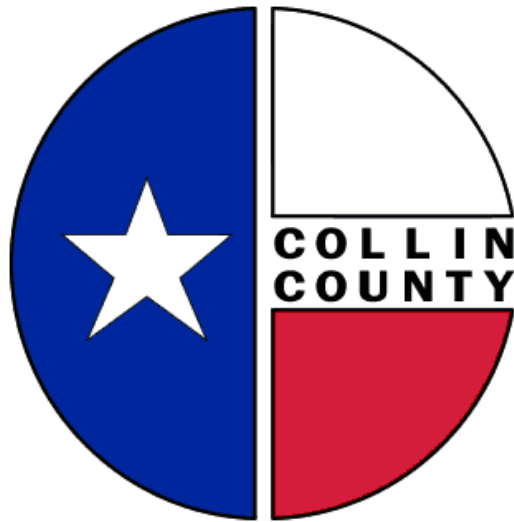


COLLIN COUNTY

PURCHASING DEPARTMENT



PURCHASING POLICIES AND PROCEDURES MANUAL

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INTRODUCTION

This manual has been adopted by the Collin County Commissioners Court for the use of County Officials and Employees, and is designed to assist them in complying with applicable laws governing County purchasing procedures. Any changes in the contents of this manual shall be made only by the Commissioners Court.

The mission of the Collin County Purchasing Department is to provide a unified purchasing system that ensures integrity and fairness, with centralized responsibility for oversight of Solicitation, Vendor selection, negotiation, award, contract management, reporting, and disposal of surplus property for the benefit of Collin County agencies. The department is dedicated to providing and managing for our agencies the most effective and efficient procurement processes and procedures for the acquisition of quality Goods and Services in support of Collin County's mission and goals. Our focus is to provide the best possible quality Goods and Services, at the best value, to the citizens of Collin County while providing qualified suppliers with open and fair competition for County business.

The Collin County Purchasing Department is a member of the administrative services team of Collin County. The County Purchasing Agent is charged with the responsibility of assuring fair and equitable treatment to all Vendors without regard to political pressure or discrimination based on race, color, religion, national origin, handicap, or sex.

To assist the Purchasing Agent, a professional staff has been assembled. In addition to Solicitation of formal Sealed Bids, Requests for Proposals, Requests for Qualifications, and quotations, this team is responsible for:

1. Auctions of Surplus Property
2. Cooperative Purchasing Agreements
3. Agreements through Statutory or Discretionary Exemptions
4. Contract Administration
5. Maintaining Certificates of Insurance
6. Physical Inventory of Fixed Assets
7. Maintaining Surplus Property Warehouse

The County's purchasing procedures are governed by State and Federal law, including, without limitation, the Texas Local Government Code (LGC) and Texas Government Code (GC), and these statutes, including interpretations of them made by Texas courts, and the Texas Attorney General, are the ultimate authority on the validity of purchasing procedures. Because the procedures described in this manual are based on applicable State and Federal law, this manual, in many instances, contains language taken directly from statutes, and paraphrases of and broad generalizations about Texas statutory law have been included where appropriate to assist in applying the law in routine situations. Since this manual cannot address every situation, when an unusual situation occurs or a difficult legal problem arises, the exact statutory language must be reviewed and analyzed. In every situation, the final authority for County purchasing is applicable State and Federal law and the lawfully adopted procedures and orders of the Commissioners Court relating thereto.

The Purchasing Department is committed to promoting effective, professional, and consistent procurement in Collin County, as well as supporting the public precept that tax dollars be wisely spent.

DEFINITIONS

Advertisement or Advertise – A public legal notice containing information about a Solicitation as described in LGC §262.025 and GC §2051.044.

Addendum (plural Addenda) – Document(s) used to modify terms or conditions of a Solicitation.

Amendment – A document used to change the terms and/or conditions of a Contract.

County Auditor – Collin County Auditor and their designated representatives.

Bid Bond – A guarantee that promises the bid will not be withdrawn prior to Contract award. Normally it is five percent (5%) of the amount bid and is in the form of a financial guarantee provided by a surety; however, it can be a cashier's or certified check. Bonds of unsuccessful bids are returned after award. Bond of successful bidder is retained until the Contract is executed and any necessary payment/Performance Bonds are submitted and accepted. If the successful bidder refuses to execute the Contract or submit proper payment and Performance Bonds, then the bid bond is "called" for the difference between their bid and that of the next low responsive responsible bidder, up to the penal amount of 5% of the bond.

Capital Item –personal property or asset (\$5,000 or greater) that is an item not meant for regular consumption, such as software, vehicles, or equipment. These assets are capitalized.

Change Order – A document used in construction Contracts that changes the Contract by increasing or decreasing the cost or time for performance, or changes the Goods/Services to be delivered.

Commissioners Court – Collin County Commissioners Court.

Competitive Bidding – Letting available Vendors compete with each other to provide Goods/Services in compliance with LGC, Chapter 262.

Competitive Proposal Process – Letting available Vendors compete with each other to provide Goods/Services in compliance with LGC, Chapter 262.

Component Purchases – Purchasing a series of individual parts of Goods that normally would have been purchased as a whole.

Contract(s) – An agreement for valid consideration that the County and a Vendor enter into, containing the terms and conditions under which Goods/Services are to be furnished to the County. A Contract, when properly authorized and signed by the authorized County representatives, is a commitment for County funds.

Cooperative Purchasing Program – A program providing interlocal agreements that allow other government jurisdictions and districts to obtain Goods at competitive prices.

County – Collin County, Texas.

County Clerk – Collin County Clerk or the designated representatives.

Customers – The County Departments.

Department(s) – All County and precinct offices and subdivisions of them, as well as district offices and subdivisions when the purchase is even partially funded by County money.

Designee – Individual Purchasing Department Employee given the authority as an additional agent to the Purchasing Agent to perform County business.

Emergency Purchase – A purchase that is needed because of an emergency condition as described in LGC §§262.024(a)(1), (a)(2).

Employee – Any County, precinct or district employee elected, appointed, or hired by Collin County, Texas.

Equipment Services - The County Department responsible for maintenance and provision of equipment to other Departments.

eProcurement System – Electronic Procurement Software system for Vendor registration, Solicitations, and contract management.

Facilities Department - The County Department responsible for maintenance and provision of facilities to other Departments.

Fiscal Year – A period of 12 consecutive months, beginning October 1 of each year and ending September 30 of the next year.

Fixed Assets – Physical assets such as property (i.e., public, or real), plant, and equipment with a value of \$5,000.00 or more.

Goods – Includes any personal property to be purchased by the County, including, without limitation, equipment, supplies, material, and component or repair parts.

High Risk Equipment – Property controlled but not capitalized. High Risk Equipment controls are required to be established by each Elected Official or Department Head that is responsible for this equipment. Examples of High Risk Equipment include audio/video equipment (such as televisions or projectors), mobile devices, grounds equipment (such as mowers or trimmers), medical equipment (such as AEDs), power tools, and weapons.

Invitation for Bid (IFB) – Specifications and formal bidding documents requesting pricing for a specified good/service that has been advertised for bid.

Invoice – Document from a contractor requesting payment for Goods delivered and/or Services rendered.

Items Less Than \$100,000 – Purchases of Goods/Services that are accounted for in the County Commodity Code Inquiry listing, and purchases of Goods/Services from a single Vendor in a single purchase as defined in the County Purchasing Act.

Lease – For purposes of this manual, a Lease is defined as a Contract for the use of personal property for a period of time for a specified compensation.

Lowest Responsible Bid – The offer from the responsible bidder who submits the lowest and best bid meeting all requirements of the Specifications, terms, and conditions of the invitation for bid. It expressly is understood that the lowest responsible bid includes any related costs to the County in a total cost concept. The term “responsible” refers to the financial and practical ability of the bidder to perform the Contract, and takes into consideration the past performance of the Vendor.

Maintenance Bond - A surety guarantee that protects the purchaser against defects or inferior materials or workmanship for a specified period of time following the expiration of the initial warranty or guarantee period; an extended warranty guaranteed by a surety.

Modification – A document used to change the terms/conditions of a Contract.

Occupant Department – The department that will use the Goods/Services when the purchase or construction is completed, which may be different from the User Department.

Official – Any elected or appointed Official and any person authorized to act on their behalf.

Payment Bond – A guarantee that promises payment to subcontractors and suppliers on a Contract during performance. It must be submitted prior to any work beginning and is in the form of a financial guarantee provided by a surety. If the contractor fails to pay subcontractors and suppliers, then the Payment Bond is “called” for the amount of non-payment.

Performance Bond – A guarantee that promises that the Contract will be performed as required. It must be submitted prior to any work beginning and is in the form of a financial guarantee provided by a surety. If the contractor fails to perform and complete the Contract as required, then the Performance Bond is “called” for the amount required to complete the Contract. A surety that provides a bond may be permitted to “take over” a failed or defaulted Contract.

Pre-Bid/Proposal Conference – A conference conducted by the Purchasing Department for the benefit of those wishing to submit a bid or proposal for Goods or Services required by the County. This is held in order to allow bidders/proposers to ask questions about the proposed Contract and particularly the Contract Specifications.

Professional Services – There are two (2) kinds of Professional Services:

1. Professional Services specified in the Professional Services Procurement Act which require an individual with specified skills as described under GC §2254.002.
2. Professional Services not specified in the Professional Services Procurement Act as described under GC 2254 are referred to in LGC §262.024 and are defined under common law. These Services include a wide variety of individuals with specialized skills. The Purchasing Agent must rely on applicable Texas Attorney General opinions and court cases to determine what Services are included in these Professional Services.

Prompt Payment Act – GC §2251.021(B) Time for Payment by Governmental Entity, states a payment by a governmental entity under a Contract executed on or after September 1, 1987, is overdue on the 31ST day after the later of: (1) the date the governmental entity receives the Goods under the Contract; (2) the date the performance of the Services under the Contract is completed; or (3) the date the governmental entity receives an Invoice for the Goods or Services.

Proprietary Information – Information in bids or proposals to which the Vendor claims ownership or exclusive rights and which is protected from disclosure under the Texas Public Information Act (GC Chapter 552).

Purchase Order (PO) – An order by the Purchasing Department for the purchase of Goods or Services written on the Collin County standard Purchase Order form and, when accepted by the Vendor without qualifications within the specified time limit, becomes a Contract. It is the Vendor's authority to deliver and Invoice for Goods/Services specified, and the County's commitment to accept the Goods/Services for an agreed upon price.

Purchase Requisition – A request by a Department to the Purchasing Department that authorizes Purchasing to enter into a Contract with a Vendor to purchase Goods/Services and charge the expenditure to the appropriate Department budget. This automated form is for internal use and cannot be used by a Department to order material directly from a Vendor.

Purchasing – The act, function, and responsibility for the acquisition of Goods and Services, including construction and Professional Services.

Purchasing Act – Chapter 262, Subchapter C of the Texas Local Government Code that governs the conduct of purchasing activity for counties.

Purchasing Agent – The Purchasing Agent for the County who reports to the Purchasing Board and the designated representatives.

Purchasing Board – A board comprised of three (3) District Judges and two (2) County Commissioners who are responsible for appointing the Purchasing Agent and approving the Purchasing Department's budget.

Purchasing Department – Collin County Purchasing Department and its staff.

Request for Proposal (RFP) – A document requesting an offer be made by a Vendor, which allows for negotiation after a proposal has been received, but before award of the Contract for Goods/Services procured in compliance with LGC §262.0295 or §262.030.

Request for Qualifications (RFQ) – A document that requests details about the qualifications of professionals whose Services must be obtained in compliance with the Professional Services Procurement Act.

Sealed Bid(s) – Competitive bid or proposal responses that are kept secure and unopened until after the due date and time specified in the Solicitation.

Separate Purchases – Purchases made in a series of individual purchases of Goods/Services that, in normal purchasing practices, would have been made in one purchase.

Sequential Purchases – Purchases made over a period of time that, in normal purchasing practices, would be made as one purchase.

Services – Includes all work or labor performed for the County on an independent contractor basis, including maintenance, construction, manual, clerical, personal, or Professional Services.

Sole Source Purchases – The purchase of a Good or Service that can be obtained from only one source that is purchased in compliance with LGC §262.024(a)(7).

Solicitation(s) – A document, such as an invitation to bid, Request for Proposal, or Request for Qualifications issued by the Purchasing Department. This document contains terms and conditions for a Contract, and it seeks (solicits) a bid or proposal for Goods/Services needed by the County.

Specifications – A concise description of a Good or Service that an entity seeks to buy, and the requirements the Vendor must meet in order to be considered for the award. A specification may include requirements for testing, inspection, preparing an item for delivery, and preparation or installation for it to be used. The specification is the total description of the item to be purchased.

State – The State of Texas.

User Department – The Department from whose budget line item the Contract will be paid.

Vendor(s) – One who provides Goods or Services; a “seller” or “supplier”.

I. STATEMENT OF GENERAL POLICY

It is the policy of Collin County that all purchasing shall be conducted strictly in accordance with the laws of the State of Texas and policies adopted by the Collin County Commissioners Court. The County will consider, when authorized by applicable State law, the following:

1. Value - Purchasing's processes aim to achieve best value for public funds, considering both the initial cost and long-term expenses like maintenance, repairs, or Total Cost of Ownership.
2. Quality and standards – Purchasing prioritizes the quality of Goods and Services to ensure they meet the County's needs and fulfill the intended purpose.
3. Supplier evaluation – Purchasing shall thoroughly evaluate suppliers based on their ability to deliver, their experience, their efficiency, integrity, financial stability/responsibility, and ability to meet required Specifications. Where appropriate, the County shall require interested Vendors to demonstrate a good safety record.

Collin County intends to maintain a cost-effective purchasing system conforming to good management practices. To be successful, the system must be backed by cooperation of not only every Department head and Official, but also every supervisor and Employee of Collin County. The establishment and maintenance of a good purchasing system is possible only through cooperative effort.

The purchasing process is not instantaneous. Time is required to complete the steps required by State Law. In order to accomplish timely purchasing of Goods and Services at the least cost to Collin County, all Departments must cooperate fully. Prior planning and the timely submission of requisitions are essential to expedite the purchasing process and to assure that the process is orderly and lawful.

II. PURCHASING AUTHORITY AND GENERAL GUIDELINES

The statutory responsibility of the Purchasing Agent is to purchase all supplies, materials, and equipment required or used, and Contract for repairs to property used by the County. The Purchasing Agent shall supervise all purchases and Contracts required by law to be made on competitive bid. The Purchasing Agent maintains surplus inventory and disposes of all excess, obsolete or unserviceable equipment by auction or other means as provided by law.

The County's purchasing procedures are governed by State and Federal Law, including, without limitation, the Texas Local Government Code (LGC) and Texas Government Code (GC), and these statutes, including interpretations of them made by Texas courts, and the Texas Attorney General, are the ultimate authority on the validity of purchasing procedures. Because the procedures described in this manual are based on State law, this manual, in many instances, contains language taken directly from statutes, and paraphrases of and broad generalizations about Texas statutory law have been included where appropriate to assist in applying the law in routine situations. Since this manual cannot address every situation, when an unusual situation occurs or a difficult legal problem arises, the exact statutory language must be reviewed and analyzed. In every situation, the final authority for County purchasing is applicable State and Federal law and the lawfully adopted procedures and orders of the Commissioners Court relating thereto.

General guidelines for purchasing and utilization of this manual are as follows:

1. Determine if the needed items are stocked by the County. If so, they may be obtained in the manner described in Section IV.
2. If the item is not stocked by the County, submit a requisition to Purchasing.

III. REQUISITIONS

A. Necessity of Requisition

A requisition is required to be submitted to Purchasing for all items (LGC §113.901). The purpose is:

1. To inform Purchasing of the requesting Department needs.
2. To identify correctly and clearly the item requested.
3. To confirm that funds are available.

Requisitions must be submitted well in advance of the time that the Department needs the item to enable Purchasing to find a Vendor, to comply with all applicable purchasing requirements, and to allow for delivery by the Vendor.

B. Processing Requisition

Processing of the requisition depends upon the manner in which the requisitioned items are to be obtained.

1. Items available from a County stock room. (See Section IV)
2. Items not available through a County stock room must be acquired through Purchasing. (See Section V)

IV. ACQUISITION OF ITEMS FROM STOCK ROOM

A county stock room (central supply) will be maintained for use by all Departments. Departments may obtain materials directly from this stock room through supply requisition. **Items to be stocked include:** Paper, toner, and ribbons for most copiers, fax machines, and concession supplies for breakrooms.

A. Purchase Order Unnecessary

Materials and supplies in the stock room have already been purchased by the County based upon anticipated needs. Consequently, a Purchase Order is not needed to obtain such items, only a supply requisition entered into the financial system.

V. PURCHASE OF GOODS, SERVICES, AND CAPITAL ITEMS

A. General

Goods not available from a stock room and Capital Items are acquired through Purchasing. Additionally, Contracts for Services or repairs to personal property used by the County are obtained through Purchasing.

The Purchasing Agent shall attempt to use Competitive Bidding to the extent practicable (LGC §262.0245) for the purchase of all Goods and Services, even those not specifically required to be competitively bid under the law.

B. Responsibilities of Purchasing and Requesting Departments

1. Purchasing's responsibilities are to:
 - a. Obtain information about and understand the needs of the Departments of the County.
 - b. Secure Goods and/or Services for Department's need at the lowest cost to the County of the same or better quality within a reasonable delivery time.
 - c. Know the sources for and availability of needed Goods and/or service.
 - d. Aid and cooperate with all Departments of the County to meet their equipment and supply needs.
 - e. Solicit requesting department's advice for Vendor recommendation to facilitate delivery of materials that will meet Department's needs and Specifications.
2. Requesting Departments' responsibilities are to:
 - a. Make requests early enough to allow sufficient time for Purchasing to acquire the item and the Vendor to make delivery.
 - b. Prepare and submit to Purchasing all Specifications that may be needed.
 - c. Maintain on file with Purchasing a written list of all Department personnel (besides the Department Head or County Official) who are authorized to prepare and/or approve requisition forms.
 - d. In speaking with Vendors, County Employees should take no actions which might be viewed as obligating or committing the County.
 - e. Obtain approval from the Information Technology Department for all computer equipment and software requested to be purchased.
 - f. Obtain approval from the Facilities Department for all appliances or items that secure to a wall requested to be purchased.

- g. Obtain approval from Equipment Services for all vehicles, heavy equipment, trailers, and powered equipment requested to be purchased.

C. Purchasing Procedure

All expenditures exceeding the statutory bid limit of \$100,000.00 shall be made in accordance with Local Government Code, and Chapter 262. PURCHASING AND CONTRACTING AUTHORITY OF COUNTIES.

All expenditures for purchases below the statutory bid limit shall follow the guidelines set forth below. If an existing County Contract exists for the good or service, the requesting Department will submit a requisition referencing the County Contract for Purchasing's review and processing.

Guidelines for Purchases at or below \$5,000.00

For the purchase of Goods and/or Services at or below \$5,000.00, only one price quote is required.

For the purchase of Goods and/or Services \$5,000.00 and under, to the extent possible, price quotations should be solicited from a minimum of two sources to assure of fair and reasonable competition, any exception must be approved by the Purchasing Agent. Procedures for obtaining price quotations under \$100,000.00 are not established by State law and are structured to meet the needs of Collin County as authorized under LGC §262.011 and §262.0245. County Employees should use the following guidelines. To protect the integrity of the process, all Solicitations of quotes shall comply with the following:

1. Vendors will not be privileged to quotes from other Vendors during the quote process, except during the reverse auction process allowed by law and conducted only by Purchasing.
2. Vendors should be rotated to ensure competition.
3. If two or more responsible bidders submit identical quotes as a result of a quote process, the award will be made by drawing lots in the Purchasing Department.
4. Purchasing should be contacted if additional sources for a particular Good or Service are needed.
5. Purchases must be continually monitored to prevent Separate, Sequential, or Component Purchases of items (that in normal purchasing practices would be purchased in one purchase) from exceeding the Sealed Bid limitation of \$100,000.00 from the same supplier if the purchase of items would traditionally be made in one purchase. Cumulative purchases include the total of all countywide purchases, such as for office supplies, uniforms, and furniture.

If a County Officer or Employee intentionally or knowingly makes Separate, Sequential, or Component Purchases to avoid the competitive bidding requirements, it is a violation of the Purchasing Act and is a CLASS B misdemeanor. If a County Officer or Employee intentionally or knowingly violates

the Purchasing Act, other than conduct stated above, it is a CLASS C misdemeanor (LGC §262.034)

6. Quotes should be submitted with a requisition to the Purchasing Department for Vendor selection, price confirmation and issuance of a Purchase Order.
7. In accordance with State law, under no circumstance is the User Department to place any order without Purchasing's approval unless a Purchase Order has been obtained from the Purchasing Department. In accordance with LGC §262.011, only the Purchasing Agent of a County can make a purchase for the County. User Departments may make purchases, if a purchase card (P-Card) has been issued to the user, which must follow the guidelines of the Purchasing Card Policy and Procedures Manual (LGC §262.011(o)).
8. For items requiring payment in advance, such as subscriptions or conference registration, it is preferred that a P-Card is used. If a P-Card cannot be used, a requisition should be submitted; however, the requesting Department must attach backup documentation, such as subscription notices or conference registration forms, before a PO can be issued.
9. Contact the Purchasing Department with any concerns or questions you may have.

Guidelines for Purchases between \$5,000.01 - \$50,000.00

1. Department shall submit a requisition to Purchasing for Services and/or Goods required.
2. Department shall provide Purchasing with the scope of work and/or Specification for Services and/or Goods required.
3. Purchasing will typically solicit a minimum of three (3) quotes to include written confirmation of prices.
4. If two or more responsible bidders submit identical quotes as a result of a quote process, the award will be made by drawing lots in the Purchasing Department.
5. Purchasing will issue Purchase Order to selected Vendor.
6. Purchases must be continually monitored to prevent Separate, Sequential, or Component Purchases of items (that in normal purchasing practices would be purchased in one purchase) from exceeding the Sealed Bid limitation of \$100,000.00 from the same supplier, if the purchase of items would traditionally be made in one purchase. Cumulative purchases include the total of all countywide purchases, such as for office supplies, uniforms, and furniture.

If a County Officer or Employee intentionally or knowingly makes Separate, Sequential, or Component Purchases to avoid the competitive bidding requirements, it is a violation of the Purchasing Act and is a CLASS B misdemeanor. If a County Officer or Employee intentionally or knowingly violates the Purchasing Act, other than conduct stated above, it is a CLASS C misdemeanor (LGC §262.034).

Guidelines for Purchases between \$50,000.01-\$100,000.00

Written Quotes are obtained for these purchases.

1. Department shall submit a requisition to Purchasing for Services and/or Goods required.
2. Department shall provide Purchasing with the scope of work and/or Specifications for Services and/or Goods required.
3. Purchasing shall review documents by Departments to assure that the requirements are nonrestrictive for the purpose of fair and reasonable competition. Purchasing shall incorporate appropriate Collin County Terms and Conditions to develop the Request for Quotation(s). Request for Quotation(s) will be forwarded to prospective Vendors and shall state a specific date, time and location for quote submittal.
4. Purchases must be continually monitored to prevent Separate, Sequential, or Component Purchases of items (that in normal purchasing practices would be purchased in one purchase) from exceeding the Sealed Bid limitation of \$100,000.00 from the same supplier, if the purchase of items would traditionally be made in one purchase. Cumulative purchases include the total of all countywide purchases, such as for office supplies, uniforms, and furniture.

If a County Officer or Employee intentionally or knowingly makes Separate, Sequential, or Component Purchases to avoid the Competitive Bidding requirements, it is a violation of the Purchasing Act and is a CLASS B misdemeanor. If a County Officer or Employee intentionally or knowingly violates the Purchasing Act, other than conduct stated above, it is a CLASS C misdemeanor (LGC §262.034).

5. If two or more responsible bidders submit identical quotes as a result of a quote process, the award will be made by drawing lots in the Purchasing Department.
6. Departments should allow adequate time for processing orders in this category. Note: This process, generally, may be accomplished in approximately seven (7) days to twenty-one (21) business days (depending on the nature of the Services and/or Goods sought). This process does not require submission to Commissions Court, yet may follow an abbreviated parallel to the Sealed Bid process.
7. When items are received, either the dock or the requesting Department must inspect and confirm to Purchasing that items were received in acceptable condition according to Purchase Order terms. If delivered in unacceptable condition, Purchasing will follow-up with Vendor in order to attempt to correct any problem. Capital Items (valued at \$5,000.00 or greater) are "tagged" for County inventory by Purchasing. Items on the High Risk Equipment List and those meeting criteria as set forth by Commissioners Court will also be tagged for tracking purposes. Payment will be processed by the Auditor in accordance with the terms of the Purchase Order, bid or Contract.

Items not received by Purchase Order due date will be followed up by Purchasing and the Requesting Department will be notified of any delays or problems.

VI. FORMAL SOLICITATION PROCESS

A. Guidelines for Purchases exceeding \$100,000 - Statutory Limits

State law (LGC §262.023) sets limits for requirements of formal competitive bids and proposals. No Specifications are to be written with the intent to exclude a possible bidder or proposer. LGC §262.028 allows that purchases by Competitive Bidding may be proposed on either a lump sum or a unit price basis. If unit price bids are solicited, the approximate quantities of each item needed are to be estimated in the notice based on the best available information but the compensation paid the bidder must be based on the actual quantities purchased.

B. Requesting Department's Responsibilities

1. Obtain Solicitation procedure information from the Purchasing Department.
2. Provide Specifications and approximate quantities based on the available information with an agenda request for Commissioners Court to the Purchasing Department.
3. Submit a suggested Vendor list, if known, to include in Purchasing's outreach efforts.
4. Attempt to return the bid information (Item 2) to Purchasing no less than fourteen (14) days before the Commissioners Court agenda entry deadline for routing.
5. Be present at the Commissioners Court meeting during which the Specifications, Advertisement, and award are discussed.

C. Purchasing Department's Responsibilities

1. Determine if such item(s) requires Competitive Bidding procedures (LGC §262.023), Competitive Proposal procedures (LGC §262.030), construction procedures (GC Chapter 2267), or Professional Services procedures (GC Chapter 2254).
2. Determine practicality to prepare detailed Specifications, and notify Commissioners Court. If impractical to prepare detailed Specifications, the Commissioners Court by order may adopt an alternative multi-step Competitive Proposal procedure (LGC §262.0295).
3. Review Specifications to determine adequacy in light of general requirements and to ensure that they are not restrictive. Purchasing Department will not modify requesting Department's specification without written permission by author.
4. Prepare final Specifications, Advertisement, and award for Commissioners Court approval.
5. Finalize agenda requests and notify the Department of agenda dates.

6. Following Commissioners Court approval, post Specifications to Vendors and legal notice required (LGC §262.025, GC §2051.044, as amended).

D. Public Solicitation Opening

All IFBs, RFPs, and RFQs will be received by the Purchasing Agent (LGC §262.026). The Purchasing Agent's stamped, clock-in time will be the official time of receipt. The Purchasing Agent will open all Solicitation responses in an open public forum on the designated time and day. Bids (IFBs) will be read aloud and recorded.

Bids received from an IFB Solicitation and the preliminary tabulation will be publicly posted on the eProcurement website. Preliminary bid tabulations are subject to change prior to award recommendation.

Proposals as a result of an RFP Solicitation and Statements of Qualifications as a result of an RFQ Solicitation shall be opened by Purchasing so as to avoid disclosure of contents to competing offerors. The contents of competing offers shall be kept secret during the negotiation/evaluation process, but shall be open for public inspection after the Contract is awarded. Trade secrets and Proprietary Information contained in the proposal, so identified by offeror as such, will be treated as confidential by Collin County to the extent allowable in the Public Information Act.

E. Bid Recommendation and Award

After examining copies of all the bids, the requesting Department will send a written recommendation and Commissioners Court agenda request to Purchasing at least fourteen (14) days prior to the agenda entry deadline for Commissioners Court approval. If a recommendation is made to accept other than the lowest compliant bid, each lower bidder must be notified of such fact and given an opportunity to present evidence to the Commissioners Court of reasons why its bid should be accepted (LGC §262.027(c)). After certification of recommendations, Purchasing will notify the Department and present bids and a bid recommendation to the Commissioners Court. In evaluating each bid, the following will be considered:

1. Value - Purchasing's processes aim to achieve best value for public funds, considering both the initial cost and long-term expenses like maintenance, repairs, or Total Cost of Ownership.
2. Quality and standards – Purchasing prioritizes the quality of Goods and Services to ensure they meet the County's needs and fulfill the intended purpose.
3. Supplier evaluation – Purchasing shall thoroughly evaluate suppliers based on their ability to deliver, their experience, their efficiency, integrity, financial stability/responsibility, and ability to meet required Specifications. Where appropriate, and in compliance with LGC § 262.0275, the County may require interested Vendors to demonstrate a good safety record.

Unless all bids are rejected, bids will be awarded to the responsible bidder who submits the lowest and best bid, based on the criteria set forth herein, and in compliance with applicable law.

When only one bid is received by the County, the bid may be accepted if the Commissioners Court determines the price is fair and reasonable. If the price is not fair and reasonable, Commissioners Court will reject and seek new bids.

If two or more responsible bidders submit identical bids as a result of a competitive bid process, the bid award will be made by drawing lots in a manner prescribed by the County Judge (LGC §262.027).

After award of a Contract, but before the Contract is executed, the Commissioners Court may authorize the Purchasing Agent to negotiate a Modification of the Contract, only if the Modification is in the best interest of the County and does not substantially change the scope of the Contract or cause the dollar amount of the Contract to exceed the next lowest bid. The Purchasing Agent will forward any Modification to Commissioners Court for approval before it becomes effective (LGC §262.0305).

F. Competitive Proposal Procedure

Insurance, high technology items, landscape maintenance, travel management, and recycling, may be purchased through an alternative Competitive Proposal procedure. This method may also be used to purchase other items, with the consent of the Commissioners Court, if it is in the best interest of the County (LGC §262.030).

1. Procedure

a. Request for Proposal

A Department needing special services (LGC §262.030) must prepare a detailed description of the service required. Purchasing will work with the requesting Department(s) to develop a "Request for Proposal" (RFP) Specification document and prepare the Solicitation public notice of Advertisement for an upcoming Commissioners Court agenda.

The purpose of an RFP is to provide details to a potential service provider about the nature of services the Department is seeking. The RFP should include at least the following.

1. A general description and explanation of the project or service required.
2. Objectives of the project.
3. Required content of proposal to be submitted.
4. Evaluation criteria for acceptance of proposal.
5. Relative importance of proposed Contract price.
6. Other pertinent evaluation information.

b. Solicitation of Proposals

After approval by the Commissioners Court, Purchasing will request proposals from potential providers and will order Advertisement of the request (LGC §262.025, GC §2051.044). Purchasing shall open proposals on the date specified in the request. Confidential and Proprietary Information, contained in the proposal, so identified by offeror as such, will be treated as confidential by Collin County to the extent allowable in the Public Information Act.

c. Evaluation Committee Selection

At the time of specification development, Purchasing and the requesting Department will collaborate on both the appropriate number of Evaluation Committee members and the knowledge and experience needed to evaluate which proposed solution best meets the need. Evaluation Committees are generally composed of 3-5 voting members, but may be more due to the complexity of the project and the number of stakeholders.

Evaluation Committee members may be a combination of end users, stakeholders, and other subject matter experts. They must have the experience and knowledge required to apply the evaluation criteria to the proposed solutions and identify the best value solution proposed. Committee members may include Employees with financial expertise to evaluate the stability of the company, technical expertise to evaluate whether the solution meets the program needs of each office, and Purchasing to assess the cost proposed. Committee members must be free from bias and conflicts of interest. It is best practice not to have both an Employee and that Employee's supervisor on an Evaluation Committee as voting members to avoid potential hierarchy influence. Additionally, a single Department generally should not make up the entire Evaluation Committee.

The Evaluation Committee voting members should be available during the entire evaluation process, and during any applicable demonstrations, debriefings, and to answer any questions that come up during Commissioners Court related to their scores.

d. Evaluation of the Proposals

Following the proposal opening date and time, responses will be distributed to each member of the Evaluation Committee to begin evaluations based on evaluation criteria established in the RFP Specifications. Evaluation criteria will cover items such as:

1. General quality and responsiveness.
2. Organization and personnel experience and qualifications.
3. Respondent's approach and methodology meeting the RFP.
4. Where appropriate and authorized under applicable state law, Respondent's safety record.

5. Respondent's financial stability.
6. Pricing and ongoing costs.

The Evaluation Committee, with the assistance of the Purchasing Department, may conduct further discussions and Contract negotiations with responsible Respondent during the evaluation process. All Respondents will receive fair and equitable treatment with regard to such discussions and negotiations. Revisions are permitted after submission and before award for the purpose of obtaining the best and final offer (LGC §262.030).

e. Recommendation

The Evaluation Committee will send an agenda request along with a written recommendation for proposal award to the Purchasing Department at least fourteen (14) days prior to the deadline for Commissioners Court agenda. Purchasing will notify the requesting Department of the recommended proposal, notify the Respondent, and coordinate with the Department to create a Commissioners Court agenda item for award. The Commissioners Court will either approve or reject the recommendation for award of Contract. (See Section V of this manual.)

Any exceptions to the procedures outlined above must be approved, in writing, by the County Judge.

G. Bond Requirements

A Bid Bond in an amount not less than 5% of the total Contract price may be required if a Contract involves construction of public works or is a Contract that exceeds \$100,000. A Performance Bond may be required for all Contracts in excess of \$50,000 (LGC §262.032(b)). This subsection does not apply to a performance bond required to be furnished by GC Chapter 2253.

Performance Bonds, for Contracts in excess of \$100,000, and Payment Bonds for Contracts in excess of \$25,000, are required for the construction, repair, or alteration of a public work, or the prosecution of completion of any public work. The contractor, before commencing work, must execute bonds that:

1. Is on the Collin County bond form, or authenticated Surety forms;
2. Is payable to Collin County, Texas;
3. Is in the full amount of the Contract;
4. Is executed upon faithful performance of the work in accordance with the plans, Specifications, and Contract documents;
5. Protects Collin County, Texas;
6. Protects of all claimants supplying labor and materials in the performance of work

provided in the Contract; and,

7. Is executed by a Surety licensed to do business in Texas.

Any payment and Performance Bond that is furnished by a contractor in attempted compliance with the requirements of GC Chapter 2253 and Texas Insurance Code Chapter 3503, will be construed as in conformity with that chapter in relation to rights created, limitations on the bond, and remedies provided. LGC §262.032 details bond requirements outside of GC Chapter 2253.

Maintenance Bonds are at the Purchasing Agent's discretion for all Contracts for the construction, repair, or alteration of a public work, or the prosecution of completion of any public work. The contractor, before commencing work, must execute a Maintenance Bond that:

1. Is solely for the protection of Collin County against defects of construction. The contractor shall repair or reconstruct the said improvements in whole or in part at any time within said two (2) year period to such an extent as the County deems necessary to properly correct all defects except those which have been caused by circumstances and conditions occurring after the time of construction over which the contractor had no control and which are other than those arising from defect of construction by the contractor;
2. Is on the Collin County bond form, or authenticated Surety forms;
3. Is payable to Collin County, Texas;
4. Is in the amount stated within the Contract; and,
5. Is executed by a surety licensed to do business in Texas.

H. Acquisition Following Bid/Proposal Award

Following award of a Solicitation (bid or proposal) by the Commissioners Court, and execution of all contracting documents, the requisition is processed in the manner described in Section V referencing the new Contract.

I. Change Orders

A Change Order (may be referred to as an Amendment) may be required when it becomes necessary to make changes in plans, Specifications, or proposals after performance of the Contract has commenced. Changes must follow LGC §262.031 and be approved by Commissioners Court.

A representative, designated by the Commissioners Court, may authorize a Change Order not to exceed 25% of the total Contract amount, providing that the amount does not exceed \$5,000. Each Change Order and amount is to be posted as notification to the Commissioner Court members.

If a Change Order involves an increase or decrease in cost of \$50,000 or less, the Commissioners Court may grant general authority to an Employee to approve the Change Order. However, the original Contract price may not be increased by more than 25% unless the Change Order is necessary to comply with a federal or State statute, rule, regulation, or judicial decision enacted, adopted, or rendered after the Contract was made. The original Contract price may not be decreased by 18% or more without consent of the contractor.

Authority to approve Change Orders up to \$50,000 relating to construction projects has been granted to the County Administrator per Court Order No. 2007-180-02-27. Each Change Order and amount is to be posted as notification to the Commissioner Court members.

Emergency Change Orders, exceeding the above amount, may be approved by the County Judge and ratified by Commissioners Court. Change Order requirements for specific Contract items will be included in the Contract documents.

J. Addenda

Purchasing Agent as authorized by Commissioners Court may extend bid and proposal opening dates by Addendum to the original Specifications. (LGC §262.026)

An Addendum may be issued by the Purchasing Agent to correct, clarify or modify a bid or proposal request prior to receipt / opening date. Purchasing will make every effort to make any and all addenda available to all prospective bidders. Purchasing shall inform the Commissioners Court after the receipt / opening date, prior to award, of all addenda issued during the Solicitation process.

K. Excluded Parties/Federal Debarred Vendors

No purchase utilizing Federal funds may be made from Vendors that are currently included on the Federal Excluded Parties List.

The requirement shall be included in the Solicitation documents if the expected purchase is with Federal grant funds (49 CFR Part 9, Subpart 9.4).

L. Certification of Eligibility

This provision applies if the expected purchase is with Federal grant funds. By submitting a bid or proposal in response to this Solicitation, the Bidder/Quoter/Offeror certifies that at the time of submission, they are not on the Federal Government's list of suspended, ineligible, or debarred contractors. In the event of placement on the list between the time of bid/proposal submission and time of award, the Bidder/Quoter/Offeror will notify the Collin County Purchasing Agent. Failure to do so may result in terminating this Contract for default.

VII. SPECIAL PURCHASES

A. Non-budgeted Capital Purchases

If the needed capital item was not included as part of the County budget, the following procedures should be followed in order to obtain budgetary authorization.

1. The requesting Department must prepare an agenda request with an attached memo justifying the need, including a cost estimate and a statement on available departmental funds.
2. The completed agenda request will be routed to Purchasing, which will check surplus inventory and verify pricing.
3. Purchasing will complete its section and route the request to the Budget Office, which will complete the financial section and forward it to the County Auditor.
4. The County Auditor will complete their section and route the request to Commissioners Court.
5. A representative from the requesting Department should attend the Commissioners Court meeting when the request is considered.
6. Commissioners Court will approve or decline the request. If approved, appropriate purchasing procedures will be followed.

B. Acquisition under a Blanket Purchase Order

1. Authorization of Blanket Purchase Order

A blanket Purchase Order authorizes a County Department to purchase miscellaneous items on an as-needed basis. A blanket Purchase Order will be issued for a specific "not to exceed dollar amount", list specific terms and conditions and provide a list of Collin County personnel authorized to pick up such items. Blanket Purchase Orders are authorized at the discretion of the Purchasing Agent only in appropriate circumstances, i.e. vehicle repair parts, electrical and office supplies.

Blanket Purchase Orders anticipated to exceed statutory limits during the course of a year, or that may exceed statutory bid limits where the purchases would traditionally be made in a single purchase, must be competitively bid. No blanket Purchase Order may exceed budgeted funds for such purchases by the Department.

2. Procedure for Acquisition under Blanket Purchase Order

a. Procedures to acquire Office Supplies are as follows:

1. Requesting Department enters a requisition for Blanket Order.
2. Requisition is routed to Purchasing through established approval

process.

3. Purchasing enters/issues Blanket Purchase Order
 4. Department orders direct via the Office Supply Vendor website.
 5. Department receives materials next day for orders placed by 5:00 p.m.
 6. Department signs off on packing list verifying receipt and forwards to County Auditor for payment.
- b. Procedures to acquire all other Goods and/or Services (excluding Office Supplies are as follows:
1. Requesting Department enters an amount-based requisition.
 2. Requisition is routed to Purchasing through established approval process.
 3. Purchasing enters/issues Blanket Purchase Order
 4. The requesting Department will pick-up or receive items throughout the effective period according to the terms of the Contract.
 5. The requesting Department will retain receipts and/or delivery tickets for all items picked up or delivered during the effective period.
 6. At the end of each two-week period, the requesting Department will receive all items into the County's financial system, generating a receiving record. The Department will then attach the packing slips and delivery tickets into the receiving record in the financial system for payment.

C. Professional Services

1. In accordance with GC Chapter 2254, Professional Services of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, professional nursing, forensic science, and interior design are procured through the "Request for Qualifications" (RFQ) process. The selection of providers of Professional Services will be based on demonstrated competence and qualifications of the firm or individuals and shall not be based on Competitive Bidding. Departments requiring Professional Services with the assistance of Purchasing must review the experience and capabilities of the prospective service providers through proposals and interviews and submit a recommendation together with back-up information to Purchasing for submission to and approval by the Commissioners Court.
- a. Procedure
1. A Department needing Professional Services must submit an electronic requisition and a detailed description of the scope of

Services required. Purchasing will develop an RFQ, submit to Department for review, and upon Department and Commissioners Court approval solicit for qualification proposals.

2. An evaluation committee will be established to determine the best qualified based on pre-established evaluation factors. This pre-established list shall be developed by the using Department and Purchasing.
3. Upon selection of the best qualified, the committee will begin negotiations with that Vendor. Should an equitable agreement not be reached, negotiations shall cease with this Vendor. Negotiations will then begin with the 2nd best qualified. This process shall continue until an agreement can be reached.
4. Once the most qualified Vendor is determined, an award recommendation will be sent through the agenda process for Commissioners Court approval.

Professional Services not specified in the Professional Services Procurement Act as described under GC Chapter 2254 are referred to in LGC §262.024 and are defined under common law. These Services include a wide variety of individuals with specialized skills. The Purchasing Agent must rely on the Attorney General opinions and court cases to determine what Services are included in these Professional Services. These professional service Contracts are noted as a discretionary exemption (LGC §262.024(a)) and is exempt from the competitive purchasing requirements established by LGC §262.023 if the Commissioners Court grants the exemption.

D. Emergency Purchases (LGC §262.024)

An emergency is defined as any previously unforeseen situation of which, if not immediately addressed, will result in immediate work stoppage or operational stoppage substantially detrimental to the required operation of county government or an issue detrimental to the public health and/or safety of the residents. A Contract for the purchase of any discretionary exemption (LGC §262.024(a)) is exempt from the competitive purchasing requirements established by LGC §262.023 if the Commissioners Court grants the exemption.

Emergency POs may be processed, depending upon the time of the emergency and type of purchase necessary, according to one of the following procedures; however, all purchases must comply with State procurement procedures.

1. After hours emergency

Every effort will be made to make contact with Purchasing personnel. If required, when County offices are closed, and Purchasing staff are unavailable, the Department may take the necessary action to obtain the needed Goods or Services if the expenditure does not exceed the statutory limit of \$100,000.00. If the Department is aware that the purchase involves an expenditure of over statutory bid limits, authorization can only be given by the County Judge. The next working

day, the Department should contact Purchasing to submit a requisition and obtain a Purchase Order with a subsequent ratification agenda item. Procedures applicable to phone in Purchase Orders may be followed, if authorized.

2. Emergency during working hours

If required when County offices are open all purchases must be through the County Purchasing Department. Emergency requests that do not exceed \$100,000 will be handled in the same manner as a standard Purchase Requisition with a notification to the Purchasing Department explaining the urgency. Purchasing will expedite the requisition complying with State procurement procedures. Emergency requests greater than \$100,000 must be approved by Commissioners Court either as a special session, or on the next available agenda date.

E. Sole-Source Purchases

Items considered Sole Source Purchases are defined in LGC §262.024(a)(7) which include patented or copyrighted material, secret processes, monopolies, utility services, captive replacement parts or components for equipment, and films, manuscripts, or books. Such items may be purchased from a sole source supplier without Competitive Bidding only after the Purchasing Agent, in writing, certifies the existence of only one source to the Commissioners Court and the Court enters a finding of such in its minutes (LGC §262.024(c)).

Sole-Source purchases with an expenditure of \$100,000 or less does not require the County to follow a competitive procurement procedure as defined by LGC §262.003(a).

F. Equipment Maintenance

Maintenance on County Fleet and Vehicle units shall be performed by Equipment Services or contracted out by Equipment Services through standard Collin County Purchasing procedures. Department requiring maintenance should contact Equipment Services at the County Service Center. Departments requiring maintenance for non-vehicular equipment (i.e., office copiers) shall contact Purchasing to arrange Contract service. After equipment has been serviced, the Department shall forward the service ticket or other repair documents to Purchasing.

G. Item(s) exempt from Competitive Bidding

1. Purchasing shall receive quotes on all items that may otherwise be exempt from Competitive Bidding. A Contract for the purchase of any of the following items is exempt from Competitive Bidding if the Commissioners Court by order grants the exemption (LGC §262.024 (a)).
 - a. An item that must be purchased in a case of public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the county.
 - b. An item necessary to preserve or protect the public health or safety of the residents of the county.

- c. An item necessary because of unforeseen damage to public property.
 - d. A personal or professional service.
 - e. Any work performed and paid for by the day, as the work progresses.
 - f. Any land or right-of-way.
 - g. An item that can be obtained from only one source, including:
 - 1. Items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies.
 - 2. Films, manuscripts, or books.
 - 3. Electric power, gas, water, and other utility services.
 - 4. Captive replacement parts or components for equipment.
 - h. Any item of food.
 - i. Personal property sold:
 - 1. At an auction by a State licensed auctioneer.
 - 2. At a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code.
 - 3. By a political subdivision of this State, a State agency of this State, or an entity of the federal government.
 - j. Any work performed under a Contract for community and economic development made by a county under LGC §381.004.
 - k. Vehicle and equipment repairs.
- 2. The renewal or extension of a Lease or of an equipment maintenance agreement is exempt from Competitive Bidding if Commissioners Court by order grants the exemption LGC §262.024(b) and if:
 - a. The Lease or agreement has gone through the Competitive Bidding procedure within the preceding year.
 - b. The renewal or extension does not exceed one year.
 - c. The renewal or extension is the first renewal or extension of the Lease or agreement.
 - 3. The exemption under Subsection (1) (h) of this section shall apply only to the sealed Competitive Bidding requirements on food purchases. Counties shall solicit at least three bids for purchases of food by telephone or written quotation at

intervals specified by Commissioners Court. The County shall award food purchase Contracts to the responsible bidder who submits the lowest and best bid or shall reject all bids and repeat the bidding process, as provided by this subsection. The Purchasing Agent shall use electronic and/or manual forms to record the food purchase quotes as a record of all bids solicited and the Vendors contacted, at least once a year in accordance with LGC §262.024(d), on a form approved by Commissioners Court. This record shall be kept in the Purchasing Department for a period of at least one year or until audited by the County Auditor.

VIII. INSPECTING, TESTING, AND RECEIVING

It is the responsibility of each County Department and Purchasing to see that all purchased items conform to the quantity, quality, and Specifications of the order.

If items are unacceptable, the requesting Department must immediately notify Purchasing of such fact and the reasons the item is not acceptable. Purchasing will then compel replacement, cancel the order, or take other appropriate action to obtain an acceptable item. If replacement or other appropriate action cannot be achieved within a time frame acceptable to the requesting Department, the Purchase Order shall be canceled.

Purchasing may assist other County Departments in planning to use outside testing laboratories.

IX. COUNTY-OWNED SUPPLIES AND EQUIPMENT

County-owned supplies, equipment, and machinery must be used only for County business. Elected Officials and Department Heads are responsible for the proper accounting for, maintenance of, and use of County equipment. If an Elected Official or Department Head allows an Employee to take County property home, a letter must be sent to Purchasing describing the item, the County inventory number, and the Employee's name. It is the responsibility of the Elected Official or Department Head to notify Purchasing, in writing, when the property is returned.

A. Receipt of New Property - Tagging

Furniture, equipment, and other property designated by Commissioners Court will be tagged for inventory purposes by Purchasing after the receiving department confirms items are acceptable.

Furniture, equipment, and other property designated by Commissioners Court whose acquisition cost is \$5000.00 or greater will be tagged for inventory purposes by Purchasing after the receiving department confirms the items are acceptable.

Per the Capitalization Policy, high-risk equipment, property controlled but not capitalized, must have controls established by the responsible Elected Official or Department Head and may be tagged for tracking purposes. Examples include audio/video equipment (e.g., televisions, projectors), mobile devices, grounds equipment (e.g., mowers, trimmers), medical equipment (e.g., AEDs), power tools, and weapons.

B. Transfer of Property

The Purchasing Agent is authorized by Commissioners Court to transfer supplies, materials and equipment among the various County departments. The transfer or trade of any equipment from one department to another must be handled through Purchasing. In the event an item is no longer required, the department will notify the Purchasing Department in writing.

The Purchasing Department and each department are encouraged to make inquiries as to unused or unneeded equipment in the possession of other departments, but the decision as to whether the property is unneeded ultimately rests with the Commissioners Court.

The Purchasing Agent shall provide a record of transferred items to the County Auditor and Commissioners Court at the end of each fiscal year.

C. Missing Property

Lost or stolen property must be reported immediately. Reports of loss or theft must be made by the Elected Official or Department Head in writing to the Purchasing Agent and the Risk Manager. Reports of theft must have attached a copy of the theft report compiled by the proper law enforcement agency.

If an item cannot be located, Purchasing will request the Commissioners Court to declare the item lost or stolen. Items declared lost or stolen will be removed from inventory controls.

D. Disposal of Surplus or Salvage Property

Commissioners Court will periodically authorize the Purchasing Agent to dispose of “surplus” (in excess of needs, but still useful) or “salvage” (valueless property of no use) properties (LGC §263.152). The Commissioners Court may:

1. Surplus or salvage property may be sold by competitive bid or auction, except that Competitive Bidding or an auction is not necessary if the purchaser is another County or a political subdivision within the County that is selling the surplus or salvage property.
2. Offer the property as a trade-in for new property of the same general type if deemed in the best interest of the County.
3. Order any of the property to be destroyed or otherwise disposed of as worthless if no bids were made during the competitive bid or auction process.
4. Dispose of the property by donating it to a civic or charitable organization in the County.
5. Transfer gambling equipment in the possession of the County following its forfeiture to the State to the Texas Facilities Commission for sale under GC §2175.904.
6. Order any vehicle retired under a program designed to encourage the use of low-emission vehicles to be crushed and recycled, if practicable, without a competitive bid or auction.

Any stolen, abandoned or confiscated property seized by a peace officer may be disposed of in accordance with Article 18.17, Texas Code of Criminal Procedure.

County Employees will be given the same opportunity afforded to other persons to bid on and purchase surplus properties offered for sale.

E. Inventory Arrangements - Resignation, Retirement, or Removal

When an Elected Official or a Department Head leaves County employment, arrangements should be made with Purchasing for equipment inventory far enough in advance to ensure that the inventory can be taken before the termination date if possible. The Purchasing Agent will provide the County Auditor and Commissioners Court a full report, noting any discrepancies between property actually located and property listed on the inventory. The County Official or department head will be personally accountable to the Court for all missing items.

An Elected Official or Department Head will be given an inventory listing at least once a year of the items for which he is responsible. Annual inventory listing shall be verified by each Elected Official or Department Head and returned to Purchasing Department.

F. Annual Inventory

On July 1 of each year the Purchasing Agent shall file an inventory of all property of the County with the County Auditor and each member of the County Purchasing Board. The inventory shall include all property identified in Subsection A, above.

X. LEGAL BASIS FOR PURCHASING

A. Professional and Consulting Services, GC Chapter 2254

Counties may not bid Contracts for Professional Services; it must select the most highly qualified provider for requested Services and then negotiate a Contract. Contracts must be awarded on the basis of “demonstrated competence and qualification to perform the service.” Fees must be “fair and reasonable”, consistent with and not in excess of, published recommended practices fees of applicable professional organizations, and not in excess of any maximums specified by State law. “Professional Services” includes Services within the scope of the practice of: accounting, architecture, land surveying, optometry, medicine, or professional engineering. This includes Services performed by any licensed architect, land surveyor, optometrist, physician, surgeon, certified public accountant or registered professional engineer in connection with his or her professional employment or practice.

B. Purchase Under State Contract, LGC Chapter 271, Subchapter D

The comptroller shall establish a program by which the comptroller performs purchasing services for local governments (including counties). A County which purchases under State contract satisfies all Competitive Bidding laws.

C. County Purchasing Agent, LGC Chapter 262, Subchapter B

Counties having population of more than 150,000 may have a Purchasing Agent appointed, for a two (2) year term, by a majority vote of a board composed of three judges of the district courts in the County and two members of the Commissioners Court of the County.

The County Purchasing Agent “shall” purchase all supplies, materials, and equipment required or used by the County and “shall” contract for all repairs to County property, except purchases and Contracts required by law to be made on competitive bid.

It is unlawful for any other person, firm or corporation, other than the County Purchasing Agent, to purchase supplies, materials, or equipment or to contract for repairs to property used by the County, LGC §262.011(d). The County Auditor may not pay for any purchase unless that purchase has been made by the County Purchasing Agent or by competitive bid as required by law (LGC §262.011(f)).

The Purchasing Agent has a number of other duties which are specifically set out in LGC §262.011. The County Purchasing Agent may cooperate with a City Purchasing Agent to purchase items in volume.

The County Purchasing Agent is responsible for filing with the County Auditor and each member of the County Purchasing Board on each July 1st, an inventory of all County property on hand and belonging to the County. In order to prevent unnecessary purchases, the County Purchasing Agent shall, with approval of Commissioners Court, transfer any County supplies, materials, and equipment from any department not needing them to

another department requiring them.

The authority of the County Purchasing Agent applies to all purchases of supplies, materials and equipment for the use of the county and its officers, including purchases made by officers paid out of fees of the office or otherwise, regardless of whether the purchase Contract is made by the Commissioner' Court or any other officer authorized to bind the County by Contract.

D. Comprehensive County purchasing statute

Procedures must be strictly complied with except for certain specific exemptions enumerated in the statute. These include certain emergencies and cases involving sole sources. All Separate, Sequential or Component Purchases of items are treated as parts of a single purchase or Contract LGC §262.023(c). Any County officer or Employee who intentionally, knowingly, recklessly, or with criminal negligence makes or authorizes Separate, Sequential, or Component Purchases in avoidance of the Competitive Bidding requirements of LGC §262.023 is guilty of a CLASS B misdemeanor. Automatic and immediate removal of the officer or Employee from his or her County office or position results upon final conviction. (LGC §262.034)

E. Disposition of Salvage or Surplus Property, LGC Chapter 263, Subchapter D

Surplus property is property in excess of needs, but property that still has some usefulness. Salvage property is defined as property having no value for the purpose for which it was originally purchased.

The Purchasing Agent may sell surplus or salvage property by competitive bid or by auction. It also may be offered as a trade-in on new property of the same general type. If the property cannot be sold or traded, the property can be donated to a civic or charitable organization located in the County or is destroyed.

F. Certificates of Obligation, LGC 271, Subchapter C

Certificates of Obligation (COs) are alternative financing instruments and may be issued for the payment of contractual obligations to be incurred in:

1. Public works construction.
2. Materials, supplies, equipment, machinery, buildings, land and rights-of-way for authorized needs and purposes.
3. Professional Services.
4. Constructing or equipping a jail.
5. Constructing, renovating, or otherwise improving a County-owned building.
6. Bridge construction.

Purchases financed with COs are subject to all bid and advertising requirements.

G. Approval of Claims by County Auditor, LGC Chapter 113, Subchapter D

The County Judge has waived the requirement that he approve requisitions and all claims therefore which must now be approved by the Commissioners Court in open court.

H. Cooperative Purchases, GC Chapter 791

Interlocal Cooperation Act-Allows local governments to contract with and between each other, to provide governmental functions and Services, and to join together in contracting with others to provide Goods and Services.

I. Cooperative Purchasing Program Participation, LGC §271.102

A local government may participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

A local government that is participating in a Cooperative Purchasing Program may sign an agreement with another participating local government or a local cooperative organization stating that the signing local government will:

1. Designate a person to act in all matters relating to the program;
2. Make payments provided in the agreement; and
3. Be responsible for a Vendor's compliance with provisions relating to the quality of items and terms of delivery.

A local government that purchases Goods or Services under this subchapter satisfies any State law requiring the local government to seek competitive bids for the purchase of the Goods or service.

J. Contracting and Delivery Procedures for Construction Projects, GC Chapter 2267

This chapter applies to a public work contract made by a governmental entity authorized by State law to make a public work contract.

XI. VALUES AND GUIDING PRINCIPLES OF PUBLIC PROCUREMENT

- **Accountability**

Taking ownership and being responsible to stakeholders for our actions. This value is essential to preserve the public trust and protect the public interest.

Principles

- Apply sound business judgment.
- Be knowledgeable of and abide by all applicable laws and regulations.
- Be responsible stewards of public funds.
- Maximize competition to the greatest extent practicable.
- Practice due diligence.
- Promote effective, economic, and efficient acquisition.
- Support economic, social, and sustainable communities.
- Use procurement strategies to optimize value to stakeholders.

- **Ethics**

Doing the right thing. This value is essential to preserve the public's trust.

Principles:

- Act and conduct business with honesty and integrity.
- Avoid the appearance of impropriety.
- Maintain consistency in all processes and actions.
- Meet the ethical standards of the profession.

- **Impartiality**

Unbiased decision-making and action. This value is essential to ensure fairness for the public good.

Principles:

- Be open, fair, impartial, and non-discriminatory in all processes.
- Treat each supplier equal, without discrimination and without imposing unnecessary constraints on the competitive market.
- Use sound professional judgment within established legal frameworks to balance competing interests among stakeholders.

- **Professionalism**

Upholding high standards of job performance and ethical behavior. This value is essential to balance diverse public interests.

Principles:

- Be led by those with education.
- Experience and professional certification in public procurement.
- Continually contribute value to the organization.
- Continually develop as a profession through education, mentorship, innovation, and partnerships.
- Develop, support, and promote the highest professional standards in order to serve the public good.
- Seek continuous improvement through on-going training, education, and skill enhancement.

- Service
Obligation to assist stakeholders essential to support the public good.

Principles:

- Be a crucial resource and strategic partner within the organization and community.
- Develop and maintain relationships with stakeholders.
- Develop collaborative partnerships to meet public needs.
- Maintain a customer service focus while meeting the needs, and protecting the interests of the organization and the public.

- Transparency
Easily accessible and understandable policies and processes. This value is essential to demonstrate responsible use of public funds.

Principles:

- Exercise discretion in the release of confidential information.
- Maintain current and complete policies, procedures, and records.
- Provide open access to competitive opportunities.
- Provide timely access to procurement policies, procedures, and records.

- Conflict of Interest (LGC Chapter 171)

Ownership of certain property or business interests may require that a local public Official refrain from participation in votes or decisions and/or refrain from certain acts if the vote, decision or act involves the business interests or property owned by the public Official or by a person related to the public Official within the first degree of consanguinity or affinity. A person is deemed to have a substantial interest in a "business entity" if:

1. Ownership of ten per cent (10%) or more of voting stock or shares of the business entity, or ownership of 10% or more or \$15,000 or more of the fair market value of the business entity.
2. Proceeds received from the business entity exceed ten per cent (10%) of the person's gross income for the prior year.
3. A person is deemed to have a substantial interest in real property if the interest, whether involving equitable or legal ownership, has a fair market value equal to or exceeding \$2,500.
4. A local public Official is considered to have a substantial interest in the business entity or in land if a person related to the Official within the first degree by consanguinity or affinity has a substantial interest in said business entity or land as defined above.

If the local public Official has a substantial interest in a business entity which seeks to do business with the County, or in real property, the Official must file with the County Clerk an affidavit stating clearly the nature and extent of the interest. The public Official must then abstain from participation in any matter involving or between the County and the business in which he has the substantial interest. In particular, this includes abstention from votes or other decisions regarding the business entity, if it is reasonably foreseeable that action taken on the matter would or might confer an economic benefit on the business.

The Official must not act as surety for the business if it has work, business or contracts with the County. An Official may not knowingly act as a surety on any official bond required of an officer of the County. A violation of any of these is a crime (CLASS A misdemeanor) (GC §403.003).

The County Commissioners Court may, however, contract for Services or personal property with a business entity in which a member of the Court has a substantial interest if the business entity is the only business entity which can provide the needed service or property within the jurisdiction of the Commissioners Court, and bids on the Contract.

The Commissioners Court must take a separate vote on any budget item, which is specifically concerned with a Contract involving a business entity in which a member of the Court has a substantial interest. The Commissioner having the substantial interest may not participate in that separate vote; he may, however, vote on the final budget if he has otherwise complied with the requirements of LGC 171, some of which are indicated above, and the matter regarding the business entity with which the member is concerned by virtue of his substantial interest has been resolved.

*Citations to “LGC” are to the newly codified Texas Local Government Code and “GC” are to the Texas Government Code.

“Local Public Official” includes members of the County governing body or other County officers, whether elected or appointed, paid or unpaid.