



Comal County

Purchasing Policy and Procedures Manual

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## CHAPTER 1: INTRODUCTION

To: Elected Officials, Department Heads, and County Employees

This manual contains the authorized policy and procedures for purchasing and asset management by County officials and employees.

County purchasing procedures are governed by Texas statutes; and these statutes, including interpretations of them made by Texas courts, are the ultimate authority on the validity of purchasing procedures. Because the procedures described in this manual are based on state law, this manual, in many instances, contains language taken directly from the statutes, and paraphrases of and broad generalizations about Texas statutory law which have been included where appropriate to assist in applying the law to routine situations. This manual cannot address every situation; and when an unusual situation occurs or a difficult legal or factual problem arises, the exact statutory language must be reviewed and analyzed. In every situation, the final authority for county purchasing is the law itself.

It is the intent of the Purchasing Office to promote the County's reputation for courtesy, fairness and impartiality. The responsibility for achieving this goal rests with each individual who participates in the procurement process. This includes the offices/departments, the vendors, as well as the purchasing personnel.

The mission of the Comal County Purchasing Office is to:

- Ensure compliance with the Purchasing Act, as well as other state and federal laws applying to county purchasing;
- Provide fair and equal access to all vendors participating through competitive acquisition of goods and services;
- Provide an ongoing supply of quality goods and services to all County offices;
- Account for all County assets through an effective fixed asset management system; and
- Protect the interests of Comal County taxpayers without regard to any undue influence or political pressures.

Public purchasing has several goals including:

- purchasing the proper goods and services;
- obtaining the best possible price and value for the goods/services, without sacrificing the quality needed;
- ensuring goods and services are available where and when needed, and that a continuing supply is available; and
- guarding against the misappropriation of assets that have been acquired through the procurement process.

Public purchasing must also ensure:

- **Responsible bidders are given a fair opportunity to compete for the County's business.** This can be accomplished by compliance with statutory requirements regarding competitive bids and proposals, and by the County's Purchasing Policy.
- **Public funds are safeguarded.** Although the Purchasing Office does not usually designate the types of purchases to be made, it is tasked to see that the best value is received for the public dollar.
- **Public spending is not used to enrich Elected Officials or County employees, or to confer favors.** Adoption and implementation of a Code of Ethics and employee training and awareness of their responsibilities in the public purchasing area accomplish this.

Centralized purchasing is the method of organization and procedures, whereby all purchasing is concentrated in a single agency or department. Comal County Commissioners Court has adopted a centralized purchasing function that provides the following benefits:

- Contracting for goods and services for all offices/departments;
- Allows for consolidation of purchases by individual offices/departments into larger purchases, resulting in lower unit prices and cost savings;
- Vendors and the business community have a single, central link to the county procurement process to facilitate consistent communication and understanding, which eliminates confusion of suppliers relating to the responsibility of County purchases;
- Purchasing Office personnel accumulate a solid foundation of knowledge and experience about purchasing, marketing trends, prices, and vendors. This expertise assists users in better defining their needs to save the county money and promotes a more efficient procurement process; and
- Centralized expertise puts the purchasing processes on a professional footing and inspires public confidence in the actions of the County.

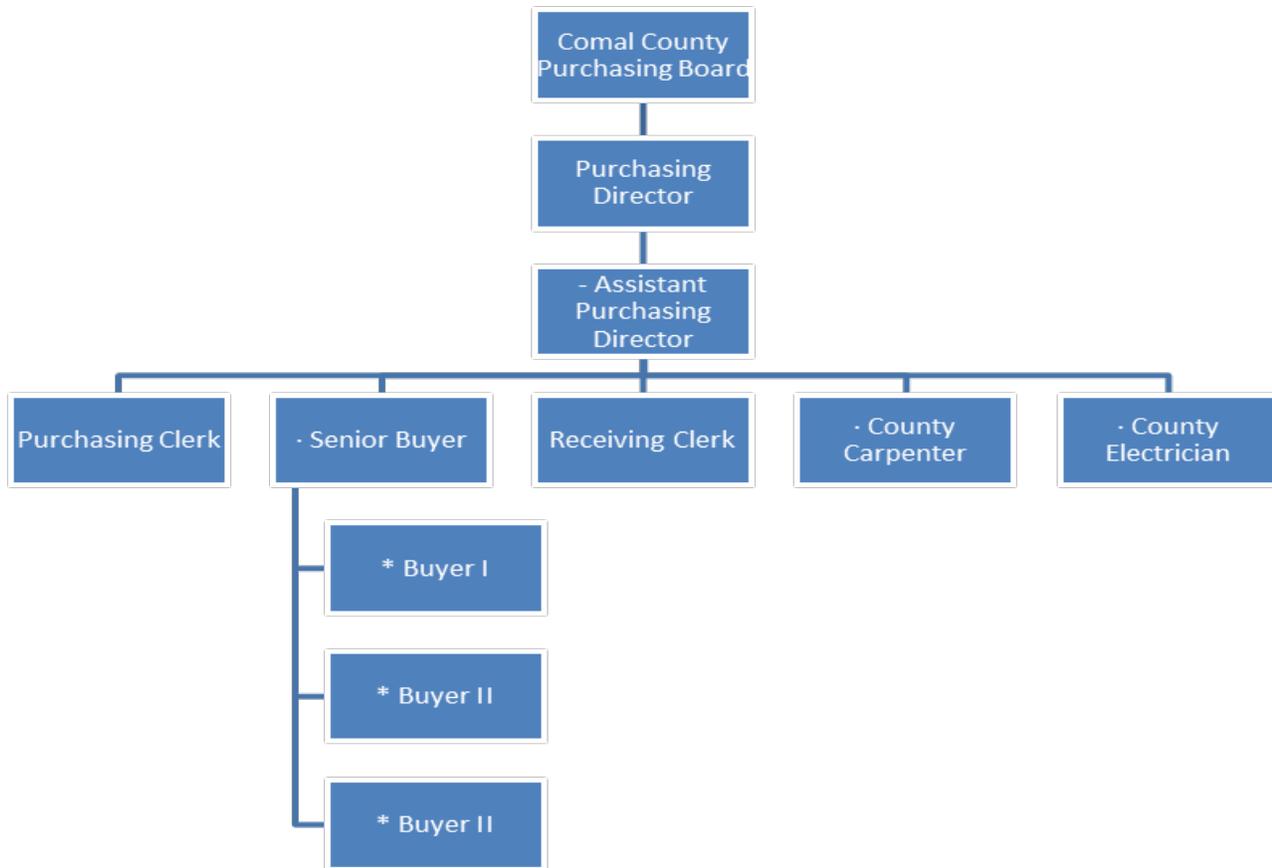
In addition to the above, the Purchasing Office is responsible for supervising all bids, management of procurement related contracts, inter-local purchasing agreements and cooperative purchasing agreements, fixed assets, disposition of seized and abandoned property, and the auction of surplus and salvaged property.

The Purchasing Office is committed to promoting effective, professional and consistent procurement in Comal County, as well as championing the public perception that tax dollars are wisely spent.

The organizational chart of the Purchasing Office is attached.

Ramona Womack, CPPO, CPPB  
Purchasing Director

### PURCHASING OFFICE ORGIZATIONAL CHART



## CHAPTER 2: CODE OF ETHICS

### **PURCHASING CODE OF ETHICS POLICY**

It is the policy of Comal County that the following ethical principles will govern the conduct of every employee directly or indirectly involved in the County procurement process.

### **RESPONSIBILITY TO COUNTY**

Employees must avoid any activities that would compromise or give the perception of compromising the best interests of Comal County. Employees must not use confidential proprietary information for actual or anticipated personal gain.

### **CONFLICT OF INTEREST**

This Policy is governed by the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served. Employees must avoid any activity that would create a conflict between personal interests and the interests of Comal County. Conflicts exist in any relationship where an employee is not acting in the County's best interest and may be acting in their own best interests or the interests of someone associated with them. Such conflicts of interest would include being involved in any procurement activity in which:

1. The employee or any member of the employee's family [persons who are related to the employee within the first degree by consanguinity (blood) or affinity (marriage)] has any financial interest pertaining to the Comal County procurement process;
2. A business or organization in which the employee, or any member of the employee's family, has a financial interest pertaining to the Comal County procurement process; or
3. Any other person, business, or organization with whom the employee or a member of the employee's family is negotiating or has any arrangement concerning prospective employment.

If any such conflicts of interest exist, the employee must immediately notify the Purchasing Director in writing and remove himself/herself from the conflicted procurement activity.

### **PERCEPTION**

Employees must avoid any appearance of unethical or compromising practices in all relationships, actions, and communications.

### **GRATUITIES**

Employees must not solicit or accept money, loans, gifts, favors, or anything of value, from present or potential vendors which might influence or appear to influence any purchasing decision. Generally, goods with a value of \$50.00 or less are acceptable as long as the acceptance will not offend this prohibition and does not appear to influence a purchasing decision. If anyone is in doubt whether a transaction complies with this policy, the individual should disclose the transaction to the Purchasing Director/legal representative for interpretation.

**CONFIDENTIAL INFORMATION**

Employees must keep all proponents' and vendors' proprietary information confidential. Employees must maintain confidentiality on all Comal County procurement information obtained from an RFP, RFQ, or ITB confidential as long as that vendor information is retained by Comal County to the extent provided by state and federal law.

## **CHAPTER 3: PURCHASING AUTHORITY AND POLICY**

### **PURCHASING LAWS**

It is the policy of Comal County, acting through its duly appointed Purchasing Director, to comply fully with all purchasing laws and amendments passed by the Texas State Legislature.

### **PURCHASING POLICY**

Comal County has a centralized Purchasing Office. The centralized purchasing structure is initiated at the submission of a request or need, and is followed through the life cycle of the purchase through disposition or disposal.

The Purchasing Office, as well as County officials, managers, and employees, will provide equitable and competitive access to the County procurement process to all responsible vendors. Further, County purchasing will be conducted in a manner that will promote and foster public confidence in the integrity of the County procurement process.

The purpose of the County Purchasing Policy is to provide guidance in accomplishing the following:

1. Seek the best quality, lowest priced goods and services available that meet the needs and delivery requirements of Comal County personnel;
2. Provide all responsible vendors and contractors, with equitable access to servicing the needs of Comal County and its personnel through the competitive bidding of goods and services;
3. Comply with all federal and state laws that apply to County purchasing and with the policies and procedures in this manual;
4. Manage all County assets and inventory so that replacement costs are minimized and Comal County can account for those assets; and
5. Dispose of all surplus, salvage, seized, and abandoned property in a manner that provides the most benefit to the taxpayers of the County and complies with the applicable law.

### **APPLICATION**

The Purchasing Act applies to all offices/departments including all district, county, and precinct officials, county employees, and all subdivisions of all district, county, and precinct offices.

The Purchasing Director shall purchase or lease all goods and services, including maintenance and repair, for all departments in accordance with Local Government Code § 262.011 (n) "This section applies to all purchases of supplies, materials, and equipment for the use of the county and its officers, including purchases made by officers paid out of fees of office or otherwise, regardless of whether the purchase contract is made by the commissioners court or any other officer authorized to bind the county by contract. An officer making a purchase out of fees of office in violation of this section may not deduct the amount of the purchase from the amount of any fees of office due the county." Further, Local Government Code § 262.011 (m) defines the

penalty for violation the Purchasing Act as, “A person, including an officer, agent, or employee of a county or of a subdivision or department of a county, commits an offense if the person violates this section. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$10 or more than \$100. Each act in violation of this section is a separate offense.”

**AUTHORITY**

These policies and procedures are adopted by the County Purchasing Director and approved by the Commissioners Court acting in its capacity as the governing body of Comal County, Texas.

Comal County adopts these policies and procedures under the authority of Texas Local Government Code, Chapter 262.

**EFFECTIVE DATE**

The revised policies and procedures will become effective upon approval by the Commissioners Court.

## CHAPTER 4: PURCHASING DIRECTOR AUTHORITY AND RESPONSIBILITIES

### APPOINTMENT

Texas Local Government 262.011 authorizes a Board composed of the judges of the district courts in the county and the county judge to appoint a person to act as the county purchasing agent. The term of office of the county purchasing agent is two years.

### STATUTORY AUTHORITY AND DUTIES

Texas Local Government Code, Chapter 262, Subchapter B outlines the following duties for purchasing agents:

- The Purchasing Agent shall purchase all supplies, materials, and equipment required or used, and contract for all repairs to property used by the County or a subdivision, officer, or employee of the county, except purchases and contracts required by law to be made on competitive bid. **A person other than the Purchasing Agent may not purchase the supplies, materials, or equipment or make the contract for repairs. The purchaser-seller relationship is one of mutuality. The responsibility of establishing a relationship of mutual confidence and satisfaction between the county and its supplier lies with the purchasing office. Therefore, it is necessary that the purchasing office be aware of all transactions between the county and its suppliers [Emphasis added].**
- The Purchasing Agent shall supervise all purchases made on competitive bid and shall see that all purchased supplies, materials, and equipment are delivered to the proper county officer or department in accordance with the purchase contract.
- A purchase made by the Purchasing Agent shall be paid for by a warrant drawn by the Auditor on funds in the County treasury in the manner provided by law. The Auditor may not draw and the County Treasurer may not honor a warrant for a purchase unless the purchase is made by the Purchasing Agent or on competitive bid as provided by law.
- On July 1 of each year, the Purchasing Agent shall file with the Auditor and each member of the Purchasing Board an inventory of all property on hand and belonging to the County and each subdivision, officer, and employee. The Auditor shall carefully examine the inventory and make an accounting for all property purchased or previously inventoried and not appearing in the inventory.
- Subject to Commissioners Court approval, to prevent unnecessary purchases, the Purchasing Agent shall recommend the transfer of County goods that are not needed or used, from one department or employee, to another department or employee requiring the goods or the use of the goods. The Purchasing Agent shall furnish the Auditor a list of transferred goods.
- Subject to Commissioners Court approval, the Purchasing Agent shall adopt the rules and procedures necessary to implement the agent's duties.
- Rules and procedures adopted by the Purchasing Agent may include rules and procedures for persons to use county purchasing cards to pay for county purchases under the direction and supervision of the Purchasing Agent.

**ADDITIONAL RESPONSIBILITIES**

In addition to these statutory duties, the Purchasing Agent:

- Training user offices/departments of the County's Purchasing Policies
- Develops, implements, and manages the Historically Underutilized Business (HUB) program for the County;
- Develops, implements, and manages a Fixed Asset Management System;
- Encourages and supports compliance with Texas purchasing laws;
- Works in conjunction with the Auditor and other County officials in the development of efficient financial processes;
- Promotes local business participation in County procurement processes; and
- Provides the business community with a central link to County business.

**COUNTY OFFICES/DEPARTMENTS/EMPLOYEES RELATIONSHIPS WITH VENDORS REPRESENTATIVES WILL BE AS FOLLOWS:**

- The representatives of all vendors visiting onsite should be received by the Purchasing Office. If a vendor visits an office/department directly, the office/department shall notify the Purchasing Office of such a visit.
- When it is necessary for the vendor's representative to talk with the elected official/department head a meeting should be arranged in coordination with the Purchasing Office. An elected official/department head cannot obligate the county and should so advise vendors.
- All county employees should keep free from obligation by not accepting gifts or entertainment offered by any vendor in accordance with this Policy.

## CHAPTER 5: REQUISITIONING PROCESS

### DEFINITION

Requisitioning is the formal request for a purchase to be made. It is the first step after the need for goods/services is recognized.

The department’s purchase requisition authorizes the Purchasing Office to enter into a contract with a vendor to purchase goods and/or contract for services. ***This automated form is for internal use and cannot be used by a department to order materials directly from a vendor.***

Purchase requisitions should fully describe to the Purchasing Office detailed specifications of what to buy, when it is required, and where the goods are to be delivered, or the services to be performed.

### STEPS IN THE PURCHASING PROCESS

STEP	PERFORMED BY
Identify requirements and obtain budget	User Department (Purchasing Office will assist department if uncertain about how to meet a requirement, or when obtaining a budget number from vendors)
Define/finalize requirements	User Department and Purchasing Office
Solicit, advertise, or use cooperative contracts and generate Purchase Orders and Contracts	Purchasing Office
Deliver goods/services as outlined in purchase order/contract and submit invoice	Vendor
Receive goods/services and verify completeness against contract	User Department and Purchasing Office
Electronically receive item in financial system	Purchasing Office
Match received amount with invoice and audit	Auditor’s Office
Submit payment claim to Commissioners Court for approval	Auditor’s Office
Approve payment of claim	Commissioners Court
Disburse payment of claim	Treasurer’s Office

## **POLICY**

Comal County utilizes an automated requisitioning system, called New World Logos. Based on established budget line items, purchase requisitions are entered into New World Logos by the user department. Adequate budget funds must be available in the departmental General Ledger line Item (G/L Code) before the Purchasing Office can proceed with the purchase of the requested goods and services. A requisition should be entered for any request for quote desired by any office/department or any acquisition for the County.

The following information should be included on your request whether for a quote or purchase:

- Vendor – When possible, refer the Purchasing Office to a particular vendor or vendors whose product has been used satisfactorily in the past. Vendor suggestions will be given full consideration by the Purchasing Office.
- Deliver By Date – Please include the exact date your item is needed, ASAP/RUSH is not specific enough. Please specify if expedited shipping is required. Using offices/departments will be responsible for all expedited shipping costs. Expedited shipping is expensive and should only be used in emergency type orders. Offices/departments should submit their request with enough time to allow their request to be processed following routine protocol. *All requests requiring expedited shipping will require the written approval of the elected official, department head or supervisor.*
- Quantity and Unit of Measure – Complete Description/Specification – Clearly describe the desired item as to size, color, type, grade, etc. When necessary, the information may be put on a separate sheet and included as an attachment to the request.
- Requisition Budget – The total value of the requisition is authorization for the Purchasing Office to expend funding from the requesting departments G/L Code. If the actual costs exceed the requisitioned amount, the Purchasing Office may return the requisition with a note, or send an e-mail with the actual cost. The Purchasing Office will not process a purchase that exceeds the value of the requisition without the written consent of the authorized approver.
- G/L Code – Funds must be available in an authorized budget line item before a purchase order can be issued.

After the Purchasing Office receives a purchase requisition, it determines the appropriate procurement procedures based on the cost of the purchase, the goods and services to be purchased, the existing contracts for goods and services, and other relevant factors.

**The purchasing process is not instantaneous.** Time is required to complete the steps required by State law. In order to accomplish timely purchasing of goods/services at the least cost to Comal County, the cooperation of all officials and employees is required. **Prior planning and the timely submission of requisitions are essential to expedite the purchasing process and to assure that the process is orderly and lawful.**

Upon determining the appropriate procurement process, the Purchasing Director, Assistant Purchasing Director or assigned buyer acting on behalf of the Purchasing Director will issue a purchase order to the vendor(s) for the

desired goods/services. The Purchasing Director, Assistant Purchasing Director and assigned buyers are the only authorized County employees to generate a printed/electronic copy of a purchase order. ***No other County personnel will have access or authorization to issue or print a purchase order.***

Specific instructions on entering requisitions into New World Logos are not covered in this manual. The user office/department should refer to the County's New World Logos training book or contact the Purchasing Office for further information and to check for periodic training session opportunities.

### **TYPES OF PURCHASE REQUISITIONS**

**ROUTINE** - Normal purchases under \$50,000 (\$25,000 for Road Department supplies, material, and equipment) that are not under contract. These requests generally require 1-7 working days for the Purchasing Office to process. Rentals, leased equipment or other requests that may involve a contract may take up to 14 days for legal review.

**CAPITAL ASSETS** – Purchases for vehicles, equipment, and other goods that are complex. These purchases are usually labor intensive and require more time than routine requisitions. There may be contracts with terms and conditions that require legal review. This type of purchase may take up to 60-90 days to process. This does not include bid/RFP evaluation times, or award or manufacturing time.

**EXPEDITED** - Purchases where the goods/services are needed sooner than the routine cycle time. Expedited purchases do not qualify as emergency purchases and are subject to all applicable bidding requirements. Cycle time for expedited purchase requisitions under \$50,000 is one to three (1-3) working days.

**Note:** Expedited purchases are NOT emergency purchases. They are goods/services needed quickly to prevent costly delays or work stoppage. Expedited purchases probably warrant the additional cost and effort caused by the interruption of the normal work routine. They should not be used unless absolutely necessary. The user office/department should always telephone the appropriate buyer and make them aware of any such problem, as well as put the appropriate information in the requisition "Notes" section.

**EMERGENCY** – Purchase of any goods/services needed because of an emergency condition that the Commissioners Court has ordered exempt, in compliance with the County Purchasing Act [Texas Local Government Code, § 262.024(a)(1)]. All emergency exemption orders must be processed through the Purchasing Office. The Purchasing Director will submit these as an agenda item for Commissioners Court approval.

- 1) Emergency items less than \$50,000 will be handled in the same manner as an expedited purchase requisition.
- 2) Emergency items greater than \$50,000 must be placed on the Commissioners Court agenda.

**Note:** "Process" refers to the time between when a purchase requisition is assigned to a buyer for action and when the actual purchase order is placed with a vendor. Cycle time does not include the time required for delivery, or the time it takes for the approval process from Commissioners Court, if required.

## CHAPTER 6: PROCEDURES FOR PURCHASES UNDER \$50,000

### POLICY

For purchases of goods and services totaling less than \$50,000, as defined in §262.011(d) of the Texas Local Government Code, the Purchasing Director is authorized to select the exact goods/services to meet the specifications and requirements of the offices/departments. The Purchasing Director is authorized to select the vendor and to follow all necessary actions to conclude a contract for the purchase of the goods and services, without specific approval of the Commissioners Court.

### CONSIDERATIONS

In selecting the exact goods/services requested by the offices/departments, the Purchasing Director must consider the following:

1. The stated needs of the office/department and whether the selected goods/services meet those needs;
2. Available information about sources and prices of the goods and services;
3. The delivery requirements of the office/department and the vendor; and
4. Any other information that should be considered involving circumstances of the purchase.

### PROCEDURES

#### Purchases from \$0.00 to \$299.99

Approved goods in this price category may be purchased by an elected official or department head, or his/her designee, and a request for reimbursement made or by using a County issued procurement card. The County is exempt from sales tax. An exemption form can be provided to you by the Purchasing Office or Auditor's Office.

**Item categories required to be competitively solicited and/or purchased from a cooperative purchasing contract, because the aggregate total exceeds the County's bidding threshold, are excluded from this allowance and reimbursement will not be made for the following categories: janitorial supplies, office supplies, IT equipment, police uniforms/supplies/equipment, vehicle/equipment parts, vaccines, and rental equipment or any type of purchase that requires a signed agreement/contract. If there is any question as to what is included in this category, offices/departments may contact the Purchasing Office for further clarification.**

### INFORMAL QUOTES

#### Purchases from \$300.00 to \$2,999.00

- The Purchasing Office will procure from the best known approved source.

#### Purchases from \$3,000.00 to \$4,999.99

- The Purchasing Office will obtain at least three (3) quotes.

**FORMAL QUOTES/PROPOSALS**

**PURCHASES FROM \$5,000.00 to \$49,999.99**

**The Purchasing Office will obtain quotes or supervise the office/department when obtaining quotes from vendors. Specifications should be submitted with any request for quote. If specifications are unknown, the Purchasing Office will arrange a meeting with the vendor, a representative from the Purchasing Office, and the user's office/department.**

- Obtain at least three written quotes/proposals. Quotes/Proposals must be provided on Vendor letter head, or official quote form, or via e-mail from vendor's authorized representative to the Purchasing Office.
- Competition is encouraged by contacting as many vendors as possible. Utmost care must be taken, however, to ensure that vendors are given exactly the same information and that prices are not disclosed from one vendor to another.
- For all purchases, the Purchasing Director or assigned buyer shall make the determination of the "most responsive offeror".
- For the purpose of this section, "most responsive offeror" shall be the Vendor whose proposal is determined to be the most advantageous to the County taking into consideration:
  - Price;
  - The capability, integrity, and reliability of the offer to assure good faith performance;
  - Previous Experience;
  - References; and
  - Other relevant consideration determined by the Purchasing Director and using office/department.

The Purchasing Director has the authority to deviate from the policy for purchases under the \$50,000 (\$25,000 for Road Department supplies, material, and equipment) **if it is in the best interest of Comal County and will facilitate specific County operations.**

**Note:** If cumulative purchases to one Vendor or a specific commodity grouping are anticipated to reach or exceed \$50,000 (\$25,000 for Road Department supplies, material, and equipment) in a fiscal year, then formal bidding procedures outlined in Chapter 7 are required and an annual contract shall be established by the Purchasing Office.

**CAUTION:** Intentionally separating purchases/invoices to avoid \$50,000 (\$25,000 for the Road Department) formal competitive bidding is a violation of the Purchasing Act.

**MODIFICATIONS/CHANGE ORDERS**

The Purchasing Director has been granted approval by Commissioners Court to modify contracts for goods and services as long as the modification and/or change order does not exceed \$50,000. All modifications and/or change orders must be made in writing and signed by the Purchasing Director.

## **CHAPTER 7: COMPETITIVELY SOLICITED PURCHASES EXCEEDING \$50,000 OR \$25,000 FOR THE ROAD DEPARTMENT'S SUPPLIES, MATERIALS, AND EQUIPMENT**

### **DEFINITIONS**

There are two primary types of solicited purchases - competitive bidding and competitive proposals. Competitive solicitation means letting available vendors compete with each other to provide goods/services.

Competitive bidding is defined as:

*"Competitive bidding requires due advertisement, giving opportunity to bid, and contemplates a bidding on the same undertaking upon each of the same material items and services covered by the contract; upon the same thing. It requires that all bidders be placed upon the same plane of equality and that they each bid upon the same terms and conditions involved in all the items and services and parts of the contract, and that the proposal specify as to all bids the same, or substantially similar specifications." Sterrett v. Bell, 240 S.W. 2d 516 (Tex. Civ. App.-Dallas 1951, no writ).*

### **PURPOSE OF COMPETITIVE BIDDING**

Competitive bidding is further described as:

*"The purpose of competitive bidding is to stimulate competition, prevent favoritism, and secure the best work and materials at the lowest practicable price for the best interest of the taxpayers and property owners." Sterrett v. Bell, 240 S.W. 2d 516 (Tex. Civ. App.-Dallas 1951, no writ).*

The first purpose of competitive solicitations is to ensure the best possible value is received. Competitive solicitations also increase the likelihood that public monies are spent properly, legally, and for public projects only.

The second purpose is to give those qualified and responsible vendors who desire to do business with the County a fair and equitable opportunity to do so. ***Offices/departments/employees should have no communication with vendors during the bidding process.***

**Competitive Bidding:** The term "Formal Competitive Bidding" generally applies to public purchasing when the solicitation process complies with the Texas Government Code, Texas Local Government Code, and the Transportation Code.

"Sealed" bids are solicited through an Invitation to Bid (ITB) for contracts for goods/services expected to exceed \$50,000 (\$25,000 for Road Department supplies, material, and equipment) per budget year or on any contract that spans multiple years. The ITB is the document used to solicit bids from vendors in response to the County's specifications and contractual terms and conditions. ITB's are required to be presented to and awarded by Commissioners Court, in session. The awarded ITB with the Notice of Contract Award letter signed by the Purchasing Director forms the contract between Comal County and the vendor. **Competitive bids are not negotiated.** With few exceptions, price is the sole determining factor if the vendor's product or services meet the requirements of the specification.

The ITB method is the most preferred method of procuring goods and supplies and non-personal services. It is used when the requirement can be definitively described, is readily available, and is an off-the-shelf kind of requirement.

**Competitive proposals:** The term "Formal Competitive Proposal" generally applies to public purchasing when the solicitation process complies with Texas Local Government Code, § 262.030.

Competitive proposals are solicited through a sealed Request for Proposals (RFP) process. The RFP solicits proposals from vendors in response to the County's requirements and contractual terms and conditions. Vendors submit responses to the RFP for consideration. A formal contract is then negotiated with the top ranking vendor and presented and awarded by Commissioners Court in session.

Formal "sealed" proposals are typically used to procure insurance, high technology goods and services, or for purchases where it is impractical to prepare detailed specifications.

"High technology" goods/services mean goods/services of a highly technical nature, including:

- Data processing equipment, software and firmware used in conjunction with data processing equipment;
- Telecommunications, radio, and microwave systems;
- Electronic distributed control systems, including building energy management systems; and
- Technical services related to those goods and services.

While the competitive proposal (RFP) process is similar to the competitive bidding (ITB) process, there are notable differences. The primary difference is that the RFP results in a negotiated procurement. Cost is not the only determining evaluation factor; however, its relative importance to other evaluation factors must be specified in the RFP and considered in recommending award. Proposal contents are not disclosed until after the contract is awarded. Proposal contents that are trademarked or proprietary may remain confidential pursuant to the Texas Public Information Act.

In accordance with the Texas Local Government Code 262.030(d), the formal competitive proposal (RFP) method may also be used to purchase other items more typically bid when the Purchasing Director determines that it is in the best interest of the county and obtains the consent of the Commissioners Court.

## **PROCEDURES**

In Comal County, competitive solicited procurement which calls for approval by Commissioners Court due to an expenditure in excess of \$50,000 is required to comply with the requirements of Subchapter C of the Purchasing Act and, with few exceptions, are accomplished by the following process. Throughout this chapter, "bids" are vendor responses in the ITB process and "proposals" are vendor responses in the RFP process. Unless specifically noted, the procedures apply to both the ITB and RFP.

**ITB:** When the need for a budgeted good/service costing more than \$50,000 (\$25,000 for Road Department supplies, material, and equipment) is identified, the user office/department should immediately contact the Purchasing Office for assistance in developing the specifications. The specification should be comprehensive and broadly defined to allow for maximum competition.

**RFP:** When the need for a budgeted good/service (greater than \$50,000) is identified, the user office/department should immediately contact the Purchasing Office for assistance in defining the requirements to be used for the solicitation. The user office/department is responsible for submitting a Statement of Work (SOW) or Technical Requirements, which functionally define its needs and requirements. Purchasing Office staff will ensure that the SOW or Technical Requirement is quantified and structured to:

- Secure the best economic advantage utilizing best value;
- State the needs clearly;
- Be contractually sound;
- Treat all vendors fairly and equally without favoritism;
- Encourage innovative solutions to the requirement described; and
- Permit free and open competition to the maximum extent reasonably possible.

A written memo submitted to the Purchasing Director and signed by the Official or Executive Manager or designee or a direct e-mail from the Official or Executive Manager or designee may serve as the initial contact in which a competitive ITB or RFP must be used. The memorandum must include the budget line items from which the purchase is funded or an explanation about how funding is obtained before the Purchasing Office proceeds with the preparation of the competitive solicitation.

Requirements or specifications should be attached to the memorandum and forwarded electronically to the Purchasing Office. If requirements or specifications are not attached, Purchasing and the user office/department will develop them jointly.

The user office/department follows up the memorandum request with entry of a purchase requisition in the New World Logos system. The Purchasing Office does not proceed with a formal solicitation unless:

- The appropriate budget line item includes sufficient unencumbered funds for the purchase; or
- The Auditor's Office verifies that funds are available through other budgetary or funding action.

Once the Purchasing Office has finalized the specification or requirements with the user office/department, the Purchasing Office prepares the solicitation for issuance and publishes a notice of the proposed purchase that complies with the requirements in Texas Local Government Code, § 262.025.

### **SPECIAL CONSIDERATIONS**

**ITB:**

- If unit pricing is required, County must specify approximate quantities estimated on the best available information.

**RFP:**

- The Purchasing Office publishes a notice of the proposed purchase unless Commissioners Court approval of the RFP is required.

- If the RFP is for high technology goods and services, the Director of Information Technology must review and approve specifications before a solicitation is advertised.
- For all other purchases, the Commissioners Court delegates its authority to approve the description of the requirements to the Purchasing Director.

### **ADDENDUM OF SOLICITATION**

The Commissioners Court has authorized the Purchasing Director to extend the solicitation opening date on the notice of a solicitation if an error is discovered, or if the nature of the goods/services requires an extension. The Purchasing Director may amend a solicitation:

- If inquiries about the meaning indicate the need for an addendum to clarify its original intent or to correct clerical errors;
- If the changes are so insignificant that they are not likely to concern a vendor in determining ability to respond; and
- If the addendum does not change the general scope.

There should be at least five days between the date of the addendum and the opening date in the notice. If there are less than five days, the opening date may be extended.

### **PRE-BID, PRE-PROPOSAL MEETINGS**

Texas Local Government Code, § 262.0256 allows the Commissioners Court to require potential vendors to attend a mandatory pre-bid (pre-proposal) conference to discuss contract requirements and answer vendor questions. The Purchasing Director works with the user office/department to determine if a pre-bid (pre-proposal) conference is necessary and whether attendance is mandatory or optional. The Purchasing Office manages any pre-bid (pre-proposal) conference and requests that the user office/department makes staff available to answer questions at the conference.

### **RECEIPT OF COMPETITIVE SOLICITATIONS**

To ensure the identification, security, and confidentiality of responses to solicitations, both electronic and paper, the following procedures shall apply:

- The Purchasing Director receives all responses as specified by the solicitation document.
- **Solicitations are not accepted after the due date and time included in the solicitation documents.** All responses offered after the opening time are returned unopened to the vendor with a letter from the Purchasing Director notifying the vendor that the submitted response arrived after the due date and time.
- The Purchasing Office records the name of the vendor's representative submitting the solicitation, and the time and date the response was received.
- After a response is received, the Purchasing Office provides a secure place to hold it until the opening date. The responses are only accepted if sealed. Responses remain sealed until the Purchasing Office opens them in a public forum at the advertised date and time.

- On occasion, responses that are received in the mail or by other independent carrier may be inadvertently opened. If this situation occurs, another employee of the Purchasing Office is immediately called to act as a witness that the details of the response (especially the price for a bid) were not reviewed and the response is resealed by that employee of the Purchasing Office, and the incident is documented.
- Bids received without the proper identification may be disqualified.

The above process shall be undertaken in a manner that precludes any perception of favoritism, and avoids revealing prices or response information. Publicly receiving sealed responses and recording the submission of requested responses helps avoid any perception that the Purchasing Office is manipulating the receipt of solicitations.

### **PUBLIC OPENING OF SOLICITATIONS**

**ITB:** The Purchasing Director or authorized designee publicly opens, reads aloud, and documents the bids at the date, time, and place specified in the notice. Preliminary tabulations are provided on the County's web site at [http://www.co.comal.tx.us/PUR\\_BIDS.htm](http://www.co.comal.tx.us/PUR_BIDS.htm).

**RFP:** The Purchasing Director or authorized designee publicly opens and documents sealed proposals at the date, time, and place specified in the notice. Only the names of vendors submitting proposals are announced.

Proposals are opened to avoid disclosure of contents to competing proposers and are kept secret during the process of negotiation. All proposals that have been submitted are available and open for public inspection after the contract is awarded, except for trade secrets and confidential proprietary information contained in them. Disclosure of all information obtained from a vendor is subject to the provisions of the Texas Public Information Act.

### **CONFIDENTIALITY MEMORANDUM**

**RFP:** The Purchasing Office uses a confidentiality memorandum to ensure compliance with the ethics policy related to keeping proprietary information confidential. Before the evaluation of confidential proposals, the Purchasing Office sends a memorandum to evaluation committee members for signature and certification. The memorandum contains requirements to keep information confidential **until Commissioners Court approves an award**. The evaluation committee members are expected to adhere to this memorandum during the competitive process. These requirements also include disclosure of any potential conflict of interest, and any attempted communication by the proposer directly with the evaluation committee members during evaluation.

### **EVALUATION**

**ITB:** The Purchasing Office evaluates all bids and recommends the lowest responsible bid to the Commissioners Court for award. The Purchasing Office evaluates bids based on:

- The relative price, including the cost of repair and maintenance if heavy equipment is the subject of the bid or the cost of delivery and hauling if road construction is involved;
- The compliance of goods and services with specifications; and
- The vendor's past performance, the responsibility of the vendor, including the vendor's financial and practical ability to perform the contract, and the vendor's safety record if the ITB states that it is to be

considered.

The Purchasing Office will communicate its recommendation with the Elected Official, Department Head, or Executive Manager before a recommendation is made to Commissioners Court. The Purchasing Director or Assistant Purchasing Director will present a recommendation to Commissioners Court.

Commissioners Court either approves the recommendation or rejects all bids and authorizes the Purchasing Director to re-bid the goods/services.

**RFP:** The Purchasing Office supervises the evaluation process performed by the user office/department or committee to ensure that the evaluation is conducted fairly and consistently and that the integrity of the process is maintained. Depending on the procurement, there may be additional technical evaluation assistance provided by the Auditor's Office, and/or IT Department.

The RFP must specify the relative importance of price and other evaluation factors including the relative weight of each factor. Evaluators use these specified factors in evaluating the proposals. Purchasing staff leads the evaluation team and is responsible for:

- Tabulating scores;
- Calculating values; and
- Either:
  1. Coordinating follow-up meetings for Best and Final Offer (BAFO) negotiations and recommending an award; or
  2. Discontinuing the process.

After the evaluation is completed, Purchasing forwards an evaluation summary to the Official or Executive Manager for concurrence with the selection and requests that the Official or Executive Manager submit a memorandum to the Purchasing Director signifying their concurrence. Purchasing makes the recommendation to Commissioners Court.

**Note:** For high visibility or high dollar value procurements, the Purchasing Director may take the recommendations to Commissioners Court and request its approval to negotiate with top ranked firm(s) before requesting BAFO's.

### **NEGOTIATIONS (RFP)**

The Purchasing Director supervises all negotiations. Any conversations with proposers must be coordinated with the Purchasing Director or Assistant Purchasing Director. **A member of the Purchasing Office shall be present for all discussions with proposers.** Offices/departments making contact with proposers without coordinating with the Purchasing Director risk jeopardizing the integrity of the County procurement process and possibility of proposer's offer being disqualified.

All proposers must be given fair and equitable treatment with respect to any opportunity for discussion and revision of proposals and submittal of a BAFO.

After the negotiations are complete, the Purchasing Office may request qualified proposers to submit a BAFO to a specified location by a specified date. Based on the negotiations, the BAFO must allow the proponent to:

- Modify the initial offer;
- Update pricing based on any changes the user office/department or County has made; and
- Include any added inducements to improve the overall score in accordance with the evaluation plan of the RFP.

### **CONTRACT AWARD**

**ITB:** The Purchasing Director recommends contract award to Commissioners Court. The Commissioners Court either:

- Awards the contract to the responsible bidder who submits the lowest and best bid; or
- Rejects all bids and publishes a new notice if the goods/services are still needed.

If two responsible bidders submit the lowest and best bid, the Commissioners Court decides between the two by drawing lots in a manner prescribed by the County Judge in accordance with State law.

A contract may not be awarded to a bidder who is not the lowest priced bidder meeting specifications unless, before the award, each lower bidder is given notice of the proposed award and is given an opportunity to appear before the Commissioners Court and present evidence about its responsibility.

After Commissioners Court approves the contract, the Purchasing Director issues a Notice of Contract Award and Purchase Order and Notice to Proceed, if applicable. This documentation, including solicitation documents and the original contract form the complete contract. A complete original contract is maintained in the Purchasing Office. The other originals are furnished to the Vendor and the County Clerk. Copies of these are furnished to the user office/department, the Auditor's Office, and the Criminal District Attorney's Office upon request.

**RFP:** The BAFO is the basis of a recommendation of contract award. The award of the contract is made by Commissioners Court to the responsible proposer, whose proposal is determined to be the best evaluated offer resulting from negotiation, taking into consideration the relative importance of price and other evaluation factors in RFP.

### **REVERSE AUCTIONS**

In purchasing goods/services, the Purchasing Director may use reverse auction procedures under Texas Government Code, Chapter 2155. Reverse auction means:

- A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods/services; or
- A real-time bidding process usually lasting less than two weeks and taking place during a previously

scheduled period and at a previously scheduled Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods/services.

### **ON-GOING MAINTENANCE**

An often-overlooked cost of equipment or software is ongoing maintenance. All on-going maintenance issues should be considered, evaluated, and priced in the initial procurement process.

### **SUPPLEMENTAL AGREEMENTS**

The Purchasing Office, via an automated contract system, monitors the expiration dates of all procurement related contracts. The Purchasing Office notifies user offices/departments by memorandum before contract expiration and verifies whether a continued need for the goods/services exists and whether the contract needs to be re-bid or extended, if extensions are available.

If the contract is scheduled to be renewed, the Purchasing Office will submit it to be added to the Commissioners Court agenda for consideration.

If the contract is not considered optimal for renewal or contract extensions have expired, the Purchasing Office will send the existing specifications or requirements to the user office/department and request any changes before the solicitation is reissued. The user office/department returns the specifications or requirements with any additions, deletions, or corrections.

All agreements, including renewal agreements, must be reviewed by the Criminal District Attorney's Office prior to posting on the Commissioners Court agenda for approval.

## **CHAPTER 8: COOPERATIVE PURCHASING AGREEMENTS**

### **INTRODUCTION**

The Inter-local Cooperation Act, Chapter 791 of the Texas Government Code, authorizes local governments to contract directly with other governments to increase their efficiency and effectiveness. Texas Government Code, § 791.025(c) states that a local government that purchases goods and any services reasonably required for the installation, operation, or maintenance of those goods under the Inter-local Cooperation Act satisfies the requirement of the local government to seek competitive bids for the purchase of goods and their services. The County has a variety of inter-local agreements.

The County participates in the purchasing programs of various local, state, and national cooperatives such as Houston Area Council of Governments (H-GAC), Texas Association of School Boards (Buy Board), The Cooperative Purchasing Network (TCPN), U.S. Communities, National Joint Powers Association (NJPA), National Purchasing Partners (NPP), Tarrant County Purchasing Cooperative, and Federal Supply Schedules. Before using any cooperative contract, the Purchasing Director researches and recommends cooperatives to the Commissioners Court. The Commissioners Court approves an inter-local agreement acknowledging the terms and conditions for using each cooperative, including any fee schedules, and authorizes the Purchasing Director to make purchases under the terms of the inter-local agreement.

### **OFFICIAL REPRESENTATIVE**

The Purchasing Director acts for Comal County at the direction of Commissioners Court in all matters relating to all cooperative purchasing programs, including the purchase of goods and services from a vendor under any contract.

### **PROCEDURE**

The Purchasing Director must approve all inter-local agreements involving the purchase of goods, repair, or maintenance agreements before the agreement is submitted to Commissioners Court for approval.

To initiate a cooperative purchase, the user office/department may research goods and services on the approved cooperative's website, or request assistance from the Purchasing Office, to determine if the needed goods/services are available from the cooperative. The Purchasing Office determines whether or not the requested goods/services are available from a specific cooperative. If available, the Purchasing Office compares prices among cooperatives to obtain the best value. The Purchasing Office works with the user office/department to determine best value and issues a purchase order with the selected vendor using the purchasing method that provides the best value.

The Purchasing Office either submits a purchase order to the applicable cooperative or electronically sends the purchase orders directly to vendors using the processes defined by the specific cooperative. The Purchasing Director monitors vendor compliance with all the conditions of delivery and the quality of the purchased goods and services. The Purchasing Director may sign and deliver all necessary documents for purchases under cooperative purchasing programs made on behalf of the County.

The Purchasing Director may execute all contracts for purchases through cooperative agencies that are procured in compliance with this chapter, including purchases in excess of \$50,000, provided funding for the purchase has been approved by the Commissioners Court and the inter-local agreement was approved by the Commissioners Court.

### **INTERLOCAL AGREEMENTS**

All interlocal agreements that involve the purchase of goods, services, repair(s), or maintenance agreements must be approved in writing by the Purchasing Director and reviewed by the Criminal District Attorney's Office. The Purchasing Office will submit interlocal agreements to be added to the Commissioners Court agenda for consideration.

### **FEDERAL SUPPLY SCHEDULES**

Texas Local Government Code § 271.103 states that a local government that purchases goods/services available under Federal supply schedules of the United States General Services Administration to the extent permitted by federal law satisfies the requirement of the local government to seek competitive bids for the purchase of those goods and services.

Under the Cooperative Purchasing Program, state and local government entities may purchase a variety of Information Technology (IT) products, software, and services from contracts awarded under [GSA Federal Supply Schedule 70](#), Information Technology, as well as from contracts under the [Consolidated \(formerly Corporate Contracts\) Schedule](#) containing IT special item numbers.

State and local government entities may also purchase alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services from contracts awarded under [GSA Federal Supply Schedule 84](#), Total Solutions for Law Enforcement, Security, Facility Management Systems, Fire, Rescue, Special Purpose Clothing, Marine Craft, and Emergency/Disaster Response.

### **FEDERAL SURPLUS PROPERTY PROGRAM/TEXAS FACILITIES COMMISSION**

The Texas Federal Surplus Program (FSP) makes federal surplus property available such as office & home furnishings, generators, dump trucks, construction equipment, vehicles, testing equipment, mobile homes, and other property to participants of the program for fees well below the retail market value. Property obtained from this or any surplus program should be coordinated with the Purchasing Office.

## CHAPTER 9: STATE CONTRACT PURCHASES

### INTRODUCTION

Five types of purchasing programs allow local governments to purchase goods and services using contracts previously competed by the State of Texas or other governmental entities. The Texas Comptroller of Public Accounts Procurement and Support Services (TPASS) manage two of them. The Department of Information Resources (DIR) manages the other three programs and allows local governments to purchase computer technology through DIR from its contracted vendors.

- State Term Contracts (TPASS) – The state has entered into term contracts after using competitive bidding procedures. The County may purchase from vendors on the same terms and conditions as the state.
- Texas Multiple Award Schedule (TXMAS) – The County may purchase goods and services from a schedule of multiple award contracts developed by the TPASS. The schedule is adapted from General Services Administration (GSA) Federal Supply Service contracts. TXMAS contracts take advantage of the most favored customer (MFC) pricing, and under certain circumstances; the County may negotiate a lower price for the goods or services offered on a scheduled contract.
- DIR – The County may purchase computer-related equipment and software through DIR from its contracted vendors.

### STATE CONTRACT PURCHASES

#### ***Authority***

Texas Local Government Code §271.081 through §271.083, Texas Government Code § 2155.502, Texas Interlocal Cooperation Act, Chapter 791

#### ***Policy***

Comal County participates in the purchasing program(s) of the State Purchasing and Texas Facilities Commission and Department of Information Resources for local governments .

#### ***Official Representative***

The Purchasing Director is designated to act for Comal County at the direction of the Commissioners Court in all matters relating to the purchasing program, including the purchase of goods and services from the Vendor under any contract. Comal County is responsible for making payments directly to the Vendor, or in the method prescribed by the contract.

#### ***Procedure***

The Purchasing Director is responsible for submitting purchase orders to the Texas Comptroller of Public Accounts under any contract or by sending purchase orders directly to Vendors and reports to the commission on actual purchases in compliance with the commission's regulations. The Purchasing Office is responsible for Vendor's compliance with all the conditions of delivery and quality of the purchased goods and services. The Purchasing Director is authorized to sign and deliver all necessary documents for purchases under this program made on behalf of Comal County.

Many of the aforementioned contracts require order entry on the State of Texas SmartBuy system. The buyers in the Purchasing Office are the only authorized representatives for Comal County to use this statewide system.

***Best Value***

The best value is defined as the lowest overall cost of information systems based on the following factors:

- Purchase price;
- Compatibility to facilitate exchange of existing data;
- Capacity for expansion and upgrading to more advanced levels of technology;
- Quantitative reliability factors;
- The level of training required to bring end-users to a stated level of proficiency;
- The technical support requirement for maintenance of data across a network platform and management of the network's hardware and software; and
- Compliance with the applicable statewide standards adopted by the Department of Information Resources (DIR) or the County as validated by criteria established by Commissioners Court.

***Best Interest***

The County must consider the following factors to determine which products or services are in the County's best interests:

- Installation costs and hardware costs;
- The overall life cycle of the system of equipment;
- Estimated cost of employee training and estimated increase in employee productivity;
- Estimated software and maintenance costs; and
- Compliance with applicable statewide standards adopted by DIR or the County as validated by criteria established by Commissioners Court.

## **CHAPTER 10: PROPOSALS FOR INSURANCE, HIGH TECHNOLOGY GOODS AND SERVICES, AND SPECIAL SERVICES EXCEEDING \$50,000**

### **DEFINITIONS**

Competitive proposals may be solicited through a Request for Proposal (RFP).

Formal, sealed Requests for Proposals (RFPs) will be used to procure insurance, high technology goods and services and special services exceeding \$50,000 (but not limited to those exceeding \$50,000). The RFP will solicit proposals from Vendors in response to the County's requirements and contractual terms and conditions. A formal contract must be approved by the Commissioners Court.

"High technology" goods/services are defined as goods/services of a highly technical nature, including:

- Data processing equipment and software and firmware used in conjunction with data processing equipment;
- Telecommunications, radio, and microwave systems;
- Electronic distributed control systems, including building energy management systems; and
- Technical services related to those goods and services.

### **PROCEDURES**

Competitive proposals for insurance, high technology goods and services and special services will be accomplished as follows:

#### ***Purchase Requisition***

A requisition is submitted to the Purchasing Office. The requisition must include the budget line items from which the purchase will be funded or an acceptable explanation about how funding will be obtained before a competitive proposal can be prepared. Requirements may be attached to the requisition or Purchasing and the user office/department may jointly develop the requirements.

#### ***Notice***

After the development of requirements and preparation of the RFP, the Purchasing Office will publish a notice of the proposed purchase as required by Local Government Code, §262.025, unless Commissioners Court approval of the RFP is required. If the RFP is for high technology goods and services, the Information Technology (IT) Department must review it before it is advertised.

### **RECEIPT OF COMPETITIVE PROPOSALS**

The following procedures will apply when receiving proposals:

- All proposals will be received by the Purchasing Office on the date and time specified.
- All proposals will be stamped with the time and date received. The date stamp clock in the Purchasing Office will serve as the official time clock for the purpose of identifying the date and time bids were received in the Purchasing Office.

- RFPs will not be accepted after the opening time on the day of proposal opening. All RFPs received after the opening time will be returned unopened.
- After proposals are received, the Purchasing Office will securely store the proposals until the proposal opening date. The proposals are to be received sealed and shall remain sealed until opened on the advertised date and time by the Purchasing Office.

The above process should be undertaken in a manner that will preclude any notion of favoritism, or revealing proposal information. Having sealed proposals publicly received and recorded should help avoid any perception that the Purchasing Office is manipulating the receiving of proposals.

### **OPENING OF PROPOSALS**

Sealed proposals will be opened by the Purchasing Office and will be documented.

Proposals will be opened so as to avoid disclosure of contents to competing proponents and will be kept confidential during the process of negotiation. All proposals that have been submitted will be available and open for public inspection after the contract is awarded, except for trade secrets and confidential proprietary information contained in the proposals and identified as such if the solicitation provides for this information to be kept confidential.

### **EVALUATION OF PROPOSALS**

The Purchasing Office will evaluate all proposals, with assistance from the user office/department, and Information Technology Department, if applicable, or by committee. Purchasing will make the recommendation to Commissioners Court.

The RFP must specify the relative importance of price and other evaluation factors.

### **NEGOTIATIONS**

All negotiations will be supervised by the Purchasing Director. Any conversations with proponents must be in coordination with the Purchasing Director. Offices/departments contacting proponents without coordinating with the Purchasing Director risk jeopardizing the integrity of the County procurement process and possibility of proposer's offer being disqualified.

All proponents must be accorded fair and equitable treatment with respect to any opportunity for discussion and revision of proposals and submittal of a BAFO offer.

### **CONTRACT AWARD**

The award of the contract shall be made by Commissioners Court to the responsible proponent whose proposal is determined to be the best evaluated offer resulting from negotiation, taking into consideration the relative importance of price and other evaluation factors set forth in the RFP.

### **CONTRACT ADMINISTRATION**

The user office/department will be responsible for monitoring and documenting contractor performance/compliance. All documentation of non-compliance must be shared with Purchasing. If, after clarification, the Vendor complies with expected performance standards, no further documentation will be required by Purchasing. If poor performance or non-compliance with the contract is evidenced, Purchasing will be responsible for initiating corrective action with the Vendor.

The Purchasing Director will take all steps related to obtain compliance with the contract and will consult with the user office/department and the Criminal District Attorney's Office before taking any steps toward suspension or termination of the contract.

**SELECTION AND RETENTION OF INSURANCE BROKER**

The County may use the RFP process, as defined in Texas Local Government Code §262.036 to select an appropriately licensed insurance agent as the sole broker of record to obtain proposals and coverage's for insurance that provides necessary coverage and adequate limits of coverage in all areas of risk, including public official liability, property, casualty, workers' compensation, and specific and aggregate stop-loss coverage for self-funded health care.

## CHAPTER 11: PROCUREMENT OF PROFESSIONAL SERVICES

### INTRODUCTION

The two principal laws with which the Purchasing Office must comply are the **Professional Services Procurement Act** and the **Purchasing Act**.

There are two kinds of professional services:

- Those professional services specifically defined under the Professional Services Procurement Act; and
- Those “other” professional services that are not specifically defined under either the Professional Services Procurement Act or the County Purchasing Act and which must be obtained in compliance with the County Purchasing Act. The Purchasing Director must rely on court cases and Attorney General Opinions to determine what services are included in these “other” professional services.

### PURPOSE

The Purchasing Office may contract for professional services only if funds are budgeted for that purpose as confirmed by the Auditor’s Office or the solicitation is approved by the Commissioners Court.

### PROFESSIONAL SERVICES PROCUREMENT ACT

#### *Definition*

Professional services are defined in the Professional Services Procurement Act as:

- Those within the scope of the practice of accounting, architecture, landscape architecture, optometry, medicine, land surveying, real estate appraising, professional nursing, or professional engineering as defined by the laws of the State of Texas; and/or
- Those performed by any licensed architect, landscape architect, land surveyor, optometrist, physician, surgeon, certified public accountant, land surveyor, or professional engineer in connection with his professional employment or practice.

The Act states that contracts for the procurement of these professional services **may not** be awarded on the basis of bids. Instead, services must be awarded on the basis of demonstrated competence and qualifications.

#### *Procedures*

Departments shall forward a requisition or a memorandum to the Purchasing Director when professional services are required. The requisition or memorandum should identify the following:

- Scope of work;
- Qualifications/experience requirements;
- Project description;
- Time frames;

- Budgeted amount and budget line items; and
- Suggested professionals to receive the solicitation.

Based on the information provided in the requisition or memorandum, applicable state laws and all relevant facts, the Purchasing Director will make a determination as to whether a formal Request for Qualifications (RFQ) or an informal procurement process will be implemented.

Unless specifically exempted by the Commissioners Court, all professional services anticipated to cost over \$50,000 will be procured using the formal RFQ process. The Purchasing Director will submit all exemption orders to Commissioners Court. Unless there is an urgent need for the services, the exemption order will be submitted to the Commissioners Court for approval before selecting and negotiating for any professional service.

## **PURCHASING ACT**

### ***“Other” Services Defined***

As defined in this manual, “other” personal or professional services are those services usually referred to as a professional service, but not specifically defined or covered in the Professional Services Procurement Act. Examples may include computer programmers, lawyers, facilitators, etc. Various court opinions have defined these “other” professional services as services requiring technical skill and expertise; labor and skill which are predominantly intellectual, rather than physical or manual; or, a special skill and experience. “Other” personal services have been defined as services that must be performed by a particular person and, by the terms of the contract, no substitutions are allowed.

## **CHAPTER 12: PROCUREMENT OF CONSTRUCTION**

### **PURCHASING STATUTES**

Texas Local Government Code §262.011 states, “The County Purchasing Director shall supervise all purchases made on competitive bid...”

Texas Local Government Code §271.024 states “...to award a contract for the construction, repair, or renovation of a structure, road, highway, or other improvement or addition to real property on the basis of competitive bids, and if the contract requires the expenditure of more than \$50,000...bidding on the contract must be accomplished in the manner provided by this subchapter.”

Texas Government Code §2269.002 states “This chapter applies to a public work contract made by a governmental entity authorized by state law to make a public work contract, including:

- (1) a state agency as defined by Section 2151.002, including the Texas Facilities Commission;
- (2) a local government, including:
  - (A) a county

### **AUTHORIZED METHODS TO PROCURE CONSTRUCTION**

COMPETITIVE BIDDING

COMPETITIVE SEALED PROPOSAL

CONSTRUCTION MANAGER-AGENT

DESIGN BUILD

### **SUPERVISION**

Construction procurement will be consistent with other procurement procedures as defined in this manual and in accordance with pertinent statutes. The Purchasing Director will supervise all construction procurements in conjunction with Commissioners Court and the Comal County Engineer’s Office.

### **PURCHASE REQUISITION**

A requisition submitted to Purchasing, electronically signed by the elected official or department head, will serve as the initial notification that a competitive bid is needed. A draft copy of the plans and specifications should be submitted with the requisition. The specifications will be reviewed and approved by the Purchasing Director for compliance with the Purchasing Act prior to submittal to Commissioners Court for approval.

### **SOLICITATION NOTICE**

The Purchasing Office will publish the advertisement for bid, which must include the following:

- Description of work;
- Location at which the bidding documents, plans, specifications, or other data may be obtained and the amount of the deposit required;

- The time and place for submitting bids and time and place of bid opening; and
- The method of payment.

If the contract is to be bid on a unit price basis, the notice must also include the approximate quantities of the goods and services needed that are to be bid on and the quantities must be based on the best available information.

## **BONDING REQUIREMENTS**

### ***Bid Bonds***

Bid bonds will be required for construction contracts that exceed \$100,000. Bid bonds will not be required from any bidder whose rates are subject to regulation by a state agency.

If the Purchasing Director determines that a bid bond is required for a particular contract, the notice to bidders or request for proposals will state that a bid bond in the amount of 5% of the contract price is required. A surety company authorized to do business in Texas must execute the bid bond.

### ***Performance Bonds***

For all contracts in excess of \$100,000 for the construction, repair, or alteration of a public work, or the completion of any public work, the contractor, before commencing work, must execute a performance bond that is:

- Payable to Comal County;
- In the full amount of the contract;
- Conditioned on faithful performance of the work in accordance with the plans, specifications, and contract documents;
- Solely for the protection of the County;
- Executed by a corporate surety or sureties in accordance with the Insurance Code; and
- In a form approved by Commissioners Court.

### ***Payment Bonds***

For contracts in excess of \$25,000 for the construction, repair, or alteration of a public work, or the completion of any public work, the contractor, before commencing work, must execute a payment bond that is:

- Solely for the protection of all claimants supplying labor and material in the performance of work provided in the contract;
- Payable to Comal County for the use of these claimants;
- In the full amount of the contract;
- Executed by a corporate surety or sureties in accordance with the Insurance Code; and
- In a form approved by the Commissioners Court.

## **RECEIPT OF COMPETITIVE BIDS**

The following procedures will be adhered to when receiving bids:

- The County Purchasing Office will receive all bids.
- All bids will be stamped with the time and date received. The date stamp clock in the Purchasing Office will serve as the official time clock for the purpose of identifying the date and time bids were received in the Purchasing Office.
- **No bids** will be accepted after the opening time on the day of the bid opening. All bids received after the opening time will be returned unopened to the bidder along with notification that the bid was received after the due date and time.
- After bids are received, a secure place will be provided by the Purchasing Office for the holding of the bids until the bid opening date. The bids are to be received sealed and shall remain sealed until opened on the advertised date and time by the Purchasing Office in a public forum.

The above process shall be undertaken in a manner that will preclude any notion of favoritism, revealing bid prices, or improper release of information.

### **PUBLIC OPENING OF BIDS**

Sealed bids will be opened publicly on the date, time, and place specified in the notice by the Purchasing Office and will be documented. Preliminary tabulations are provided on the County's web site at [http://www.co.comal.tx.us/PUR\\_BIDS.htm](http://www.co.comal.tx.us/PUR_BIDS.htm).

### **EVALUATION OF BIDS**

The Purchasing Office will evaluate all bids, with assistance from the user office/department, and a joint recommendation will be made to Commissioners Court. Purchasing will be responsible for placing the item on the Commissioners Court agenda.

Evaluation of bids may include, but are not limited to the following factors:

- The relative prices of the bids, including the cost of repair and maintenance of heavy equipment if that is the subject of the bid, and the cost of delivery and hauling if road construction equipment;
- Compliance with specifications of goods and services offered;
- The responsibility of the Vendor, including the Vendor's safety record if Commissioners Court has adopted a definition of safety that is included in the bid; and
- The past performance of the Vendor.

### **CONTRACT AWARD**

The Purchasing Director will recommend contract award to Commissioners Court in session. The Court shall:

- Award the contract to the responsive and responsible bidder who submits the lowest and best bid in accordance with the delivery method selected; or
- Reject all bids and publish a new notice.

After an award is made, a contract will be processed, and copies of the contract will be sent to the contractor, Commissioners Court, and the County Clerk.

**CONTRACT ADMINISTRATION**

The County Engineer's Office will be responsible for monitoring and documenting contractor performance/compliance and provide the Purchasing Office with copies of this documentation, thereby keeping the Purchasing Office apprised of all performance and compliance issues. Discussions solely meant to explain or interpret the specifications may be dealt with orally by the user office/department. If poor performance or non-compliance with the contract is evidenced, the user office/department will be responsible for contacting the Purchasing Office to initiate written corrective action with the contractor. The Purchasing Office will be responsible for issuing any written correspondence directing correction of a discrepancy.

Employees must not provide any instruction or requests for changes directly to the contractor. Only the County Engineer, named project manager, or the Purchasing Director is authorized to give any directions directly to the contractor.

The Purchasing Director will take all steps related to correcting non-compliance with the contract, but will consult with the Criminal District Attorney's Office before taking any steps toward suspension or termination of the contract unless emergency, life safety or property damage issues require immediate temporary work stoppage. Before any letters, notices or other communication related to termination or suspension are delivered, the contents of these must be reviewed by the Criminal District Attorney's Office as the initial steps toward potential litigation.

**MODIFICATIONS/CHANGE ORDERS**

The Purchasing Director has been granted approval by Commissioners Court to modify contracts for goods and services as long as the modification and/or change order does not exceed \$50,000. All modifications or change orders must be made in writing and signed by the Purchasing Director. Modifications or change orders exceeding \$50,000 must be approved by Commissioners Court.

## **CHAPTER 13: EXEMPTIONS TO THE COMPETITIVE BID PROCESS**

### **PURCHASING ACT**

Many goods and services can be exempt from the competitive bidding process if the Commissioners Court orders the purchase exempt. Texas Local Government Code §262.024 lists in detail all the circumstances when exemptions are available for purchases made from current funds, bond funds, or through warrants. The following is a comprehensive list of these circumstances:

1. Goods and services that must be purchased in a case of public calamity, if it is necessary to make the purchase promptly to relieve the necessity of the citizens, or to preserve the property of the County.
2. Goods and services necessary to preserve or protect the public health or safety of the residents of the County.
3. Goods and services necessary because of unforeseen damage to public property.
4. Personal or professional service.
5. Work performed and paid by the day, as the work progresses.
6. Any land or right of way.
7. Goods and services that can only be obtained from one source, including:
  - a) Goods and services for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies;
  - b) Films, manuscripts, or books;
  - c) Electric power, gas, water, and other utility services; and
  - d) Captive replacement parts.
8. An item of food.
9. Personal property sold at auction by a state-licensed auctioneer, in a going-out-of-business sale held in compliance with the Business and Commerce Codes, or by a political subdivision, state agency, or federal government entity.
10. Any work performed under a contract for community and economic development made by a county under Section 381.004
11. Vehicle and equipment repairs.

## **PURCHASING AT AUCTION**

Section 262.024 of the Texas Local Government Code, Exemption 9, as mentioned in the previous paragraph, addresses the sale of personal property sold at auction by a state-licensed auctioneer.

The opportunity exists for potential savings to be realized by the County if certain used cars, trucks, road/construction equipment are purchased at auction by the Purchasing Director as allowed by law.

### **POLICY**

All purchases at auction will be made by the Purchasing Director.

Before such equipment is procured, determinations are to be made as to the appropriate sale value, whether the equipment has been maintained properly, the probable useful service life remaining, and whether a significant cost savings could result.

### **PROCEDURE**

Before attending an auction, offices/departments must notify the Purchasing Director verbally or in writing prior to the date of the auction. Each planned expenditure for used equipment to be purchased as requested by offices/departments must have previous budget approval.

### **POLICY**

Exemption orders must be processed through the Purchasing Office. In all cases except the acquisition of interests in land for County roads, bridges, parks, and all purchases of real property, the Purchasing Director will request the exemption order from the Commissioners Court.

### **PROCEDURE**

A memorandum must be submitted to the Purchasing Director requesting an exemption to the competitive bid process. The memorandum must state specific details and an explanation of why an exemption from the competitive bid process should be requested and granted. All departments requesting exemptions should include a copy of the contract, if available, the name of the contractor, the goods and services covered by the order, maximum cost, and other relevant particulars.

### **EMERGENCY**

Emergency means circumstances where an immediate response is required to provide for the safety of persons or property.

**Emergency purchases that exceed \$50,000 require a Court Order granted by the Commissioners Court before a purchase order can be issued.**

### **PROFESSIONAL OR PERSONAL SERVICE**

Please refer to Chapter 11 of this manual regarding this type of purchase.

**SOLE SOURCE GOODS AND SERVICES**

Sole source goods and services require a statement from the Purchasing Director as to the existence of only one source, and specifically noting which type of listed sole source good or service is being purchased. The statement will be submitted for acceptance by the Commissioners Court and must be reflected on the agenda of the meeting of the Commissioners Court. Sole source items include:

1. Goods and services for which competition is precluded from bidding because of the existence of patents, copyrights, secret processes, or monopolies;
2. Films, manuscripts, or books;
3. Electric power, gas, water, and other utility sources; and
4. Captive replacement parts.

## **CHAPTER 14: RENEWAL OF EQUIPMENT LEASES AND MAINTENANCE CONTRACTS**

### **STATUTE**

The renewal or extension of an equipment lease or an equipment maintenance contract can be exempt from formal competitive bidding if the Commissioners Court grants the exemption, AND IF:

1. The lease or contract has gone through formal competitive bidding within the preceding year;
2. The renewal or extension does not exceed one (1) year; and
3. The renewal or extension is the first renewal or extension of the lease or contract.

### **POLICY**

The purchase of all equipment leases and maintenance contracts will be handled through the Purchasing Office. All renewal or extension orders will be processed through the Purchasing Office. Any negotiations with bidders will be supervised by the Purchasing Director. The Purchasing Office will maintain the original documents and send the user office/department a copy upon request.

The Purchasing Office will monitor maintenance contracts for expiration dates and will treat their renewal as annual term contracts.

The Purchasing Director is authorized to execute any contracts for equipment leases and maintenance contracts that are procured in compliance with the Purchasing Act and if cost does not exceed \$50,000. The Purchasing Director is also authorized to execute budgeted equipment leases and maintenance contracts in any amount if procured using a cooperative purchasing contract. All other contracts must be approved by the Commissioners Court.

### **PROCEDURES**

The user office/department will enter a requisition in the New World Logos system, identifying the budget line item account. The requisition should identify the purchase as either a lease or maintenance contract.

Invoice copies referenced in the requisition, if retained by the user office/department, should be sent to the Auditor's Office immediately. The requisition should always include the serial number, model number, and physical location of the equipment. The beginning and ending dates of coverage should also be specified.

If a renewal, the original contract should be included with the requisition.

If the request is for a sole source lease or maintenance agreement, the user office/department must include a memorandum with the requisition justifying why it is a sole source purchase.

Information Technology, the Purchasing Office, and the user office/department will work together to determine the appropriateness of a maintenance contract versus in-house repairs. Offices/departments should coordinate their efforts to ensure that the maintenance contract sought is appropriate.

NOTE: An often-overlooked cost of equipment or software is ongoing maintenance. All ongoing maintenance issues should be considered, evaluated, and priced in the initial procurement process.

## CHAPTER 15: RECEIPT OF GOODS

### POLICY

Shipments will be made to the Purchasing Office unless Purchasing deems it more feasible to ship directly to the ordering department. Offices/departments should notify the Purchasing Office if goods are not received by the due date or if damaged goods are delivered. The assigned buyer will work with the office/department to make contact with the vendor. Offices/departments should not contact the vendor directly without first consulting with the Purchasing Office.

### ORDER VERIFICATION

Office/Department employees receiving shipments must pay particular attention to the delivery ticket and verify it matches the Comal County purchase order. The individual receiving the goods must verify that all goods were shipped as stated on the delivery ticket and include HIS OR HER OWN signature (a full signature in ink), his or her printed name, employee ID #, and the applicable **PURCHASE ORDER NUMBER** on all of the appropriate documentation, particularly the County's copy.

### DAMAGED FREIGHT

When a shipment is delivered directly to an office/department, the user office/department must inspect the condition of all cartons. If freight is undamaged, the office/department receiving the shipment should sign the freight bill.

If the freight is visibly damaged, the receiving office/department must instruct the freight line driver to:

1. Note the damage on the freight bill; and then
2. Sign the freight bill; or reject the shipment. Take pictures of damaged cartons/goods and forward to the Purchasing Office. Please note rejecting shipments may add additional costs and time delays to items ordered. No shipment should be rejected without the prior approval of the Purchasing Office. Please call the Purchasing Office if you need further clarification on damaged freight.

If there is concealed damage, save the shipping cartons so the Purchasing Office can notify the freight line and request an "inspection and report of concealed damage." Any receiving report processed should always detail all damaged merchandise. Not saving shipping cartons may result in the rejection of a claim filed, and the County office/department being invoiced for the damaged goods. It is imperative to keep shipping cartons.

All goods not received properly or not in compliance with the contract should be documented and reported to the Purchasing Office immediately, so that the vendor can be notified and instructed to take corrective action.

Damaged freight must be reported to the freight line within fifteen (15) days after delivery. After fifteen (15) days the freight line is no longer liable for the damage.

Damaged goods should not be returned to the freight line or to the vendor, unless specifically requested to do so, and then only if a claim has been filed or authorization has been given by the vendor and approved by the Purchasing Office.

**DOCUMENTATION**

All original receiving documentation should be forwarded to the Purchasing Office via inter-office mail, or hand-delivery on the day the shipment is received. All original packing lists, bills of lading, and any other shipping documents must be forwarded to the Purchasing Office. Offices/Departments should not hold packing documentation until invoice is received. It is the policy of Comal County to have all vendor invoices sent directly to Accounts Payable in the Auditor's Office. Accounts Payable will electronically confirm packing lists match with invoices prior to making payment.

Effective September 30, 2016, the Auditor's Office will no longer e-mail invoices to departments for approval if they were originally approved through the New World Logos requisition process, or invoices for contracts that have been approved by Commissioners Court. Appropriate approval has already been provided via the requisition system or Commissioners Court. Contracts approved by Commissioners Court requiring a monthly payment should be submitted via the requisition process to the Purchasing Office in order to establish a Purchase Order. Invoices for services will still be sent to offices/departments to confirm services have been performed prior to payment of invoices.

**FORWARD TO PURCHASING ONLY**

1. All approved originals including, shipping documentation, packing slips and invoices are to be hand-delivered/inter-officed to the Purchasing Office the same day as the item was received or services were rendered pursuant to the Purchasing Policy with a signature, printed initials and employee ID number of person receiving item. Please do not e-mail copies of these documents to the Auditor's Office or Purchasing. Purchasing will route originals to the Auditor's Office.
2. All invoices purchased utilizing a Blanket Purchase Order (BPO) must be forwarded to Purchasing with an approval signature, including the valid G/L code (as shown on the BPO) and the appropriate receiving documentation.

Any warranty information should be copied to the Purchasing Office.

**THE USER OFFICE/DEPARTMENT MUST ACKNOWLEDGE RECEIPT AND ACCEPTANCE OF DELIVERED GOODS AND FORWARD ALL DOCUMENTATION TO THE PURCHASING OFFICE IMMEDIATELY.**

## CHAPTER 16: PROCUREMENT CARD PROCEDURES

### PURPOSE

To establish a methodology for use and to define the limits of use of County issued credit cards provided to authorized personnel in order to make travel and training arrangements, and for the purchases of goods under the \$299.99 purchase order limit.

### ATTACHMENTS

EXHIBIT D - Cardholder User Agreement

### PROCEDURE

#### A. INTRODUCTION

A Comal County Procurement (“P”) Card, which is a MasterCard issued by JPMorgan Chase Bank is provided to assist purchasing budgeted travel and educational related items, including airfare, rental car, hotel, seminar fees, and meal expenses incurred during the exercise of your employment position in the course of Comal County business. The card may also be used for other allowable budgeted transactions under the \$299.99 purchase order limit.

Texas Local Government Code § 262 defines a person “who is authorized by the county purchasing agent to use a county purchasing card while making a county purchase is considered an assistant of the county purchasing agent to the extent the person complies with the rules and procedures prescribed for the use of county purchasing cards as adopted by the county purchasing agent under Subsection (o).” Section (o) states that “The county purchasing agent shall adopt the rules and procedures necessary to implement the agent’s duties under this section subject to approval by Commissioners Court.”

The Purchasing Office works in conjunction with the Comal County Treasurer and Auditor to monitor the P-Card process.

#### B. RECEIVING A PROCUREMENT CARD

Only Department Heads/Elected Officials may propose personnel to be issued procurement cards by sending a signed memorandum to the Purchasing Director with copy to the Comal County Treasurer. The Comal County Treasurer’s Office will issue procurement cards upon written approval of the Purchasing Director.

In the event of any emergency, the Treasurer, upon approval from the Purchasing Director, may request an increase or deletions of personnel having the use of these cards. The Purchasing Director, County Treasurer, or the Auditor may retrieve and destroy cards as required to protect the County’s interests.

The proposed cardholder and the requesting Elected Official/Department Head shall be issued a copy of this procedure and will be required to sign a Cardholder User Agreement. This agreement indicates that the cardholder and the Elected Official /Department Head understand the procedures and the responsibilities of a P-Card system cardholder.

The Treasurer shall maintain all records of procurement card requests, dollar limitations, cardholder transfers, and any lost/stolen/destroyed card information.

C. AUTHORIZED CREDIT CARD USE

1. The unique procurement card that the cardholder receives has his/her name embossed on it and shall be used ONLY by the cardholder. NO OTHER PERSON IS AUTHORIZED to use the card. The cardholder may make transactions on behalf of others in their office/department. However, the cardholder is responsible for all use of his/her card.
2. Either the Treasurer or the Auditor will report cards lost, stolen, or used without the permission of the County.
3. All purchases are contemplated to occur within the United States and not in any foreign country. This shall include items under \$299.99 procured from an internet transaction.
4. Use of the procurement card shall be limited to the following conditions:
  - a) The total value of a transaction for goods shall not exceed the County single purchase limit of \$299.99.
  - b) All items purchased shall be available immediately at time of procurement card use, with no backordering allowable.
  - c) Payment for a purchase of goods must not be split into multiple transactions to stay within the single purchase limit!
  - d) Procurement card purchases for meals, travel, or hotel expenses must be within the defined rates established by the Comal County Personnel Handbook.
  - e) Cardholder shall inform the vendor that goods are on a tax-exempt status.
  - f) All shipments shall be shipped to a Comal County address. Shipments addressed to a home address is strictly prohibited and may be grounds for termination of rights as a P-card user.

D. UNAUTHORIZED PROCUREMENT CARD USE

1. The procurement card SHALL NOT BE USED for the following:
  - a) Personal purchases.
  - b) A single purchase for goods/services that exceeds the \$299.99.
  - c) Entertainment expense.
  - d) Cash advances.
  - e) Telephone calls/monthly service.

- f) Elected Officials/Department Heads may enact a more restrictive policy regarding usage of cards in their respective department, provided those policies do not conflict with the policies described here.
2. A cardholder who makes unauthorized purchases, carelessly uses the P-card, or fails to turn in the appropriate documentation may be liable for the total dollar amount of such unauthorized purchases, plus any administrative fee charged by the bank in connection with the misuse. The cardholder may also be subject to loss of P-Card privilege, disciplinary action, and potential termination from his/her job.

E. MAKING A PURCHASE

Procurement procedures permit the purchase of goods/services, if their value is \$299.99 or less and is not prohibited as defined in Chapter 6, to be made from a "Vendor of Choice." This implies that comparing sources or seeking competition between vendors is not required. However, with procurement card purchases, it is also policy to seek competition when possible, utilize existing contracts, and seek the lowest prices within the parameters of quality and delivery. Accordingly, whenever making a procurement card purchase, the cardholder will check sources of supply as reasonable to the situation to assure the best price and delivery.

F. CARDHOLDER RECORD KEEPING

Whenever a P-Card purchase is made over the counter, documentation shall be retained as proof of the purchase. Such documentation will be used to verify the purchases listed on the cardholder's monthly statement of account and must contain specific information of each item purchased.

When the purchase is made over the counter, the cardholder shall retain the invoice and original "customer copy" of the charge receipt. Prior to signing this slip, the cardholder is responsible for making sure that the vendor lists the quantity and fully describes the item(s) on the charge slip.

G. REVIEW OF MONTHLY STATEMENT

At the end of each billing cycle, the cardholder shall access the bank's website to retrieve his/her monthly statement of account that will list the cardholder's transaction(s) for that period.

The cardholder shall check each transaction listed against his/her purchasing log, receipts, and any shipping documents to verify the monthly statement.

The original sales documents (packing slip, invoice, cash register tape, and credit card slips, etc.) for all items listed on the monthly statement MUST be neatly attached to a printout of the monthly statement or expense report available on the issuing bank's website. This data attachment, along with timely review as agreed to in the Cardholder User Agreement, is critical to enable audit substantiation. **IF THIS ROUTINE IS NOT ADHERED TO, THE CREDIT CARD MAY BE REVOKED.** The careful matching of complete support documents to the log and then to the statement is vital to the successful use of this program.

After this review, the cardholder shall sign, and present the monthly statement to his/her approving supervisor for approval and signature. The cardholder shall verify that the reviewed and approved

statement is forwarded to the Auditor, for incorporation with other cardholders' statements to be reconciled with a monthly summary provided by the bank.

The approving supervisor shall check the cardholder's monthly statement and confirm with the cardholder the following items at a minimum:

1. Receipts exist for each purchase.
2. The goods were received or the services were performed.
3. The cardholder has complied with applicable procedures, including this P-Card system procedure.

The approving supervisor's signature/approval of a cardholder's monthly statement indicates that the cardholder was authorized to make those purchases on the departmental budget and those purchases were made in accordance with the applicable procedures.

The cardholder shall review the monthly statements and secure his/her approving supervisor's approval within two (2) working days of receipt. Approved monthly statements and appropriate logs and documents shall be forwarded immediately to the Treasurer's Office.

P-Card Returns — If an item is not satisfactory, received wrong, damaged and/or defective, duplicate order, etc., the cardholder should make contact with the vendor to explain the problem and inquire about return policies.

If the cardholder is disputing a charge, he/she shall provide a complete description of why the charge is being disputed with a copy of dates & times of communications with vendor or credit card company and include it with the statement package to the Treasurer.

1. If an item has been returned and a credit voucher received, the cardholder shall verify that this credit is reflected on the monthly statement.
2. If purchased items or credits are not listed on the monthly statement, the appropriate transaction documentation shall be RETAINED by the cardholder until the next monthly statement. If the purchase or credit does not appear on the statement within 60 days after the date of purchase, the cardholder or approving supervisor shall notify the Treasurer's Office.

If items purchased by the use of the P-card are found to be unacceptable, the cardholder is responsible for obtaining replacement or correction of the item as soon as possible. If the vendor has not replaced or corrected the item by the date the cardholder receives his/her monthly statement, then the purchase of that item will be considered in dispute.

#### H. MONTHLY SUMMARIES

Monthly Account Summaries are available by logging into the issuing bank's website. Login information will be provided to you by the Comal County Treasurer. Cardholders shall reconcile in accordance with the Comal County Cardholder User Agreement.

More than two (2) reminders to a cardholder that an approved monthly statement is delinquent will be grounds for revoking the P-card from that user.

I. CARD SECURITY

It is the cardholder's responsibility to safeguard the P-card and account number to the same degree that a cardholder safeguards his/her personal credit information.

The cardholder must not allow anyone to use his/her account number. A violation of this trust will result in that cardholder having his/her P-card withdrawn and may result in disciplinary action.

The cardholder must not use his/her County P-Card for personal purchases. Personal use will result revocation of the P-Card.

If the card is lost or stolen, the cardholder shall immediately notify the Comal County Treasurer and Purchasing Director.

J. CARDHOLDER SEPARATION

Prior to separation from the County, the cardholder shall surrender the P-card along with any receipts since the previous month's reconciliation to his/her Department Head. Upon receipt, the Department Head will review, approve, and forward all receipts and the P-card to the Treasurer.



## **CHAPTER 17: COMAL COUNTY**

### **HISTORICALLY UNDERUTILIZED BUSINESSES (HUB) POLICY**

#### **I. POLICY STATEMENT**

The Comal County Commissioners Court, being the policy development and budgetary control unit of county government, will strive to ensure that all businesses, regardless of size, economic, social or ethnic status have an equal opportunity to participate in the County's procurement processes. The County is committed to promote full and equal business opportunity for all businesses to supply the goods and services needed to support the mission and operations of county government, and seeks to encourage the use of certified historically underutilized businesses (HUBs) through the use of race, ethnic, and gender neutral means. It is the policy of Comal County to involve certified HUBs to the greatest extent feasible in the County's procurement of goods, equipment, services and construction projects while maintaining competition and quality of work standards. The County affirms the good faith efforts of firms who recognize and practice similar business standards.

#### **II. DEFINITIONS**

Historically Underutilized Businesses (HUBs), also known as a disadvantaged business enterprise (DBE), are generally business enterprises at least 51% of which is owned, and the management and daily business operations are controlled by one or more persons who is/are socially and economically disadvantaged because of his or her identification as a member of certain groups, including women, Black Americans, Mexican Americans and other Americans of Hispanic origin, Asian Americans and American Indians.

Certified HUBs includes business enterprises that meet the definition of a HUB and who meet the certification requirements of certification agencies recognized by Comal County.

Businesses include firms, corporations, sole proprietorships, vendors, supplier's contractors, subcontractors, professionals and other similar references when referring to a business that provides goods/ services regardless of the commodity category.

Statutory bid limit refers to the Texas Local Government Code provisions that require competitive bidding for many items valued at greater than \$50,000.

### III. POLICY GUIDELINES

- A. Comal County, its contractors, their subcontractors and suppliers, as well as all vendors of goods, equipment and services shall not discriminate on the basis of race, color creed, gender, age, religion, national origin, citizenship, mental or physical disability, veteran's status or political affiliation in the award and/or performance of contracts. All entities doing business or anticipating doing business with the County shall support, encourage and implement affirmative steps toward a common goal of establishing equal opportunity for all citizens and businesses of the County.
- B. Comal County will use and recognize the State of Texas Historically Underutilized Business certification process in conjunction with the implementation of this policy. The County may recognize other agencies certifications processes recognized by the State of Texas. Comal County reserves the right to review the certification status of any vendor applying to do business with the County. The review will be accomplished to determine the validity and authenticity of the vendor's certification as a HUB.
- C. The Commissioners Court may establish HUB target goals. Through a systematic approach of soliciting quotes, bids and proposals from certified HUBs and in compliance with applicable state and federal law this policy will strive to meet those goals.
  - 1. Target goals should consider:
    - a. The availability of HUB firms within the specific category of goods/services to be procured; and
    - b. The diversity of the County's population.
  - 2. The goals should be reviewed and amended periodically.
  - 3. The program may apply to all County procurements including construction and professional services.
  - 4. Particular attention will be given to HUB participation on purchases in excess of the statutory bid limit.
  - 5. Commissioners Court will use good faith efforts to meet the goals of this policy.

- D. Comal County will actively seek and encourage HUBs to participate in all facets of the procurement process by:
  - 1. Utilizing the State of Texas Historically Underutilized Business vendor database.
  - 2. Advertising bids on the County's website and in the local newspaper.
  - 3. Providing bid notice to minority Chambers of Commerce within Comal County, if applicable.
- E. As prescribed by law, the purchase of one or more items costing in excess of the statutory bid limit must comply with the competitive bid process. Where possible, those bids will be structured to include and encourage the participation of HUB firms in the procurement process.
- F. A HUB Policy statement shall be included in all specifications. The County will consider the bidder's responsiveness to the HUB Policy in the evaluation of bids and proposals. Failure to demonstrate a good faith effort to comply with the County's HUB policy may result in a bid or proposal being considered non-responsive to specifications.
- G. The Purchasing Office will search the State Comptroller's HUB vendor list in the quotation process for purchases under the statutory bid limit.
- H. Nothing in this policy shall be construed to require the County to award a contract other than to the lowest responsive bidder as required by law. This policy is narrowly tailored in accordance with applicable law.

#### IV. ADMINISTRATIVE GUIDELINES

- A. The Purchasing Office shall serve as the County's HUB Office with responsibility for the implementation, monitoring and general operations of the HUB policy. The Purchasing Director shall serve as the County HUB Officer.
  - 1. The HUB Officer will establish procedures to implement this policy across the full spectrum of the procurement process. The County HUB Office will periodically review with department heads and elected officials regarding procurement opportunities.
  - 2. Managing the policy and training buyers and other County personnel in order to meet County goals will be the responsibility of the HUB Office.
  - 3. The HUB Office will cooperate with other local government entities to increase HUB participation throughout the county and region. The HUB Office is encouraged to participate in educational and other outreach programs to assist HUB firms.

4. Any complaints and/or recommendations regarding the implementation of this policy will be received and reviewed by the HUB Officer. Further, the HUB Office will audit for compliance to the HUB Policy on eligible projects after award, during the performance of the contract and after completion, while also making any recommendations to Commissioners Court regarding any irregularities or misrepresentations of facts as they relate to compliance with the policy. The HUB Office will review documentation submitted by HUB firms in compliance with this policy.

## COMAL COUNTY

### FOR DISADVANTAGED BUSINESS ENTERPRISES ONLY

Disadvantaged Business Enterprises (DBE) are encouraged to participate in Comal County's bid process. The Purchasing Office will provide additional clarification of specifications, assistance with Bid Proposal Forms, and further explanation of bidding procedures to those DBEs who request it.

Representatives from DBE companies should identify themselves as such and submit a copy of the Certification.

The County recognizes the certifications of the Texas Comptroller of Public Accounts Historically Underutilized Business Program. All companies seeking information concerning DBE certification are urged to contact The Texas Comptroller of Public Accounts at 800-531-5441, extension 3-6958 or 512-463-6958.

If your company is already certified, attach a copy of your certification to this form and return with bid.

COMPANY NAME: \_\_\_\_\_

REPRESENTATIVE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

E-MAIL \_\_\_\_\_

Indicate all that apply:

\_\_\_\_\_ Minority-Owned Business Enterprise

\_\_\_\_\_ Women-Owned Business Enterprise

\_\_\_\_\_ Disadvantaged Business Enterprise

## **CHAPTER 18: DISPOSITION OF SALVAGE OR SURPLUS PROPERTY**

From time to time a County office/department may have property that is no longer needed for use, but may have some value. This property is known as salvage or surplus property. To prevent unnecessary purchases, the Purchasing Director may transfer county supplies, materials, and equipment from a subdivision, department, officer, or employee of the County that are not needed or used to another subdivision, department, officer, or employee requiring the supplies or materials or the use of the equipment.

In the event the salvage or surplus property is no longer needed, the County may dispose of property by:

1. Periodically selling salvage or surplus property by competitive bid or auction;
2. Offering the property as a trade-in for new property of the same general type;
3. Donating to a civic or charitable organization located in the county if the donation serves a public purpose, and the organization will provide the County adequate consideration, such as relieving the County of transportation or disposal expenses related to the property.

### **PROCEDURES**

1. An Asset Transfer Form shall be completed and submitted to the Purchasing Office by the office/department responsible for the property. The Purchasing Office will determine if the property should be transferred or auctioned and the asset will be scheduled for disposition.
2. The Purchasing Office will submit assets scheduled for auction to Commissioners Court for approval. The Purchasing Office will schedule legal notices, auction dates and times, and work with the user offices/departments to dispose of property by:
  - Providing Equipment Inspection Forms for the office/department to supply the condition of the property.
  - Assigning unique auction asset ID numbers, taking photos, and posting to the County's online auction site.
  - Scheduling removal of auction items.

## EXHIBIT A: DEFINITIONS OF TERMS

Addendum – A document used to change the terms and/or conditions of a solicitation.

Advertisement or Advertise – A public legal notice put in a newspaper of general circulation containing information about an Invitation for Bid or a Request for Proposal.

Annual Term Contract – A recurring contract for goods/services, usually in effect for a 12-month period.

Auditor – Comal County Auditor and the designated representatives.

Bidder's List – A computerized database of vendors who have signified in writing an interest in submitting bids for particular categories of goods and services.

### BONDS

Bid Bond – A guarantee that promises the bid will not be withdrawn prior to contract award. Normally it is five percent (5%) of the highest amount bid and is in the form of a financial guarantee provided by a surety; however, it can be cashiers or certified check. Bonds of unsuccessful bids are returned after award. Bond of successful bidder is retained until the contract is executed and any necessary payment/performance bonds are submitted and accepted. If the successful bidder refuses to execute the contract or submit proper payment and performance bonds, then the bid bond is “called” for the difference between their bid and that of the next low responsive responsible bidder, up to the penal amount of 5% of the bond.

Payment Bond – A guarantee that promises payment to subcontractors and suppliers on a contract during performance. It must be submitted prior to any work. It is normally one hundred percent (100%) of the contract price and is in the form of a financial guarantee provided by a surety, but can be cashiers or certified check. It is normally maintained until expiration of any required warranty. If the contractor fails to pay subcontractors and suppliers, then the payment bond is “called” for the amount of non-payment.

Performance Bond – A guarantee that promises that the contract will be performed as required. It must be submitted prior to any work. Normally it is one hundred percent (100%) of the contract price and is in the form of a financial guarantee provided by a surety, but can be cashiers or certified check. It is normally maintained until expiration of any required warranty. If the contractor fails to perform and complete the contract as required, then the performance bond is “called” for the amount required to complete the contract. A surety that provides a bond may be permitted to “take over” a failed or defaulted contract.

Change Order – A document used in contracts that changes the contract by increasing or decreasing the cost or time for performance, or changes the goods/services to be delivered.

Commissioners Court – Comal County Commissioners Court.

Competitive Bidding – Letting available vendors compete with each other to provide goods/services in compliance with Texas Local Government Code, Chapter 262 & 271 and the Texas Government Code, Chapters 2151, 2152, 2155, 2156, 2157, 2158, 2251, 2254, and 2267.

Competitive Proposal Process – Letting available vendors compete with each other to provide goods/services in compliance with Texas Local Government Code, Chapter 262 & 271 and the Texas Government Code, Chapters 2151, 2152, 2155, 2156, 2157, 2158, 2251, 2254, and 2267.

Component Purchases – Purchasing a series of component parts of goods that normally would have been purchased as a whole.

Contract – A formal, written agreement executed by the County and a vendor, containing the terms and conditions under which goods/services are to be furnished to the County. A contract, when properly signed by the authorized County representatives, is a commitment of County funds.

County – Comal County, Texas.

County Clerk – Comal County Clerk or the designated representatives.

Criminal District Attorney's Office – Legal Counsel for Comal County.

Department – All County and precinct offices and subdivisions of them, as well as district offices and subdivisions when the purchase is even partially funded by County money.

Designee – Individual Purchasing Office employee given the authority as an additional agent to the Purchasing Director to perform County business.

Disadvantaged Business Enterprise (DBE) – A business in which at least 51% ownership is represented by one or more persons who have been historically underutilized (socially disadvantaged) because of their identification as being African American, Hispanic American, Asian-Pacific American, Native American, or Women.

Emergency Purchase – A purchase that is needed because of an emergency condition as described in Texas Local Government Code § 262.024(a)(1).

Employee – Any County or precinct or elected official, appointed official, or employee and any district elected official, appointed official or employee when the purchase will be partially funded with County money.

Formal Competitive Bidding – The bidding process in compliance with Texas Local Government Code § 262.023, which requires approval by the Commissioners Court.

Goods – Includes any personal property to be purchased by the County, including equipment, supplies, material, and component or repair parts.

Invitation for Bid (ITB) – Specifications and formal bidding documents requesting pricing for a specified good/service that has been advertised for bid in a newspaper.

Lease – A contract for the use of personal property for a period of time for a specified compensation.

Lowest Responsible Bid – The offer from the responsible bidder who submits the lowest and best bid meeting all requirements of the specifications, terms, and conditions of the invitation for bid. It expressly is understood that the lowest responsible bid includes any related costs to the County in a total cost concept. The term “responsible” refers to the financial and practical ability of the bidder to perform the contract, and takes into consideration the past performance of the vendor.

New World Logos – Financial software for requisitions, purchase orders, budget, and invoice processing.

Modification – A document used to change the terms/conditions of a contract.

Official – Any elected or appointed official and any person authorized to act on their behalf.

Offeror - A respondent to an ITB or RFP.

Pre-Bid/Proposal Conference – A conference conducted by the Purchasing Office for the benefit of those wishing to submit a bid or proposal for services/supplies required by the County. This is held in order to allow bidders/proposers to ask questions about the proposed contract and particularly the contract specifications.

Professional Services Procurement Act – Three (3) kinds of professional services are specified and allowable in this act:

1. Professional services specified in the Professional Services Procurement Act which require an individual with specified skills.
2. Professional services not specified in the Professional Services Procurement Act. These services include a wide variety of individuals with specialized skills. The Purchasing Director must rely on the Attorney General opinions and specific court cases.
3. Attorneys that are approved by the Comal County Criminal District Attorney’s Office.

Prompt Payment Act – Texas Government Code Chapter 2251 mandates that all cities and counties must pay for all services, supplies, materials, or equipment no later than the thirtieth (30<sup>th</sup>) calendar day after the day on which the political subdivision received the invoice for completed work or merchandise received.

Proprietary Information – Information in bids or proposals to which the vendor claims ownership or exclusive rights and which is protected from disclosure under the Texas Public Information Act (Texas Local Government Code, Chapter 551).

Purchase Order – An order by the Purchasing Office for the purchase of goods/services written on the Comal County standard Purchase Order form and, when accepted by the vendor without qualifications within the specified time limit, becomes a contract. It is the vendor’s authority to deliver and invoice for goods/services specified, and the County’s commitment to accept the goods/services for an agreed upon price.

Purchase Requisition – A request by a department to the Purchasing Office that authorizes Purchasing to enter into a contract with a vendor to purchase goods/services and charge the expenditure to the appropriate

department budget. This automated form is for internal use and cannot be used by a department to order material directly from a vendor.

Purchasing – The act, function, and responsibility for the acquisition of goods/services, including construction and professional services.

Purchasing Act – Chapter 262, Subchapter C of the Texas Local Government Code that governs the conduct of purchasing activity for counties.

Purchasing Agent – Authorized agent to contract for goods/services on behalf of the County. The Purchasing Director of Comal County is the authorized Purchasing Agent and reports to the Purchasing Board.

Purchasing Board – The judges of the district courts in the county and the county judge are responsible for appointing the Purchasing Director and approving the department’s budget.

Purchasing Office – Comal County Purchasing Office, including the Purchasing Director, buyers, and support staff.

Request for Services or RFS – A document that requests information about qualifications and details of service to be provided, and costs for services that the Commissioners Court orders exempt in compliance with Texas Local Government Code, § 262.024(a)(4).

Request for Proposal or RFP – A document requesting an offer be made by a vendor, which allows for negotiation after a proposal has been received, but before award of the contract for goods/services procured in compliance with Texas Local Government Code, § 262.0295 or 262.030.

Request for Qualifications or RFQ – A document that requests details about the qualifications of professionals whose services must be obtained in compliance with the Professional Services Procurement Act.

Salvage Property – personal property, other than items routinely discarded as waste that because of use, time, accident, or any other cause is so worn, damaged, or obsolete that it has no value for the purpose for which it was originally intended.

Sealed Bids – Competitive bids required to be advertised in a newspaper and submitted to the Purchasing Office in a sealed envelope.

Separate Purchases – Purchases made in a series of separate purchases of goods/services that, in normal purchasing practices, would have been made in one purchase.

Sequential Purchases – Purchases made over a period of time that, in normal purchasing practices, would be made as one purchase.

Services – Includes all work or labor performed for the County on an independent contractor basis, including maintenance, construction, manual, clerical, personal, or professional services.

Sole Source Good or Service – A good or service that can be obtained from only one source that is purchased in compliance with Texas Local Government Code, § 262.024(a)(7).

Solicitation – A document—such as an invitation to bid, request for proposal, request for offers, or request for qualifications—issued by the Purchasing Office. This document contains terms and conditions for a contract, and it seeks (solicits) a bid or proposal for goods/services needed by the County.

Specifications – A concise description of a good or service that an entity seeks to buy and the requirements the vendor must meet in order to be considered for the award. A specification may include requirements for testing, inspection, preparing an item for delivery, and preparation or installation for it to be used. The specification is the total description of the item to be purchased.

Surplus Property – personal property that is not salvage property or an item not routinely discarded as waste, is not currently needed or required for foreseeable needs, and possesses some usefulness for the purpose for which it was intended.

User Department – The department from whose budget line item the contract will be paid.

Vendor – One who sells something; a “seller.”

## EXHIBIT B:

### PROCUREMENT METHODS QUICK REFERENCE GUIDE

Procurement Method	Use When	Advantages	Disadvantages
<p>Competitive Bids  (Invitation for Bids)</p>	<p>Adequate competition exists.</p> <p>The product or service is available from more than one source.</p>	<p>Award process is simpler.</p> <p>Award is made to the lowest responsive, responsible bidder providing the best value to the County.</p>	<p>Defined specifications may be difficult to develop.</p> <p>Does not encourage innovative solutions.</p>
<p>Competitive Proposals  (Request for Proposals)</p>	<p>When factors other than price are evaluated.</p> <p>When negotiations are desired.</p> <p>Vendor is expected to provide innovative ideas.</p>	<p>Allows factors other than price to be considered.</p> <p>Allows for customized proposals suggesting different approaches to the same business need.</p> <p>Allows for negotiations in order to obtain the best value for the County.</p>	<p>RFPs can be used for high technology goods and services, landscape maintenance, travel management and recycling, and other determined items when it is determined to be in the best interest of the county.</p> <p>Lead times for procurement may be greater.</p> <p>Evaluations are more complex and subjective.</p>

<b>Procurement Method</b>	<b>Use When</b>	<b>Advantages</b>	<b>Disadvantages</b>
Request for Information	There is insufficient information to write specifications for any procurement method.	<p>Provides information to prepare a complete bid or proposal document.</p> <p>Allows the business community to have input into the solicitation document based on current industry practices and market factors.</p> <p>Informs County of any potential problems early in the procurement.</p>	Lengthens the procurement process.
Request for Qualification/Services  [This method is required by statute (e.g. Professional Services)]	Selection is made solely on the skills and qualifications of the professional. For Architect/Engineers, price is not a factor until after a qualified vendor is selected.	Emphasizes the competency of the proposed professional contractors	Contractor is tentatively selected before price is negotiated.

## **Exhibit C: User Do's & Don'ts**

Coordination among many County departments and offices is necessary for the process to work smoothly. To avoid delays and comply with County policy and state law, user departments should remember the following:

- **Do not authorize the purchase of any goods/services.**
- **Do not purchase any goods/services for your own personal benefit.**
- **Do not obligate the purchase of goods that are delivered for use on a trial basis.**
- **Do not commit to acquire goods/services without an authorized purchase order.** Anyone obligating an expenditure of funds for goods/services before securing a purchase order may be held personally responsible for the payment, and may face criminal charges.
- **Adhere to the County Purchasing Code of Ethics and avoid activities and behaviors that are unethical or create a conflict of interest or the perception of a conflict of interest.** Examples of activities that are inappropriate include:
  - soliciting or accepting gratuities from present or potential contractors which might influence or appear to influence a purchasing decision;
  - failing to disclose in writing to the Purchasing Director a conflict of interest and not removing yourself from the procurement process when there is a conflict; and
  - disclosing confidential proprietary information from solicitations to other vendors or using the information for personal gain.
- **Do not use purchasing strategies that violate the law to avoid competition.** Strategies that are prohibited by law include:
  - purchasing a series of component parts that would normally be purchased as a whole (component purchases);
  - purchasing items in a series of separate purchases that normally would be purchased as a single purchase (separate purchases); and
  - purchasing items over a period of time, that normally would be done as one purchase (sequential purchases).

A county officer or employee who intentionally or knowingly makes or authorizes separate, sequential, or component purchases to avoid the competitive bidding requirements of Texas Local Government Code, § 262.023, is committing a Class B misdemeanor according to Texas Local Government Code, § 262.034(a).

- **Do not violate or authorize the violation of the Purchasing Act.** Any person who knowingly violates or

authorizes the violation of the Purchasing Act and any county or precinct person who fails to use the Purchasing Policy for purchases, including a director or employee of the County or of a department of the County commits a criminal offense which is a Class B misdemeanor.

- **Ensure funding is available before submitting a requisition.** The law does not allow expenditures that exceed budgets. Purchasing does not process requisitions for which there is not adequate funding.
- **Plan purchases to minimize the use of emergency and expedited purchases.** Rush purchases are generally more expensive and they delay other requisitions already in the system. Vendors may attempt to charge premium prices for goods/services when there is insufficient time allowed to explore alternative sources or options.
- **Plan purchases to allow sufficient time to process purchase requests.** The Purchasing Office is committed to processing all requisitions within a reasonable amount of time. In general, departments should allow 2-3 weeks for all non-contract purchases under \$50,000 to be processed and 6–8 weeks on all purchases requested over \$50,000 that are not covered by an existing contract. Contract requisitions are generally processed within 1-3days of receipt.
- **Ensure that purchasing policies and procedures are understood before ordering.** Departments must assure that all employees responsible for making department purchase requests (“purchasing liaisons”) have read and understand the purchasing procedures in this manual. Departments should also ensure that liaisons attend any training provided by the Purchasing Office.
- **Coordinate with Purchasing on receipt of goods and services.** Since the County does not have centralized receiving, the Purchasing Office may opt to have goods delivered to the ordering department. Each department will be responsible for receiving goods and/or services delivered directly to your department. Departments should inform their buyer to make the Purchasing Office aware of vendor performance issues such as shortages, late delivery, or damaged merchandise. The assigned buyer will coordinate contact with vendor for problems with orders. If the item received is a fixed asset that must be tagged, tracked and reported, departments should notify the Purchasing Office upon receipt to coordinate tagging.

# COMAL COUNTY PURCHASING POLICY

I hereby acknowledge receipt of the Comal County Purchasing Manual approved in Commissioners Court January 19, 2017 and agree to abide by the terms & conditions therein.

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Employee Signature

Date

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Print Name

Employee ID

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Department