

PURCHASING MANUAL



TAN**E**Y **C**OUNT**E**Y **P**UR**C**HAS**I**NG

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County of **TANEY** State of Missouri

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Mission Statement

The Taney County Purchasing Department, guided by the highest standards of professional purchasing practice, seeks to secure needed products and services for using agencies at the lowest ultimate cost consistent with the quality, quantity and delivery required.

Its staff is dedicated to providing the latest procurement techniques in a continuing effort to achieve the best value for the public funds entrusted to our care. Finally we strive to represent the county to the business community in the best possible light, to promote competition to the fullest practicable extent and to administer its programs openly, uniformly and fairly.

Goals and Objectives

Goal: To be Responsive

- Provide timely acquisition of goods and services in support of County operations and scheduled projects.
- Continue to revise and improve the purchasing process.

To be Responsible

Goal2:

- Process transactions in accordance with applicable regulations.
- Acquire goods and services at the lowest possible cost, consistent with the quality needed for effective use.
- Actively promote and exercise the competitive acquisition process to add value and protect the taxpayers' investment.
- Remain active in "Cooperative Purchasing" efforts with other agencies across the country.
- Protect the County's reputation by promoting and adhering to *High Ethical Standards*.



Purpose

The purpose of this manual is:

- A. To implement and make effective the purchasing policies set out in Missouri Statutes and as established by the Taney County Commission.
- B. To simplify, clarify and modernize Taney County procurement practices.
- C. To permit the continued development of procurement policies and practices.
- D. To make the procurement procedures in the various user agencies as consistent as possible.
- E. To provide for public confidence in public procurement procedures.
- F. To maximize the purchasing value of county funds.
- G. To ensure that every expenditure of public funds (including State and Federal funds) complies with the terms and conditions of the funding source. If State or Federal requirements conflict with the provisions of this manual, nothing in the manual shall prevent the County from complying with the terms and conditions of the State or Federal requirements.

Organization of Office of Purchasing

Purchasing Agent:

1. The County Purchasing Agent is responsible to the County Commission for the performance of County Purchasing Policies.
2. Except when statutes indicate that certain procedures are the sole responsibility of the Purchasing Agent, the Purchasing Agent may delegate any of the various purchasing functions in his/her office and under his/her supervision.

Buyer:

1. Senior Buyer- The Senior Buyer gives technical direction and supervision to the buyers. The Senior Buyer assists in managing the functions of the office and represents the Purchasing Agent as required. The Senior Buyer may also perform various technical duties in carrying out the provisions of purchasing.
2. Buyer – The Buyer performs various technical duties in carrying out the provisions of purchasing. The Buyer is considered part of the professional technical staff.

Purchasing Principles and Policies

A. Principles

Personnel associated with the purchasing function shall comply with the following principles:

1. In all transactions to consider first the interests of the County;
2. To believe and carry out the established policies of the County;
3. To establish practical methods for the conduct of the office;
4. To counsel and assist fellow Purchasing Agents in the performance of their duties;
5. To cooperate with all organizations and individuals engaged in activities designed to enhance the development and standards of purchasing; and
6. To encourage participation in the Equal Business Opportunity (EBO) program in order to attain increased EBO participation in purchasing activities.

B. Policies

1. Statutes:

- A. 50.755; It is the duty of the Purchasing Agent to investigate the need for supplies requested by officers...All county officers, officials or employees shall make known to the County Purchasing Agent any and all requirements that may exist for the purchase of any and all articles needed for the proper conduct or duties of their office or position, and it shall be the duty of such Purchasing Agent, under the direction of the County Commission to investigate and determine if such article or articles are necessary and actually required for the proper conduct of the official business of the county.
- B. 50.757; It shall be the duty of the County Purchasing Agent to purchase all supplies of whatever kind or nature necessary for the conduct of the business of the county in all departments, and the county shall not be liable for any debts except who shall make purchases only from those offering the lowest price, quality considered and the Purchasing Agent is not authorized to purchase supplies of higher quality or price than is reasonable required for the purpose to which they are to be applied. The Purchasing Agent may reject any or all bids for the sale of articles and supplies for the use of the county.

- C. 50.660; It is the duty of the County Auditor to certify that there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to meet the obligation incurred.
- D. 50.770; The word "supplies" as used in sections 50.760 to 50.790, means materials, equipment, contractual services, and shall be held and construed to include every article or thing, excluding utility services regulated under chapters 392 and 393, RSMo, for which payment may by law be required to be made by the county, and including advertising and printing required to be done by the county. The term "purchase" includes the rental or leasing of any equipment, articles, or things.

2. Purchase Orders:

- A. Request for materials are to be submitted prior to ordering by each Office Holder (or designee) for supplies listing each item, control number, quantity, price and vendor (one vendor per order). The request must first be sent to the County Auditor (or designee) pursuant to RSMo. 50.660 for certification to insure adequate funding in the department and then forwarded to the Purchasing Department.

After the Purchasing Department verifies the item is on the bid list and verifies the bid price, a Purchase Order will be issued. This order approves said purchase and shall be attached to the invoice for payment. Should an item be available through a vendor other than the approved vendor, the purchase request may be approved if the savings on that item reflects a \$25.00 savings from the bid price for that item. This savings should also be noted on the requisition form.

- B. Request for Services are to be submitted prior to said service by each Office Holder (or designee) for any service in the amount of \$200.00 or greater. Services are defined as any service provided on behalf of Taney County, this also includes Engineering, Architect and Mechanical. The request must first be sent to the County Auditor (or designee) pursuant to RSMo. 50.660 for certification to insure adequate funding in the department and then forwarded to the Purchasing Department. A purchase order will be issued and should be attached to the invoice for payment.

- C. In the event of an emergency, such as vehicle or equipment breakdowns, computer breakdowns, building emergencies etc, the Office Holder (or designee) shall notify the Purchasing Department as soon as possible prior to repair order is initiated. The Office Holder (or designee) shall arrange for the repairs to be made using the least expensive method of making the repairs. This is to be done to continue the service to the public that the public deserves. The request for materials/services should be submitted for as soon as possible after the repair. The notation "EMERGENCY" must be noted on the document. (Departments should keep and maintain adequate stock for pens, folders, pencils etc. as they are not considered an emergency)
- D. Payment for purchases made prior to the Purchasing Department issuing an approved purchase order will be the responsibility of the ordering departments Elected Official. Should the purchase order not be approved or should the department order the supply/service prior to a purchase order being approved, that departments Elected Official will be responsible for that merchandise personally pursuant to RSMo 50.750.
- E. Payment for any purchase of supply and/or service shall not be completed without an invoice/receipt and the appropriate purchase order attached. Payment requests without the appropriate attachments will be returned to the Elected Official responsible for that department and it shall be the responsibility of said Elected Official to comply with all policies and procedures, otherwise said expenditure will be paid for personally by that Elected Official. This also pertains to the Procurement Card, which is issued on the request of the Elected Official.
- F. Due to various needs arising for materials/services that are performed by the IS Department and the Purchasing Department, purchase orders may be requested by either of these departments for any/all departments of the county. This function ensures that the County Auditor will have the appropriate information to certify for funding.
- G. The Purchasing Department will maintain all requests for future budgeting needs. Any Office Holder wishing to obtain a copy of year to date requests may do so at any time by contacting the Purchasing Department.

H. Should the appropriate process not be followed it will be the duty of the Auditor to notify the Purchasing Agent in writing of his/her concerns. The Purchasing Agent will note all concerns, make recommendations and/or changes and notify the appropriate party as well as the Auditor.

3. Legal Bids: (including state/federal contracts or cooperative contracts)

A. RSMo. 50.660 requires legal bids on any purchases in the amount of \$4,500.00 and over from any one person, firm or corporation during any period of ninety (90) days. (Exception -purchases from state contracts or cooperative contracts are exempt but first must be verified and approved by the Purchasing Agent)

B. The county Office Holder (or designee) must provide a bid request to the Purchasing Agent for any intended purchase of materials or services with an estimated cost of \$4,500.00 or more. Said request shall include but not limited to:

- Description of products or services
- Quantity
- Complete Specifications
- Estimated Costs
- Budgeted Account for payment
- Preferred vendor listing

C. The Purchasing Agent will verify funding with the Auditor prior to finalizing and the preparing of documents for solicitation.

I. Bids submitted by vendors shall be sealed and sent to the Purchasing Agent who shall hold them unopened until the stated time and date for opening of said invitation.

II. Bids not in the possession of the Purchasing Agent prior to bid opening will be considered late and will not be opened, but shall be held in said file. (It is the responsibility of the vendor to make sure said bid is delivered; delays with the postal system, express delivery or drive time problems is not the responsibility of the county and no exceptions will be allowed.)

III. Bids shall be opened publicly in the presence of one or more witnesses, which may include a representative from the requesting department, at the time and place designated within the original Request for Bid package. The following key points will be recorded:

- The amount of each bid,
- Other relevant information,
- Name of each bidder.

This record, with full results of each bid, shall be open to public inspection in accordance with current Sunshine Laws: (Section 610.026, RSMo.)

Bids will be opened in the Commission Hearing Room or Conference Room, when the Hearing Room is *not* available. All bids estimated greater than \$100,000 will be scheduled to be opened in front of the Taney County Commission. The County Commission prefers these be opened in a scheduled Commission meeting as well as all RFPs & RFQs - in front of the Commission.

IV. Subsequent to the opening of all routine bid responses and the recording of results, as required above, a review process will be engaged and completed by the requesting department with the assistance of the Purchasing Department. Once this process is completed a recommendation will be formulated with support documentation including copies of all bid responses and a Bid Tabulation Form. An agenda request will be made to deliver recommendations to the Taney County Commission, as soon as possible for their review and vote to award.

V. Notification will be made to all bidders with the results of said bid; issue the appropriate order and may request acknowledgement and delivery arrangements from the successful bidder.

VI. To ensure proper payment, delivery of supply/service or completion of contract shall be verified by the Purchasing Agent through the requesting Office Holder; then the Auditor shall stamp the bill as processed for payment and sent to the Commission for their approval of the invoice and payment. **Should a department bypass this step, any problems arising from the purchase and/or service will not be the responsibility of the Purchasing Department to resolve.**

VII. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Policy. Bids shall be evaluated based on the requirements set forth in the Invitation for Bids or Request for Bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The Invitation for Bids or Request for Bids will set forth the evaluation criteria to be used. Original bids shall remain in the custody of the Purchasing Agent and shall follow the Missouri State Retention Laws.

VIII. Files will be maintained for bidding information in the manner, which will allow the county to use in assistance with budgeting for the next year.

IX. **Award:** The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest, and best, responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids or Request for Bids – as approved by the Taney County Commission. ("All contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition."-RSMO. 50.660)

4. Purchases of \$1500.00 - \$4,499.00: (Not intended for annual bids)

- A. The Office Holder (or designee) shall obtain three (3) written quotes and submit them to the Purchasing Department prior to the purchase requisition being approved to ensure the County is getting the best value. Routine purchases below \$1500.00 will not require quotes, bidding, sole source, nor any other formal competitive process other than the usual amount of effort to ensure the best possible choices when acquiring necessary products or services at the lowest possible cost to the county.

5. Sole Source Vendors:

- A. A Sole Source Vendor form shall be submitted to the Purchasing Agent prior to submitting a purchase requisition. The Purchasing Agent shall act according to RSMo. 50.753 on behalf of the County Commission. Pursuant to RSMo. 50.783 on any single feasible source purchase where the estimated expenditure is three thousand dollars or over, the commission shall post notice of the proposed purchase.

Where the estimated expenditure is five thousand dollars or over, the commission shall also advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.

- B. After investigation by the Purchasing Agent to verify sole source, the requisition shall be approved in amounts of \$50,000.00 or less. Any sole source above the \$50,000.00 the Purchasing Agent shall solicit approval of the County Commission.

6. Annual Bids:

- A. Each department shall be responsible for estimates of future needs for supplies/equipment and/or services with the assistance of the Purchasing Department, so that annual bidding is complete and accurate. Departments need to be alerted to, and track, ongoing contracts which upon expiration will need to be rebid – making said requests for re-bidding to the Purchasing Department 45 days prior to expiration.

Consultant Selection Procurement Procedures

The purpose of the following is to establish procedures for the selection of Qualified Professional Engineering for Taney County and the administration of negotiated contracts to insure that the "third party" has management, fiscal and technical capabilities to render satisfactory service to Taney County.

The Commission will request firms to submit a statement of qualifications and performance data and to update on an annual basis. Whenever services are needed for a particular project, the Commission will evaluate current statements of qualifications and performance data of firms on file together with those that may be submitted by other firms regarding the proposed projects.

In evaluating the qualifications of each firm, for the project being planned, the county will use the criteria listed below.

Consultant selection criteria:

- A. The Consultant's present staff of personnel and their qualifications.
 - 1. The consultant shall furnish in detail the education and experience of the members of the firm and their key personnel. If necessary, personal interviews with firm members may be held.
 - 2. Personal knowledge of the past performance of the members will be a factor.

- B. The Consultant's experience record.
 - 1. Experience in the preparation of plans and documentation required to secure the necessary state and federal clearance for the design and construction of local county roads and bridges.
 - 2. The adequacy of the consultant's instant staffing together with available additional staffing for the proposed design-relative to the present design load or other professional services.
 - 3. The experience of the consultant's staff in related highway work such as work with electronic computer design, traffic analysis, structural design, hydraulics, etc. will be considered.
- C. The County Commissioner's experience in engaging the consultant for other design work or engineering services.
 - 1. A consultant will be considered qualified if past work indicates both a professional approach and professional results.
- D. Location of consultant's design office or staff headquarters.
 - 1. The primary requirement will be that the design office or staff headquarters be located in Missouri.
- E. The financial status of a consultant will be considered sound and adequate unless there is evidence to the contrary.
- F. The consultant will have properly trained and experienced personnel available to perform the services within the time prescribed.

The Commission shall list three highly qualified firms. They will then select the firm considered best qualified and capable of performing the desired work and negotiate a contract for the project at hand with the firm selected. The county will prepare a written description of the scope of the proposed services as a basis for negotiating.

If the county is unable to negotiate a satisfactory contract with the firm selected, negotiations with that firm will terminate.

The county will then undertake negotiations with another of the qualified firms it selected. If there is a failing of accord with the second firm, negotiations with such firm shall also be terminated. The county will then undertake negotiations with the third qualified firm.

If the county is unable to negotiate a contract with any of the selected firms, it will re-evaluate the necessary engineering and/or land surveying services, including the scope, reasonable fee requirements and then compile a new list of qualified firms and proceed in accordance with the adopted procedures.

Vendors

1. Ethics and Professional Conduct:

- A. All employees of Taney County are prohibited, with the exception of an event, from accepting for personal use any gifts, samples, entertainment, special personal price considerations, fees, commissions or other gratuities from any vendors or bidders except items of negligible value as indicated in (b).
- B. Employees may accept items of negligible value used as obvious forms of advertisement such as pencils, calendars, notepads and key rings, which shall not be considered gratuities.
- C. Vendors or bidders who *offer* gifts, entertainment, etc. may be declared irresponsible bidders and may be debarred from bidding.
- D. An employee who accepts a gift, entertainment, etc. shall be subject to disciplinary action.

2. Relations with Vendors:

- A. In consideration of legal aspects and trade relations with vendors, the Office Holders or designee shall not purchase supplies or services for private use.
- B. In capital project contracts, it shall be the general practice that the contractor supply all required materials unless the use of materials from County inventories or direct procurement by the County will result in savings to the County.

3. Relations with Other Agencies:

- A. The Purchasing Department shall continuously familiarize itself with the particular requirements of the various agencies and be receptive to suggestions or comments.
- B. Each agency shall file detailed estimates of future needs for supplies/equipment and/or services with the Purchasing Agent, so that annual bidding is complete and accurate.
- C. All questions concerning any aspect of a contract, from initial requisition through final acceptance of the purchase, shall be addressed to the Purchasing Department.

4. Cooperative Purchasing:

- A. The Purchasing Department shall maintain joint or cooperative purchasing with Missouri Office of Administration, Missouri Department of Transportation and US Communities as well as any/all other such sources.

5. Bidder's List:

A. Definition:

A. Bidder's list (email archive) is a current list of persons capable of providing supplies/services, which may be purchased for County use. The use contains:

- 1) Bidder's name and address.
- 2) Type of supply/service.
- 3) Information regarding type of performance history.

B. Purpose:

- 1) To provide a list of contacts, via email, for competitive bids on supplies/services. (DBI's = Direct Bid Invitations.)
- 2) To provide a history of bid responses from persons on the list.

C. Application:

As the Purchasing Department does not require that a vendor register to be placed on the vendor list, the following information should be sent to the Purchasing Agent:

- 1.) Mailing of hard copy information.
- 2.) Email information.
- 3.) Fax/phone information.

D. Removal from bidder's list:

The Purchasing Agent may remove the names of persons from the bidder's list under the following conditions:

1. When the person makes a written request for removal.
2. When the Purchasing Agent declares the person to be an irresponsible bidder for:
 - a) failing, upon written request, to provide proof of responsibility; or
 - b) receipt of notification from the State of Missouri; or
 - c) having repeatedly made slow or unsatisfactory delivery of supplies or services to the County; or
 - d) having been found by a court of competent jurisdiction, within the previous 12 months, to have engaged in unlawful employment practices.

Irresponsible bidders shall be removed from the bidder's list for at least one (1) year. The Purchasing Agent shall notify said bidder of their removal from the list.

E. Reinstatement on bidder's list:

1. Bidders who have requested removal of their names from the bidder's list may apply for reinstatement at any time.
2. Other bidders removed from the list may apply for reinstatement whenever the term of their ineligibility is complete.

F. Debarred bidder's list:

The Purchasing Agent maintains a Debarred Bidder's List consisting of debarred bidders. The list includes the names and addresses of debarred bidders, the reasons for debarment, and the effective date of the removal period. A determination to debar may be based on the debarment list of other governmental agencies.

Contracts

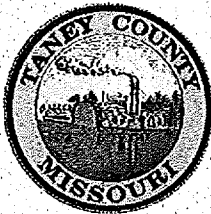
Types of Contracts:

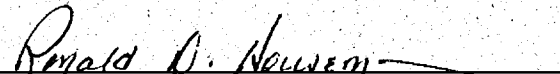
- A. The preferred type contract to use for all procurements is firm fixed price or lump sum. It requires minimum administration and provides maximum incentive to the supplier. However, any type of contract that will promote the best interest of the County may be used.
- B. A cost-not-to-exceed or cost-reimbursement contract, with an upper limit, may be used only when the County Commission concludes that such a contract is likely to be less costly to the County than any other type or that it is impractical to obtain the supplies, services, or construction required except under a cost-not-to-exceed or cost reimbursement contract.
- C. Pursuant to RSMo. 50.660 the contract shall bear the certification of the Accounting Officer.

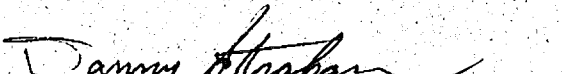
Exemptions:

Noting that there are occasions where opportunities arise to save money, we welcome those requests for review. The Purchasing Agent, at his/her sole discretion, is authorized to waive any/all policy as outlined in this manual so long as it is within the Missouri Revised Statutes and that it is in the best interest for Taney County.

Adopted and approved to form this 21ST day of MARCH 2013.




Ronald D. Houseman, Presiding Commissioner


Danny Strahan, Eastern District Commissioner


Brandon W. Williams, Western District Commissioner