

RESOLUTION NO. 1333
A RESOLUTION MODIFYING THE
ATCHISON COUNTY BID POLICY

WHEREAS, on October 4, 2002 the Board of County Commissioners of Atchison County, Kansas adopted Resolution No. 1220, A RESOLUTION ESTABLISHING THE ATCHISON COUNTY BID POLICY; and

WHEREAS, the Board of County Commissioners wishes to retain the basic structure of that bid policy, while at the same time updating portions of the Atchison County Bid Policy; and

WHEREAS, the purpose of the Atchison County Bid Policy is to maintain the integrity of the County's procurement system; ensure that Atchison County procures products and services effectively, efficiently and at the most favorable prices; and ensure that Atchison County's purchasing actions are in full compliance with applicable federal standards, and State and local laws.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ATCHISON COUNTY, KANSAS:

1. **Integrity.** 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. **Nepotism Prohibited.** 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.
3. **Application.** This Policy applies to the expenditure of funds by the County to secure goods and services. It shall apply to expenditures of funds by the County for public purchasing, irrespective of the source of funds. Nothing in this Policy, however, shall prevent the County from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with law.
4. **Compliance with Applicable Law or Regulation.** In the event that an applicable federal, state or local law, regulation or ordinance conflicts with this policy, such applicable law or regulation, to the extent more stringent than a corresponding provision of this Policy, automatically superseded the applicable provision of this Policy.
5. **Written Contracts Required.** Preparation and signing of a contract formalizing a scope of work and the terms of compensation is required for all contracts over \$1,000.

6. **Purchases Less than \$1,000.** Small purchases of less than \$1,000 may be made without formal procedures. Only one quotation need be solicited if the price received is considered reasonable and approved by the department head. Such purchases should be distributed equitably among qualified sources.

7. **Purchases between \$1,000 and \$10,000.** Purchases may be made without formal bid procedures where goods or services do not cost in the aggregate more than \$10,000. In this situation price or rate quotations should be obtained in writing from an adequate number of qualified sources (generally at least three sources). Written specifications should be provided to assure all responders are commenting on the same product or service. If the dollar amount is less than \$500, phone solicitation is allowed. A public bid opening may be held on a small purchase if the situation warrants it. Documentation regarding the businesses contacted and the prices submitted should be maintained. Written documentation regarding basis for selection and cost should be maintained.

8. **Purchases of \$10,000 or More.** All supplies, materials, equipment and services, when the estimated cost is \$10,000 and greater, shall ordinarily 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 alternate procedures.

- a. **Bid Procedures.** Specific bid procedures may be set out in the Invitation for Bid, and additional bid requirements may be authorized.
- b. **Method of Inviting Bids.** Invitation for Bids or notice of the availability of Invitations for Bids shall be mailed, or 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. All qualified firms should be notified.
- b. **Publication.** Except for Competitive Negotiations and Noncompetitive Negotiations, notice of every procurement of \$10,000 and greater shall be published once in the Atchison Daily Globe.
- c. **Bid Evaluation.** 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.
- d. **Bid Award.** The contract awarded must be a firm, fixed-price contract (lump sum or unit price). All bidders will be notified in writing of the winning bidder.
- e. **CBDG and HUD Funds Projects.** On any projects funded in whole or part with CBDG funds or HUD funds, negotiations with the low bidder prior to the award of the contract are not allowable.

9. **Noncompetitive Negotiations.** Noncompetitive negotiations may be used when bidding or competitive negotiations are not feasible. The County may purchase goods and

services through non-competitive negotiations when it is determined in writing by the Board of County Commissioners that competitive negotiation or bidding is not feasible in the following circumstances:

- a. An emergency exists which will cause public harm as a result of the delay caused by following competitive purchasing procedures, or
- b. The product or service can be obtained only from one source, documented and approved by the Board of County Commissioners, or
- c. Procurements of goods or services 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. Exact replacement of a plant component, part or sub-assembly is necessary to avoid excessive modifications to plant operating systems, and it is determined that the component, part or sub-assembly is only available through a single, authorized distributor,
- e. Seminar registrations and professional membership dues and fees,
- f. 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. Only one satisfactory proposal is received through RFP or RFQ, or
- j. The state has authorized the particular type of noncompetitive negotiation (e.g., the procurement of services by an Area Development District).
- k. Other documented and justified circumstance are approved by the Board of County Commissioners.

Procurement by noncompetitive negotiation requires the strictest attention to the observation of impartiality toward all suppliers. The Board of County Commissioners must approve all procurements by non-competitive negotiation when only one supplier is involved or only one bid or response to an RFP/RFQ is received.

Bids will be accepted only from those contractors who have a proven record of ability to successfully complete the scope of work being bid. References will be requested along with the contractor's bid proposal. Any contractors submitting a bid must produce (along with his/her bid documents) written proof of liability insurance and worker's compensation coverage. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources in awarding contracts.

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. **Real 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.

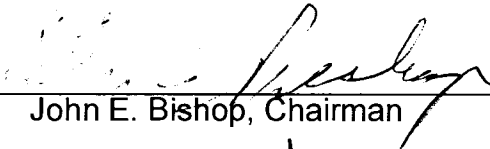
13. **Competitive Negotiations.** The County shall use competitive negotiations, regardless of contract amount, upon a written determination that:

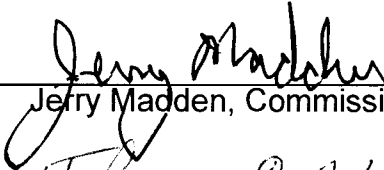
- a. Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid or the lowest evaluated bid price (in other words, bidding is not feasible).
- b. The services to be procured are professional in nature. With the exception of certain professional services (principally engineering services), competitive negotiations will proceed as follows:
 - 1. Proposals will be solicited through newspaper advertisement; additionally, a Request for Proposal (RFP) may be prepared and mailed to qualified vendors. The newspaper advertisement must be published at least seven (7) days and not more than twenty-one (21) days before the date for receipt of the proposals. The RFP will describe services needed and identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor. The RFP will also state where further details regarding the RFP may be obtained. The RFP will call attention to the same regulations discussed in the bidding process. Requests for proposals will always include cost as a selection factor.
 - 2. Award shall be made to the offeror whose proposal is determined in writing by the Board of County Commissioners to be the most advantageous. Evaluations must be based on the factors set forth in the Request for Proposal and a written evaluation of each response prepared. The County may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be abandoned.
 - 3. For the procurement of certain professional services, an alternative to RFPs may be used. Atchison County may publish a Request for Qualifications. RFQ's are handled in a similar method to RFP's. The Board of County Commissioners will evaluate the response, and then

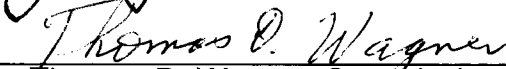
enter into negotiations to reach agreement on cost. If the parties are unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm may be invited to negotiate.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Atchison County,

Kansas, this 10 day of January, ~~2010~~ 2011

By: 
John E. Bishop, Chairman

By: 
Jerry Madden, Commissioner

By: 
Thomas D. Wagner, Commissioner




Pauline M. Lee, County Clerk