

11. PURCHASING POLICY

POLICY

Scott County Code provides that the Director of Budget and Administrative Services shall be responsible for developing, implementing and administering a centralized purchasing function for all County offices and departments.

This policy encompasses the purchasing, contracting and leasing of goods, materials, supplies, equipment, and services and shall be accomplished through competitive bidding or qualifications whenever possible and specifically where it is required by the Code of Iowa; through competitive quotes; or Government Contracts.

SCOPE

Administrative authority to purchase, sign leases or contract agreements shall be limited to aggregate purchase prices not exceeding \$15,000. Purchases, leases and contract agreements in excess of \$15,000 must be approved by the authorized board. This policy shall not be circumvented by purchasing or leasing a group of similar or identical items each costing \$15,000 or less, but exceeding \$15,000 in aggregate.

Any and all lease or contract agreements exceeding three (3) years in length must be approved by the authorized board even though the total aggregate lease or contract cost may not exceed \$15,000.

If the lease or contract agreement is open ended, it should be re-bid at least every three years. If the lease or contract agreement does not include a total cost amount for services provided, then an estimated total cost should be determined and based on that estimated total cost, appropriate approval requirements shall be followed.

This policy does not cover purchases made with the County Approved Purchase Card. Those purchases are covered under Policy Number 26.

This policy does not cover purchases made with Federal grant dollars (direct or indirect). Those purchases are covered under Policy Number 30.

In the event that there is a conflict between this policy and Iowa or Federal law, the applicable law will prevail.

PURPOSE

The purpose of this policy is:

- A. To professionally coordinate and maximize the effectiveness of the purchasing, contracting and leasing of goods, materials, supplies, equipment, and services by Scott County.
- B. To protect and provide for increased public confidence and trust in the procedures followed by the County in public procurements.
- C. To ensure the ethical, fair and equitable treatment of all persons who deal with the purchasing system of the County. To ensure that purchases made with public funds have a public purpose.
- D. To provide increased economy in County purchasing activities and to maximize, to the fullest practical extent, the purchasing value of public funds.
- E. To foster effective broad-based competition.
- F. To effectively support other county departments, component units and agencies.

ADMINISTRATIVE PROCEDURES

A. Approval to Purchase, Lease or Contract Goods and Services

1. Unencumbered spending authority must exist at the appropriate departmental budget level prior to the issuance of a purchase order.
2. No lease or lease-purchase contract for real or personal property shall be entered into until a public hearing has been held on the proposed contract. Notice of the public hearing shall be published in at least one newspaper of general circulation at least 4 days and no more than 20 days prior to the public hearing date.
3. Purchases, leases or contracts up to \$2,500 shall require department head (or designee) approval or authorization from the individual with budgetary responsibility.
4. Purchases, leases or contracts between \$2,500 and \$5,000 shall require approval of the department head (or designee) and the Purchasing Specialist.
5. Purchases, leases or contracts exceeding \$5,000 and up to \$15,000 shall be approved by the department head (or designee), and the Director of Budget and Administrative Services (or designee), or the County Administrator.
6. Purchases, leases or contracts exceeding \$15,000 shall require approval of the department head, Director of Budget and Administrative Services, County Administrator and the Board of Supervisors.

7. Lease and contract agreements which do not include a total cost amount for services (i.e., the agreement may only make reference to an hourly rate plus cost of parts) require the department to estimate the total cost. The calculation at arriving at this estimate should be documented with the purchase request and depending on the amount, will require appropriate approvals as stated above. If the agreement is open ended, then the calculation of the total cost amount shall be based on a three year period.

8. Purchasing division shall utilize appropriate insurance and indemnification language if required. Insurance and indemnification requirements shall be developed in conjunction with the Risk Management Coordinator or County Attorney.

B. Individual Department / Office Responsibilities

1. Determine the quality and quantity of goods, materials, supplies, equipment, and services needed and delivery date required. Utilize past purchase information or resources when appropriate. Research specifications to ensure that appropriate information is provided to adequately describe the desired product or services along with minimum standards or requirements.

2. If a lease or lease-purchase contract is being proposed the requesting department shall submit the proposed lease or lease-purchase contract to the Director of Facility & Support Services or Director of Budget and Administrative Services, as appropriate, with the following attachments:

- a. Prior to submitting lease for approval to the Board of Supervisors, originating department shall request legal review of proposed contract by the County Attorney's office. A written correspondence from the County Attorney's office acknowledging that they have reviewed the contract and find it to be in compliance with applicable state laws is required. (Note: Departments should send a copy of their initial review request from the County Attorney's office to Administration so it may be identified as a future agenda item on the Board of Supervisors' information memo.)

Copy of the public notice to be published in the per Iowa Code Section 331.305.

- b. The Director of Facility & Support Services will submit the lease proposal to the Board at the next Board meeting that coincides with the public hearing publication date requirements in accordance with Iowa Code Section 331.305.

Whenever possible, competitive bids for lease agreements shall be secured with the assistance of the Purchasing Division.

3. Anticipate requirements, giving accurate description of article(s) required and sufficient time to purchase item(s) on a competitive basis. When needed, the originating department will identify and collaborate with the Purchasing Division to prepare additional specifications and insurance requirements if any, to secure required items.

4. Receive and inspect item(s) delivered direct by vendor and refuse shipments that fail to meet the purchase order contract. All commodity type items will be coordinated to be received by Facility & Support Services. For specialized items, the department shall coordinate with Facility & Support Services to inspect and accept all items, at time of delivery.

5. Handle all purchases within established procedures. Utilize applicable purchasing resources (competitive bidding, purchasing system, pre-bid items, web-bid items) whenever possible and where appropriate.

C. Computerized Purchase Order System

County departments shall use the Enterprise Financial Planning (ERP) system following guidelines and procedures as promulgated by Administration.

D. Competitive Quotations

1. Whenever feasible, all purchases, leases and contracts for goods, supplies, materials, equipment and services required for public use shall be on an equal and competitive basis. All acquisitions or purchases for like item purchases are to be awarded to the lowest responsible bidder. In determining the lowest responsible bidder consideration shall be given to the vendor's price, conformance with specifications in all material respects, and past performance. In addition, the Purchasing Division may take into consideration reputation, business, and financial capabilities.

2. Utilization of professional services shall be awarded based on consideration of factors including, but not limited to, ability to perform work, responsiveness, past performance, references, and price. In addition, the department may take into consideration reputation, business, and financial capabilities.

3. For public improvements and construction contracts (excluding design and consulting contracts) that exceed the public bidding requirements as set forth in the Iowa Code Section 331.341 the determination and criteria for determining the lowest responsible bidder shall be accomplished through a formalized process. That process shall set out criteria and notification in the specifications document and gather qualification, reference and other pertinent information at the time of the bid. The use of an American Institute of Architects Form 305A with an addendum or a similar standardized form for gathering appropriate information from bidders shall be used whenever possible. Scott County reserves the right to reject a bid based on the criteria set forth and the evaluation of the submitted

information and research conducted

4. For purchases less than \$2,500.00 departments/ offices that require a purchase order may enter the purchase into ERP directly as a purchase order.

For purchases between \$2,500.00 and \$15,000.00 departments/ offices are strongly encouraged to obtain at least three competitive quotes. Departments may request the Purchasing Division to obtain quotes on their behalf or may obtain their own quotes utilizing applicable purchasing resources (competitive bidding, purchasing system, pre-bid items, web-bid items), and enter them directly into the ERP requisition form, attaching PDF's as documents.

For purchases over \$15,000.00 requisitions shall be entered into the ERP system and routed to the Purchasing Division, who shall solicit bids utilizing open competitive bidding practices. Typically bids received by the Purchasing Division will be submitted through the bidding service selected for use by Scott County. The Purchasing Division acknowledges that there may be some occasions where it is not possible to obtain three bids based on the type of purchase. If this is the case, the Purchasing Division shall submit a written statement why they did not obtain multiple bids for the item being purchased.

5. All parties involved shall comply with all applicable laws and regulations pertaining to their employment practices, and shall not discriminate in providing services on the basis of race, color, creed, national origin, sex, handicapped condition or religious affiliation.
6. The County shall comply with the state preference law as it relates to Iowa products.
7. In accordance with Iowa Code, Chapter 73, whenever possible, all requests for bids and all proposals for expenditure of public funds must be made in general terms so that no brand or trade names are specified. Also, all requests must contain this statement: "By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the State of Iowa."

E. Unsolicited Proposals

Definition- an unsolicited proposal is a document or package of documents submitted to Scott County or a Scott County Office or Department, that proposes to provide a product or service that was not solicited nor initiated by Scott County.

1. An unsolicited proposal that does not correspond to the Scott County mission, vision, or values, is outside of the normal scope of Scott County government services, is not a product Scott County requires or a service Scott County needs may be rejected without further consideration by the Purchasing Division
2. An unsolicited proposal that does correspond with the mission and scope of Scott

County government will be evaluated for merit by the department or office with jurisdiction or control in the service area that best matches the proposal. In the absence of a clear corresponding department or office, the review of the unsolicited proposal shall be made by the Director of Budget and Administrative Services with input and assistance from other County departments.

3. The Purchasing Division may require the submission of additional or supplemental information from the submitter in order to fully evaluate the submission. An unsolicited proposal submission that refuses to provide typical, pertinent information that the evaluator deems necessary, may be rejected without further consideration.
4. Unsolicited proposals that are found to have merit may be forwarded to the Board of Supervisors for consideration. Proposals without merit or determined to be outside of the scope of Scott County government shall not be forwarded to the Board of Supervisors.
5. Proposals that have the potential for competitiveness, either by their nature or as required by law, shall initiate a request for proposal process. The Purchasing Division shall take measures to protect information contained in the unsolicited proposal. Said measures may include returning all copies of the unsolicited proposal to the submitter for resubmission as part of the RFP process. At a minimum, the Purchasing Division shall notify the submitter that the unsolicited proposal is, by law, a public document.

F. Public Access to Procurement Information

Purchase orders and other information of a public nature shall be available for inspection upon request to the Purchasing Specialist, providing that they are not deemed to be confidential because they contain trade secrets or reports that give a competitive advantage and serve no public purpose. Purchasing records are also governed by Freedom of Information Act laws for public records. See policy 31- Public Records and Information for further information. The Budget and Administrative Services Department shall maintain records of purchases made (award information, contracts and purchase orders) and the purchasing process (bid requests, specifications, proof of publication, bid results, bid documents and submittals, etc.) for all centralized purchasing transactions. In the absence of other legislative requirements, the retention duration for said records shall be: three years past the award date or the contract completion date (whichever is later).

G. Bids on Contracts for Repair or Construction of County Buildings.

See Iowa Code section 331.341 for specific contract letting procedures to follow.

H. Special Provisions for Secondary Roads Department:

1. Construction and Maintenance Projects: These types of services will be either bid through the I.D.O.T., Secondary Roads office or in coordination with I.D.O.T. meeting their specifications and requirements and bid through the Secondary Roads Department. Participation by Budget and Administrative Services Department will not be required in these areas.
2. Purchases through the State of Iowa General Services Office and the Iowa Department of Transportation Purchasing Department: The Secondary Roads Department will take advantage of State Purchasing Facilities and their volume purchasing discounts when practical and possible.
 - a. The Secondary Roads Department will fill out the required State Order Forms or submit a department "requisition order".
 - b. Upon receipt of order and billing, the Secondary Roads Department will check shipment against the order and prepare the necessary County claim for payment.
 - c. All orders exceeding \$15,000 will require prior Board of Supervisors approval.
3. Equipment Repair Parts, Materials and Services: The specifics on these items generally cannot be anticipated or determined in advance. These are generally items that cannot be inventoried and must be purchased expeditiously to prevent costly delays and operational problems. The purchase of these items require the technical expertise and knowledge of Secondary Roads' fleet management personnel for effective, expeditious purchasing. These purchases may also be the type or nature where they are only available from one source.
 - a. The ordering of these materials and supplies and services may only be authorized by a Secondary Roads Department "requisition order".
 - b. Any individual "requisition order" in excess of \$1,000, with the exception of purchase of tires, must receive prior approval by the County Engineer.
 - c. Upon receipt of the order, billings will be checked by the Secondary Roads Department and claims prepared for the Engineer's authorization and approval by the Board of Supervisors.

I. Emergency Purchases

1. County Administrator, or designee, may declare an emergency when:
 - a. The circumstances pose a threat to the public health, welfare or safety.

- b. The situation must be taken care of immediately in order to prevent immediate and apparent loss to the County.
 - c. Conditions beyond reasonable control of the County occur; such as accidents or unforeseeable failure in equipment, which are essential to the operation of the County.
2. In the event that the circumstances surrounding the emergency do not allow sufficient time to convene the Board of Supervisors, the County Administrator, or designee may authorize emergency purchases in excess of \$15,000.
3. If the emergency purchase requirements are met, the County Administrator, or designee shall take informal bids if time allows.
4. In all cases of emergency purchases by the County Administrator or designee, the following must be submitted to the Board of Supervisors at the next meeting following the purchase:
 - a. A detailed purchase description outlining the critical nature of the need to purchase
 - b. An invoice if goods have been received
 - c. A written account explaining why an emergency was declared
 - d. The effects of the emergency on County operations or the public
 - e. Why the particular vendor was chosen.
5. All emergency purchases will be reviewed carefully by the Board of Supervisors at the next regularly scheduled meeting to assure that the use of the procedure is not being abused.