easements adopted by the St. Louis County Board

Dear Commissioner Stauber:

I spoke with Dan Johnson regarding a joint appeal of the prescriptive easement. I would like to appeal the easement process and grant the County a specific use easement for timber management purposes. I believe this is in the best interest of all parties to achieve a mutually beneficial result rather than pursuing the legal process.

Thank you for your time in serving me as a citizen and taxpayer of St. Louis County.

I can be reached at (218) 879-5877 work or cell # 218-428-2501.

My home address is: 4403 Twin Lakes Dr. Cloquet, MN. 55720

The property address is : Parcel Code:490-0010-02000 5 SE ¼ of SE ¼ Sec/Lot 13
TWP/BLK:53.0 Range 17 Acres:40.0

Land is across from Dan's land.

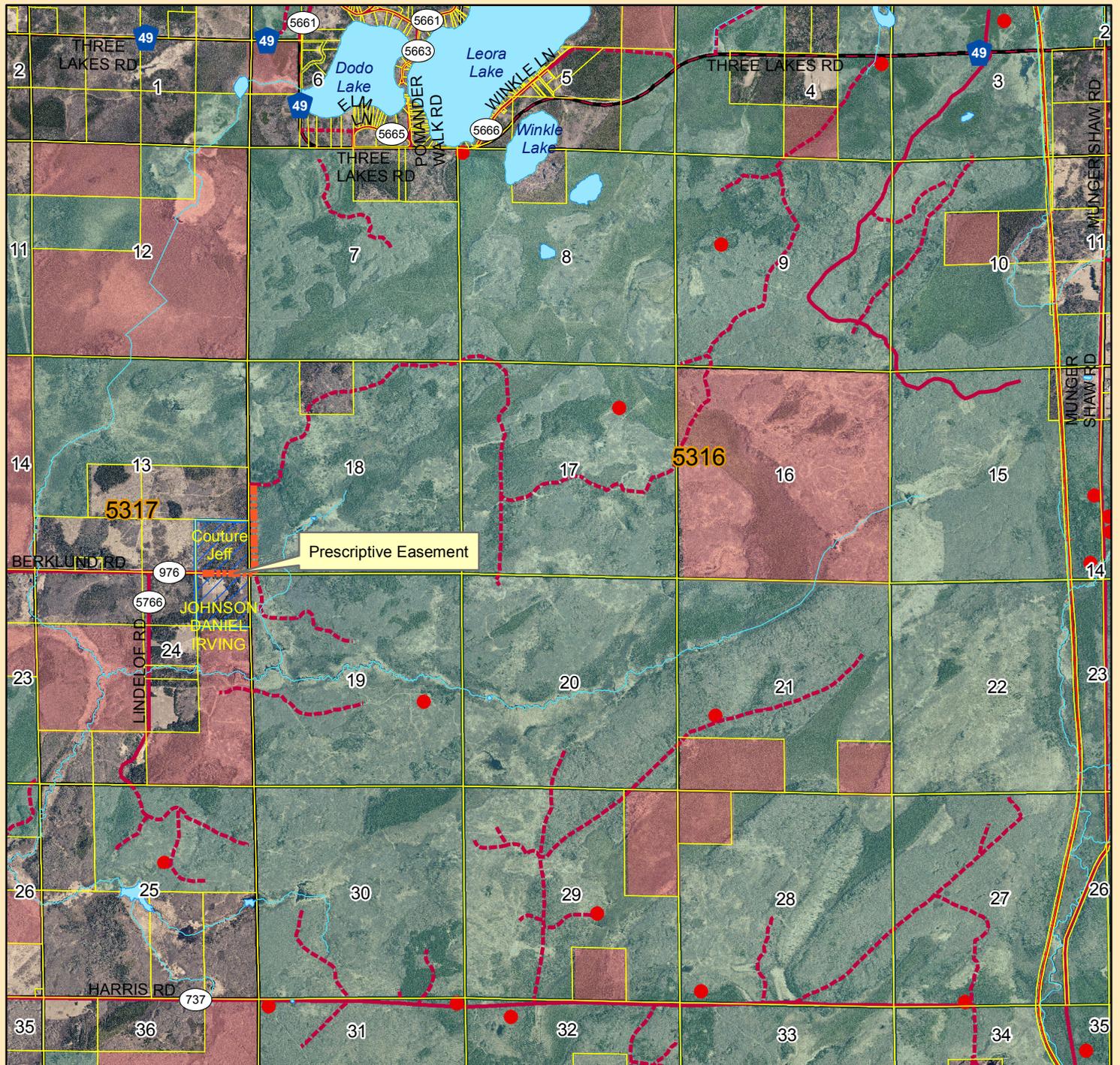
Sincerely,



Jeff Couture



St. Louis County Land and Minerals Department



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. This drawing is a compilation of recorded information and data located in various city, county, state and federal offices. St. Louis County is not responsible for any incorrectness herein.

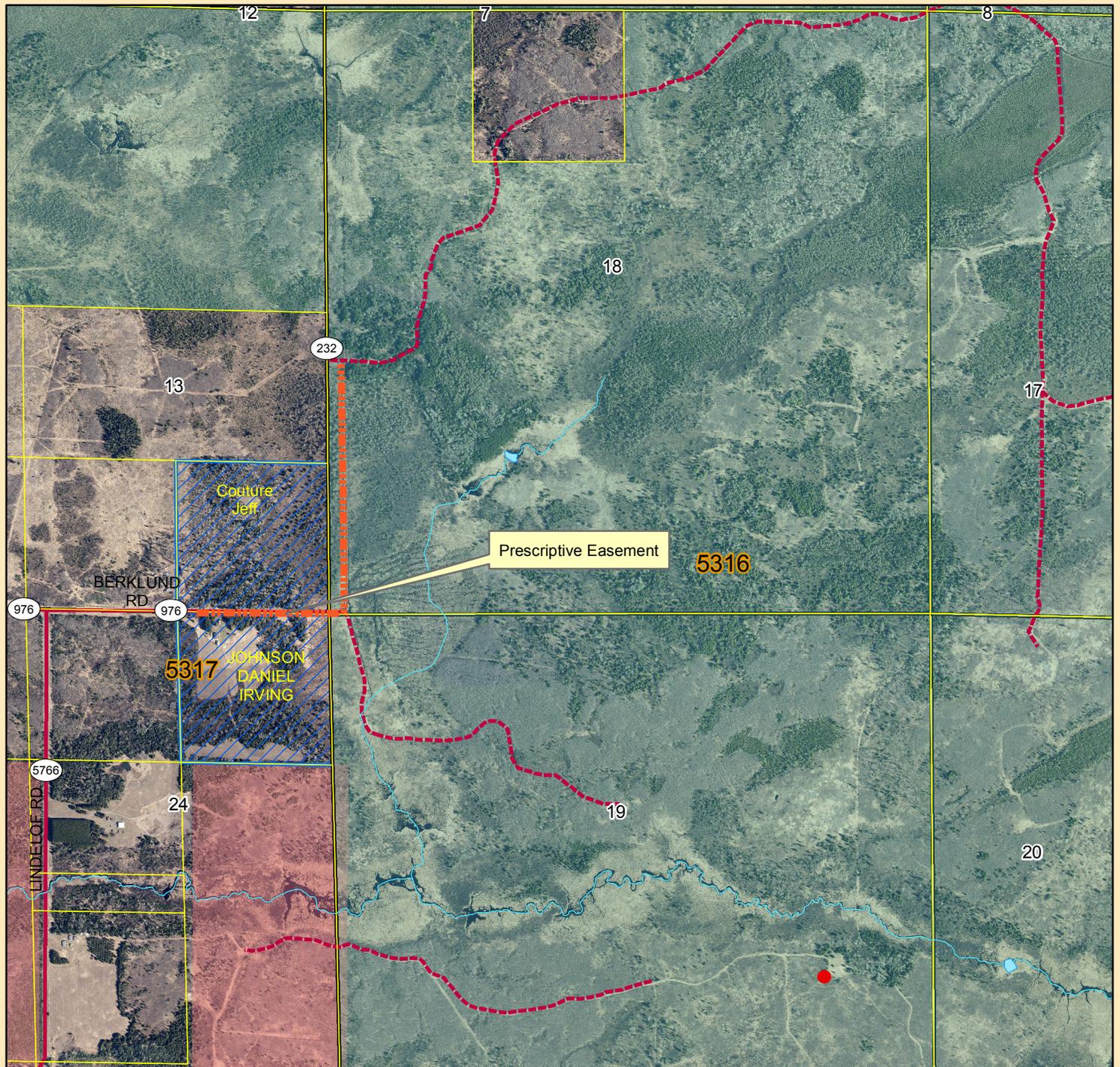
St. Louis County Prescriptive Easements

Legend

- - - - - Haul Road - dry periods and winter (Class 5)
- Non-Dep't Haul Road - all weather
- Appeal Parcels
- Tax Forfeit Lands**
- Full Interest
- Undivided Interest
- Cabin Leases
- DNR Lands
- - - - - Prescriptive Easement RD-ID-20391



St. Louis County Land and Minerals Department



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St. Louis County Prescriptive Easements

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BOARD LETTER NO. 15 – 494

FINANCE & BUDGET COMMITTEE NO. 1

NOVEMBER 10, 2015 BOARD AGENDA NO. 4

DATE: November 3, 2015 **RE:** Adoption of Revised St. Louis County Purchasing Rules and Regulations – 2015, and Rescind Resolution No. 08-610

FROM: Kevin Z. Gray
County Administrator

Gary E. Eckenberg
Director of Purchasing

Donna M. Viskoe, Procurement Manager
Purchasing Division – Administration

RELATED DEPARTMENT GOAL:

To maintain a fundamental procurement policy for vendors and all St. Louis County employees who procure goods and services for the county.

ACTION REQUESTED:

The St. Louis County Board is requested to approve the revised Purchasing Rules and Regulations.

BACKGROUND:

St. Louis County Purchasing Rules and Regulations have not been revised since November 18, 2008 (County Board Resolution No. 08-610). Since that time, procurement standards have changed along with Board Resolutions and State Statutes that affect the operation of the Purchasing Division. In fact, the procurement function itself was reorganized from a county department to a major division of County Administration in 2010.

The revised Purchasing Rules and Regulations reflect these changes by offering greater efficiencies for department heads, less use of formal sealed bid processes and greater reliance on solicitation of quotes, proposals and information from qualified vendors. These tools provide county managers with more opportunities to control expenses and obtain the best value for county citizens in their purchasing decisions.

With the input and assistance of the County Auditor's Office, County Attorney's Office, and several department heads and managers, the Purchasing Division has redesigned

the new document to provide contractors and vendors with an understandable process and procedure to assist them in doing business with St. Louis County. The Purchasing Rules and Regulations also provide direction to employees for many alternative situations they experience in the purchase of supplies and materials on behalf of the county.

At the October 20, 2015 Board Workshop, Commissioners were provided opportunity to review the revised document and give direction prior to presentation for final approval. Based on that discussion, Administration is providing a draft with highlighted information for consideration at the November 3, 2015 Committee of the Whole meeting. Those areas highlighted consist of new language reflecting suggested changes to make a more usable and consistent document during the revision process, which has been ongoing for the last two years.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the revised Purchasing Rules and Regulations, dated November 10, 2015, effective December 1, 2015, and rescind County Board Resolution No. 08-610, dated November 18, 2008.

**Adoption of Revised St. Louis County Purchasing Rules and Regulations – 2015,
and Rescind Resolution No. 08-610**

BY COMMISSIONER _____

WHEREAS, There is a continued need to incorporate all purchasing related County Board Resolutions, State Statutes, and purchasing procedures into a single county policy governing procurement activities; and

WHEREAS, The Purchasing Division has worked with County Administration, the County Attorney Office, Auditor's Office and county department heads and managers to revise the St. Louis County Purchasing Rules and Regulations document; and

WHEREAS, At the October 20, 2015 Board Workshop, the County Board was provided opportunity to review the revised Purchasing Rules and Regulations and give direction for changes prior to presentation for final approval at the November 10, 2015 County Board meeting;

THEREFORE, BE IT RESOLVED, That the St Louis County Board of Commissioners adopts the revised St. Louis County Purchasing Rules and Regulations (County Board File No. _____), effective December 1, 2015, and rescinds County Board Resolution No. 08-610, adopted November 18, 2008.



PURCHASING RULES AND REGULATIONS



Adopted: November 10, 2015

St. Louis County Board of Commissioners
Kevin Z. Gray, County Administrator



ST. LOUIS COUNTY PURCHASING RULES AND REGULATIONS 2015

AUTHORITY

Published and promulgated pursuant to the authority of Minn. Stat. § 375.75. Required statutory provisions applicable to these Rules shall apply, as may be amended from year to year.

This document titled “St. Louis County Purchasing Rules and Regulations” was adopted by the St. Louis County Board of Commissioners on November 10, 2015 by Resolution No. 15-xx, and by this resolution, rescinds and supersedes all prior resolutions which approved earlier versions of the county’s Purchasing Rules and Regulations. Upon adoption, all St. Louis County staff having purchasing responsibility are required to attend training offered through the Human Resources Department - Employee Development Division. This procurement training will be offered annually, or as needed.

STATEMENT OF PURCHASING POLICY

The services and activities of St. Louis County’s Purchasing Division will be in accordance with Minnesota Statutes and St. Louis County Purchasing Rules and Regulations, adopted by the County Board. A summary of contract requirements and contract routing procedures are attached in Appendix A, which is incorporated herein.

Purchasing services for other commissions, agencies, or authorities are subject to approval of the County Board and will be subject to the same statutes and rules applicable to the expenditure of all funds under the authority of St. Louis County.

All contracts are subject to prior review by the County Attorney's Office, including final approval as to form and execution. A copy of the final executed contract shall be filed with the County Auditor.

Gary E. Eckenberg, Purchasing Director
Deputy County Administrator

Donna M. Viskoe, CPPO
Procurement Manager, Purchasing Division

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Appendixes

Appendix A: St. Louis County "Sole Source" Procurement Justification
Contract Requirements / Contract Routing
Project Change Order Approval Requirements (Flow Chart)
Grant Approval Form

Appendix B: St. Louis County Board Resolutions

Appendix C: Minnesota State Statutes Relating to Purchasing Rules & Regulations

ST. LOUIS COUNTY PURCHASING RULES AND REGULATIONS 2015

I. DUTIES AND RESPONSIBILITIES OF THE ST. LOUIS COUNTY PURCHASING DIVISION

- A.** Purchase or contract for all supplies, materials, equipment and contractual services required by any department, board, or agency of County government.
- B.** Prepare all specifications for supplies, materials and equipment.
- C.** Transfer to, or between, county departments, boards, and agencies, or sell supplies, materials and equipment which are surplus, obsolete, or unused.
- D.** Submit at a time prescribed by the County Board, an annual report on the work of the Purchasing Division, and from time to time, suggest changes to the Purchasing Rules and Regulations, which the Purchasing Division deems necessary.

II. PURCHASING DEFINITIONS *(Adapted from portions of Minn. Stat. § 16C.02)*

Award - "Award" means a written acceptance of a bid or proposal to provide goods, services, construction or utilities, which shall be binding upon contract execution.

Contract - "Contract" means any written instrument or electronic document containing the elements of offer, acceptance, and consideration to which the County is a party, including an amendment to or extension of a contract.

Direct Negotiation – "Direct Negotiation" means obtaining two or more quotations for a purchase or sale when possible, and without advertising for bids or otherwise complying with the requirements of competitive bidding.

Formal solicitation - "Formal solicitation" means a solicitation which requires a sealed response. This includes Requests for Bids and Requests for Proposals.

Informal solicitation - "Informal solicitation" means a solicitation which does not require a sealed response. This includes Requests for Quotes.

Open Market – "Open Market" means a direct solicitation with a specific vendor or individual without requesting or obtaining additional quotes.

Request for Bid (RFB) - "Request for Bid" or "RFB" means a formal solicitation in which the terms, conditions, and specifications are described and responses are not subject to negotiation.

Request for Information (RFI) - "Request for Information" or RFI" means non-binding input from interested parties for a forthcoming solicitation. RFI is used to obtain comments, feedback or reactions from potential suppliers or vendors prior to the issuing of a solicitation. Contracts are not awarded based on an RFI. Solicitations are produced based on results of an RFI.

Request for Proposal (RFP) - "Request for Proposal" or "RFP" means a formal solicitation that may be a single or multi-step process. It is used when it is not advantageous to set forth all the actual, detailed requirements at the time of solicitation. Responses may be negotiated to achieve best value for the county in which price is not always the primary evaluation factor. RFP provides for the negotiation of all terms, including price, prior to contract award and may include a provision for the negotiation of "Best and Final Offers."

Request for Quotes (RFQ) - "Request for Quotes" or "RFQ" means an informal solicitation for goods or services in which responses are received by a letter, fax, e-mail or other manner. RFQs are not subject to formal bidding requirements.

Sealed - "Sealed" means a method of the solicitation process to prevent the contents from being revealed or known before the deadline for submission of responses.

Solicitation - "Solicitation" means the process used to communicate procurement requirements and to request responses from interested vendors.

III. CONTRACT REQUIREMENTS

A. GENERAL REQUIREMENTS FOR ALL CONTRACTS

1. The County Attorney's Office must approve the form and execution of all county contracts. All contracts must be reviewed and signed by the County Attorney after the required county signatures have been obtained. Departments should consult the Purchasing Division for a list of contract forms that can be used for recurring and frequent contracts. Contracts generated with these forms must also be reviewed and signed in the same manner as all other county contracts.
2. The "Contract Requirements" form found in Appendix A, identifying procedures, solicitation requirements, and approval and execution requirements, is incorporated herein, as part of these Purchasing Rules and Regulations. Professional services agreements and architectural and engineering contracts greater than \$40,000, and all other contracts over \$85,000, must be approved by the County Board.
3. The "Contract Routing" form, found in Appendix A, must be attached to every contract, with relevant information provided, when circulated for review and execution.
4. All contracts approved by the County Board must be signed by the Chair of the Board and the County Auditor.
5. Except in an emergency, or when the county makes use of Purchasing Cards, no valid order for delivery on a contract or open market purchase shall be issued until the County Auditor has certified that the unencumbered fund balance is sufficient to defray the amount of such order.
6. The purchase or contract for any supplies, material, 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 Minn. Stat. Sections 375.72 to 375.76 is voidable. The head of such department, board, commission or agency shall be personally liable for the costs of such order or contract, and if already paid for out of county funds, the amount may be recovered in the name of the county in an appropriate legal action. Property sold, or the reasonable value of the property, may be recovered in the name of the county in a similar manner.

B. SOLICITATION EXPENDITURE REQUIREMENTS

(Uniform Municipal Contracting Law, Minn. Stat. § 471.345)

1. Purchases greater than \$50,000 must go through the Purchasing Division, with the exception of Public Works Road & Bridge projects.

2. Contracts estimated to be over \$100,000 can be awarded based on sealed bids or best value.

a. Sealed bids. Sealed bids shall be solicited by public notice in the manner and subject to the laws and policy governing county contracts. *(With regard to repairs and maintenance of ditches, the specific provisions found in Minn. Stat. 383C.094 apply.)*

b. Best value alternative. At the discretion of the County Board, as an alternative to sealed bids, the county may award a contract for construction, alteration, repair, or maintenance work to the contractor offering the best value under a request for proposals. *(Minn. Stat. § 375.21, Subd. 1b., Minn. Stat. Section 16C.28)*

3. Contracts exceeding \$25,000 but not exceeding \$100,000, can be awarded based on sealed bids, direct negotiation, or best value.

a. Sealed bids. Sealed bids shall be solicited by public notice in the manner and subject to the laws and policy governing county contracts. *(With regard to repairs and maintenance of ditches, the specific provisions found in Minn. Stat. 383C.094 apply.)*

b. Direct negotiation. Direct negotiations may be used by obtaining two or more quotations for the purchase or sale when possible, and without advertising for bids or otherwise complying with the requirements of competitive bidding. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof.

c. Best value alternative. At the discretion of the County Board, as an alternative to sealed bids the county may award a contract for construction, alteration, repair, or maintenance work to the contractor offering the best value under a request for proposals. *(Minn. Stat. § 375.21, Subd. 1b., Minn. Stat. Section 16C.28)*

4. Contracts estimated to be \$25,000 or less may be made either upon direct negotiation or in the open market, at the discretion of the Purchasing Director or designee.

a. If the contract is made upon direct negotiation, it shall be based, so far as practicable, on at least two quotations which shall be kept on file for a period of at least one year after their receipt.

b. Alternatively, the county may award a contract for construction, alteration, repair, or maintenance work to the contractor offering the best value under a request for proposals. (*Minn. Stat. § 375.21, Subd. 1b., Minn. Stat. § 16C.28*)

C. UNIQUE TYPES OF CONTRACTS

1. **State Purchasing Contracts.** These are not subject to the solicitation process, however, state contracts must follow all other contract requirements.
2. **Public Works.** The County Board, pursuant to Minnesota Statutes, has delegated authority to the Public Works/Highway Engineer for setting the date for the calling of bids on Public Works projects already approved in the budget for capital improvements, and further requires County Board approval for award of bids received. (*Resolution No. 88-381*)
3. **Environmental Services.** Formal bidding is not required for Environmental Services purchases. However, if formal bidding is used, all rules applicable to formal bidding will apply. (*Minn. Stat. § 400.04, Subd. 4*)
4. **Information Technology.** All software purchases and initial maintenance agreements must be approved by the Department Head and the Information Technology (IT) Department. Renewal maintenance agreements do not require IT approval. If hardware or associated maintenance agreements exceed the approved budget, IT must obtain County Board approval for the purchase. **Software licensing/maintenance agreements greater than \$40,000, must also be approved by the County Board.**
5. **Public Health and Human Services.** Contracting authority is delegated to the Director of Public Health and Human Services in the following situations: when no county dollars are expended; the Fraud Prevention Investigation Grant; non-financial agreements; cooperative agreements with other county departments and Arrowhead Regional Corrections; and for contracts under \$25,000. (*Resolution No. 04-534*)
6. **Construction Contracts.** Wages paid on all county construction work of any and every kind must be at the prevailing rate for the area where the construction work is being performed. Documentation of wages may be required from any successful bidder and payroll records must be maintained. Prevailing Wage Rates are available at the Minnesota Department of Labor and Industry website. (*Resolution No. 73-141*)

Prevailing wage rates do not apply to a contract, or work under a contract, when: (1) the estimated total cost of completing the project is less than \$2,500 and only one trade or occupation is required to complete it, or (2) the estimated total cost of completing the project is less than \$25,000 and more than one trade or occupation is required to complete it. (*Minn. Stat. § 177.43, Subd. 7*)

For any construction contract estimated to exceed \$50,000, Minn. Stat. § 16C.285 requires the completion of Responsible Contractor Affidavits at the time a proposal is submitted. All construction contracts that exceed \$50,000 must be solicited through the Purchasing Division, with the exception of Public Works Road & Bridge projects.

All building construction projects shall be approved by the Property Management Department prior to solicitation.

All formally bid construction projects require the use of domestically produced steel and iron materials and components. (Resolution No. 07-65)

7. **Project Labor Agreements.** A Project Labor Agreement is required on all St. Louis County construction projects in excess of \$150,000, unless otherwise prohibited by law. If a bid is submitted in excess of \$150,000, the bidder must have a fully executed agreement returned to the Purchasing Division at the time the contract, bonds and other required contract documents are returned to the contracting authority. (Resolution No. 04-255)
8. **Energy Efficiency Projects.** The county may enter into guaranteed energy-savings contracts that include written guarantees that savings will meet or exceed the cost of energy conservation measures. These contracts are not subject to the competitive bidding requirements. (Complete requirements for energy efficient contracts can be found in Minn. Stat. § 471.345, Subd. 13.)
9. **Grant Management.** The county's Grant Management Policy requires that sufficient information be provided to the County Board, financial and other managers to determine the desirability of a grant application. Specific financial and cost information must be provided to the Board prior to applying for and/or accepting a grant. This policy applies only to grants for which the county must make specific application and does not apply to program aids provided to the county as a matter of law. The Grant Approval Form is found in Appendix A.
10. **Rebates.** Any rebates, issued to or received on behalf of the county, must be used for a future county purchase.

D. **PROFESSIONAL SERVICES AGREEMENTS**

1. Professional Services Agreements less than or equal to \$40,000 shall be approved and executed by the Department Head. Contracts greater than \$40,000 shall be approved by the County Board.
2. Successive and consecutive agreements with the same vendor for the same project or professional service require County Board approval, if the cumulative total exceeds \$40,000, within any twelve month period.
3. For Architectural and Engineering services over \$40,000, with the exception of Road and Bridge projects, the Department Head, with the consent of the Purchasing Director and the Property Management Director, shall approve selection of a contractor based upon direct negotiation, prior to contract approval by the County Board. The Qualified Based Selection (QBS) method will be the preferred method in selecting architectural and engineering services.

4. Agreements less than or equal to \$5,000 may be attached to a payment voucher and sent directly to the County Auditor's Office for payment, when signed by the Department Head or designee.

IV. BIDDING AND PURCHASING REQUIREMENTS

A. BIDDING REQUIREMENTS

1. **Solicitation for Bids and Proposals.** The Purchasing Division shall post solicitations for bids in the Purchasing Division office. According to County Board policy all Requests for Bids and Requests for Proposals (with the exception of road and bridge projects) will only be posted on an electronic bidding service. Bids relating to major facility repairs and construction will also be advertised in the Local Builders Exchanges. Formal bids may be received electronically or by hard copy in the Purchasing Division office. (*Resolution No. 06-24*)
2. **Bid Submission.** A bidder may submit bids electronically through DemandStar or by submitting bids in hard copy to the St. Louis County Purchasing Division, pursuant to the bid specifications.
3. **Electronic Bidding.** Electronic bidding is prescribed for Public Works Department road and bridge projects, with electronic format being the sole allowable form of bid submission. (*Minn. Stat. § 471.345, Subd. 18; Resolution No. 13-347*).
4. **Bidder's Deposit.** The Purchasing Division may require a deposit to accompany a bid, equal to 5% of the total bid amount or a specified amount.
 - a. The deposit shall be in the form of a certified check or bidder's bond and subject to forfeit for failure to contract within ten days after tender.
 - b. Deposits of unsuccessful bidders will be returned upon award of contract.
 - c. The successful bidder's deposit may be retained for sixty (60) days after delivery to ensure compliance with specifications, or until such time as a performance bond and payment bond have been furnished.
 - d. Any bid that requires a performance bond and/or payment bond will also require a bid deposit.
 - e. Failure of a bidder to furnish a deposit, as specified, may be cause for rejection. When it is in the best interest of the county, a bid deposit may be waived or subsequently furnished prior to award of a contract, as determined by the Purchasing Division.
5. **Rejection of Bids.** The Procurement Manager shall have the right to reject any and all bids if the public interest is served by doing so.
 - a. Bid documents which contain alterations to the bid specifications shall be rejected, unless corrected pursuant to the procedure found in Minn. Stat. 16C.28, Subd.2.

b. Bids will be rejected for good and sufficient cause; such as, but not limited to faulty specifications, abandonment of the project or requirement, insufficient funds, evidence of unfair competition, non-responsive bids or failure to provide security deposits when required.

c. Bids which do not comply with or are not responsive to the provisions and/or specifications of the bid shall be considered non-responsive and shall be rejected.

d. In the case of identical low bids from two or more bidders, the Procurement Manager may use direct negotiation methods with the tied low bidders for that particular transaction, so long as the price paid does not exceed the low tied bid price. (*Minn. Stat. 16C.28, Subd 3*)

e. It shall be the duty of the Purchasing Division to discourage uniform bidding and to endeavor to obtain full and open competition on all purchases and sales, to the extent possible.

f. St. Louis County shall, at its sole discretion, determine when a bidder is not a "responsible bidder," using the definitions provided below.

6. Responsible Bidder Defined. In determining the lowest responsible bidder, in addition to the price, St. Louis County's consideration shall include, but not be limited to, the following:

a. The ability, capacity and demonstrated skill of the bidder to perform and/or provide the required service;

b. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

c. The character, integrity, reputation, judgment, experience and efficiency of the bidder;

d. The quality of performance of previous contracts or services;

e. The sufficiency of the financial resources and ability of the bidder to perform the contract or services;

f. The quality, availability and adaptability of the supplies or contractual services to the particular use required;

g. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

7. Award of Bids. All contracts shall be awarded to the lowest responsive, responsible bidder or highest responsible bidder in the case of sales.

a. In a particular bid wherein the unit price and the total price do not agree, the unit price will prevail.

b. For all contracts for construction, alteration, repair, or maintenance work, the county may award contracts to the vendor offering the best value, and "best

value" shall be defined as found in Minnesota statute. Alternatively, the county may award all contracts for construction, alteration, repair, or maintenance work to the lowest responsible bidder, reserving the right to reject any or all bids. (*Minn. Stat. § 16C.28, Subd. 1, paragraph (a), clause (2), and paragraph (c), and Section 16C.28, Subd. 1a; Minn. Stat. § 375.21 Subd.1b*)

c. Fleet vehicles. When soliciting bids for fleet vehicles, the County Board may award the bid to a St. Louis County vendor if it meets specifications, is the lowest bid, and is not greater than \$350 more than the State contract price. (*Resolution No. 04-127*)

B. PURCHASE ORDERS

1. Use of Purchase Orders

a. The department must obtain a Purchasing Division purchase order (P.O.) prior to any purchase over \$5,000. The requirement for P.O. prior to purchase does not apply to emergency purchases or the use of Procurement Cards (P-cards)

b. Any electronic purchase of equipment containing a central processing unit (CPU) such as a computer, tablet, iPad, laptop, etc., must have a purchase order regardless of cost, to ensure compatibility with existing county approved technology standards.

2. No purchase order is required for the following purchases:

a. Purchases of \$5,000 and less. This amount includes purchases only, excluding freight and/or shipping charges.

b. Communications and Utilities. Defined as telephone, cellular, pager and internet services, water, sewer, electrical and gas bills.

c. Bonds and Insurance. Defined as elected official bonds, deputy bonds, surety bonds, notary applications and insurance payments.

d. Reimbursements. Defined as payments to employees for approved expenses.

e. Dues and Membership Fees. Defined as dues and membership fees for professional organizations.

f. Publications and Subscriptions. Defined as newspapers, magazines, journals.

g. Travel. Defined as advance payment or reimbursement for travel expense - Approved travel form required.

h. Tuition and Training. Defined as fees and associated cost for training and tuition.

i. Advertisement/Legal Notices. Defined as newspapers advertisements and notices. - (Tear sheet or certified copy of advertisement and notices required.)

j. Bank Charges. Defined as stop payments, wiring fees and any miscellaneous charges associated with banking.

k. Other Governmental Entities. Defined as payments to Federal, State, and Local government entities.

l. Debt Service Payments. Defined as principal and interest on outstanding debt and any associated fees.

m. Legal Research Sources

n. Procurement Card (P-card) Purchases. P-card purchases are subject to all P-card policies and procedures.

C. SOLE SOURCE PURCHASING

Competitive bidding is not required when by reason of a copyright, patent, or exclusive franchise, purchases can be only made at a standard, fixed, or uniform price and no advantage can be secured by advertisement and competitive bidding because of the noncompetitive nature of the item(s) to be purchased.

Circumstances, as determined by the Purchasing Division, which would permit sole source purchasing could include purchases from other governmental bodies, such as the United States, State of Minnesota or other counties and cities. Sole source purchases may also apply to contract services such as technical and professional, or utility services where no competition exists, or where rates are fixed by law or ordinance.

When an item or service is required which is determined to be reasonably available only from a single supplier, the following procedures shall be followed:

1. For purchases of any amount a requisition shall be transmitted to the Purchasing Division indicating that only one source is known to be reasonably capable of meeting St. Louis County's needs.
2. If practical and in the best interest of St. Louis County, efforts should be made by the requesting department to locate any other possible sources, and the names of those contacted, if any, who were unable to supply the required items or services shall be noted in the comment section of the requisition.
3. The Purchasing Division will review the requisition and, if practical and in the best interest of the county, attempt to identify any potential suppliers who are not listed on the requisition. If no other source is found, a purchase order will be issued to the sole supplier who is known to be capable of filling the order.
4. The procedures and requirements for sole source purchasing, as identified in the "St. Louis County Sole Source Procurement Justification" form found in Appendix A, are incorporated herein by reference, as part of these Purchasing Rules and Regulations. This form must be completed and included in any sole source purchasing request submitted to the Purchasing Division. The form is also located on the Purchasing Division website.

D. EMERGENCY PURCHASING

1. The Purchasing Director may authorize any department, board, commission or agency of the county to purchase in the open market, before filing a requisition, any supplies, materials, services or equipment for immediate delivery to meet actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation and unanticipated volume of work.
2. Others shall only make emergency purchases when specific authority has been given to an individual, or in the event the Purchasing Director or designee cannot be contacted. Upon notification and documentation, the Purchasing Director or designee will issue an emergency purchase order, unless the emergency purchase was made in violation of the regulations governing same.
3. Emergency repairs or purchases that cannot be delayed for the time required for processing a purchase order or bidding are defined as: destruction or impassability of roads or bridges by floods, rain, snow or other casualty; or from breakage, damage or decay of any property in the county, if the public health, safety or welfare would suffer by delay. In the case of an emergency arising from these factors that cannot wait for the time required to advertise for bids or quotes, contracts for purchases, services or repairs may be made without advertising for bids. (*Minn. Stat. § 375.21*)
4. For emergency repairs over \$85,000 that cannot wait for the time required to advertise for bids or quotes, repairs may be made if the work is authorized by a majority of the Board of County Commissioners. In this case, the Department Head or designee shall **individually** poll the members of the County Board, by phone, email, text, or in person, to obtain majority approval. The action must then be ratified and recorded in the official proceedings of the County Board at its next regular meeting. (*Minn. Stat. § 375.22*)

E. YEAR END ENCUMBRANCES

1. At the end of any given budget year, if funds have been budgeted and levied for the current year, but a project was not able to be started and the vendor has not yet been selected, a department may request in writing to the Purchasing Director, or designee, to allow an encumbrance to be set up under the generic "BEST VENDOR" code.
2. This process will allow the budget for this project to roll forward into the next budget year. Once a vendor is selected, the Purchasing Division will convert the existing "BEST VENDOR" encumbrance to a new purchase order under the correct vendor.

V. PROPERTY DISPOSAL PROCEDURES

A. SURPLUS PROPERTY

1. The Purchasing Division is authorized to transfer to or between county departments, boards, commissions, and agencies supplies, materials and equipment which are considered to be surplus by one agency, but which may be

needed by another, and for the disposal by sale, after receipt of competitive bids, or by auction, of supplies, materials and equipment which are surplus, obsolete or unused. Any surplus or obsolete property having nominal value and not needed by any county department, board, commission, or agency may be made available to the public at a location and time determined by the Purchasing Division for an appropriate price per item. Purchasers shall execute a "bill of sale" that disposes of the property "as is" and limits the county's liability for damages arising out of the use of the property. The Purchasing Division shall notify the County Board prior to disposing of any equipment estimated to be greater than \$15,000 in the open market. (*Minn. Stat. § 373.01 Subd. 1(c), Resolution No. 00-651*)

2. The County Board must approve the transfer or sale of surplus, obsolete or unused, personal property to another public corporation for public use. (*Minn. Stat. § 471.85, Resolution No. 00-651*)
3. All county departments are authorized to transfer obsolete, surplus and unusable computer components to the Information Technology Department for disposal. (*Resolution No. 98-369*)

B. SALE OR LEASE OF REAL PROPERTY

1. No sale, lease, or conveyance of real property owned by the county shall be valid without advertising for bids or proposals in the official newspaper of the county for three consecutive weeks and once in a newspaper of general circulation in the area where the property is located. (*Minn. Stat. § 373.01 Subd. 1(b)*)
2. The Property Management Department shall negotiate leases for all grounds, buildings, office or other space required by all county departments, boards, commissions or agencies and manage the sale of real property.
3. All property leases for one or more years are subject to the Property Acquisition/Leases Policy and must be approved by the County Board. Lease renewals need only be approved and executed by the Department Head and the Property Manager. Leases may be renewed for the length of the original contract only once. Copies of all leases shall be maintained by the Property Management Department.

C. SALE OR RENTAL OF PERSONAL PROPERTY

1. **Rental.** If the amount of the contract for the rental of equipment is estimated to be \$60,000 or less, the contract may, at the discretion of the Purchasing Director, be made by direct negotiation by obtaining two or more quotations for the rental when possible and without advertising for bids or otherwise complying with the requirements of competitive bidding. All quotations shall be kept on file for a period of at least one year after their receipt. (*Minn. Stat. § 471.345, Subd. 5a*)
2. **Lease Purchase.** Any lease purchase agreement or other form of time payment agreement for the acquisition of personal property exceeding \$25,000 must be approved by the County Board as a time payment purchase in its annual budget or specifically approved as a time payment purchase by County Board resolution prior to requisition. All such agreements must specifically limit the seller's remedy against St. Louis County for nonpayment of installments of the purchase price to

recovery of the property that is the subject of the agreement. All such agreements shall be made subject to approval of the County Attorney as to form and execution.

3. **Sale.** The Purchasing Division shall manage the sales of personal property, the value of which is estimated to be \$15,000 or more, which shall be made only after advertising for bids or proposals in the county's official newspaper, on the county's website, or in a recognized industry trades journal. If the value is estimated to be less than \$15,000, sale may be made either on competitive bids or in the open market in the discretion of the County Board. (*Minn. Stat. § 373.01, Subd. 1(c)*)

VI. CONTRACT CHANGES, AMENDMENTS AND TERMINATIONS

A. CHANGE ORDERS AND AMENDMENTS

1. **Change Orders.** Change orders for construction projects may be approved by the Public Works Director for projects administered by the Public Works Department or the Purchasing Director or designee, for all other projects, with the following limitations (*Resolution No. 91-867*):
 - a. Change orders of up to \$12,500 for construction projects less than \$50,000.
 - b. Change orders up to 25 percent of the project cost, but not exceeding a cumulative total of \$50,000, for all other construction projects. (*This does not require a County Board Resolution or a Board Memo explanation.*) A Board Resolution is required when the change order exceeds the \$50,000 cumulative total, with the exceptions noted in Section VI.A.1.c. and VI.B.
 - c. Any contract change orders over the \$50,000 cumulative amount on any construction project may be approved by the Public Works Director on projects administered by the Public Works Department, or the Purchasing Director for all other projects, if the additional work is required to complete the project, but shall be reported with a detailed explanation to the County Board in the form of a Board Memo within 5 working days after approval. A County Board Resolution is not required if authority to make the payment has already been granted by the Public Works Director or the Purchasing Director. (*Resolution No. 91-867*) Road and bridge projects administered by the Public Works Department shall be treated separately as detailed in Section VI.B.
 - d. The "Project Change Order Approval Requirements Flow Chart," with its procedures and requirements as identified and listed in Appendix A, is incorporated herein by reference, as part of these Purchasing Rules and Regulations.
2. **Scope of Work.** A change to the scope of work of a project (i.e. work desired, but not required to complete the project) is not considered a "Change Order" for the purposes of this section, and must be addressed separately under normal purchasing procedures.

3. **Approval Requirements.** County Board approval is required if the amendment that increases the amount of money spent pursuant to the contract exceeds the original County Board authority, budget, or exceeds the amount that can be spent without Board approval if there was not Board approval for the original contract.

B. PUBLIC WORKS ROAD AND BRIDGE CONTRACT CHANGES

1. **Items Required to Complete a Project.** Any contract change orders may be approved by the Highway Engineer/Public Works Director for road and bridge projects if the additional work is required to complete the project, but shall be reported with a detailed explanation to the County Board in the form of a Board Memo within 30 days of the project closeout.
2. **Extra Work.** When in the best interest of the County, on road and bridge projects the Public Works Director/Highway Engineer has the authority to quote out or negotiate extra work valued at less than \$100,000 with contractors already working in the geographic area, provided sufficient funds exist in the Public Works Department budget. The Public Works Director/Highway Engineer will report with a detailed explanation to the County Board in the form of a Board Memo within 30 days of the acceptance of a contractor and price for the extra work. All work shall comply with St. Louis County Public Works Department and Minnesota Department of Transportation rules, procedures and specifications.

C. CANCELLATION AND TERMINATION OF CONTRACTS

The purchase or contract for any supplies, materials, equipment or contractual services, or the sale of surplus, obsolete, or unusable supplies, materials or equipment contrary to the provisions of Minn. Stat. § 375.72 to 375.76, or the rules and regulations made there under is voidable.

At the request of a using department or agency, the Purchasing Director or designee may cancel a purchase order or contract for any of the following conditions:

1. Failure of the vendor to perform or breach of contract by the vendor, or any other reason specified in the applicable purchase order or contract.
2. Product(s) or service(s) is no longer required and the contract allows cancellation without penalty.

D. DEBARMENT

Suspension and Debarment (Disqualification) of Contractors (*Minn. Stat. § 161.315*)

1. **Purpose.** The purpose of this section is to provide for the suspension and debarment of any person or firm from consideration for awards for St. Louis County contracts. This action shall be based upon certain types of criminal convictions, civil judgments or contract violations, or for any other cause.
2. **Causes for Debarment or Suspension.** The causes for debarment or suspension include, but are not limited to, the following:

- a. Conviction of any person or subsidiary or affiliate of any person for commission of a criminal offense arising out of obtaining or attempting to obtain a public or private contract or subcontract, or in performance of such contract or subcontract;
- b. Conviction of any person or any subsidiary or affiliate of any person under any statute of the federal government, this state or any other state for embezzlement, theft, fraudulent schemes and artifices, fraudulent schemes and practices, bid rigging, perjury, forgery, bribery, falsification or destruction of property.
- c. Conviction of any person or any subsidiary or affiliate of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which affects responsibility as a St. Louis County contractor;
- d. Conviction or a civil judgment finding a violation by any person or any subsidiary or affiliate of any person under state or federal antitrust statutes;
- e. Violations of contract provisions of a character which are deemed to be so serious as to justify debarment action, including, but not limited to, the following:
 - 1) Knowingly failing without good cause to perform in accordance with the specifications or within the time limits provided in;
 - 2) Failure to perform or unsatisfactory performance with the terms of one or more contracts, except that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.

- 3. **Written Determinations.** A written determination to debar or suspend shall be issued and contain:
 - a. The reasons for the action taken;
 - b. The action taken and the effective date and length of time the action shall be in effect;
 - c. Inform any debarred or suspended party involved of their right to administrative appeal.
 - d. A copy of the decision shall be mailed or otherwise furnished to any debarred or suspended party.
 - e. A vendor may apply for re-instatement at any time after the period of debarment has expired.
- 4. **Authority to Debar or Suspend.** The Procurement Manager is delegated authority to debar or suspend a party from participating in county contracts.
- 5. **Period of Debarment.** The period of time for debarment shall not exceed three (3) years from the date of the determination. If debarment is based solely upon debarment by another governmental agency, the period of debarment may run concurrently with the period established by the other debarring agency.

E. APPEALS AND REMEDIES

1. **Protests.** Any actual or prospective bidder or contractor who is aggrieved in connection with the solicitation or award of a contract, may protest to the Procurement Manager. The protest shall be submitted in writing within ten (10) calendar days of bid opening. The Procurement Manager shall have the authority to settle and resolve a protest of an aggrieved bidder or contractor, actual or prospective, concerning the solicitation or award of the contract.
2. **Change Order Decisions.** If a protest is brought pursuant to Subsection A of this Section (Change Orders and Amendments) is not resolved by mutual agreement, the Procurement Manager shall promptly issue a decision in writing. A copy of the decision shall be mailed or otherwise furnished immediately to the protestant or claimant and any other party intervening. The decision shall state the reasons for the action taken.
3. **Debarment Decisions.** A decision made under Subsection D of this Section (Debarment), shall be final and conclusive, unless within five (5) calendar days from the date of receipt of the decision, the protestant or claimant files a written appeal with the County Administrator.
4. **Contract Claims.** All claims by a contractor against the county relating to a contract shall be submitted in writing to the Procurement Manager. The contractor may request a conference with the Procurement Manager on a submitted claim. Claims include, without limitation, disputes arising under a contract and those based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission.

The Procurement Manager, after consulting with the County Attorney, shall have the authority to resolve contract claims, subject to the approval of the Purchasing Director, as applicable, regarding any settlement that will result in a change order or contract modification.

5. **Authority of the County Administrator.** The County Administrator shall have the jurisdiction to review and determine any appeal by an aggrieved party from a determination by the Purchasing Director regarding a protest or contract claim. Such decision shall be final and conclusive.

APPENDIX A

St. Louis County "Sole Source" Procurement Justification

Competitive bidding is not required when by reason of a copyright, patent, or exclusive franchise, purchases can be only made at a standard, fixed, or uniform price and no advantage can be secured by advertisement and competitive bidding because of the noncompetitive nature of the item(s) to be purchased.

This form must be approved by the Purchasing Division Procurement Manager for any "sole source" procurement estimated to exceed \$25,000. The purpose of this justification is to demonstrate why it is impractical or impossible to seek competitive bids for this purchase.

Estimated amount of this purchase \$ _____ Contract period _____

Please answer the following questions on a separate sheet in detail (referencing each question by number):

1. What vendor or business will be providing the item(s) requested to be purchased?
Include address and other contact information. Please attach the quote received from the vendor.
2. What is it about this purchase that makes it unique? (i.e., patents/copyrights, need compatibility with existing - why?, space constraints, must match equipment with another public jurisdiction, consequences if this were put out for bid, etc.)
3. What steps have you taken to determine this is the only product/service that will meet your particular needs? (i.e., professional opinions/correspondence, trade publications, trade shows, personal visits or correspondence with vendor, other institutions that have installed the same product, other site visitations, etc.)
4. Will this purchase tie St. Louis County to this particular vendor for future purchases? (Either in terms of maintenance that only this vendor will be able to perform and/or if we purchase this item, will we then need more "like" items in the future to match this one?)
5. On your attachment, please affirmatively state, "No other vendor can provide the same or a similar product/service," and enclose any other information which will help make the determination that this is a sole source procurement.

I am aware that Minnesota statutes require procurements to be competitively bid whenever practicable. The preceding statements are complete and accurate, based on my professional judgment and investigations. I also certify that no personal advantage will accrue to me or any member of my immediate family as a result of this procurement.

Procurement Manager: _____

Signature of Procurement Manager: _____

Department contact person and phone: _____

Purchasing representative assigned to project: _____

Date: ____/____/____

Contract Requirements

| Type of Contract | Solicitation Requirements | Approval Required | Signatures Required | Authority |
|--|--|---|--|---|
| Property Lease • County as LESSOR | Formal Bidding if > \$15,000 a year | County Board Resolution | Chair of Board County Auditor County Attorney | M.S. § 373.01 subd. 1(5) |
| • County as LESSEE | Open Market | County Board Resolution | Chair of Board County Auditor County Attorney | M.S. § 373.01 subd. 1(5) |
| • Renewals as LESSOR or LESSEE | N/A | Director of Property Management Department Head | Director of Property Management Department Head County Attorney | Purchasing Rules and Regulations |
| Insurance | Direct Negotiation | County Board Resolution | Procurement Manager | M.S. § 375.72-76 |
| Emergency Purchases / Repairs • ≤ \$85,000 | N/A | Department Head Procurement Manager | Procurement Manager | Purchasing Rules and Regulations |
| • > \$85,000 | N/A | Department Head Procurement Manager County Board Resolution for ratification at next meeting | Procurement Manager | Purchasing Rules and Regulations M.S. § 375.21, .22, .75 |
| A/E Contracts • ≤ \$25,000 | Open Market | Department Head Procurement Manager | Department Head County Attorney | Purchasing Rules and Regulations |
| • > \$25,000 - \$40,000 | Direct Negotiation (2 Quotes Minimum) | Department Head Procurement Manager Property Manager | Department Head County Attorney | Purchasing Rules and Regulations |
| • > \$40,000 | Direct Negotiation (2 Quotes Minimum) | County Board Resolution | Chair of Board County Auditor County Attorney | Purchasing Rules and Regulations |
| Professional Services • ≤ \$40,000 | Direct Negotiation (2 Quotes Minimum) | Department Head | Department Head County Attorney | Purchasing Rules and Regulations |
| • > \$40,000 | Direct Negotiation (2 Quotes Minimum) | County Board Resolution | Chair of Board County Auditor County Attorney | Purchasing Rules and Regulations |
| Software Licensing / Maintenance Agreements • ≤ \$40,000 | Direct Negotiation (2 Quotes Minimum) | IT Review Department Head | Department Head County Attorney | Purchasing Rules and Regulations |
| • > \$40,000 | Direct Negotiation (2 Quotes Minimum) | IT Review County Board Resolution | Chair of Board County Auditor County Attorney | Purchasing Rules and Regulations |
| • Renewals | Direct Negotiation (2 Quotes Minimum) | Department Head | Department Head County Attorney | Purchasing Rules and Regulations |
| All Other - Including Construction • ≤ \$25,000 | Open Market | Department Head | Department Head County Attorney | Purchasing Rules and Regulations; M.S. § 471.345 |
| • > \$25,000 - \$85,000 | Direct Negotiation (2 Quotes Minimum) | Department Head Procurement Manager | Department Head County Attorney | Purchasing Rules and Regulations M.S. § 471.345 |
| • > \$85,000 - \$100,000 | Direct Negotiation (2 Quotes Minimum) | County Board Resolution | Chair of Board County Auditor County Attorney | Purchasing Rules and Regulations M.S. § 471.345 |
| • > \$100,000 Construction Manager At Risk (CMAR) | Formal Bidding Request for Proposal | County Board Resolution County Board Resolution | Chair of Board County Auditor County Attorney | M.S. § 471.345 M.S. § 16C.34, subd. 2,3 |

Note: All contracts, except Emergency Purchases/Repairs, are subject to prior review by the County Attorney or designee for approval as to form and execution. A copy shall be filed with the originating department.

Revised 10/20/15

Contract Routing

Department: _____

Contact Person: _____

Contract With: _____

Purpose: _____

Type of Contract: _____
(see reverse)

Contact person shall indicate (with X) persons who must review and sign. **COUNTY ATTORNEY MUST BE THE LAST TO SIGN ALL CONTRACTS.**

I. CONTRACT DRAFT OR PROPOSAL

| <u>Review and Approval</u> | | <u>Initial</u> | <u>Date</u> |
|--|-------------------------|----------------|-------------|
| _____ Purchasing Division | _____ File No. | _____ | _____ |
| _____ County Attorney Draft/Review | _____ Damion No. | _____ | _____ |
| _____ Department Head Review | | _____ | _____ |
| County Board Authorization if Applicable | _____ Resolution No. | | |
| | MUST BE ATTACHED | | |

II. CONTRACT EXECUTION

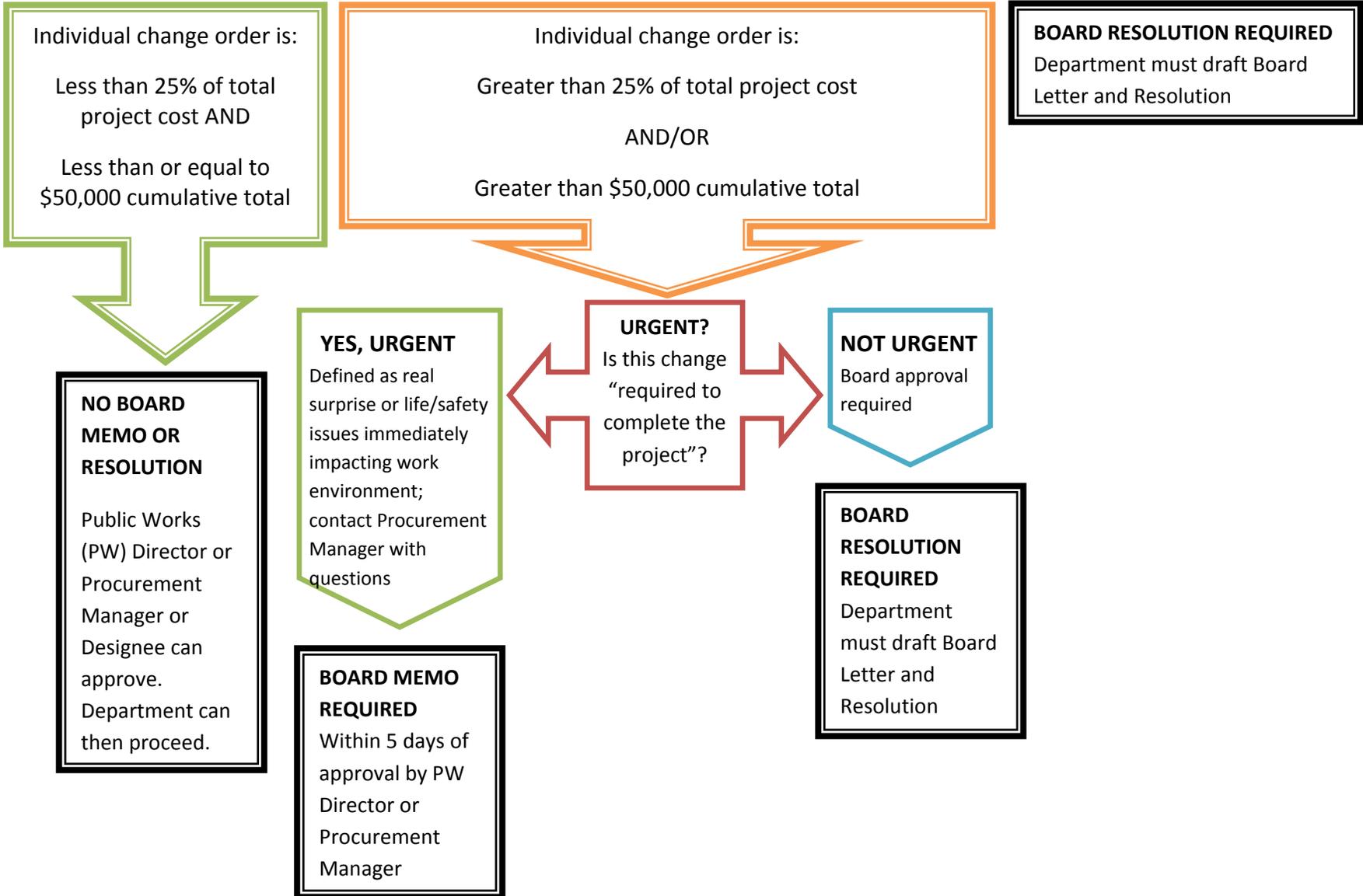
| <u>Must Sign if X</u> | | <u>Date</u> |
|--------------------------------|--|-------------|
| <u> X </u> Contractor | | _____ |
| _____ Department Head | | _____ |
| _____ Procurement Manager | | _____ |
| _____ County Board Chairperson | | _____ |
| _____ Auditor | | _____ |
| <u> X </u> County Attorney | | _____ |

RETURN THIS FORM, WITH ALL COPIES OF THE FULLY EXECUTED CONTRACT, TO CONTACT PERSON LISTED ABOVE.

Contact person shall send this form with a copy of completed contract to the Auditor for official file.

(Reference: County Board Resolution No. 91-867 included in the Purchasing Rules & Regulations)

| | |
|---|---|
| Change Order request is within the approved project scope | Change Order request is outside of approved project scope (of any size) |
|---|---|



ST. LOUIS COUNTY BOARD POLICIES
GRANT MANAGEMENT
CHAPTER 11
GRANT APPROVAL FORM

GRANT NAME: _____ GRANT AMOUNT: _____

GRANTOR: _____ MATCH AMOUNT: _____

FUND: _____ AGENCY: _____ GRANT: _____ GRANT YEAR: _____

AGENCY NAME: _____

CONTACT PERSON: _____ PHONE: _____

GRANT PERIOD: BEGIN DATE: _____ END DATE: _____

STATE GRANT AWARD NUMBER OR FEDERAL CFDA # _____

FILL IN THE ABOVE INFORMATION ON THIS FORM AND IDENTIFY THE CATEGORY OF THE GRANT FROM THE CHOICES BELOW. ATTACH THIS FORM TO THE GRANT APPLICATION AND ANY OTHER PERTINENT OTHER DOCUMENTATION AND ROUTE THE PACKET TO THE INDIVIDUALS LISTED FOR THE TYPE OF GRANT.

IT IS ESSENTIAL THAT DEPARTMENTS SUBMIT THE COMPLETED APPROVAL FORM ON THOSE GRANTS THAT DO NOT REQUIRE BOARD RESOLUTION TO THE AUDITOR'S OFFICE ACCOUNTING DEPARTMENT FOR BUDGETING PURPOSES. NO GRANT ACTIVITY WILL BE RECORDED WITHOUT AN ESTABLISHED BUDGET.

GRANTS OF \$25,000 OR LESS

A grant of \$25,000 or less may be applied for and/or accepted by the department without a separate County Board Resolution if it meets the following:

1. The grant fits within the department's functions, and
2. If the grant requires a County match (not to exceed in money or value an amount equal to the actual grant), and if that match is "in kind, that "in-kind" match is part of the ongoing operations, **or** if the match is monetary, that the department can find the necessary amount within its existing budget.

DOES THIS GRANT QUALIFY UNDER "GRANTS OF \$25,000 OR LESS"?

YES ___ NO ___

If so, this type of grant requires the following review approval:

County Auditor _____ Date: _____

County Administrator _____ Date: _____

County Attorney _____ Date: _____

The Grant Budget must be entered into the accounting system. Send a copy of the grant, this signed approval form and any other pertinent information to the Auditor's Office-Accounting, so the budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.

ST. LOUIS COUNTY BOARD POLICIES
GRANT MANAGEMENT
CHAPTER 11

NEW GRANTS GREATER THAN \$25,000

All new grants that exceed \$25,000 and all recurring grants that exceed \$25,000 that contain changes in the grant's requirements which may affect either County resources or the scope of the grant need two (2) board resolutions. One board resolution is required to apply for the grant and a second resolution is required to accept the grant.

DOES THIS GRANT QUALIFY UNDER "GRANTS GREATER THAN \$25,000"?

YES ___ NO ___

If this is a new grant greater than \$25,000, it requires the following review approval:

County Auditor _____ Date: _____
County Administrator _____ Date: _____

The Grant Budget must be entered into the accounting system. Send a copy of the grant, this completed approval form and the Board Resolution to the Auditor's Office-Accounting, so a budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.

RECURRING GRANTS GREATER THAN \$25,000

A recurring grant greater than \$25,000 that is a repeat of a grant which has been received by the County in past year(s) and that has no changes in the use of County resources or in the scope of the grant, requires one Board Resolution to both apply for and/or accept the grant.

DOES THIS GRANT QUALIFY AS "RECURRING GRANTS GREATER THAN \$25,000"?

YES ___ NO ___

If yes, this recurring grant greater than \$25,000 requires the following review approval:

County Auditor _____ Date: _____
County Administrator _____ Date: _____

The Grant Budget must be entered into the accounting system. Send a copy of the grant, this completed approval form and the Board Resolution to the Auditor's Office-Accounting, so a budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.

APPENDIX B

St. Louis County Board Resolutions

“St. Louis County Purchasing Rules and Regulations,” adopted by the St. Louis County Board by Resolution No 15-xx, dated November 10, 2015, includes citations for resolutions noted in Appendix B. These resolutions are provided for historical reference. Adoption of these rules modifies some resolutions to reflect inflationary increases over time, and incorporates technical advances and preferred methodologies.

RESOLUTION NO. 73-141, Adopted March 12, 1973

RESOLVED, That Resolution No. 69-142 adopted by the County Board of Commissioners of St. Louis County on March 24, 1969 is hereby amended to read as follows:

“RESOLVED, That the specifications in all contracts made by the County for construction work of any and every kind shall require payment by contractors to tradespeople and laborers working on the project at wages at the prevailing rate for the area where the construction work is being done.”

RESOLUTION NO. 84-519, Adopted July 23, 1984

WHEREAS, The St. Louis County Board wishes to adopt a uniform policy on time payment purchases;

RESOLVED, That any lease/purchase agreement or other form of time payment agreement for the acquisition of personal property must be approved by the County Board as a time payment purchase in its annual County budget or specifically approved as a time payment purchase by County Board resolution prior to requisition.

RESOLVED FURTHER, That all such agreements must specifically limit the seller's remedy against St. Louis County for non-payment of installments of the purchase price to recovery of the property that is the subject of the agreement.

RESOLVED FURTHER, That the Purchasing Agent is hereby authorized and directed to incorporate a copy of this resolution into any bid request providing for payment beyond one budget year.

RESOLUTION NO. 88-381, Adopted May 24, 1988

RESOLVED, That pursuant to Minnesota Statutes, the St. Louis County Board of Commissioners hereby delegates the authority for setting the date for the calling of bids on projects approved in the budget for capital improvements in the Highway Department to the Highway Engineer.

RESOLVED FURTHER, That County Board approval continues to be required for the calling of bids on projects which have not been approved in the budget.

RESOLVED FURTHER, That County Board approval continues to be required for the awarding of bids on all projects.

RESOLUTION NO. 91-867, Adopted November 5, 1991

RESOLVED, That the Highway Engineer/Public Works Director is hereby authorized to approve contract change orders for public works road construction projects, and the Purchasing Agent for all other projects, as follows:

1. Change orders for a project total of \$12,500 for construction projects of less than \$50,000.
2. Change orders for 25 percent of project cost not to exceed \$50,000 total for all other construction projects.

RESOLVED FURTHER, That any contract change orders over this authorized amount may be approved by the Highway Engineer/Public Works Director or Purchasing Agent, as designated, if required to complete the project, but shall be reported with detailed explanation to the County Board within five working days after approval.

RESOLVED FURTHER, That this resolution is subject to any authority granted by subsequent contract of the County Board.

RESOLUTION NO. 92-66, Adopted January 21, 1992

RESOLVED, That the St. Louis County Board of Commissioners hereby designates and sets aside for awarding contracts to rehabilitation facilities an amount equal to one-half of one percent of the value of the County's anticipated total procurement of goods and services as a targeted procurement volume of goods and services to be received from qualified rehabilitation facilities.

RESOLVED FURTHER, That procurement of goods and services from such qualified rehabilitation facilities shall be awarded to said facilities. If the cost does not exceed by more than five percent, the estimated cost of goods or services or the bid price of the lowest solicited bid for such goods or services.

RESOLVED FURTHER, That the Purchasing Agent is hereby directed to develop purchasing rules and regulations for implementation of target procurement from qualified rehabilitation facilities. Said rules and regulations to be subject to County Board approval.

RESOLUTION NO. 98-369, Adopted May 5, 1998

RESOLVED, That the St. Louis County Board of Commissioners authorizes all County departments to transfer their obsolete, surplus, and unusable computer components to the Management Information Systems Department and authorizes that department to donate those computer components to approved end users consistent with Minnesota Statutes 471.85.

RESOLUTION NO. 00-651, Adopted September 26, 2000

RESOLVED, That section 25 of the Purchasing Rules and Regulations adopted in 1998 is hereby amended as follows:

OBSOLETE, UNUSED, OR SURPLUS EQUIPMENT

The Purchasing Agent is authorized to transfer to or between County departments, boards, commissions, and agencies supplies, materials and equipment which are surplus with one department, board, commission, or agency but which may be needed by another or others and for property not needed by any department for the disposal by sale, after receipt of competitive bids for property valued at \$15,000 or

more, or by sale on the open market for property valued at less than \$15,000 of supplies, materials and equipment which are surplus, obsolete or unused.

The transfer or sale of surplus, obsolete or unused, personal property to another public corporation for public use must be approved by the County Board. (Minnesota Statutes Section 471.85)

All County departments are authorized to transfer their obsolete, surplus and unusable computer components to the Management Information Systems Department for disposal in accordance with Resolution No. 369, adopted May 5, 1998, and Minnesota Statutes, Section 471.85.

RESOLVED FURTHER, That small items valued at less than \$15,000 such as furniture, supplies, and equipment, will go to the Salvation Army Thrift Store for sale pursuant to an agreement with the Salvation Army. After any item is sold, the Auditor's Department will be notified and the item will be removed from the list of County assets.

RESOLUTION NO. 04-127, Adopted February 24, 2004

WHEREAS, The Purchasing Department has prepared bid specifications for new 2004 vehicles up to one ton capacity; and

WHEREAS, Bids were received and compared with the State of Minnesota contracts as they became available; and

WHEREAS, Several vehicles were priced lower on the State of Minnesota contracts; and

WHEREAS, local qualifying bids within \$300.00 of the State of Minnesota Contract prices will be awarded to local bidders; and

WHEREAS, build-out dates are often announced with short lead times for placing orders;

NOW THEREFORE BE IT RESOLVED, That the Director of Purchasing is hereby authorized to purchase, in accordance with the specifications of Bid No. 4428, and State of Minnesota Contract Releases, 2004 vehicles as follows:

- 1.0 Six (6) Class III, full-size, four door sedans, with police package...
- 2.0 Deleted
- 3.0 One (1) Class IIA, mid-size, four door sedan...
- 3.1 One (1) Class IIA, mid-size, four door sedan...
- 3.2 One (1) Class IIA, mid-size, four door sedan...

RESOLUTION NO. 04-255, Adopted May 4, 2004

WHEREAS, The St. Louis County Board of Commissioners is desirous of efficient and timely completion of construction projects undertaken by St. Louis County; and

WHEREAS, The courts have upheld the implementation of project labor agreements for public projects; and

WHEREAS, Project labor agreements facilitate the timely completion of projects by: making available a ready and adequate supply of skilled craft workers; providing a negotiated commitment which is a legally enforceable means of assuring labor stability and labor peace over the life of a project; avoiding work stoppage following expiration of a collective bargaining agreement between the union and an employer performing work on the project and facilitating equal employment opportunities on a project.

NOW, THEREFORE, BE IT RESOLVED, That project labor agreements be utilized by the County for all future construction projects, in excess of \$150,000, unless otherwise prohibited by law.

RELOVED FURTHER, That the St. Louis County Board of Commissioners hereby directs the St. Louis County Purchasing Director to utilize the Project Labor Agreement, identified as County Board File No. 58235, or a variation of the Agreement approved by the St. Louis County Attorney, for all future construction projects in excess of \$150,000.

RESOLVED FURTHER, That the Purchasing Director shall implement the Project Labor Agreement by requiring adherence to the Agreement in the bid specifications an all relevant bid documents.

RESOLUTION NO. 04-534, Adopted October 12, 2004

RESOLVED, That the St. Louis County Board hereby rescinds Resolution No. 599, dated August 4, 1998.

RESOLVED FURTHER, That the St. Louis County Board delegates contracting authority to the Director of Public Health and Human Services in the following situations:

1. No county dollars are expended
2. The Fraud Prevention Investigation Grant
3. Non-Financial Agreements
4. Cooperative agreements with other county departments and Arrowhead Regional Corrections
5. Contracts under \$25,000

RESOLUTION NO. 06-24, Adopted January 3, 2006 (Amendment)

NOW, THEREFORE, IT IS MOVED, That Resolution No. 24, adopted January 3, 2006, be reconsidered to:

Delete: RESOLVED FURTHER, that the County Board directs after six months starting July 1, 2006, all Requests for Bids, Requests for Proposals and Requests for Information will only be advertised on the St. Louis County web page.

Add: RESOLVED FURTHER, that the County Board directs after six months starting July 1, 2006, all Requests for Bids, Requests for Proposals and Requests for Information with the exception of road and bridge projects will only be advertised on the St. Louis County web page.

RESOLUTION NO. 07-65, Adopted February 13, 2007

WHEREAS, The St. Louis County Board of Commissioners desires that County building construction contracts require the use of domestically produced steel and iron products and materials for projects of sufficient value to require formal bidding;

NOW, THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes County Administration, County Attorney, and other appropriate County officials to draft language to be used in formally bid building construction projects that require the use of domestic steel and iron materials and components.

RESOLUTION NO. 13-347, Adopted June 4, 2013

WHEREAS, Minn. Stat. § 471.345, Subd. 18, allows counties to accept bids, quotations, and proposals electronically in a form required by the county and further allows counties to accept bids, performance and payment bonds furnished electronically; and

WHEREAS, The St. Louis County Board adopted revised Purchasing Rules and Regulations by Board Resolution No. 08-610 dated November 18, 2008, which, in part, states that all bids, requests for proposals and requests for information shall be posted on an electronic bidding service and that formal bids may be received electronically, with the exception of road and bridge projects; and

WHEREAS, The Minnesota Department of Transportation has been using electronic bidding in excess of 15 years with great success; and

WHEREAS, The incidence of rejected bids can be minimized through the use of an electronic bidding process, thereby ensuring the lowest possible bids on projects;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board directs the Auditor's Office, the Purchasing Division and the Public Works Department to implement an electronic bidding process for Public Works Department road and bridge projects.

RESOLVED FURTHER, That the Purchasing Rules and Regulations shall be modified to prescribe electronic bidding for Public Works Department road and bridge projects, with electronic format being the sole allowable form of bid submission.