

RESOLUTION 2023-09

A RESOLUTION ESTABLISHING A PROCUREMENT POLICY AND PROCEDURES FOR PURCHASING AND SOURCING AND RESCINDING RESOLUTION 2022-25, SAME, ADOPTED DECEMBER 14, 2022

WHEREAS, the Board of County Commissioners of Barton County, Kansas, believes it is appropriate to update the policy regarding purchasing and sourcing for the County Administrator and Department Heads. This policy is strongly encouraged for elected officials; and

WHEREAS, the Board believes clarifying such issues will further Commission goals that County moneys be spent in an appropriate, responsible and transparent manner; and

WHEREAS, such a policy has historically been described as a "Consent of Purchase Policy."

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Barton County, Kansas, establishes the following procedures for purchases and sourcing.

1. **Definitions.**

- a. *Consumable goods* mean a product that is routinely depleted. Examples include supplies such as paper, pens, file folders, toner, ink cartridges, and similar items. Consumables also include such items as road and bridge materials, chemicals, medicine, perishable goods, and similar items. Consumable goods typically will have a life span of five years or less.
- b. *Equipment* means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds \$5,000.

- c. *Intangible property* means property having no physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership.
- d. *Micro-purchase* means a purchase of supplies or services, the aggregate amount of which does not exceed the micro-purchase threshold.
- e. *Personal property* means property other than real property. It may be tangible, having physical existence, or intangible.
- f. *Proposal* means a procurement method in which either a fixed price or cost-reimbursement type contract is awarded.
- g. *Real property* means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment.
- h. *Sealed Bid* means a procurement method in which bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder.
- i. *Services* mean an action performed by contractors, subrecipients and other payees.
- j. *Supplies* mean all tangible personal property other than those described in the definition of equipment in this section. A computing device is a supply if the acquisition cost is less than \$5,000, regardless of the length of its useful life.

2. **Initiation.** The procurement process is initiated by the County Commissioners, County Administrator, or by the requesting Department Head.

3. **Informal procurement methods.** When the value of the procurement for consumable goods, personal property, equipment, supplies or services does not exceed \$5,000.00, or when the procurement for consumable goods has been approved as a budgeted item, informal procurement methods may be used. Barton County uses informal procurement

methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services include:

- a. **Micro-purchases.** The acquisition of consumable goods, personal property, equipment, supplies, or services, the aggregate dollar amount of which does not exceed \$5,000, the micro-purchase threshold. To the maximum extent practicable, Barton County should distribute micro-purchases equitably among qualified suppliers.
 - i. **Micro-purchase awards.** Micro-purchases may be awarded without soliciting competitive price or rate quotations if Barton County considers the price to be reasonable based on research, experience, purchase history, or other information and documents it files accordingly.
 - ii. **Micro-purchase thresholds.** Barton County is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, risk evaluation and its documented procurement process. The micro-purchase threshold is authorized by the Commissioners and is not prohibited under Federal, State or local laws or regulations.
4. **Competitive procurement methods.** When the value of the procurement for consumable goods, personal property, equipment, supplies or services exceeds the threshold established by Barton County, or when purchase includes real property such as land and buildings, competitive procurement methods are required. Competitive procurement items will require approval by the Commissioners at an Agenda meeting. The following competitive methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold Barton County determines to be appropriate:

- a. **Sealed Bids.** Sealed bids shall be used on one time purchases of equipment or for single projects in which the project specifications are clearly designed. Sealed bids are practical when all vendors will be supplying identical products or services with little or no deviation. In order for sealed bidding to be feasible, the following conditions should be present:
- i. A complete, adequate, and realistic specification or purchase description is available;
 - ii. Two or more responsible bidders are willing and able to compete effectively for the business;
 - iii. The procurement lends itself to a firm-fixed-price contract and the selection of the successful bidder can be made principally on the basis of price;
 - iv. If sealed bids are feasible, the following apply:
 1. Bids shall be solicited from an adequate number of qualified sources, providing them with sufficient response time prior to the date set for opening the bids. The invitation for bids must be publicly advertised.
 2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond.
 3. A firm-fixed-price contract award will be made in writing to the lowest responsive and most responsible bidder. Bids will be awarded to the lowest and/or best responsible bidder, considering conformity with the specifications, terms of delivery, and other conditions imposed in the bid. In addition to the price, the Commissioners will consider other factors, including but not limited to County and State resident businesses, quality, transportation, safety, adaptability, experience and financial responsibility.

4. Barton County reserves the right to reject any and all sealed bids and to award in the best interests of the County.
- b. **Unsealed Bids.** In some situations, sealing of bids is impractical. Unsealed bids shall be used when the qualifications, experience, timeliness, and other factors of the individual vendors are key components of the bid. The County Administrator shall determine when sealed or unsealed bids are appropriate. In these instances, multiple quotes shall be solicited, and efforts shall be made not to disclose to any vendor information regarding competing quotes until all quotes have been received. Documentation of each quote shall be retained whenever practical:
- i. Contracts must be awarded to the responsible offeror whose bid is most advantageous to Barton County, with the price and other factors considered;
 - ii. Barton County may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E), consultants, and professional services whereby the offeror's qualifications are evaluated, and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method where the price is not used as a selection factor can only be used in the procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort;
 - iii. Barton County reserves the right to reject any and all proposals and to award in the best interests of the County.

5. **Non-competitive procurement.** There are specific circumstances in which non-competitive procurement may be used. Non-competitive procurement may only be awarded if one or more of the following apply:
- a. The acquisition of property, equipment, supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold of \$5,000;
 - b. The item is a consumable good;
 - c. The purchase of specific items of consumable goods generally does not require approval by the Commissioners at the time of purchase. The authorization for such purchases is implicit in the budget of the appropriate department for items such as road and bridge materials, chemicals, medicine, perishable goods, and similar items;
 - d. The item is for the repair of vehicles and/or machinery and does not exceed \$15,000 or the vehicle or machinery's current estimated value, whichever is lower.
 - e. The item is needed during an emergency situation. Emergency purchases may be authorized by the Commissioners or the County Administrator. The Commissioners or the County Administrator may determine if an emergency exists to authorize an emergency purchase;
 - f. The Federal, State or pass-through awarding agency expressly authorizes a non-competitive procurement in response to a written request from Barton County;
 - g. The item is available only from a single source, whereas that justification may include one or more of the following situations:
 - i. After solicitation of a number of sources, competition is determined to be inadequate;
 - ii. Competition is precluded because of the existence of patent rights, copyrights, secret processes, control of the basic raw material(s) or similar circumstances;
 - iii. The procurement is for parts or components for equipment and no information or data is available to ensure that the parts or components obtained from

another supplier will perform the same function in the equipment, or the parts or components could compromise the safety or reliability of the product;

- iv. The procurement could potentially void or invalidate a manufacturer's warranty, guarantee, or purchase agreement;
- v. The procurement is for services from a provider with unique knowledge, skill or ability not available from other sources;
- vi. A distributor or service provider has an exclusive franchise or operating agreement with the supplier of goods to be purchased or maintained, and no other person or entity may provide, install, service or maintain the goods in the service area. This does not include the purchase of goods where the same or similar good may be purchased;
- vii. The procurement is for goods and/or services where standardization is beneficial for reasons including maintenance, repair, training and interoperability;
- viii. The procurement is for goods and/or services where continuity of providers' efficiency or critical knowledge is preferable and other providers of the goods and/or services cannot provide similar efficiency or critical knowledge.

6. **Job Order Contracting.** Job Order Contracting is a procurement method used for maintenance, repair, alteration, renovation, remediation, minor construction or when the work is of a recurring nature, but the delivery times, type and quantities of work required are indefinite. Barton County may award job order contracts for maintenance, repair, alteration, renovation, remediation, or minor construction if the work is of a recurring nature (multiple orders for items or services will be needed), but the delivery times are indefinite. Job Order Contracts may be awarded using sealed bidding or competitive proposals as appropriate.

7. **Grant procurement.** Procurement with grant funds must be administered according to Federal and State laws and regulations, the issuing entity's guidelines and grant agreement, and according to Barton County's Procurement Policy. Federal grant awards shall also follow the regulations and guidance set forth in §200.317 -§200.327 of the Uniform Guidance. Each award shall be examined for additional governance within the agency or program issue.
 - a. Subrecipients are subject to the same regulations, standards and audits as the award pass-through agent (Barton County) and performance is measured against whether the objectives of the program are met. Barton County subrecipient monitoring for projects involving Federal funds shall also follow the regulations and guidance set forth in §200.317 -§200.327 of the Uniform Guidance.

8. **Publication.** Vendors may view solicitations, receive electronic notification and submit bids/proposals electronically by contacting the County, viewing the County's website or by utilizing software such as but not limited to Vendor Registry. Barton County will make every effort to ensure that bid/proposal information is posted when practical. All questions regarding bid/proposal opportunities should be directed to the person identified in the bid/proposal solicitation.

Barton County has a "purchaser subscription" to Vendor Registry under which vendors (businesses) receive the following services for free:

- Register with Vendor Registry
- View Barton County bids/proposals
- Submit bids/proposals to Barton County
- Receive email notifications for Barton County bids/proposals

Vendors do not have to be registered with Vendor Registry to view bids. They only have to register with Vendor Registry to submit bids electronically and this service is free to the vendor. At the end of registering a business, vendors may be offered additional subscription services that are not necessary to respond to Barton County bids. If Vendors are interested in enhanced services, the vendor is responsible for the enhanced package subscription fees.

Alternative solicitation methods may be utilized at the discretion of the County, including but not limited to publication in the designated County newspaper, on a physical bulletin board, on the County's website and by other means. Bids and proposals are accepted until the announced deadline.

9. **Submission Procedures.** There are two submission options for formal procurement methods.

1) Vendors may receive electronic notifications and submit bids/proposals electronically through Vendor Registry, a link found under the Procurement tab at www.bartoncounty.org.

OR

2) Bids/proposals may also be submitted via mail or courier in a sealed envelope, with the exterior marked with the Bid Name, to the Barton County Clerk, 1400 Main Street, Room 202, Great Bend, KS 67530.

Barton County will not consider any bids/proposals not prepared and not submitted in accordance with the provisions herein and may waive any informalities or reject any and all bids/proposals. Any bids/proposals may be withdrawn prior to the above scheduled time for the opening of bids or authorized postponement thereof. Any bids/proposals received after the time and date specified shall not be considered. Bids/proposals

submitted after the closing date and time will be returned unopened. Bids/proposals may not be withdrawn within sixty (60) days after the actual date of the opening thereof.

10. **Opening.** Bids/proposals will not be opened until after the announced deadline and at the time and place prescribed in the invitation. The bids/proposals must be opened publicly. Electronic bid/proposal submission software does not permit the opening prior to the published deadlines. Mailed bids/proposals will be received and date/time stamped in the County Clerk's Office.

Following the deadline, bids/proposals may be opened by the initiating Board of County Commissioners, County Administrator or Department Head, and anyone may attend.

11. **Awarding Bids/Proposals.** Barton County reserves the right to reject any and all bids/proposals and award in the County's best interests. Barton County will award bids/proposals only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. In addition, consideration will be given to such matters as contractor integrity, compliance with public policy, a record of past performance, delivery, warranty, integration, and financial and technical resources.

Bid results are available by a written request. Please send requests to the Freedom of Information Officer (FIO).

Barton County cannot enter into contracts with vendors that have been suspended or debarred from participating in contracts supported with federal funds. For contracts over \$25,000 supported with federal funds, Barton County will verify that a vendor/contractor is not excluded or disqualified by either:

- Checking SAM (www.sam.gov);
- Collecting a certification from that contractor; or
- Adding a clause or condition to the cover transaction with that contractor.

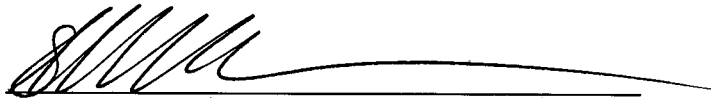
12. **False or Misleading Statements.** In the opinion of Barton County, if a vendor's bid/proposal contains false or misleading statements or references which do not support the function, attribute, capability or condition of their company and the products and services outlined in their bid/proposal, their bid/proposal shall be rejected.
13. **Conflicts of Interest.** Barton County Commissioners, the County Administrator, Department Heads and vendors shall list any current or potential clients or projects which may be (or cause) a conflict of interest in working for Barton County and describe the possible extent of the conflict.
14. **Modification of Bids/Proposals.** Modifications to bids/proposals already submitted will be allowed if submitted following the submission procedures before the deadline.
15. **Records.** Procurement records, including but not limited to the Request for Proposals (RFP), bids, final awards, purchasing information and other supporting documents, will be maintained by the County Administrator or the requesting Department Head.

FURTHER, that nothing in this Resolution shall apply if in conflict with any Kansas statute and/or Federal law or regulation; and

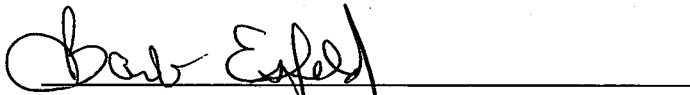
FURTHER, that Resolution 2022-25, A Resolution Establishing Consent of Purchases During Regular Commission Meetings, adopted December 14, 2022, is hereby rescinded.

Dated this 8th day of March, 2023.

BOARD OF COUNTY COMMISSIONERS



Shawn Hutchinson, Chairman



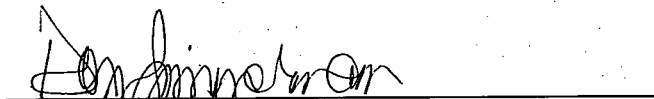
Barb Esfeld, Commissioner



Duane A Reif, Commissioner




Tricia Schlessiger, Commissioner



Donna Zimmerman, Commissioner

ATTEST:


Bev Schmeidler
County Clerk

APPROVED:


Patrick Hoffman,
Counselor