PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
Resolution No. 2025-005

A RESOLUTION TO REVISE THE PARK COUNTY GOVERNMENT PURCHASING POLICIES AND PROCEDURES

WHEREAS, on January 3, 2023, the Park County Board of County Commissioners ("BOCC") adopted the Park County Government Purchasing Policies and Procedures; and

WHEREAS, the County BOCC finds it necessary to revise said policy to assure the purchasing policies and procedures are maintained by the County at the current standards.

NOW THEREFORE, BE IT RESOLVED THAT the Park County Government Purchasing Policies and Procedures, and incorporated herein by reference, is hereby adopted and shall become effective February 18, 2025.

Moved, seconded, and approved this 18th day of February, 2025.

PARK COUNTY BOARD OF COUNTY COMMISSIONERS

David Wissel, Chairperson

ATTEST:

County Clerk

PARK COUNTY GOVERNMENT
PURCHASING POLICIES & PROCEDURES

Revised By Resolution 2025-____

Effective February 18, 2025

(This policy will be reviewed annually with next review date January 2026)

BOARD OF PARK COUNTY COMMISSIONERS
PARK COUNTY, COLORADO

David Wissel, Chairman

Amy Mitchell, Commissioner

Jason Gemmer, Commissioner

ATTEST:

Milena Kassel, County Clerk

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FORWARD & STATEMENT POLICY

Park County presents this Purchasing Manual to assist each department or elected office who is authorized to buy goods and services.

The County Budget & Finance Department Head in cooperation with the Administration Department will assist with procedural questions and processing of paperwork, but the individual department is responsible for following County policies in purchase decisions.

The purpose of the Park County Purchasing Policies and Procedures is to provide a framework for efficient and cost-effective purchasing for all county operations. The contents of these policies and procedures do not create any property or contractual rights between the County and any supplier of goods and services.

Except when specifically authorized by statute or regulation to act otherwise this policy shall apply to all Elected Officials, department heads, employees, contractors, and agents for Park County. The ultimate authority to purchase items or contract for services lies with the Board of County Commissioners and may only be delegated or authorized pursuant to the provisions of this policy.

This policy has been designed to:

- Comply with State of Colorado Revised Statutes, as amended.
- Encourage maximum competition on a basis of fair and equal opportunity to qualified and interested bidders.
- Provide a uniform procedure for the procurement of material, equipment, supplies and services.
- Ensure that the county is getting the "best overall value."

Considerations:

- Price
- Warranty
- Service
- Insurance
- Availability
- Past Performance
- References

This Policy applies to all County Departments, including Elected Officials.

Our goal is to procure materials, supplies, equipment, and services at the best overall value and consistent with quality required. All authorized employees purchasing on behalf of the County are expected to use public monies wisely, therefore, any employee making any purchases must buy in an honest and prudent manner that results in getting the best product or service.

BOARD OF COUNTY COMISSIONER'S (BOCC) RESPONSIBILTY

1. The Board of County Commissioners has sole authority to enter into and sign any contractual agreements, made on the behalf of Park County; except in those areas where the Elected Officials have specific statutory authority to enter into contractual agreements. As noted in Item #3, the authority to enter into and sign a contractual agreement for goods and services may be delegated by the Board of County Commissioners.

2. The Board of County Commissioners has the authority to accept or reject any or all bids.

3. The Board of County Commissioner's authority to execute contracts and agreements for goods and services may be delegated in writing or by a formally adopted written policy or resolution. Such delegation of authority may be assigned to the County Manager, Assistant County Manager or other designee identified in the written policy, resolution or action.

DEPARTMENTAL RESPONSIBILTY

1. The County Budget & Finance and Administration Department or its Department designee has the responsibility for the procurement of goods and services, and to either provide the services for such procurement or give functional directions to others delegated the authority to perform such services. Department management is able to make routine, budgeted purchases. Non-budgeted items may require a requisition form and are referred to the Budget and Finance Department designee.
    - Department heads are responsible for review of contractual agreements to validate that expenditures Department are within the terms of the contract prior to submission to Budget & Finance to process the disbursement to the vendor. The Budget & Finance Department Head will make a secondary review of the expenditure.
    - Department heads are responsible for review of expenditures related to federally funded programs to verify that the expenditure is allowable under the grant requirements prior to submission to Budget & Finance to process the disbursement and request reimbursement, if applicable, for the program expense.
    - Department heads are responsible to ensure complete execution of the contract or agreement and that a copy of such agreement is maintained in the appropriate program file.
    - Department heads are responsible to review the contract terms and scope of services for vendors funded through a federally funded program to make a determination of the subcontractor versus subrecipient relationship and requirements. Such determination will be reviewed and documented with the Budget & Finance Department Head Head to verify any additional documentation that might be required is completed. For department subject to federal funding requirements, Department Head and staff must refer to the Accounting and Fiscal Internal Controls Plan.

2. Each County Department and elected official is required to follow procurement guidelines. Unbudgeted and non-routine purchases must be fully disclosed to the Budget and Finance Department. Authorized purchasing personnel for payroll, vouchers, and purchasing cards are able to submit requisition forms for purchases.

3. Authorized purchasing personnel are responsible for initiating and maintaining effective and professional relationships with suppliers, both actual and potential.

4. Authorized purchasing personnel should correspond with supplier for quotes and pricing. In cases where technical details are necessary, the Budget and Finance Department designee may correspond with suppliers regarding technical issues. The Budget & Finance Department Head will maintain records of correspondence. Departments will also coordinate to maintain required documentation.

5. Authorized purchasing personnel are to seek to obtain and purchase goods at the best overall value considering the guidelines of prices, service, quality, and delivery.

6. Contracts or agreements for state or federally funded programs are subject to the availability of such funds. All contracts or agreements for these specialized funded programs must contain a provision to address this restriction and being "subject to and contingent upon the continuing availability of State and/or federal funds for the purposes, hereof."

7. When using the County's Purchasing process: The authorized purchasing personnel may also consider and utilize another County's and/or the State's bid system(s) for optimum pricing through their vendor contracts and agreements. When using another County's and/or the State's bid system and pricing is utilized for purchases, additional bids will not be required. This is commonly referred to as piggybacking.

8. Requisitions for goods or services which involve federal funding must be noted as such on the Purchase Requisition Form with the grant/project number assigned in order to ensure compliance with appropriate Federal regulations. The grant/project number must also be noted on all related vouchers.

9. An authorized purchasing personnel signatures list, maintained annually, will indicate employees in departments who are authorized to initiate requisitions for non-budgeted purchases and make routine purchases on behalf of their respective departments.

10. Purchases shall not be divided so as to constitute a small purchase.

11. Any non-budgeted purchases will require a requisition form.

12. Colorado Statutory or other legal requirements shall be followed. See statute list on page 9.

13. After a bid is awarded, the Department designee shall then process and send to all bidders either an award letter to the successful bidder, or a thank you letter to the unsuccessful bidder(s) with copies to the Budget/Finance Department and Initiating Department.

14. After notification of the award, the Admin. Department designee, in coordination with the Initiating Department, shall finalize the purchase order and/or contract.

15. All original bid documents will be retained and kept on file in accordance with Park County's retention policy.

EXCEPTIONS & CANCELATIONS

The provisions of this policy are mandatory on all Park County purchases and contracts unless Colorado Statutes or regulations require a different procedure or a Department Head or Elected Official determines in writing that a different purchasing procedure is or was necessary for a particular purchase or contract to protect County operations and/or fiscal responsibility. The writing shall set out the particular reasons of why it is necessary to adopt a different procedure for a particular purchase and shall set out the vendor, amount of purchase or contract, and the date of the purchase or contract. A copy shall be forwarded to the Budget and Finance Manager and the County Manager, for approval.

LIMITS & GUIDELINES

QUOTE(S) & BID(S)

Purchases $5,000.00 or less

It is at the discretion of the Department Head, Elected Official, or designated person to determine the best overall value for purchases under $5,000.00.

Purchases over $5,000.00 limited to $25,000.00

Written quotes from at least three (3) sources are required*. Quotes must be documented in the Formal Quote Record area of the Purchasing Requisition Form with the results of such contacts. The Purchase Order (PO) Form must be authorized by the Elected Official or Department Head. Completed POs are submitted to the Budget and Finance Department.

Purchases over $25,000.00 limited to $50,000.00

Written quotes from at least three (3) sources are required*. All written quotations from vendors shall be attached to the Purchase Order Form and the Written Quote Record.

*Three (3) sources are required UNLESS there are not three sources and/or suppliers available.

See flowchart (Exhibit A).

FORMAL BIDS

Purchases over $50,000.00

The term "formal bid" is used to identify solicitations which represent major purchases and capital construction projects by Park County. The issuance of a formal bid is best accomplished by a cooperative effort between County Departments. **All bid openings,** including those prepared by outside consultants, will be processed through the County Administration Office and/or Department designee. All bids shall be opened before the public at a date, time, and place designated in the published bid request.

Purchases of items under existing recognized procurement contracts, another County's or a State bid award(s), computer equipment compatible with the County's network system, electricity, natural gas, or water resource items.

Purchase requisition and supporting documentation shall be retained by requesting department and the Administration Department.

Purchases over $250,000.00

COST AND PRICE ANALYSIS
Some form of cost or price analysis shall be made and documented in the procurement files in connection with every procurement action in excess of the Simplified Acquisition Threshold (48 CFR Subpart 2.1) as adjusted and currently as $250,000.00. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices, and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

Any purchase or contract which does not follow the provisions of this policy may become the personal responsibility of the individual who authorized the purchase or signed the contract. Failure to follow the provisions of this policy may be grounds for disciplinary action.

<u>PURCHASE TYPES</u>

1. SOLE SOURCE

A sole source purchase is one where there is only one vendor capable of providing an item or service, and therefore it is not possible to obtain competitive bids. Additional documentation justifying the reasons for sole source consideration is required at the time you submit a requisition for processing.

Sole Source purchases may include:

- Computer Network: Computer hardware, software, maintenance, and supplies when determined by the Information Systems not to be competitive resources compatible to Park County's computer systems.

- Maintenance Agreements: Maintenance and repair agreements for existing County System equipment that may require a specific vendor to maintain the warranty or value of the equipment.

- Legal Support: Contracts or materials necessary for litigation.

- Legal Requirements: Purchases required by Colorado statute or regulations.

- Auctions or Auction houses: allow departments to purchase used construction equipment such as vehicles and heavy machinery. Most auction houses have a platform that allows bid submissions to occur remotely without being physically present at the auction. Items purchased at auctions may be categorized as Single Source purchase(s). Written documentation is required for the County Manager to approve any purchases.

2. EMERGENCY(S)

A. DECLARED

Emergency procurements for the purpose initiating emergency response measures in the event of a declared local disaster.

By resolution #2011-31 the Board of County Commissioners has authorized the Sheriff of Park County, the Director of Emergency Management, and the County Manager to obligate the Board of County Commissioners for expenditure of up to $100,000 for the purpose of initiating emergency response measures in the event of a disaster emergency without prior notice to or approval by the Board.

B. NON-DECLARED

There is an existing threat to public health, welfare or safety. The Department Head or Authorized Representative shall consider this option in lieu of going through the quotation process if that process should disrupt department operations and possibly endanger the public's health and safety.

A true emergency exists such as immediate vehicle or equipment repairs or immediate maintenance of buildings for operations or physical threats to the building itself, or natural disasters. Authorization may be obtained either verbally or in writing.

The County Manager and/or the Budget and Finance Manager may make and/or authorize others, in writing, to make emergency procurement of supplies, services or construction items when there exists an immediate threat to the public health, welfare or safety, provided that such emergency procurement shall be made with such competition as is practicable under the circumstances. Persons authorized to make emergency purchases shall request assistance of procurement, as much as practicable, especially in prolonged emergency situations. The basis for the emergency and for the selection of the particular contractor shall be maintained as a public record with vendor payment records.

Emergency procedures may NOT be used as a replacement for normal purchasing procedures.

<u>BID LIFECYCLE</u>

TIMELINE

Project approval – Department heads, BOCC and Administration discuss possible projects that will need a public bid. Timeline varies.

Bid open – Weeks 1 to 3

Bid close & staff report – Weeks 4 to 5

BOCC meeting – Weeks 5 to 6

Award letters & agreements – Week 7

*Timeline is approximate and may vary based on scheduling and management availability.

INITIATION

The Administration Department or designee, shall initiate the bid process following receipt of the approved requisition form with the Elected Official or Department Head approval of the specifications showing the intent to purchase the product or service.

Departments prepare specifications for the product or service they wish to purchase. Specification and product descriptions and any applicable attachments (i.e. blueprints, drawings) will then be uploaded to an E-Purchasing System Platform.

Bids will be posted on the date and time specified in the Invitation to Bid. Administration will monitor the bid lifecycle. Bids will not be accepted after bid close date.

OPENINGS

The award of the bid will not be announced at the time of the opening; any such announcement could disqualify the entire bid. A statement will be made by County Administration that the bids will be reviewed, and a decision of award will be made by the Board of County Commissioners.

REVIEW & ACTION

The administration Department will retain all original bids, bid summary sheets, and sign-in sheet, and will make available for review to all interested parties. Relevant department(s) and administration will prepare a bid review packet using the following procedures:

- Summarizes the process and considerations taken for advertising, opening and review responses
- Prepare a comparison summary (i.e. Staff Report) of the required criteria for each bidder.
- Review Federal database to assure eligibility as required by federal awarding agencies
- As a recipient of federal awards, the County is required to assure that the winning contractor is not suspended, debarred, ineligible or voluntarily excluded from participation from federally assisted procurements.
- Use www.SAM.gov to search the name of the contractor, print out the results and include as documentation that this requirement was fulfilled.
- Use Colorado Secretary of State's Business Database Search to research businesses as well. https://www.sos.state.co.us/biz/BusinessEntityCriteriaExt.do
- The Administration Department and Initiating Department will present the bid review packet to the Board of County Commissioners.
- Develop a draft copy of the proposed purchased order, requisition or contract for the awarded bid as described in this policy.

BID CLOSING & FINAL AWARD

The final award shall be made by the Board of County Commissioners in the best interests of Park County.
An award letter along with an applicable contractual agreement will be sent to the awarded bidder.
Non-awarded bidders will receive a notice of no award. **The Board of County Commissioners has the authority to accept or reject any or all bids.**

INTEGRATION OF UNDERSTANDING

Approved Bid Contracts are intended as the complete integration of all understandings between the parties and supersedes all prior negotiations, representations, or agreements, whether written or oral. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or effect whatsoever, unless embodied herein in writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a written Change Order or Amendment to this Approved Bid Contract.

NOTICE OF TERMINATION

The performance of Work under this Approved Bid Contract may be terminated, in whole or from time to time in part, by the County whenever for any reason the Principal Representative shall determine that such termination is in the best interest of the County. Termination of work hereunder shall be affected by delivery to the Contractor of a Notice of such termination specifying the extent to which the performance of work under the Approved Bid Contract is terminated and the date upon which such termination becomes effective.

STATE & FEDERAL COMPLIANCE

CODE OF FEDERAL REGULATIONS (C.F.R.)

2 C.F.R. 200.319(b)
Competition

2 C.F.R. Subpart D 200.321
Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms

2 C.F.R. Subpart D 200.323(a)
Contract cost and price

COLORADO REVISED STATUES (C.R.S.)

C.R.S. 1-45-108.5
Political organizations – disclosure

C.R.S. 4-2-503
Manner of seller's tender of delivery

C.R.S. 24-6-203
Reporting by incumbents and elected candidates - gifts, honoraria, and other benefits - prohibition on monetary gifts - penalty – definitions

C.R.S. 24-18-104
Rules of conduct for all public officers, members of the general assembly, local government officials, and employees

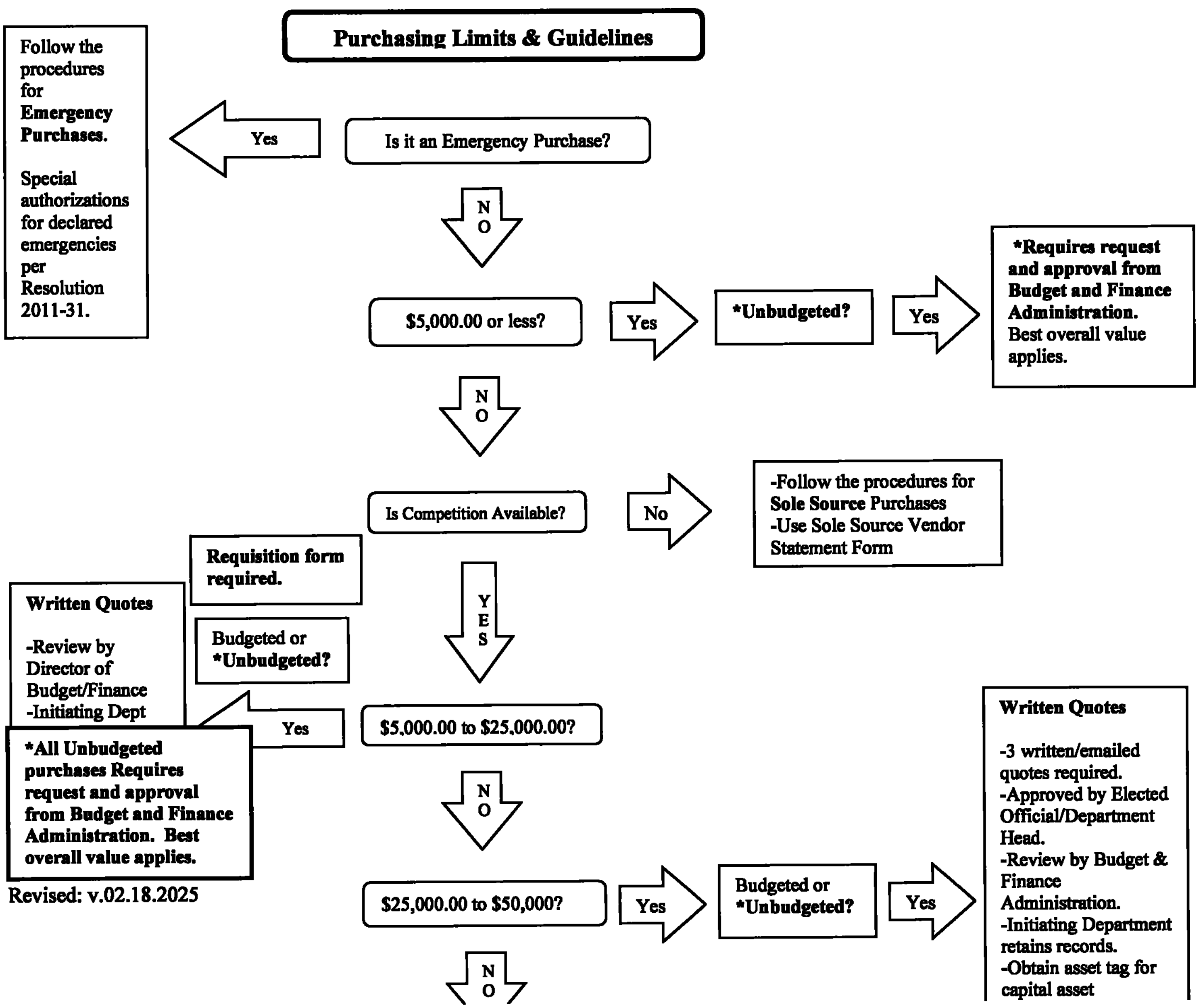
C.R.S. 24-49.5-105

Historically underutilized businesses - legislative declaration – definitions

(a) Businesses owned by minorities and women are among the fastest growing in the state but are historically underutilized in government contracts.
(b) Securing government procurement contracts is a major determinant in the success of businesses owned by minorities and women.
(c) The owners of historically underutilized businesses can benefit from surety technical assistance programs that help those businesses qualify for the performance bonds that are required for businesses to bid on public projects.
(d) It is the intent of the general assembly to assist historically underutilized businesses by creating a surety technical assistance program.

C.R.S. 43-2-209
Contract for work on highways - advertise for bids

PARK COUNTY GOVERNMENT
PURCHASING POLICIES AND PROCEDURES



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