

## Public Health—Madison and Dane County

### Authorization to Sign Contracts and Agreements

*Resolution #2008-03*

The Department uses a variety of contracts and written agreements in conducting its business. Most of the contracts can be divided into these categories:

- **Purchase of Health Service Contracts** are used to hire an outside agency as an independent contractor to provide public health services such as emergency dental care or the diagnosis and treatment of sexually transmitted infection.
- **Procurement Contracts** are used to procure goods, supplies and services for the internal operations of the department, such as interpreters, custodial services, software maintenance, other professional services, and the purchase of goods and supplies. Under the Final IGA, "City purchasing and fiscal rules and guidelines shall be used by the Department. The Department will adhere to the fiscal guidelines and procedures used by the City." (IGA Sec. VI. C. 3.) Therefore, the Department should work through the City of Madison Purchasing Division for most procurements. The City Purchasing Agent's authority is established by Section 4.26 of the Madison General Ordinances.

MGO 4.26(3) and (5) authorize the Comptroller or designee to sign contracts for purchase or services when all of the following apply:

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| (a) The funds are included in the approved City budget and ordinances.  | (d) The contract complies with other laws, resolutions and ordinances.  |
| (b) An RFP or competitive process was used, or the contract is exempt from competitive bidding under 4.26(4)(a) | (e) The contract is for a period of 1 year or less, OR not more than 3 years AND the average cost is not more than \$50,000 per year, AND was subject to competitive bidding process. |
| (c) The City Attorney has approved the form of the contract.  |   |

A copy of sec. 4.26 is attached to this resolution.

- **Grant Contracts** are required for the Department to receive grant funding from the state or federal government or other sources. The funding is used for the provision of Public Health services such as WIC, maternal-child health, and emergency preparedness. The Grant contract sets forth the terms and conditions of receiving the grant, then a separate contract (usually a Purchase of Health services or procurement contract) is executed to spend the money.
- **Affiliation Agreements** are used to allow public and private academic institutions to place health professions students with the Department in an internship or observational setting, as part of the student's training.
- **Intergovernmental Agreements** are agreements made with another municipality under Wis. Stats. sec. 66.0301(1). The Board has the authority to approve intergovernmental agreements for program services. The Board of Supervisors and Common Council must authorize anything beyond this.

- **Miscellaneous Written Agreements** for the daily operations of the department that involve no exchange of funds, or the funding has been allocated in the budget.
- **Provision of Service** agreements are agreements where the Department performs a service for another entity, for a fee or some other consideration.
- **Donated Items** where there is no exchange of funds, but the donor wishes to set forth terms and conditions of the donation in a written document.

All written contracts, whether in a standard form or specifically negotiated, will be reviewed by the City Attorney, who will consult with the County Risk Manager, and who shall assure the contract is reviewed by and routed to appropriate staff for review and signature;

**NOW THEREFORE BE IT RESOLVED**, that the Board of Health for Madison and Dane County authorizes the Director of Public Health, or his/her designee, to sign the following types of contracts, if meeting the criteria stated herein:

**Purchase of Health Service Contracts** for Public Health services, provided that these agreements have been identified in the Department's adopted operating budget. The City of Madison Comptroller or his or her designee must cosign any agreement of more than \$10,000. The City Attorney and his or her designee must approve the form for all Purchase of Health Service Contracts.

**Grant Agreements** that are a continuation of or a supplement to a grant previously approved by the County and City, and that has been identified with specificity in the Department's adopted budget (name, purpose, dollar amount) with the City of Madison Comptroller or designee approving any such agreement of more than \$100,000.

Grant agreements that have not previously been approved by the Dane County Board of Supervisors and the City of Madison Common Council in the Department's adopted budget will be submitted by resolution to the Board of Health, the Dane County Board of Supervisors and the City of Madison Common Council.

**Agreements with public and private institutions of higher learning** for the placement of health professional students with the department where there is no exchange of funds ("affiliation agreements.") The Board of Health for Madison and Dane County affirms its desire that the Department continue to work with health profession students in this capacity.

**Intergovernmental Agreements** for program services that have been identified specifically by name, purpose, and dollar amount in the Department's adopted operating budget. Any new intergovernmental agreement for program services must be submitted to the Board of Health for Madison and Dane County for review and approval. Once authorized, it need not be submitted by resolution to

the Board but must be identified with specificity in each year's budget. The authority for any intergovernmental agreement beyond the provision of health and program services lies solely with the Board of Supervisors and Common Council.

**Daily Operations of the Department.** Written agreements that are necessary to carry out the daily operations of the Department and not meeting the criteria for the City Purchasing Agent, provided that there is no exchange of funds or the funding has been allocated in the adopted budget.

**Agreements for donated items** where there is no exchange of funds and there are no obligations on the part of the Department, except that large monetary or in-kind donations totaling more than \$ \_\_\_\_\_ shall be submitted to the Board for approval prior to accepting the donation and signing any donation agreement.

**Agreements for Provision of Services** by the Department to another party, if the Board has approved the project by Resolution and the project and resulting contract is identified with specificity (name, services, dollar amount) in the adopted budget. Once the Board approves a specific project for provision of services, it need not be resubmitted for approval in future years but the contract must be identified with specificity in the budget each year. Any budget resolution amending the Department's operating budget for a new agreement for the provision of services must be submitted for approval to the Board of Supervisors and the Common Council.

BE IT FURTHER RESOLVED that the Board of Health for Madison and Dane County, in compliance with the Final IGA dated 10-25-07, authorizes the City of Madison Purchasing Agent to sign contracts and issue purchase orders for the **purchase of goods and services** on behalf of the Department, as authorized by sec. 4.26 of the Madison General Ordinances and other city policies, using forms approved for the Department's use by the City Attorney, and funds appropriated by the Dane County Board of Supervisors and the City of Madison Common Council in the Department's adopted budget. To the extent that any part of sec. 4.26 of the Madison General ordinances or other city purchasing policies conflict with the Final IGA, the terms of the Final IGA shall control.

BE IT FURTHER RESOLVED that the Board only delegates authority for the types of contracts specifically identified above. The Board retains all lawful authority under the Final IGA and as established by state law for any contract or agreement not specifically identified in this Resolution.

BE IT FINALLY RESOLVED that the Board shall amend its bylaws, as needed upon advice of legal counsel, to appropriately reference this delegation of authority.

Introduced: February 21, 2008

Adopted: