

UINTAH COUNTY

PURCHASING

POLICIES AND PROCEDURES

Revised and Adopted
September 9, 2013

PREFACE

This policy sets forth purchasing guidelines by which Uintah County insures that funds are available and that all personnel, elected or otherwise, follow proper procedures in acquiring goods and services on behalf of the county. In this way the public is thereby assured that all goods and services are purchased in an open, honest, efficient, and economic fashion.

Objectives:

The integrity of the purchasing process is maintained by following two principles:

1. Only negotiate for goods or services after funding is acknowledged as available by the Clerk-Auditor.
2. Commit to the purchase only after obtaining proper authorization.

Definitions:

Level One purchases are defined as those which are under \$500.

Level Two purchases are defined as those which are over \$500 and under \$5,000 for every County Department.

Level Three purchases are defined as those which are greater than \$5,000 but less than \$20,000 for all departments.

Level Four purchases are defined as those which exceed \$20,000.

A. use of state bid in lieu of other purchasing procedures.

B. used vehicles.

Fixed Asset

These are items of furniture, equipment, machinery, vehicles, etc., which cost more than \$1000 and are added to the fixed asset list of the department when they are purchased.

Non-Capitalized Equipment

These are items of furniture, equipment, machinery, vehicles, etc., which cost less than \$1000. Each department is responsible to keep an inventory of these items.

Pay Voucher

The pay voucher is a pre-numbered form which is used for small purchases under \$500. No purchase requisition is required. No purchase order is required. The form must be given to the Clerk-Auditor's office, completely filled out, coded and signed by an authorized purchaser for each department.

Purchase Requisition

This form is pre-numbered and used by the authorized purchaser as the first step in initiating purchases over \$500. When completed, the form is given to the Clerk-Auditor's office for issuance of a Purchase Order, which authorizes the purchase to be made. Commission approval is required on any purchase of fixed assets (Line 740) above \$1000 and for all purchases over \$5,000. These approval signatures must be obtained before the Purchase Order can be issued.

Purchase Order

The Purchase Order form is obtained from the Clerk-Auditor's office upon presentation of a completed, coded and authorized Purchase Requisition. A Purchase Order may be issued over the phone except for fixed assets or purchases over \$5000. These Purchase Requisitions must be submitted to the Clerk-Auditor's office as soon as possible. The white copy of the Purchase Order is given to the vendor when the purchase is made, and is the official authorization by Uintah County to make the purchase.

Credit Card Purchases:

County employees issued a county credit card will be required to sign a Uintah County Credit Use Agreement and file it with the Clerk-Auditor and Personnel Director.

As soon as possible after use of the card, receipts for purchases such as invoices, meal receipts, motel charges and other relevant documentation *must* be signed, coded and turned into the Clerk-Auditor. In the event documentation is lost, the monthly credit card statement sent to each office should be signed and coded by the user and the user should provide a short written statement that the charges were incurred and an explanation of the charges. If requested by the Clerk-Auditor the user should provide any additional information or documentation that is available in order to verify that the purchase was made for a proper county purpose.

Only county purchases should be made with the county credit card. No personal items shall be purchased with the card.

Failure to document purchases or otherwise violate this policy may result in the loss of use of the card. The Clerk-Auditor may give written notice of a user's failure to follow this policy. After two such notices the matter will be submitted to the County Commissioners to determine if the card should be revoked.

Other sanctions, if appropriate, may be imposed for violation of this policy including prosecution for theft or misuse of public funds.

CHAPTER 1

PURCHASING AUTHORITY AND RESPONSIBILITY

I. PURPOSE:

The primary purpose of this directive is to establish exactly who has purchasing authority and who has purchasing responsibility for Uintah County.

II. PROCEDURES:

A. AUTHORITY:

1. Purchasing authority is granted by the Commission to all Uintah County Department Heads and Elected Officials.
2. Each Department Head or Elected Official may assign purchasing authority to other employees within their department. The purchasing authority form will be filled out and returned to the Clerk-Auditor on an annual basis or when requested.

B. RESPONSIBILITY:

1. It will be the responsibility of all Uintah County departments to exercise good forward planning in the anticipation of purchasing requirements. Funds must be budgeted for and timing of the expenditures coordinated with the Clerk-Auditor.
2. Should the purchasing person have any questions in connection with a purchase, it is prudent to contact the County Clerk-Auditor prior to making the purchase.
3. Discipline for misuse may consist of full restitution for the purchase, termination and/or criminal legal action by the county attorney.

CHAPTER 2

PURCHASE OF SUPPLIES AND SERVICES

LEVEL ONE PURCHASES UNDER \$500.00

I. PURPOSE:

The primary purpose of this directive is to establish the specific step-by step process for the acquisition of services and supplies not exceeding the department Level One limit (\$500.00).

II. PROCEDURES:

A. HOW A PURCHASE IS MADE:

1. An authorized department employee obtains a **pay voucher** for purchases not exceeding the Level One limit (\$500.00).
2. The original invoice and the pay voucher shall be turned in to the Clerk-Auditor's office as soon as possible after the purchase is made.
3. The practice of issuing multiple pay vouchers in order to affect a larger purchase shall be prohibited.
4. Contracts for the procurement of professional services may not be awarded solely on the basis of cost. Other factors shall be considered, including a demonstration of competence and qualifications.

CHAPTER 3

PURCHASE OF SUPPLIES AND SERVICES

LEVEL TWO
\$500.00 to \$5,000.00

I. PURPOSE:

The primary purpose of this directive is to establish the specific step-by-step process for the acquisition of services and supplies with estimated costs exceeding Level One but less than Level Two department limits, through the use of the regular purchase order system.

II. PROCEDURES AND RESPONSIBILITIES:

A. Purchasing requirements will be prepared, submitted, and processed in the following manner:

1. An authorized department employee presents a **purchase requisition** to the Clerk-Auditor prior to the purchase, not exceeding the Level Two limit. (\$5000)
2. The using department shall make every effort to obtain the most reasonable price when making purchases.
3. The Clerk-Auditor's office will then issue the **purchase order** based on the availability of funds and the purchase can be made. Vendors are to be informed by the purchasing clerk that the purchase order number **must** appear on invoices.
4. The department shall submit the original signed invoice to the Clerk-Auditor's office. Signature on the invoice acknowledges receipt of the purchases and is necessary before payment will be made.
5. Contracts for the procurement of professional services may not be awarded solely on the basis of cost. Other factors shall be considered, including a demonstration of competence and qualifications.

CHAPTER 4

PURCHASE OF SUPPLIES AND SERVICES

LEVEL THREE

\$5,000.00 to \$20,000.00

I. PURPOSE:

The primary purpose of this directive is to establish the specific step-by-step process for the acquisition of services and supplies with estimated costs exceeding the Level Two, but less than Level Four limits as established by the Uintah County Commission.

II. PROCEDURES AND RESPONSIBILITIES:

A. Purchasing requirements will be prepared, submitted, and processed in the following manner:

1. The Department Head shall prepare a detailed specification outline describing the items or services. Coordination with the Clerk-Auditor or specialized vendors should be conducted to gain as much information as possible in the preparation of this outline.
2. The Department Head shall complete a **purchase requisition** in all detail and submit it to the Clerk-Auditor, including three price quotations in writing whenever practical and possible, which should be attached to the purchase requisition.
3. The County Clerk-Auditor shall:
 - a) Approve as to availability of funds and return requisition to department.
 - b) The Department will then present to the County Commission for approval.
4. The Clerk-Auditor's office will then issue the **purchase order** upon the availability of funds and the purchase can be made. Vendors are to be informed by the department's purchasing clerk that the purchase order number **must** appear on invoices.
5. The Department Head shall submit the original signed invoice to the Clerk-Auditor's office. Signature on the invoice acknowledges receipt of the purchases and is necessary before payment will be made.

6. Contracts for the procurement of professional services may not be awarded solely on the basis of cost. Other factors shall be considered, including a demonstration of competence and qualifications.

CHAPTER 5

FORMAL PRICE QUOTATION PROCEDURE

LEVEL FOUR PURCHASES EXCEEDING \$20,000.00

I. PURPOSE:

The primary purpose of this chapter is to establish the price quotation procedure for the acquisition of services and supplies with Level Four estimated costs.

II. POLICY:

Uintah County will not be obligated to solicit any quotations from every supplier for every requirement. Also, Uintah County vigorously reserves the right to reject all price quotations or accept the one deemed most advantageous to the county. The purchase award will be placed with the most responsible quotation which will be determined by, but not limited to the lowest price, best quality, and any other criteria determined essential to Uintah County.

III. PROCEDURES:

A. PRICE QUOTATION SOLICITATION:

1. The Department making the purchase will solicit price quotations with the assistance of the County Clerk-Auditor.
2. Solicitations will include:
 - a) Service or supply specifications.
 - b) Closing date for the acceptance of sealed bids.
 - c) Date, time and place of sealed bid opening.
3. Public notice of the invitation for price quotations shall be given a reasonable time prior to the date set forth therein for the opening of quotations. The notice shall be by publication in a weekly newspaper of general circulation for two consecutive publications prior to opening of quotations.
4. All quotations received by the Clerk-Auditor Office will be date stamped at the time of receipt and retained in the appropriate file, unopened, until date and time of the opening.
5. Contracts for the procurement of professional services may not be awarded solely on

the basis of cost. Other factors shall be considered, including a demonstration of competence and qualifications.

B. PRICE QUOTATION OPENING:

1. The opening of price quotations and the purchase award will be in a regularly scheduled commission meeting. However, both the opening and awarding will not necessarily be done at the same meeting.
2. Proposals shall be opened so as to avoid disclosure of contents to competing offerers during the process of negotiation. A register of proposals shall be prepared and shall be open for public inspection after contract award.
3. Discussions may be conducted with responsible offerers who submit proposals determined to have reasonable probability of being selected for award, for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements. Offerers shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting negotiations and discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerers.
4. Award shall be made to the responsible offerer whose proposal is determined to be the most advantageous to the County, taking into consideration price and the evaluation factors set forth in the request for proposals. No other criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

C. PURCHASE AWARD

1. The department with the concurrence of the Clerk-Auditor shall:
 - a) Tabulate all price quotations and determine if the quotes meet the minimum specifications.
 - b) Deliver a copy to the County Commission.
 - c) Prepare an official recommendation for the acceptance of one quote and submit it to the County Commission.
2. The County Commission shall:
 - a) Review all price quotations.
 - b) Review recommendations submitted by the using department head.
 - c) Award Purchase in a regularly scheduled commission meeting.
3. Those who submit quotations and the general public are entitled to know the identity of those who provide all quotes, the amounts quoted, and on what basis the award was made. This information is available to all interested parties upon request, after

the award is made.

FORMAL SEALED BIDDING PROCEDURE

I. PURPOSE:

The primary purpose of this chapter is to establish a procedure by which Uintah County will conduct formal bidding for goods and services which are anticipated to cost in excess of \$20,000.00.

II. POLICY:

Uintah County will not be obligated to solicit bids from every supplier for every requirement and vigorously reserves the right to reject all bids or accept the one deemed most advantageous to the county. The purchase award will be placed with the most responsible bid which will be determined by, but not limited to the lowest price, best quality, and any other criteria determined essential to Uintah County.

III. PROCEDURES:

A. SEALED BID SOLICITATION:

1. The County Clerk-Auditor will solicit sealed bid quotations.
2. Solicitations will include:
 - a) Service or supply specifications.
 - b) Closing date for the acceptance of sealed bids.
 - c) Date, time and place of sealed bid opening.
3. Public notice of the invitation for bids shall be given a reasonable time prior to the date set forth therein for the opening of bids. The notice may include publication in a newspaper of general circulation for two weeks prior to bid opening.
4. All sealed bids received by the Clerk-Auditor's Office will be date stamped at the time of receipt and retained in the appropriate file, unopened, until date and time of the opening.

IV. SEALED BID OPENING:

1. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and any other relevant information specified by the invitation or rules and regulations, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public

inspection.

2. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation 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. The criteria may include discounts, transportation costs, and total or life cycle costs. No criteria may be used in bid evaluations that are not set forth in the invitation for bids.
3. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted in accordance with rules and regulations provided in the Utah Code. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the county or fair competition shall be permitted.
4. The contract may or may not be awarded at the bid opening. The County Commission may assign the Clerk-Auditor and/or the Department Head to fully analyze each sealed bid to determine the acceptability, comparability, reservations, conditions or other criteria and make a recommendation to the Commission regarding the most advantageous bid, or to recommend a rejection of all bids.
5. The contract award will be made with reasonable promptness to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. Such notice can be made either orally or in writing.

CHAPTER 6

PROCUREMENT OF CONSTRUCTION

I. PURPOSE:

The purpose of this directive is to outline the procedures to be used in obtaining construction contracting services for Uintah County, which are anticipated to exceed \$20,000.00.

II. POLICY:

Uintah County will not be obligated to solicit bids from every supplier for every requirement and vigorously reserves the right to reject all bids or accept the one deemed most advantageous to the county. The purchase award will be placed with the most responsible bid which will be determined by, but not limited to the lowest price, best quality, and any other criteria determined essential to Uintah County.

III. PROCEDURES

1. Uintah County shall reserve the right to provide for as many alternative methods of construction contracting management as determined to be feasible. The head of the purchasing department shall be responsible for selection of a particular method of construction contracting management and shall include a written statement in the file setting forth facts which led to the selection.
2. Bid bond in amount equal to 100% of construction costs is required unless waived in writing by the Uintah County Commission.

CHAPTER 7

PAYMENT TO VENDORS

I. PURPOSE:

The primary purpose of this directive is to establish a procedure by which Uintah County will disburse payments to vendors.

II. PROCEDURES:

A. EMPLOYEES:

1. After a purchase is made, the county employee attaches the invoice to the voucher or purchase order and presents to the Clerk-Auditor for payment.

B. VENDORS:

1. Payments are made by individual invoices, not from a monthly statement.
2. Vendors must include appropriate purchase order numbers and county department name on all invoices.
3. Vendor shall send to the County Clerk-Auditor a *monthly statement* showing:
 - a) Any past due invoices
 - b) All current invoices
 - c) Any credits

C. COUNTY CLERK/AUDITOR:

1. The County Clerk-Auditor shall:
 - a) Check the invoice for accuracy against the purchase order or pay voucher and shipping ticket received from the using department.
 - b) If all three documents agree, attach the invoice to the correct purchase order or pay voucher and process for payment.

CHAPTER 8

PREFERENCE TO LOCAL VENDORS

I. PURPOSE:

The primary purpose of this directive is to establish guidelines in order to provide preference to local vendors* in comparison with quotations from non-local vendors.

III. POLICY:

Uintah County desires to procure from local vendors; equipment, supplies, and materials necessary for the operation of the county departments; such acquisition based on adequate quality and economy. Should it be determined necessary to purchase from vendors located outside of Uintah County, preference will be given to those vendors located inside the state of Utah.

III. PROCEDURES AND RESPONSIBILITIES:

In all purchases, Uintah County shall prefer supplies, equipment or materials sold in Uintah County to the extent set forth in the following subsections and based on like quality, suitability, and economy.

- A. If a quotation for supplies, equipment, or materials from a non-local vendor, submitted in response to a quote invitation, is the low price quote and there is a local vendor(s) within 5% of the low quote of the non-local vendor, material may be purchased from the local vendor. Material may also be purchased from a local vendor if it is determined to be advantageous to the County.
- B. Should the same situation occur in paragraph a, above, except involve vendors that are located outside the state of Utah, the same procedure may be followed to give preference to the vendor located inside Utah.
- C. In the event that more than one local vendor is within 5% of the low quote, the contract may be awarded to the local vendor who is the lowest local quote. If there are two or more equally low local quotes, then the vendor to be awarded the contract may be selected on the basis of past performance of the vendor as judged by the department making the purchase and the County Commission.

*Definition: Local vendor shall be defined as vendors located in Uintah County selling goods and services.

CHAPTER 9

CONFLICT OF INTEREST IN PURCHASING

I. PURPOSE:

The primary purpose of this directive is to establish a policy by which to avoid any possible conflict of interest in purchasing for Uintah County.

II. POLICY:

Uintah County strictly prohibits any purchasing by an employee in which there may be any question of conflict of interest by the buyer. In all purchases for Uintah County, the person who has been granted purchasing authority and hence the purchasing responsibility must not stand to receive any personal gain from the purchase other than the purpose for which the product or service was purchased for use by the county.

III. PROCEDURES AND RESPONSIBILITIES:

A. PURCHASING GUIDELINES:

1. All negotiations will be conducted on the highest level of business ethics. While establishing and maintaining supplier relationships, the acceptance or solicitation of entertainment, gifts, or special considerations by any Uintah County Employee will not be permitted. Small tokens of appreciation which are customary and appropriate during the holiday season may be accepted.
2. No purchase will be made for or from county employees, nor will orders be given to any firm in which a Uintah County employee holds a responsible position or a significant financial interest without the approval of the County Commission.
3. Uintah County strongly recommends avoiding any situation in which nepotism (favoritism shown to relatives) might play a part in the purchasing process.
4. Collusion among bidders and advance disclosures prohibited.

CHAPTER 10

USED VEHICLES

I. PURPOSE:

To establish a procedure for the acquisition of used vehicles and used equipment.

II. POLICY:

Uintah County acknowledges that the acquisition of used vehicles is advantageous to the County but, because of the nature of purchasing used vehicles, the procedure must deviate from the usual procedure outlined in these policies and procedures.

III. PROCEDURE:

- A. No less than three businesses shall be solicited to submit written quotations by the department making the purchase. Quotations should be for similar vehicles and equipment. The written quotations shall contain detailed specifications regarding the vehicle such as mileage, extras, warranty, and any other information that may be useful in valuing the vehicle or piece of equipment. An NADA price for each vehicle shall also be attached, when available.
- B. The Department Head shall coordinate with the Clerk-Auditor, who shall approve the availability of funds.
- C. The Department Head shall consult with the Uintah County Commissioners, who shall make the final decision and a **purchase requisition** shall be prepared, signed by the Department Head, at least two Commissioners, and submitted to the Clerk-Auditor. The written quotations and NADA prices shall be attached to the requisition form and shall be maintained as a public record on file with the Clerk-Auditor.
- D. The Clerk-Auditor's office will then issue the **purchase order** and the purchase can be made. Vendors are to be informed that the purchase order number **must** appear on invoices.
- E. Motor Vehicle contract of sale shall be signed by the Clerk-Auditor or authorized deputy. Title shall be taken in the name of Uintah County. All licensing will be handled by the Clerk-Auditor's office and no registration fees will be paid to said vendors.
- F. The Department Head shall return a copy of the invoice to the Clerk-Auditor's office as soon as possible after purchase is made.
- G. If, in the opinion of the Department Head or Commission, it would be more advantageous to the County to follow the procedures for a Level Four purchase, then that method should be used.

CHAPTER 11

STATE BID PRICE

I. PURPOSE:

Uintah County acknowledges that in the majority of cases the State bid price will be the lowest available price. However, in some situations it may be advantageous to the County to use other methods in acquiring goods and services.

II. POLICY:

In lieu of obtaining Level Three purchases (3 price quotation) and Level Four purchases (formal price quotations or formal bidding procedure) (excluding purchase of used vehicles), purchases may be made by using the State bid price.

The State bid price shall be documented and attached to the purchase requisition form and submitted to the Clerk-Auditor and filed in that office.

State bid prices may be found at state purchasing web site: **purchasing.state.ut.us**

CHAPTER 12

APPEALS

I. PURPOSE:

To establish an appeals procedure for persons adversely affected by a contract award decision by Uintah County.

II. POLICY:

Uintah County acknowledges that sometimes a decision to award a contract may adversely affect certain bidders. Uintah County also acknowledges that the appeals process may be abused by individuals without a legitimate appeal. Such appeals may be costly, time consuming, and damaging to good governance. As such, Uintah County has instituted an appeals process that contemplates both of these realities.

III. PROCEDURE:

- A. Only aggrieved persons may request an Appeal. An aggrieved person is any person who bids on a contract and who is adversely affected financially, professionally, or personally by that contract award decision.
- B. An Appeal must be requested in writing to the County Clerk/ Auditor within seven (7) calendar days of award notification and must clearly demonstrate why the petitioner believes that at least one of three criteria has been met. The appeal criteria are: (1) a violation of law; (2) an irregularity creating a fundamental unfairness, and (3) an arbitrary or capricious award.
 1. The County Clerk/ Auditor's decision regarding the request for a Hearing of Appeal will be communicated in writing within seven (7) days of receipt of the request.
 2. A hearing will be granted unless: (1) the petitioner is not an aggrieved person; (2) a prior request by the same petitioner about the same contract award has been granted; (3) the request was made more than seven (7) days after the notification of contract award; and, (4) the request is capricious, frivolous, or without merit.
- C. An Appeals Committee consisting of three members will be appointed to hear the appeal. The Uintah County Commission will appoint three members from County departments or private residents of Uintah County not involved in the contract award.
- D. The hearing must be held within thirty (30) days of receipt of the initial request and will provide the opportunity for both the petitioner and the awarding

department to present testimony and documentary evidence related to the issues on appeal. The Appeals Committee will keep a written record of the hearing and will meet after the close of the hearing to make its determination. The rules of evidence shall not apply to the hearing and the Appeals Committee may consider hearsay.

- E. The Appeal Committee's actions are limited to one of the following:
 - 1. Validate the contract award decision under appeal, or
 - 2. Invalidate the contract award decision under appeal.

- F. The Appeal Committee will submit its written decision to the Clerk/ Auditor not later than fifteen (15) days following the hearing after which the Clerk/ Auditor must notify the petitioner and all interveners within ten (15) calendar days.

- G. This notification is considered final agency action and, as such, may be eligible for judicial review.

CHAPTER 13

MISCELLANEOUS ADDENDUM

I. WRITTEN AGREEMENTS FOR PROFESSIONAL SERVICES

All services provided to the County such as Engineering, Legal, Architectural, etc., will be procured on a project by project basis and be binding only after there is an agreement signed by both parties specifying scope, duration, estimated fees and liabilities assumed by the provider. The County Attorney will review all service agreements where the fees exceed \$4,000.00.

II. EMERGENCIES:

From time to time situations can occur, such as, during a holiday, over a weekend, in a disaster, when a purchase of a good or service must be made by a Department Head without proper authorization. It is rare that a purchase cannot wait. Even then the Department Head should try to get prior verbal approval over the phone.

III. SINGLE SOURCE VENDORS

Upon the approval of the Commission and consent of the Department Head, a purchase may be awarded for supply, service, or construction items, when there is only one source that provides the required product or service.

IV. STATE BID

In all purchases of a significant value the state bid should be consulted.

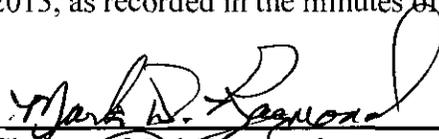
V. COST-PLUS-A-PERCENTAGE-OF-COST CONTRACTS

Cost-plus-a-percentage-of-cost contracts are prohibited in accordance with Utah Code 63G-6-416.

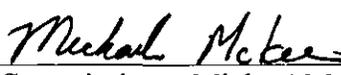
VI. REPAIRS TO COUNTY-OWNED PROPERTY

County departments may conduct purchases to acquire supplies and services for general repairs to County property without sealed bids. Such purchases shall be for not more than \$50,000.00 and shall be for repairs that must reasonably be accomplished within thirty (30) days. Purchases for repair of County owned property may be awarded by Department Heads, whom shall use the same procedures as outlined under Chapter Four of this policy.

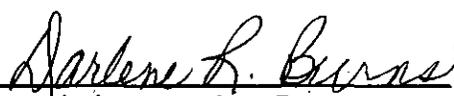
The Uintah County Purchasing Policies and Procedures Revisions approved and adopted by the Uintah County Commission in their regularly held public meeting this 9 day of September 2013, as recorded in the minutes of said meeting.



Chairman Mark Raymond

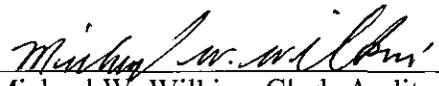


Commissioner Michael McKee



Commissioner Darlene Burns

Attest:



Michael W. Wilkins, Clerk-Auditor

9-9-2013
Date