

**A RESOLUTION ADOPTING PROCUREMENT PROCEDURES
FOR MONTGOMERY COUNTY, KANSAS**

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY, KANSAS, THAT THE PROCUREMENT PROCEDURES AS STATED HEREIN BE AND ARE HEREBY ADOPTED.

I. PURPOSE

These procedures establish standards and guidelines and a code of conduct for the procurement of supplies, equipment, materials and services from private businesses, contractors and consultants by Montgomery County, Kansas (County).

I. GENERAL PROVISIONS

The Department Head shall be responsible for ensuring compliance with these Procedures as to such person's department.

II. STATE AND/OR FEDERALLY FUNDED PROJECTS

Purchases, except as otherwise required by law or this Resolution. Any procurement procedures required for state and/or federal funds are also incorporated into this document by reference and will be adhered to on such projects.

III. PROCUREMENT PROCEDURE: The small purchases method may be used where goods or services do not cost more than \$999.00 for a single transaction.

A. \$0-\$999.99: All requests and orders for the purchase, rental or lease of goods, supplies, materials, equipment, and services, single or multiple items not reasonable expected to exceed a total cost of One Thousand Dollars (\$1,000.00) need not be submitted to the Board. A formal bid will not be required. The Department Head shall send the bill, approved for payment to the Montgomery County Clerk's Office. Three (3) telephone quotations are advised.

B. \$1,000.00-\$2,999.99: All requests and orders for the purchase, rental or lease of goods, supplies, materials equipment, and services, single or multiple items reasonably expected to cost more than One Thousand Dollars but less than Three Thousand Dollars, the department will obtain informal or verbal quotes and submit to the Board for approval. The informal quote will be by at least three (3) oral, telephone, electronic or catalog price solicitations, documented on a uniform tabulation form and signed by the solicitor and Department Head. This uniform tabulation form will be attached to the approved invoice to be submitted to the County Clerk after approval by the Board of County Commissioners

C. \$3000.00 Plus. All requests and orders for the purchase, rental or lease of goods, supplies, materials, equipment, and services, single or multiple items reasonable expected to meet or exceed Three Thousand Dollars (\$3000.00) shall be approved by the Board before bids are advertised or otherwise solicited by the Department Head pursuant to this Resolution. After solicitation and when a bid is awarded, an accounts payable will be issued.

1. \$3,000.00 - \$9,999.99: For all requests and orders involving the expenditure of the County funds of Three Thousand Dollars (\$3000.00) or more but not in excess of Nine Thousand Nine_Hundred Ninety-nine and 99/100 dollars (\$9999.99), the Department Head shall solicit informal bids for all such purchases but need not advertise by public notice.
2. \$10,000.00 Plus. For all requests and orders involving the expenditure of the county funds of Ten Thousand Dollars (\$10,000.00) or more, the Department Head shall solicit formal bids and advertise by published notice as specified in paragraph 5.

D. Exceptions. Purchases of culvert pipe, reinforcing steel, sheet piling, correlated bridge decking, motor fuels, motor oils, concrete rock, liquid asphalt materials, wholesale medications and prescription drugs, ammunition, herbicides and utilities need not be approved by the Board as long as there are sufficient public funds budgeted to pay for the purchase. The Department Head purchasing culvert pipe, reinforcing steel, sheet piling, corrugated bridge decking, motor fuels, motor oils, concrete, rock, liquid asphalt materials, wholesale medications and prescription drugs, ammunition, herbicides and utilities shall make at least three (3) telephone calls for competitive quotations, if competitive quotations are possible. A copy of the uniform tabulation form shall be sent to the Board once completed. Any purchase made pursuant to this paragraph shall not exceed \$12,500.00 without prior approval of the Board.

Montgomery County Rural Fire #1 may purchase used vehicles without going through the formal bidding policy, not to exceed \$20,000.00 per vehicle. ([Amended 8/29/2016 – Resolution No. 16-117](#))

E. Competitive Bids Preferred: Except as otherwise provided in this Resolution, contracts for the purchase, rental or lease of goods, supplies, materials, equipment, or services shall be awarded on the basis of competitive bids or quotations to the lowest and/or best bidder, taking into consideration conformity with the specifications, terms of deliver, whether the supplier is located in Montgomery County, Kansas and other conditions imposed in the solicitation for bids.

V. FORMAL BIDDING PROCESS: When required by this Resolution, the following procedures should be used for the Formal Bidding Process. If a separate requirement is made by statutory process in a given circumstance, that process should be used when in conflict with this provision.

- A. If a purchase requires formal bids to be taken, the Department Head or requesting party shall seek the approval of the Board prior to solicitation of bids.
- B. Bids should be advertised two (2) consecutive weeks in a paper of general circulation in the County. The advertisement should be approved as to form by the County Counselor prior to publication, and should be attested to by the County Clerk, when appropriate.
- C. Bids should be sealed, delivered to the County Clerk's Office and remain sealed until the designated time of opening. Late bids shall not be accepted, even if only moments behind schedule. Faxed bids may be allowed at the discretion of the department in question. Faxed bids should be placed in a sealed envelope by the receiving department, being the County Clerk's Office. This envelope shall be opened at the stated time and place, and indication made that the bid was received by fax. Faxed bids will be accepted ONLY when allowed by the department.
- D. The bids should be opened, and applicable quotations read aloud, and noted on an appropriate bid sheet. This allows all present to have some idea of what the bids are as opened. Alternations or changes should not be allowed in the bids. The Board, Department Head, or a designee/representative shall be present.
- E. After the opening, the bids should be noted and acknowledged. Unless it is clear on the face of the bids, they should not be accepted as bona fide. Often times, a bid may appear sufficient on its face, but does not comply with the specifications. As a consequence, insufficient bids should not be accepted. Taking time to review the bids for compliance is always preferable to accepting an insufficient bid.
- F. After the bids have been reviewed, the appropriate individual or individuals should meet with the Board to provide a written recommendation on which bid to accept, or at least the written recommendation should be forwarded to the Board signed by the appropriate Department Head. A summary of all bids that comply with the specifications should be available, as well as a statement as to why any insufficient bids do not meet the specifications.
- G. Upon review of the recommendations, the Board should approve the purchase of the item by Resolution.

- H. When a particular bid has been accepted, notice should be given to the successful bidder, in writing, that their bid was approved, and they will be bound by the terms and price indicated in their bid documents.
- VI. **SPECIFICATIONS:** All Specifications issued by the Department Head under authority of this Resolution shall contain applicable language alerting all potential bidders to the pertinent affirmative action, anti-discrimination requirements of the State of Kansas and the county, as amended from time to time. All specifications shall also include language notifying all potential bidders that the Board reserves the right to accept or reject any or all bids and the right to waive any or all informalities or irregularities there in. All specifications shall include a statement regarding trade-in considerations, if applicable, indicating whether a trade-in may be viewed.
- VII. **SEASONAL BIDDING:** Purchase of road salt, liquid chloride de-icing and stabilization materials, roadway striping paint and glass beads, and crushed aggregate shall be subject to policies required by this Resolution, however, competitive bids on such materials shall only be required to be taken at least one (1) time per year, prior to the respective season when such materials are typically purchased and used. Nothing contained in this paragraph shall be construed as prohibiting additional bidding whenever the Department Head or Board deem it advisable.
- VIII. **SALE OR DISPOSITION OF COUNTY PROPERTY:** Whenever purchases are made in conjunction with the sale or disposition of County property (i.e. trade-in) the Board, by unanimous vote, shall determine that the property to be sold or disposed is no longer required, or cannot prudently be used for public purposes of the county. All public notices and procedures required by statute shall be made in conjunction with the sale or disposition of County property. The requirements stated in this paragraph may not be waived.
- IX. **EMERGENCY PURCHASES:** When in the opinion of a Department Head, an emergency exists which requires immediate purchase, lease or rental of goods or services, the Department Head may procure such goods or services in an amount not to exceed Five Thousand Dollars (\$5,000.00). The Department Head shall submit documentation to the Board on the next succeeding business day specifying the facts and reason(s) supporting the emergency purchase. A copy shall also be forwarded to the County Clerk and the Board with the invoice of payment.
- X. **AWARD TO THE BEST BID / BIDDER PREFERENCE POLICY:** As a general rule, if awarded, the County will award contracts to the lowest, responsible, and responsive bidder, taking into consideration conformity with the specifications, terms of delivery and other conditions imposed in the bid-letting documents. The lowest bidder is the bidder who offers to complete the project at the lowest dollar cost. A responsible bidder is a bidder who has the skills, abilities, and integrity to perform the work at the time the County awards the contract. A responsive bidder is a bidder who has complied with all bid-letting form requirements. Preference shall be given to bidders local to Montgomery County whose price is within five percent (5%) of the lowest, responsible, and responsive bid, not to exceed \$10,000, and so long as the quality of goods and/or services to be provided is equal to or better than the lowest, responsible, and responsive bid. For purposes of this bidder preference policy, "local to Montgomery County" means the company's principal place of business has been located within Montgomery County for at least ninety (90) days prior to the bid-letting. For sole proprietorships, it means the proprietor's domicile has been Montgomery County for at least ninety (90) days prior to the bid-letting. Reference to this bidder preference policy shall be included in all bid-lettings.
[\(Amended 2/6/2017 - Resolution No. 17-28\)](#)
- XI. **BID IN EXCESS OF ESTIMATE:** The Board may elect to reject any bid in excess of Engineer's estimate if an estimate is available and negotiate thereafter, or reject all bids. If the Board authorizes negotiations, the County Counselor/Attorney and the affected Department Head shall negotiate with the lowest bidder first. If negotiations fail with the lowest bidder, the Board may authorize negotiations with the next lowest bidder and each bidder in sequence through all bidders until a satisfactory agreement is reached. At any time during negotiations the Board may terminate negotiations or order the purchase re-bid.

- XII. **VOUCHERS ISSUED WHEN PURCHASE MADE:** When a bid is accepted by the Board the amount thereof shall be charged against the current appropriation of the department for which the bid is accepted by issuing an accounts payable voucher.
- XIII. **LEGAL FEES – RETENTION OF ATTORNEY:** The procedures required by this Resolution shall not apply to the County Attorney’s Office for payment of expert witness services, outside legal counsel, real estate title abstract services in connection with tax foreclosures, or costs for other legal matters. All contracts for outside legal counsel must be approved by the Montgomery County Counselor or the Board prior to their effectiveness. The bidding procedures required by this Resolution shall not apply to services of architects, attorneys, engineers and appraisers selected by the Board. The bidding procedures required by this Resolution shall not apply to the purchase of contracts of insurance. The bidding procedures required by this Resolution shall not apply to professional services.
- XIV. **PURCHASE OF AUTOMOBILES:** All Department Heads and other persons authorized to purchase materials and supplies for the County shall notify the Board of the need and intent to purchase any motor vehicle at the time of submitting the department budget request. Nothing contained herein shall prevent the county from purchasing storm damaged, demonstrator vehicles, used vehicles or government surplus vehicles.
- XV. **PURCHASES IN VIOLATION OF POLICY:** The Board may refuse to authorize payment of any contract or purchase which has been made or entered into in violation of this Resolution. After considering the same in an open public meeting, the Board may authorize payment for any contract or purchase which has been made or entered into if they find the purchasing procedures as set out in this Resolution were unintentionally not followed.
- XVI. **COOPERATION WITH OTHER ENTITIES:** It is the intent of the Board to cooperate with other government entities and consolidate purchases when such consolidated purchases are feasible. State or Federal grant funds may be expended in accordance with the requirements of that governmental agency.
- XVII. **WAVIER OF PROVISIONS:** For good cause, the Board may waive any or all of the requirements of this Resolution for specific purchases requiring its approval, only at an open public meeting.
- XVIII. **HEADINGS NOT BINDING:** The headings contained in this Resolution are for reference purposes only and do not constitute a portion of the Resolution.
- XIX. **INSUFFICIENCY OF PART:** Should any portion of this Resolution be deemed by a court of competent jurisdiction to be insufficient or improper, the remainder of this Resolution shall remain in full force and effect.
- XX. **All previous Resolution passed for the purchasing procedures for Montgomery County shall be, and hereby are superseded by this Resolution.**
- XXI. **This Resolution shall take effect upon publication one (1) time in the official County newspaper.**

WHEREAS: *A motion was made by Commissioner York and seconded by Commissioner McManus with Commissioner Brown voting yes.*

Dated this 6th day of February, 2017.

BOARD OF COUNTY COMMISSIONERS

Fred Brown, Chairman

Larry McManus, Member

Ryan York, Member

ATTEST:

Charlotte Scott Schmidt, County Clerk