

RESOLUTION NO. 1220

A RESOLUTION ESTABLISHING THE
ATCHISON COUNTY BID POLICY

Whereas competitive sealed bidding is the preferred method of procurement; and whereas competitive sealed bidding is not always practical and advantageous and in certain situations other methods of procurement such as competitive sealed proposals, auctions, and other methods described in this resolution may be appropriate.

Whereas the purchasing function not only serves the public interest, but also the interest of user agencies with responsibility for diverse programs, of bidders and potential bidders, of successful bidders and contractors, of the Board of County Commissioners, and of others directly or indirectly involved in the conduct of County business. Public purchasing is a public trust, balancing the objectives of procuring needed goods and services with protecting the integrity of the County.

NOW, THEREFORE, Be it Resolved by the Board of County Commissioners of Atchison County, Kansas on this 4th day of October, 2002:

1. Public employees must perform their duties impartially so as to assure fair competitive access to the County's procurement process by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the County's procurement process. To this end, it is essential that all County employees involved in the procurement process observe high ethical standards in the accomplishment of their job duties.
2. All supplies, materials, equipment and services, when the estimated cost is \$10,000 and greater, shall be purchased by competitive sealed bidding from the lowest responsive and responsible bidder, after due notice inviting bids unless determined by County Commissioners, that the County would be better served by procedures pursuant to paragraph #8, or if this resolution specifically provides exception to competitive sealed bids as in paragraph 9 infra.
3. Distribution. Invitation for Bids or notice of the availability of Invitations for Bids shall be mailed, and faxed if fax number is available or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of availability shall indicate where, when, and for how long invitations for bids may be obtained; generally describe the supplies, materials or equipment desired; and may contain other information as is appropriate.
4. Publication. Notice of every procurement of \$10,000 and greater shall be published once in the Atchison Daily Globe.
5. Public Availability. A copy of the Invitation for Bid shall be available for public inspection at the County Clerks Office.

6. Bid Evaluation and Award. All bids shall be opened at regular Commission meeting; bids shall be tabulated and any recommendation for bid award submitted for review by the County Commission. The Department Head will make recommendations for final award to the County as it determines to be most advantageous to the County taking into consideration prices and any other pertinent evaluation factors, including whether any bids are submitted by businesses located in Atchison County, which County businesses regularly provide the same type of services or goods out for bid. The County Commissioners shall make final award.

7. Competitive Sealed Proposals. Competitive sealed proposals shall be governed as provided in the following:

a. Conditions for Use. Competitive sealed proposals may be used where it is necessary to insure fair and reasonable price analysis, but not to preclude competition for technical excellence. Generally, competitive sealed proposals may be used under the following conditions:

1. The procurement of technical items or equipment.
2. The procurement of complex services.

8. For purchases of \$1,000 to \$9,999.99, any bid by person or by telephone must be confirmed in writing and placed in the procurement file. The Department Head shall make an award to the business offering the lowest responsive quotation so long as 2 or more bids have been solicited. Under special circumstances determined by the County Commissioners, purchases may be made over \$10,000.00 or greater pursuant to the provisions of this paragraph.

9. The competitive procurement process may be waived;

- a. in defined emergencies, in accordance with paragraph 10 infra,
- b. for sole-source procurement, documented and approved in accordance with the Sole Source Purchases section of these procedures,
- c. for procurements of goods or services which are available from or through other governmental entities, including joint construction projects authorized by intergovernmental agreement and when the other governmental party to said agreement is administering the project,
- d. for exact replacement of a plant component, part or sub-assembly when exact replacement is necessary to avoid excessive modifications to plant operating systems, and it is determined by the Purchasing Director that the component, part or sub-assembly is only available through a single, authorized distributor,
- e. for seminar registrations and professional membership dues and fees,

- f. for purchase of local utility services for County owned or operated facilities,
- g. utility relocation payments negotiated in accordance with resolution(s) adopted by the Board of County Commissioners,
- h. postage expense, when billed by a vendor at the currently prevailing postage rates established by the U.S. Postal Service,
- i. under other documented and justified circumstance approved by the Board of County Commissioners.

10. Emergency Procurement. Notwithstanding any other provision of this resolution, the Department Head may make emergency procurements when there exists a threat to public health, welfare or safety provided that such emergency procurements shall be made with such competition as is practical under the circumstances. Such emergency condition is further defined as an immediate and serious need for supplies, services, materials or equipment that cannot be timely met through normal procurement methods and the lack of which would threaten:

- a. The functioning County government
- b. The preservation or protection of property; and/or
- c. The health or safety of any person.

11. Renewal/Extension Option. Unless otherwise provided by law contract for supplies, materials, equipment or services may be renewed or extended provided the term of the contract and conditions for renewal or extended, if any, are included in the solicitation. The option will only be experienced as it is deemed to be in the best interest of the County. Consideration will include price, quality, vendor performance, economic trends and other evaluation factors which would affect the County's best interest. The Department Head shall make recommendations for renewal/extension of any contract totaling \$10,000.00 and greater to the County Commissioners for review. The County Commissioners shall make that award as it is determined to be most advantageous to the County.

12. Property Acquisition. A contract for the purchase of interest in real property associated with an approved project may be approved by the County Commissioners without competitive bids or proposals.

13. The County shall not purchase any goods or services from any County employee, or any business in which a County employee or his/her family has or may have any financial or beneficial interest except when specifically authorized by resolution of the Board of County Commissioners or during an emergency situation as defined elsewhere in these procedures.

In addition to the provisions of this resolution, the department heads and employees involved in the purchasing and/or contracting function are advised to be familiar with the provisions of these statutes:

K.S.A. 19-214 requires that all contracts for the expenditure of county monies for the construction of any following edifices be awarded, by public letting, to the lowest bid:

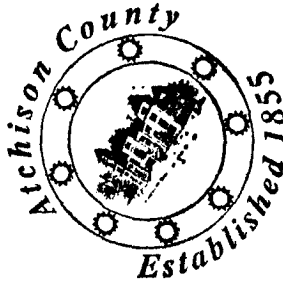
1. Courthouse
2. Jail
3. Other county buildings
4. Construction of any bridges over \$10,000.00

Note that bid requirements also apply to bridge repairs or replacements under K.S.A. 68-1414.

Dated this 4th day of October, 2002.

Attest:

Pauline M. Lee
County Clerk



BOARD OF COUNTY COMMISSIONERS
ATCHISON COUNTY, KANSAS

By Michael Goan
Chairman

Floyd Oswald
Joey Ross

At county/bidding