



Williamson County Purchasing Manual

Revised 1-20-2008

WELCOME TO THE WORLD OF WILLIAMSON COUNTY PURCHASING!

It has been our experience that this function of government is one of the most troublesome, especially to those who are only part time purchasers. So it only seemed logical to try to give some guidance about public purchasing to the departments within Williamson County.

This manual has been developed to help these departments more fully understand the legal and ethical responsibilities of the Williamson County purchasing department as they relate to purchasing for county government in general. It is anticipated that by better understanding these responsibilities, the needs of the various departments will be provided for in a quicker and more efficient manner. The fundamentals of efficient purchasing are provided in this manual, but the success of efficient and effective purchasing relies on the basic principle of cooperative effort.

The concept we used to develop this manual was to try to give as much practical information as possible, while keeping it simple when we could. We did try to keep it as non-technical as possible.

No one manual can cover every possible situation. And we may have included something that won't work for you. We've done the best we could, and hopefully there are no outright blunders included.

If there is an area where we didn't cover the problem you are facing, don't despair. We can still help. Call us at 943-3553 - and we'll see if we can find an answer for you!

Sincerely,

Bob Space

Bob Space
Purchasing Director

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Public purchasing is the process of acquiring all those goods and services that are necessary to provide the public with those services that they require.

Private sector purchasing has several goals. Among these are to:

- purchase the proper good or service to suit the businesses' need.
- get the best possible price for the good or service.
- have the good or service available where and when it is needed.
- assure a continuing supply of needed goods and services.
- guard against any misappropriation of the businesses' assets procured by purchasing.

Public purchasing has these goals as well. But public purchasing must also assure that:

- •***responsible bidders are given a fair opportunity to compete for the county's business.*** This is done partially by the statutory requirements for competitive bids and proposals, and partially by the county's own purchasing procedures.
- •***public funds are safeguarded.*** Although the purchasing office does not usually designate the types of purchases to be made, it should see that the best value is received for the public dollar.
- •***public spending is not used to enrich elected officials or government employees, or to confer favors on favored constituents.***

The efficiency and effectiveness of any program depends on good, sound principles of management. Purchasing is no different. There are common, basic principles of purchasing which can be applied to any purchasing program to make it operate to the best advantage of any government. This manual defines some of those common principles, and tells you how you can incorporate them into your own purchasing efforts.

Why is a centralized purchasing office so essential to efficiency in purchasing? Here are some of the most important reasons.

- It allows for consolidating smaller purchases by individual departments into larger volume purchases for the entire government.
- Vendors and the business community have a single central link to the government.
- The purchasing office and its personnel accumulate a solid foundation of knowledge and experience about purchasing, marketing trends, prices and vendors. This knowledge and expertise saves the county money on prices and allows a more efficient purchasing process.
- Centralized knowledge and expertise puts the purchasing function on a professional footing and inspires public confidence in the actions of the county.

The purchasing function should be a service department on equal footing with other major departments. The purchasing director should report to a high level county official. He or she should not report to the director of an operating department. This is because the purchasing function should not be subordinated to the operations of any particular division of government, but must maintain independence to serve the entire county fairly and impartially. If central purchasing rests with an individual, that individual needs sufficient authority and responsibility to achieve the purposes of efficient, independent purchasing.

The purchasing department should be included in all stages of acquisitions, from planning to ordering to receiving. This is not so the purchasing department may influence what is purchased, but to take full advantage of the department's knowledge and expertise of purchasing techniques and products.

Whether purchasing is a department with a director and a staff, or whether it's a single individual, it needs to have a level of authority which will enable it to coordinate and deal with other departments effectively, and at the same time, prevent purchasing decisions from being influenced by political considerations or special interests.

COMMITMENT TO THE HIGHEST ETHICAL STANDARDS... .

People involved in the purchasing process are exposed to more than ordinary temptation to abuse the powers of their office. This is because they direct the spending of a large amount of public money. Of course, it's a serious breach of the public trust to subvert the public purchasing process by directing purchases to certain favored vendors, or to tamper with the competitive bidding process, whether it's done for kickbacks, friendship or any other reason.

The statutes governing local government purchasing impose criminal penalties for violating the provisions of the various Acts. In addition, many local governments impose sanctions for violation of local ordinances on purchasing.

Since any misuse of the purchasing power of a local government carries such drastic consequences, and many such misuses are from a lack of clear guidelines about what constitutes an abuse of office, the guidelines outlined in this manual and the Code of Ethics outlined on the following page, must be strictly adhered to.

Williamson County also requires ethical conduct from those who do business with the county. Contracts will contain a clause stating that any efforts to influence an employee to violate the standards of the Code are grounds to void the contract. Vendors to the government are required to certify that they will not attempt to influence any employee to violate the Code.

Code of Ethics

Statement of Purchasing Policy

"Public employment is a public trust. It is the policy of Williamson County to promote and balance the objective of protecting the county's integrity and the objective of facilitating the recruitment and retention of personnel needed by Williamson County. Such policy is implemented by prescribing essential standards of ethical conduct without creating unnecessary obstacles to entering public service.

Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the Williamson County procurement organization.

To achieve the purpose of this Article, it is essential that those doing business with Williamson County also observe the ethical standards prescribed here."

General Ethical Standards

1. It shall be a breach of ethics to attempt to realize personal gain through public employment with Williamson County by any conduct inconsistent with the proper discharge of the employee's duties.
2. It shall be a breach of ethics to attempt to influence any public employee of Williamson County to breach the standards of ethical conduct set forth in this code.
3. It shall be a breach of ethics for any employee of Williamson County to participate directly or indirectly in a procurement when the employee knows that:
 - the employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
 - a business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or

- any other person, business or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.
4. Gratuities. It shall be a breach of ethics to offer, give or agree to give any employee or former employee of Williamson County, or for any employee or former employee of Williamson County to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore pending before this government.
 5. Kickbacks. It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor for any contract for Williamson County, or any person associated therewith, as an inducement for the award of a subcontract or order.
 6. Contract Clause. The prohibition against gratuities and kickbacks prescribed above shall be conspicuously set forth in every contract and solicitation therefore.
 7. It shall be a breach of ethics for any employee or former employee of Williamson County knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person.

How to do business with the county
An instructional manual that may be freely copied and distributed

How to do Business with Williamson County



A Guide for Interested Vendors

Provided by the

**Williamson County Purchasing Department
301 SE Inner Loop – Suite 106
Georgetown, TX. 78626
(512) 943-3553
www.wilcogov.org/Procurement**

Revised 10-01-2007

WELCOME TO THE WORLD OF WILLIAMSON COUNTY PURCHASING!

This manual has been developed to assist those vendors that are interested in doing business with our county. Whether you are a first time vendor, or you have been doing business with us for many years, this manual should help you more fully understand the legal and ethical responsibilities of the Williamson County purchasing department. We hope that it will clearly illustrate all of the areas within the county that you might expect to do business with us, as well. We'll talk about the payment process, so that you understand what to expect when we enter into a cooperative venture. We'll talk about small purchases as well as our larger ones, and spot type purchases compared to publicly bid purchases. We'll conclude by describing what we expect in order to maintain the business relationship once it begins.

The concept we used to develop this manual was to try to give as much practical information as possible, while keeping it simple when we could. We did try to keep it as non-technical as possible.

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7. Important Contact Information
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10. Website information
11. Maintaining the business account

Purchasing Law

The most important aspect of our purchasing effort is adherence to applicable statutory requirements. Regardless of how attractive a business offer may be it simply cannot be done, under any circumstances, unless it follows applicable law.

The laws that govern the way counties procure goods and services in large part are specified in the Texas Local Government Code, Chapter 262.021, Subchapter C, as well as the County Purchasing Act. This information relates to the specific bid requirements prior to a purchase being made.

There are other laws as well, such as the Texas Local Government Code, Chapter 113.901, Subchapter Z, which requires the issuance of Purchase Orders prior to a purchase.

At times purchasing law for government appears to be restrictive, clumsy, time consuming, and expensive. In reality, when properly executed, it is just the opposite. When properly done it opens many more possibilities because of the public advertising, is very streamlined because of the legal guidelines, and can take about the same amount of time as in the private sector when an organization follows wise and prudent business procedures.

The following flowchart should help you understand what we are required to follow prior to making a commitment to purchase. Generally speaking, there are two rules of thumb: one, if the total amount of the purchase to be made will cause the county to have spent more than \$ 25,000.00 during the current budget year, the county cannot make the purchase without a public sealed bid process; second, all departments are required by county purchasing policy to obtain a minimum of three price quotes on spot type purchases that do not fall under the \$ 25,000.00 statutory limit. If you have any questions regarding the flowchart, or our purchasing policy, please give us a call.

**IS THE ESTIMATED DOLLAR
AMOUNT OF THIS PURCHASE
MORE THAN \$25,000 ?**

**(This is the cumulative
amount for this budget year
of this commodity)**

YES

NO

**IS NEED DEFINED AS
"EMERGENCY"
AND/OR "SOLE
SOURCE"**

**OBTAIN A MINIMUM
OF 3 PRICE
QUOTATIONS**

**AWARD TO LOWEST
AND BEST**

YES

NO

**HAS IT BEEN
DESIGNATED AS
SUCH BY THE
COMMISSIONERS
COURT ?**

**STATE PURCHASING AND
COOPERATIVE PURCHASING
AGREEMENTS ARE
POSSIBILITIES IN BOTH
CASES.**

**IF USED - THEY EXEMPT THE
NEED FOR PUBLIC
ADVERTISING**

YES

NO

**FOLLOW
PROCEDURES FOR
PURCHASE ORDER**

**COMPETITIVE BID IS
NECESSARY.**

**CONTACT BOB SPACE.
ALLOW SUFFICIENT
TIME FOR
SPECIFICATION
WRITING AND FORMAL
ADVERTISING.**

Code of Ethics

Williamson County has adopted a Purchasing Policy that incorporates a strict code of ethics and provides guidelines for proper procurement procedures. County employees, as well as vendors are expected to adhere to this policy. As a part of the purchasing manual, the Code of Ethics serves as a constant reminder of how county purchasing is expected to occur, and under what type of conditions. The underlying premise of this policy is to:

- Protect the county's integrity
- Ensure that public monies are spent properly, legally, and for public projects only
- Assure fairness in competitive access to the county's procurement by responsible vendors.

(Taken from the Williamson County Purchasing Manual)
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 - a business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
 - any other person, business or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.
4. **Gratuities.** It shall be a breach of ethics to offer, give or agree to give any employee or former employee of Williamson County, or for any employee or former employee of Williamson County to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a

contract or subcontract, or to any solicitation or proposal therefore pending before this government.

5. Kickbacks. It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor for any contract for Williamson County, or any person associated therewith, as an inducement for the award of a subcontract or order.
6. Contract Clause. The prohibition against gratuities and kickbacks prescribed above shall be conspicuously set forth in every contract and solicitation therefore.
7. It shall be a breach of ethics for any employee or former employee of Williamson County knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person.

Williamson County Purchasing Efforts are based on: “Sound Business Principles”

The information that follows has been taken from the Williamson County Purchasing Manual. Departments are required to follow these guidelines; therefore it would be beneficial to review them to know exactly what the purchasing department requires of the individual departments.

COMPETITIVE BIDDING - AN EXPLANATION....

Competitive bidding means letting the available vendors compete with each other to provide goods and/or services. In the case of local governments, the bidding process has two additional purposes.

The first purpose is to ensure that the public monies are spent properly, legally and for public projects only, and that the best possible value is received for the money. 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. The use of a standard bidding procedure gives the public assurance that their monies are properly safeguarded.

Competitive bidding can be accomplished on two levels. The first level of bidding consists of contacting vendors, either by telephone or in writing, to allow them the opportunity to give a price quotation on a desired good or service. The next level uses formal sealed bids, which is the process that is normally referred to as "competitive bidding."

Price quotations should be sought on all purchases less than the dollar level which requires sealed competitive bids, unless the purchase is a relatively minor purchase or an emergency purchase. Even emergency purchases should use all practical means to obtain the best price available. This is discussed in the section on negotiated or non-bid purchases.

Formal sealed bids are used for those bids exceeding a set dollar level, specified by statute. The bid consists of the items offered by the vendor in response to the specifications, along with details governing the offer. Bidding for the various local governments is controlled by the appropriate purchasing statute. All statutes contain the following general requirements:

The bids are to be advertised, based on the specifications and conditions of purchase provided by the government.

Bids are received until a certain future date and hour set out in the specifications. After that date and time, no further bids are accepted.

The bids are opened at the specified date and hour, and submitted to the governing body. Generally the lowest and best responsible bid is accepted, but only one bid may be accepted. If no bid is found to be acceptable, the entire bidding process **must be repeated**.

It should be the consistent policy of the county to use competitive principles in awarding all public contracts of any amount with very limited exceptions. This includes the purchase and lease of goods, the purchase of services, and construction projects. These competitive principles should apply to all departments and divisions of the county.

Bids may be subject to bonding requirements. Typically, a bid bond may be required for public works projects or on bids exceeding \$100,000. This is to ensure that if the bidder attempts to withdraw after his bid is accepted, the county will not suffer loss.

The successful bidder on a public works contract exceeding \$25,000 must post a performance bond. The successful bidder on any other contract exceeding \$50,000 may have to post a performance bond if required by the county.

Bonds are to be executed with a surety company authorized to do business in this state.

The county should always use careful judgment in deciding whether to require a bond when there is a choice. If there is substantial danger of loss, a bond should be required. But remember that the cost of bonding will undoubtedly be passed along in the contract price. Also, some smaller contractors may find it difficult to obtain or afford large bonds, and may be shut out of the bidding. Bid bond requirements are contained in the purchasing law section.

COMPETITIVE PROPOSALS - AN EXPLANATION

Competitive Proposals are similar to competitive bids, but are limited in scope by Texas statutes. They can only be used for procurement of high-technology products or services. Counties can also use competitive proposals for procuring insurance. The chief differences are:

The specification is written using performance standards rather than the description of the good or service. The specification also lists the factors by which the proposal will be judged, and the weight to be given to each factor.

Vendors submit proposals of their own design for a system to satisfy the requirement set forth in the proposal. Proposals may incorporate entirely different hardware or services to accomplish the same performance.

After proposals are received, the county may enter into negotiations with as many vendors as have submitted feasible proposals in order to arrive at the best possible proposal for each vendor.

A LOOK AT

INVITATIONS TO BID / REQUESTS FOR PROPOSALS

Invitations to Bid (ITB)/Requests for Proposals (RFP) Its and Raps are the means for notifying vendors that the county has specific requirements for goods/services and that they are being offered an opportunity to fulfill those requirements.

These documents are designed to solicit bids or proposals from well-qualified vendors. They are usually sent to vendors known to provide the particular commodity, or who are on a list of vendors as providing that particular commodity. The ITB/RFP is also advertised in the local newspaper according to statutory requirements.

Competitive bidding and competitive proposals are required by statute for purchases over certain dollar limits. Currently, most counties and all cities with over 50,000 population must competitively bid all contracts for amounts exceeding \$25,000.

The system should be simple and practical, and the bids must be advertised as widely as possible, for competition to work. Complicated bid invitations or requests for proposals discourage competition and drive up prices.

ITBs and RFPs may be cancelled by the county at any time before the date set for opening bids. Notice should be mailed to all vendors receiving bid/proposal invitations.

ITBs and RFPs may also be modified after being issued. When modifications are required, the same requirements for notification and advertising are required. The modification notification

should state whether the bid opening date is or is not extended. The bid opening date must be extended if the period from the date the modification or amendment is issued is less than the required notification period. When considering an amendment or modification it is important to remember that the required notification period occurs before the 14th day prior to the date of the bid opening.

PROCEDURE FOR MAKING NORMAL NON-BID PURCHASES...

For any purchase that is less than the level requiring competitive bids, the following procedures should be used:

A. Obtaining Price Quotations. Price quotations should be obtained from a sufficient number of vendors to ensure competition. The required number that is recommended is a minimum of 3 (three). However, based on the buyer's professional judgment, as many as ten price quotes may be requested, based on the estimated cost of the purchase.

Procedures for obtaining price quotations are not established by state law, and may be structured according to the needs of the county. The following procedures are suggested, although the county should set the dollar levels based on its own requirements.

1. Purchases costing between \$2000 and the bid limit. On receiving a requisition for a purchase below bid limits, but costing \$2000 or over, purchasing consults its vendor file for reliable vendors providing the desired good or service.

(a) Written requests for price quotations are sent to at least five vendors. The list of vendors should be rotated so that, over time, all vendors are contacted an approximately equal number of times.

(b) The request for price quotations should be on a standard form. It should contain at least the following information:

- (1) name and address of vendor,
- (2) description of item,
- (3) quantity required,
- (4) last date quotations accepted,
- (5) approximate date delivery is required, and
- (6) terms and conditions of purchase.

(c) The standard form should request certain specific information, such as:

- (1) total or unit price, as specified, and
- (2) the date through which quoted price will be effective.

(d) The request for price quotations should require that the quoted price would be honored during the stated period.

2. Purchases costing less than \$2000. On receiving a requisition for a purchase for less than \$2000, purchasing consults its vendor file for reliable vendors providing the desired goods and/or services.

(a) Written or telephone requests for price quotations are made to at least three vendors. The list of vendors should be rotated so that all vendors are contacted an approximately equal number of times.

(b) The written price quotations are made as described for purchases over \$2000.

For telephoned price quotations, certain information should be provided to the vendor, including at least the following:

- (1) description of item,
- (2) number of items required,
- (3) date delivery required, as accurately as possible, and
- (4) the terms and conditions of purchase.

(c) Whether a written or telephoned price quotation is received, certain specific information should be obtained, and recorded in writing, such as:

- (1) the name and address of the vendor,
- (2) total or unit price, as specified,
- (3) date through which quoted price will be effective,
- (4) name of the representative giving the quote, and
- (5) the specific product offered, if not already stated.

B. Selecting the Vendor. After price quotations are taken, a vendor is selected. The selection is based on several factors, including:

- price - All other factors being equal, the lowest price should always be taken.
- quality of good or service - If more than one vendor can deliver at an acceptable price, the relative quality of each should be considered.
- reliability of the vendor - Based on past performance as documented in the vendor file.
- ability to service the item.
- Other relevant factors.

Philosophy of the Purchasing Department

The philosophy related to the Williamson County Purchasing effort is quite simple. We believe in helping our departments get what they need as quickly as possible. There are however, specific guidelines that we all must follow. We simply cannot make a purchase without following the law that is specific to that purchase. Additionally, there are rules and guidelines regarding wise and prudent business practices that have been placed in the process to assure that the tax dollars expended return the most benefits possible. For most governmental entities this is a lengthy, cumbersome, and time-consuming process. However, in Williamson County, we believe that we have effectively removed many of the obstacles that other governmental entities have in the purchasing flow process. We have done this by working with the departments, utilizing their talents and resources to make purchases. We believe that as the end users, they know what they need to do their job in the most professional manner possible. We listen closely to them, hearing their needs. We work closely with them, regarding budgetary issues. When the purchasing process is complete, the result is that they are more satisfied with their goods and services because they have had a great deal of involvement in the process, and they have accomplished this following statutory requirements and court mandates for wise business practices.

What does this all mean to you? After all, all that you asked was how to do business with us.

We hope that this explanation will tell you several things. We hope that you understand that our efforts allow us to work together as a team to assure that we get what we want when we make a purchase. As a vendor, you know when you sell us something, that all of the applicable laws have been followed in our buy/sell agreement. Having said that, most likely the most valuable information to you at this point is this; for you to do business with the county you should contact BOTH the Purchasing Department, AND the individual departments that will be utilizing your products or services. We encourage this communication. And, because it is a three way team effort, we ALL must be aware of the possibilities that exist for a mutually beneficial relationship.

Billing / Payment

We understand that cash flow is a concern for anyone involved in business. That is why we encourage you to know what our payment process is *before* we do business. If you have questions, we want you to ask them. Our accounts payable department is available and happy to answer any and all of your questions. They can be reached at 512-943-1500.

To speed the payment process as much as possible, you are encouraged to forward invoices directly to the department that you are providing your product or service to. If you are not sure about the mailing address or contact information, you can contact our accounts payable department and they will assist you. There are a couple of things that are very important to assure that your invoice is processed in the most expeditious manner possible. Please be sure that:

- you have entered accurate totals, shipments, delivery, unit price, address
- you have included the Purchase Order Number on your invoice
- you have mailed the invoice to the correct address
- you have directed the invoice to the appropriate contact person
- you have communicated with the department regarding receipt of the item or service ordered (the county cannot pay for an item or service that has not been received)

When the using department receives the invoice, they will verify the information for accuracy. If everything is in order, they will forward it to the auditor's office for audit. Presentation to the auditor's office is a process that must occur by law. All demands for payment must be audited prior to presenting the invoice to the commissioner's court for approval.

So as you can see, the speed of the process actually begins with you and the accuracy of the invoice you are submitting. If the information is not accurate, the possibility of delay is greater at any step along the approval route.

How do I do business with Williamson County?

Any successful business relationship requires a mutual understanding of the basic needs and expectations of the related parties. The purchasing department works closely with individual departments, sharing information about general as well as specific needs that you, the individual business owner, may have in our business relationship. We too, expect that you will work closely with us, to assure that you are aware of what our requirements and limitations are in regard to:

- Purchasing laws
- County purchasing policy

It is only when we understand, communicate, and work together, that our relationship actually becomes mutually beneficial.

A Checklist

- provide information about your company and what commodities and services you can provide
 - to county departments
 - to the purchasing department(Be sure to keep your information updated so that we always have the most current information about your business)
- Familiarize yourself with the period of time that various commodities and services will be publicly bid.
(Visit our website, contact us by e-mail or telephone, keep handout where you can periodically review it)
- Familiarize yourself with the procedures the county uses in publicly advertising for bids
(Review this on page 3 of this manual)
- Visit the procurement web-site often
(<http://wcportals.wilco.org/Procurement>)
- Follow-up, Follow-up, Follow-up

Important Contact Information

The following is a list of departments and contact information. These are departments that have a significant number of annual bids. If you believe that you have a product and/or service that might be useful to them, you may forward it to their attention (and don't forget to forward it to the Purchasing Department as well).

Williamson County:

Facilities Maintenance
508 Holly St.
Georgetown, TX. 78626
Joe Latteo – Director (512)-943-1599

Sheriff's Department
508 Rock St.
Georgetown, TX. 78626
Kurt Showalter – Auditor (512)-943-1359

EMS
408 MLK Blvd.
Georgetown, TX. 78626
Kenny Schnell – Director (512)-943-1264

Unified Road System
1900 Georgetown Inner Loop
Georgetown, TX. 78626
Greg Bergeron – Administrator (512)-943-3330

If you would like additional contact information regarding smaller spot type purchases such as office supplies, etc. you may contact the purchasing office for names and telephone numbers.

Purchasing Department Contact Information

Robert Space
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301 SE Inner Loop Ste. 106
Georgetown, TX. 78626
512-943-1555
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Construction and Projects

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Agent
512-943-1692
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Commodities

Barry Becker
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512-943-1607
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Kerstin Cummings
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512-943-3553
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Purchasing Assistant
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Website Information

Information regarding Williamson County can be found at:

www.wilcogov.org

Information about Purchasing in Williamson County can be found at our website:

www.wilcogov.org/Procurement/

Upcoming Invitations for Bids

Commodity/Service	Schedule
Culverts - Box culverts and headwalls	Third quarter of calendar year
Windshield Glass	Third quarter of calendar year
Fluids and Grease	Second quarter of calendar year
Food Services for Juvenile Services	Second quarter of calendar year
Road Striping	Third quarter of calendar year
Landscape maintenance	Third quarter of calendar year
Pesticides and Herbicides - Ant poison	Third quarter of calendar year
Pesticides and Herbicides - Roadside vegetation spray	Third quarter of calendar year
Medical Supplies for Jail -	Third quarter of calendar year
Fuel	Third quarter of calendar year
Seal Coating	Mid calendar year
Uniforms	Third quarter of calendar year
Vehicles	Last quarter of calendar year
Wrecker service	Third quarter of calendar year

Revised
01-20-2008

Past Invitations for Bids

NOTE: THESE BIDS ARE NOT CURRENT - THEY ARE FOR INFORMATION ONLY!

Commodity/Service	Date	Bid Package (NOT Valid for a current bid)
Diabetic Supplies for Indigent Care	July 26, 2007	Specifications NOT Valid: Information ONLY
Annual Contract: Electrical Services	August 10, 2006	Specifications NOT Valid: Information ONLY
Annual Contract: Medical Supplies for EMS	August 10, 2006	Specifications Spreadsheet NOT Valid: Information ONLY
Annual Contract: Medical Grade Oxygen	July 26, 2007	Instructions NOT Valid: Information ONLY
Annual Contract: Hygiene Products	July 26, 2007	Instructions and Specifications NOT Valid: Information ONLY
Annual Contract: Uniform Services for URS	August 10, 2006	Instructions NOT Valid: Information ONLY
Annual Contract: EMS Uniforms	August 10, 2006	Instructions NOT Valid: Information ONLY
Annual Contract: Fluids & Grease	June 22, 2005	Instructions NOT Valid: Information ONLY
Annual Contract: Asphalt	September 5, 2007	Instructions NOT Valid: Information ONLY

Revised
04-22-2008

Maintaining the business account

It is important to remember that we are really no different from you when it comes to our business relationships. We are looking for many of the same things that you as a business owner are looking for. **Quality, service**, and of course **price** are essential to maintaining us as a customer. One without the other is not acceptable. We understand that long-term relationships can be a tremendous help to all of us. And we hope that our business relationship is long standing. But it can only be if these 3 elements exist.

With this in mind it is important to add that even with quality, service, and price, there must be **trust** and most importantly, **communication**. We cannot say enough about communication. Our door is open. Let's work together to maintain a mutually beneficial relationship.

THE WILLIAMSON COUNTY PURCHASING DEPARTMENT....

How can it be of help to you?

As the population of Williamson County continues to grow, the needs of your department cannot help but be affected by this growth. This growth can be streamlined and efficient with a **well defined plan of action** that is understood by all the team players. At the nucleus of this plan must be the understanding of our responsibility to the taxpayers of the county. These responsibilities include:

- ◆ being the custodians of tax dollars and accepting the role to protect this money.
- ◆ to obtain the best value for goods and services as your needs become clearly defined.

The best way to define these needs and offer the **maximum** protection, is to have a plan within the individual departments. This plan should have well established goals that look broadly into the future, continually searching for the most **cost efficient** means of operating, much the same that is done in the private sector. As these goals become well defined and a part of everyday routine, the **value they offer to other departments** becomes evident. We cannot stress enough the importance of:

➔ **BUDGETING, AS A GOAL FOR EVERY DEPARTMENT.**

As the county moves toward a zero-based strategy, the goals you set in planning for your major equipment needs, both conventional and high tech, will be very important. From the perspective of purchasing, these goals will help us:

- ◆ obtain the **best value**, because we can bid/negotiate based on the entire county's forecast.
- ◆ increase the number of participating bidders, which in turn offers potential for better pricing.

This can have a direct impact on your department. The teamwork and benefits becomes clearer when you understand some of **our goals**. One of these for instance, is targeted to make the entire purchasing process **less cumbersome to you**. We are looking at ways and means to provide electronic generation of purchase orders from within your own office.

As you might expect, to establish the **"electronic purchase order"** and provide adequate controls, takes much planning and time. But the benefits are significant. There are other goals we have that are established to help YOU. We believe in "teamwork", "goal-setting", "planning", and "follow-up". It works to the benefit of us all.

STATE PURCHASING....WHEN TO USE

The Local Government Code (§§ 271.081 - 271.083) provides for purchasing by the county through state contracts. This frequently saves time and effort in local purchasing. Also, **all statutory bidding requirements are satisfied when purchases are made through state contracts**, and the vendors are frequently the same ones with whom the county is already dealing.

There are some drawbacks, as you might expect. Some prices on state contracts may not be as cheap as might be received when the county solicits bids/quotes. You may not find the level of service and attention from vendors that you are used to.

All in all, the advantages should outweigh the disadvantages. Following are some points to consider when making the decision:

- 1. Price**
How do the state contract prices compare with what you now pay? They are usually lower, but not always.
- 2. Quality**
Try to determine how the state products compare on quality (they are usually acceptable, sometimes better than your current supplier).
- 3. Delivery requirements**
Do the delivery terms in the state contract satisfy your needs? It should be as good as you are able to contract for on your own.
- 4. Vendor dependability**
See if you can determine who will be the vendor in your area, so you can find out about their dependability.
- 5. Convenience**
This should not be the leading criteria for deciding, but it should be a consideration.
If you decide to purchase through state contracts.

COOPERATIVE PURCHASING - GENERAL.....

Cooperative purchasing is one of the ways that Williamson County can save time and money in its purchasing programs. It occurs when Williamson County and one or more entities (state, federal or local governments) coordinate some or all of their purchasing needs so that they can join in purchases to the mutual benefit of all the entities concerned. There are any numbers of levels of cooperative purchasing, from very occasional minor cooperation in a purchase, to a level where all purchases are done through the cooperation of two or more governments. There are also several types of cooperative purchases, ranging from one government "riding" on the contract of another government to splitting the purchasing duties equally.

Enabling Authority: In Texas, cooperative purchasing is addressed in two main statutes:

- *VTCA Government Code Chapter 791 - Interlocal Cooperation Act*
Allows local governments to contract with and between each other, to provide governmental functions and services, and to join together in contracting with others to provide goods and services.
- *VTCA Local Government Code Chapter 271, Subchapter D, §§ 271.081-271.083- State Cooperation in Local Purchasing Programs.*
Allows a local government to purchase goods on the state's purchasing contracts, and allows the state to solicit bids on the local government's behalf, when considered feasible by the General Services Commission. The Commission is also required to provide information and technical assistance to local governments about the purchasing program.

Benefits: Williamson County will benefit in many ways, including developing contacts with other local government officials, and developing the habit of cooperating with other entities. Some of the most common benefits are:

1. Lower costs through increased volume. By combining orders, the quantities purchased will increase, resulting in the purchaser earning greater quantity discounts.
2. Lower (shared) administrative costs. By eliminating duplicated effort, everyone should save on time and costs.
3. Improved response from vendors. Vendors should realize that they are bidding on a larger order and will be encouraged to compete for the purchase. Vendors from the entire area should be attracted, rather than from just one locality. Greater competition should lead to lower bids.

4. Shared experience leading to better product specifications. Combining the knowledge of all members of the cooperative effort should result in developing a much better specification for goods and services purchased. Usually it will turn out that an acceptable specification will already exist between the parties.
5. Better compliance with state statutes on purchasing. Since most purchases will be subject to competitive bids, they will be in compliance with the statutes on bidding. There should also be a heightened awareness of legal requirements.

Other Considerations: There are some other aspects of cooperative purchasing which are not as beneficial, although in most cases the benefits far outweigh the drawbacks. But you should consider all aspects of any problem before making a decision. The other considerations fall into two general categories. Legal considerations, and practical considerations.

COOPERATIVE PURCHASING - TYPES OF COOPERATIVE PURCHASING

There are several ways cooperative purchasing can be done. One way is for Williamson County to perform all the tasks necessary to make a purchase, and for the other governments *to purchase on* Williamson County's contracts. Another way is for the governments involved to share in the responsibilities of purchasing. A third way is to have a third party do the actual purchasing for the cooperating governments. Following is a discussion of the normal types of cooperative purchasing.

- **Piggy-backing**
Williamson County purchases for themselves and for others as a convenience to the others. Both governments should protect themselves by establishing an agreement in writing, even when the arrangement is very informal. The agreement should specify the duties and responsibilities of each party.
- **Joint purchases**
Williamson County and one or more governments join to *purchase one or more goods/services jointly*. This may involve each government handling part of the administrative chores, or agreeing to have one of the governments handling the transactions under the guidance of the others. If the arrangement is a long-term one, the roles could be rotated periodically, so that purchasing duties are shared more equally. *All parties to a purchase must agree to the product specifications, so that a mutually satisfactory good or service is ordered.*
- **Buying from state contracts**
Under the provisions of Local Government Code Sections 271.081 - 271.083, the General Services Commission has established a cooperative purchasing program. This is a form of piggy-backing. Under this program, Williamson County may participate in all state contracts that have been automated after it complies with certain legal requirements.
- **Purchasing through a third party**
Williamson County and one or more other governments agree to allow an *independent agency* to do all or part of the purchasing for them. This may be done by an agency formed especially for the purpose, or through an established council of governments. This type of agreement should be implemented by a contract which details the duties and responsibilities for both the agency and the local governments involved. It may include a continuing arrangement or be for a single purchase.

COMPETITIVE BIDDING - AN EXPLANATION....

Competitive bidding means letting the available vendors compete with each other to provide goods and/or services. In the case of local governments, the bidding process has two additional purposes.

The first purpose is to ensure that the public monies are spent properly, legally and for public projects only, and that the best possible value is received for the money. 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. The use of a standard bidding procedure gives the public assurance that their monies are properly safeguarded.

Competitive bidding can be accomplished on two levels. The first level of bidding consists of contacting vendors, either by telephone or in writing, to allow them the opportunity to give a price quotation on a desired good or service. The next level uses formal sealed bids, which is the process that is normally referred to as "competitive bidding."

Price quotations should be sought on all purchases less than the dollar level which requires sealed competitive bids, unless the purchase is a relatively minor purchase or an emergency purchase. Even emergency purchases should use all practical means to obtain the best price available. This is discussed in the section on negotiated or non-bid purchases.

Formal sealed bids are used for those bids exceeding a set dollar level, specified by statute. The bid consists of the items offered by the vendor in response to the specifications, along with details governing the offer. Bidding for the various local governments is controlled by the appropriate purchasing statute. All statutes contain the following general requirements:

The bids are to be advertised, based on the specifications and conditions of purchase provided by the government.

Bids are received until a certain future date and hour set out in the specifications. After that date and time, no further bids are accepted.

The bids are opened at the specified date and hour, and submitted to the governing body. Generally the lowest and best responsible bid is accepted, but only one bid may be accepted. If no bid is found to be acceptable, the entire bidding process **must be repeated.**

It should be the consistent policy of the county to use competitive principles in awarding all public contracts of any amount with very limited exceptions. This includes the purchase and lease of goods, the purchase of services, and construction projects. These competitive principles should apply to all departments and divisions of the county.

Bids may be subject to bonding requirements. Typically, a bid bond may be required for public works projects or on bids exceeding \$100,000. This is to ensure that if the bidder attempts to withdraw after his bid is accepted, the county will not suffer loss.

The successful bidder on a public works contract exceeding \$25,000 must post a performance bond. The successful bidder on any other contract exceeding \$50,000 may have to post a performance bond if required by the county.

Bonds are to be executed with a surety company authorized to do business in this state.

The county should always use careful judgment in deciding whether to require a bond when there is a choice. If there is substantial danger of loss, a bond should be required. But remember that the cost of bonding will undoubtedly be passed along in the contract price. Also, some smaller contractors may find it difficult to obtain or afford large bonds, and may be shut out of the bidding. Bid bond requirements are contained in the purchasing law section.

COMPETITIVE PROPOSALS - AN EXPLANATION

Competitive Proposals are similar to competitive bids, but are limited in scope by Texas statutes. They can only be used for procurement of high-technology products or services. Counties can also use competitive proposals for procuring insurance. The chief differences are:

The specification is written using performance standards rather than the description of the good or service. The specification also lists the factors by which the proposal will be judged, and the weight to be given to each factor.

Vendors submit proposals of their own design for a system to satisfy the requirement set forth in the proposal. Proposals may incorporate entirely different hardware or services to accomplish the same performance.

After proposals are received, the county may enter into negotiations with as many vendors as have submitted feasible proposals in order to arrive at the best possible proposal for each vendor.

Although there is no legal requirement to do so, proposals are often used to procure professional or personal services. While the Professional Services Procurement Act (VTCS Article 664-4), prohibits using competitive bids to procure those covered professional services, there is no problem with using a concept based on the competitive proposal to obtain qualifications and rates charged for professional services from interested professionals. The only requirement is that selection not be based on a competitive sealed bid or proposal.

TYPES OF PURCHASES.....

There are several different types of purchases. Many of these will require different approaches. Since non-routine categories of purchases will frequently require more time to process, they should be minimized.

NON-STOCKED ITEMS - These items are not stocked or warehoused by the county. They may or may not be a standardized item, but are not in such constant demand as to be considered a supply or other stocked item. These items are procured by either bids or negotiated price quotes, according to the statutory or local requirement.

EMERGENCY - Emergency purchases are made to meet a critical, unforeseen need of the county. Because the county's ability to serve the public would be impaired if purchases are not made immediately, emergency purchases are exempt from standard purchasing procedures.

SOLE SOURCE - Sole source purchases are goods and services available from only one supplier. There may be just one vendor because of patents or copyrights or simply because the vendor is the only one which supplies the good or service. These purchases are exempt from the standard bidding requirement. The county may be required to certify that only one supplier is available.

REGISTRATIONS - Registrations for conferences, seminars and conventions for employees of the county. These may be handled by purchasing, and are subject to local procedures.

PUBLICATIONS - Books, magazines, periodicals and newspapers should be bought by the purchasing office in order to maintain control and eliminate duplication. Books may be subject to special purchasing rules.

MEMBERSHIPS - Memberships in trade or professional organizations should be processed through the purchasing office. The applications should be justified by the needs of the county and should require special authorization.

SERVICES - Many types of services are needed by the county. The purchasing office will frequently procure these services on contracts by bids or sometimes without bidding. Professional services may need to be procured under special rules.

SPECIFICATION WRITING FOR GOODS/SERVICES

Specifications are used throughout our lives, in ways you probably never thought about. A recipe for a cake is a form of specification. When you teach your children the way you want them to act, you are giving them an "unpublished" specification.

All well-written specifications are the product of concentrated group effort and are worth preserving. They represent the fruits of lengthy deliberation and study, combined with past experiences, and are essential to any efficient purchasing program.

Definition: A specification is a concise description of a good or service 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 or preparing an item for delivery, or preparing or installing it for use. **The specification is the total description of the purchase.**

Purpose: The purpose of any specification is to provide purchasing personnel with clear guides to purchasing, and to provide vendors with firm criteria of **minimum** product or service acceptability. A good specification has four characteristics:

1. It sets the minimum acceptability of the good or service. The term minimum acceptability is key, since the vendor must know the minimum standard to determine what to provide. Too high a standard means tax dollars will be wasted. Too low a standard, and the good or service will not meet the expectations of the user.
2. It should promote competitive bidding. The maximum number of responsible vendors should be able to bid to the specification. Restrictive specifications decrease competition.
3. It should contain provisions for reasonable tests and inspections for acceptability of the good or service. The methods and timing of testing and inspecting must be indicated in the specification. Tests should refer to nationally recognized practices and standards, whenever possible.
4. It should provide for an equitable award to the lowest responsible bidder. The buyer obtains goods or services that will perform to expectations, and the vendor is able to provide the goods or services at an equitable agreed price.

Who Prepares The Specifications? The specifications should be prepared by the using division, or an outside agency. The final acceptance of the specifications rests with the purchasing office. This is to ensure proper quality control and to avoid the proliferation of conflicting specifications in different departments of the county

What Should Accompany the Specifications? Vendors who have expressed an interest in working with the county, or vendors with whom the individual department

is currently working, should be listed and the list attached to the specifications. This will help insure that all vendors wanting to do business with the county, have an equal opportunity to do so.

TYPES OF SPECIFICATIONS

There are a number of types of specifications that are commonly used. The names may vary by the source describing them, but the following are the most commonly used terms. A single specification may be a combination of two or more of these types, especially the first two.

Design Specifications: detailed descriptions of a good or service, including such things as details of construction or production, dimensions, chemical composition, physical properties, materials, ingredients and all other details needed for the provider to produce an item of minimum acceptability. Design specifications are usually required for construction projects and custom produced items and for many services.

Performance Specifications: where the goods and/or services are described in terms of required performance. They may include such details as required power, strength of material, test methods and standards of acceptability and recommended practices.

Combination Specifications: contain elements of both design and performance specifications. Some features of each are included to allow a vendor to use ingenuity to meet the performance needs of the county and also to require certain necessary design characteristics. This is probably the most common type of specification.

Brand-Name Specifications: lists a good or service by brand name, model and other identifying specifics, in order to limit the bidding to a single preferred product. Since this type of specification discourages competition, it should not be used unless the item is the only one which will satisfy the county's requirement. This type specification is useful for purchasing replacement parts where only the brand name item will work.

Brand-Name or Equal Specifications: similar to brand-name specifications, except that products equal to the characteristics of the named brand are specified as acceptable.

Qualified Products List Specifications: based on a list of products, identified by manufacturers' name and model numbers, which are the only items which will be acceptable. These are used when quality is such a critical factor and testing so lengthy or expensive that the county wants to stay with proven products.

The list is prepared by testing products, either in the lab or in daily use. Items may be added to the list by the vendor demonstrating their quality in comparison to those on the list.

Approved Products List Specifications: See Qualified Products List Specifications.

Standard Specifications: a single specification for one or more goods/services that are ordered on a recurring basis and that have the same general purpose. The same specification is used each time an order is placed or bids are advertised. Examples are office supplies, paper, janitorial supplies and copier service contracts. Standardized specifications will usually be more complete and detailed than one-time specifications.

PURCHASES NOT REQUIRING PUBLIC ADVERTISING

This section suggests procedures to effectively expedite and control purchases of goods and services that are under bid limits, or for some other reason are exempt from bidding requirements.

Bidding limits are established to ensure that sizable purchases are subjected to fair competition among available, responsible vendors. But even though certain purchases are exempt for some reason from the statutory or local ordinance requirements for bids, they should have adequate controls and be subject to all practical competition.

There are several categories of purchases that are exempted from bids:

1. **Purchases Under the Bid Limit.** Purchases with a cost that is less than the dollar value set by state law or local ordinance for bids are exempt from bidding requirements.

a. Normal Non-bid Purchases. These purchases may be made by obtaining price quotations by telephone or in writing. After the vendor is selected, the procedures are identical to those used for purchasing items competitively bid. Procedures should be in place to ensure that the user is not splitting orders to escape the bidding requirements.

1. Procedures for obtaining price quotations for NON-BID purchases shall generally include soliciting at least three bids. The procedure governing these quotes is intended to deliver sound business decisions to the extent practicable under the circumstances.

b. Blanket Purchase Orders. Small purchases which are required "on the spot" may be made through a blanket purchase order. This is like a charge account with controls to prevent abuse. They can be very helpful if used properly.

2. **Emergency Purchases.** Purchases which are required immediately for purposes that couldn't reasonably have been foreseen are generally exempt from bids. They may be subject to certain **legal requirements**, such as **certification** that an emergency exists. The county has defined what constitutes an emergency and has developed procedures for handling them.

3. Sole Source Purchases. Purchases available from only one supplier are also exempt from bidding requirements. Statutes or local ordinance may require certification that other reasonable sources of supply do not exist.

4. Other Exempt Purchases. The statutes authorize some other categories of exempt purchases. Professional or personal services, purchases from other governments, some auctions and going out of business sales, and various other purchases are exempt under provisions of the Local Government Code and Vernon's Statutes.

Purchases Below Bid Limits.

For expenditures of less than a level set by the legislature, or by an ordinance of the county, competitive sealed bidding is not required. Texas law currently sets the dollar level requiring competitive sealed bids as follows:

cities with less than 50,000 population: \$5,000 .
cities of 50,000 or more population, all counties: \$15,000, except;
counties of 20,000 population or less, with the approval of the commissioners court: \$15,000.
local ordinances in cities may require sealed bids at a lower level than this.
Your government must comply with the stricter requirement.

If the expenditure for a purchase of goods or services is less than the required dollar level, the county can proceed in one of three ways:

1. If the amount of the purchase approaches the required dollar level for bidding, the county can still ask for sealed bids. Some advantages are:
 - a. If later purchases cause the total purchase price to exceed the bidding level, the bidding requirement is satisfied. Provisions allowing later purchases on the same terms might be written into the original contract.
 - b. Bidders may realize that the bidding requirements are tighter, and the bids may be more competitive.
 - c. Actual or apparent conflicts of interest between the vendors and the purchasing office, governing body or departments of the county are minimized.
 - d. Local Government Code §262.011(p) requires the county purchasing agent to adopt procedures to provide for competitive bidding whenever practicable. Asking for sealed bids satisfies this provision.
2. If competitive sealed bids are not used, price quotations should be solicited from an adequate number of vendors (minimum of three recommended) to ensure competition. The quotations may be in writing, or by telephone for less expensive items. Aside from speed, here are some other distinct advantages obtaining price quotations in this way has over sealed bids:

- a. Usually, because no preparation of bids are required, vendors are more willing to respond and more responses are received.
 - b. The buyer may negotiate price and conditions, at least to a limited extent.
 - c. The buyer may utilize his professional knowledge of market conditions and vendors that are known to be responsible, responsive and competitive on prices and quality.
 - d. It's easier to get bids from vendors of the preferred brands, since the purchasing office can ask them directly for quotations.
3. If the price is small enough that it's not worth obtaining several price quotations, the purchase may be made on a non-competitive basis from a vendor who is most convenient, without contacting other vendors.

A LOOK AT
INVITATIONS TO BID / REQUESTS FOR PROPOSALS

Invitations to Bid (ITB)/Requests for Proposals (RFP) ITBs and RFPs are the means for notifying vendors that the county has specific requirements for goods/services and that they are being offered an opportunity to fulfill those requirements.

These documents are designed to solicit bids or proposals from well-qualified vendors. They are usually sent to vendors known to provide the particular commodity, or who are on a list of vendors as providing that particular commodity. The ITB/RFP is also advertised in the local newspaper according to statutory requirements.

Competitive bidding and competitive proposals are required by statute for purchases over certain dollar limits. Currently, most counties and all cities with over 50,000 population must competitively bid all contracts for amounts exceeding \$25,000.

The system should be simple and practical, and the bids must be advertised as widely as possible, for competition to work. Complicated bid invitations or requests for proposals discourage competition and drive up prices.

ITBs and RFPs may be cancelled by the county at any time before the date set for opening bids. Notice should be mailed to all vendors receiving bid/proposal invitations.

ITBs and RFPs may also be modified after being issued. When modifications are required, the same requirements for notification and advertising are required. The modification notification should state whether the bid opening date is or is not extended. The bid opening date must be extended if the period from the date the modification or amendment is issued is less than the required notification period. When considering an amendment or modification it is important to remember that the required notification period occurs before the 14th day prior to the date of the bid opening.

PROCEDURE FOR MAKING NORMAL NON-BID PURCHASES...

For any purchase that is less than the level requiring competitive bids, the following procedures should be used:

A. Obtaining Price Quotations. Price quotations should be obtained from a sufficient number of vendors to ensure competition. The required number that is recommended is a minimum of 3 (three). However, based on the buyer's professional judgment, as many as ten price quotes may be requested, based on the estimated cost of the purchase.

Procedures for obtaining price quotations are not established by state law, and may be structured according to the needs of the county. The following procedures are suggested, although the county should set the dollar levels based on its own requirements.

1. Purchases costing between \$2000 and the bid limit. On receiving a requisition for a purchase below bid limits, but costing \$2000 or over, purchasing consults its vendor file for reliable vendors providing the desired good or service.

(a) Written requests for price quotations are sent to at least five vendors. The list of vendors should be rotated so that, over time, all vendors are contacted an approximately equal number of times.

(b) The request for price quotations should be on a standard form. It should contain at least the following information:

- (1) name and address of vendor,
- (2) description of item,
- (3) quantity required,
- (4) last date quotations accepted,
- (5) approximate date delivery is required, and
- (6) terms and conditions of purchase.

(c) The standard form should request certain specific information, such as:

- (1) total or unit price, as specified, and
- (2) the date through which quoted price will be effective.

(d) The request for price quotations should require that the quoted price will be honored during the stated period.

2. Purchases costing less than \$2000. On receiving a requisition for a purchase

for less than \$2000, purchasing consults its vendor file for reliable vendors providing the desired goods and/or services.

(a) Written or telephone requests for price quotations are made to at least three vendors. The list of vendors should be rotated so that all vendors are contacted an approximately equal number of times.

(b) The written price quotations are made as described for purchases over \$2000.

For telephoned price quotations, certain information should be provided to the vendor, including at least the following:

- (1) description of item,
 - (2) number of items required,
 - (3) date delivery required, as accurately as possible, and
 - (4) the terms and conditions of purchase.
- (c) Whether a written or telephoned price quotation is received, certain specific information should be obtained, and recorded in writing, such as:

- (1) the name and address of the vendor,
- (2) total or unit price, as specified,
- (3) date through which quoted price will be effective,
- (4) name of the representative giving the quote, and
- (5) the specific product offered, if not already stated.

B. Selecting the Vendor. After price quotations are taken, a vendor is selected. The selection is based on several factors, including:

- price - All other factors being equal, the lowest price should always be taken.
- quality of good or service - If more than one vendor can deliver at an acceptable price, the relative quality of each should be considered.
- reliability of the vendor - Based on past performance as documented in the vendor file.
- ability to service the item.
- Other relevant factors.

Making the Purchase.

After price quotations are obtained, the purchasing office selects a vendor and makes the purchase.

- A. After price quotations are obtained, all purchases below the bid limit are processed the same way.
 - 1. Price quotations are tabulated on a summary sheet. The sheet should contain for each vendor:
 - a. vendor name;
 - b. quoted price;
 - c. information relating to the vendor's reliability and past performance, and
 - d. the purchasing department's evaluation of the quality of the product, if known.
 - 2. The lowest and best offer should be selected, based on price, reliability of the vendor and quality of the product.

- B. The purchase order is processed according to Procedure.

AWARDING BIDS - A CLEARER PICTURE....

Contracts are normally awarded by the governing body. In some cases, the county purchasing agent is the contracting agent, but the governing body will usually approve the award even in those cases.

Once the bids are received and tabulated and a recommendation from purchasing is made, the bids should be considered at a public meeting of the governing body. In the case of proposals, there may need to be several private negotiation sessions with qualifying proposers in order to arrive at their final proposals. The proposals should then be considered in public session.

Bids should be awarded to the lowest (and best) responsible bidder. (The "and best" language is found in the county statutes.) Although the terms "lowest and best" and "responsible bidder" are not defined, common sense and experience should lead to an understanding of the meaning.

"Lowest" is obvious, and does not need further interpretation.

"Best" may need to come into play when, in the judgment of the governing body, a higher bid has such outstanding qualities as to overcome its higher price. Ideally, if specifications are written carefully, the only difference between the bids would be price. But practically, this rarely happens. The governing body needs to always keep in mind the difference between judgment and personal preference.

"Responsible" is defined by Webster's New Collegiate Dictionary as "marked by responsibility or accountability", or "able to answer for one's conduct and obligations". So, we would normally not disqualify a bidder unless there was a reasonable expectation that the bidder might not be able to satisfactorily fulfill the contract, or that past performances had left grounds for suspecting that the bidder might engage in some sort of unacceptable conduct. Also, under some circumstances, safety records may be considered.

Since disqualifying a bidder has such adverse effects, it should not be done lightly. If a bidder has had past unsatisfactory contracts with the county, the experiences should be thoroughly documented in order to support any later disqualifications.

If a bid other than the low bid is accepted, the lower bidders may be given the opportunity to appear and give evidence of their responsibility. (For counties ***(Please read this paragraph closely)***, and for public works contracts covered by Chapter 271, Subchapter B of the Local Government Code, the lower bidders **must** be given the opportunity to appear and give evidence of their responsibility.)

ANNUAL BID PROCESS....WHAT IS IT?

By law, most commodities/services used by the county (there are some exceptions) that are purchased within a 12 month period and have a cumulative amount of dollars expended of \$25,000 or more, are required to be publicly advertised and bid.

Generally speaking, when the county refers to the "annual bid process", we are speaking of that period of time that coincides with the fiscal year. During this process, which begins in early June and culminates in September, those commodities/services that historically the county has expended more than \$25,000, are publicly advertised and bid. Vendors are selected based on their individual bid submitted, and some pre-established criteria. The whole effort is to obtain the best price for the best product, and to establish a consistent price for a twelve month period of time. This process can include commodities/services that may not have a cumulative amount of dollars expended in excess of \$25,000, but are expected to have a significant enough amount to justify the cost of the bidding process. If your department has items that you feel need to be bid and awarded on an annual basis, let our department know about them.

There are several things to keep in mind about the bid process.

- One - It is a twelve month period that usually coincides with the fiscal year, but it is not a requirement that it coincide. It can be any desired consecutive 12 month period.
- Two - and very importantly, keep in mind that once a vendor has been awarded the "bid", every effort should be made to support the agreement, and purchase from the designated vendor. By doing this, the process works to the true benefit of all parties to the agreement.
- Three - no county department should feel pressured into minimum purchasing. The official bid form specifically states that the county is not guaranteeing a minimum amount of goods to be purchased. In most cases it is the overall purchasing picture (the macro perspective) where our benefits are received, not necessarily on an individual item basis (the micro view). If any vendor attempts to pressure your departments purchasing efforts, contact the Williamson County purchasing department at 943-3553, as soon as possible, and we will clear up any confusion.

If you encounter any vendors that are interested in participating in our annual bidding process, please remember to have them contact the Williamson County Purchasing Department for instructions about being placed on the bid list and arrangements on receiving schedules for annual bidding.

The Requisitioning Process.

Requisitioning is formally requesting that a purchase be made. It is the first step after the need for a good or a service is recognized.

Counties are required by statute (Local Government Code Sec. 113.901) to use a requisitioning system. The requisition must be authorized by the county officer ordering the purchase, **and approved by the county judge.** Requisitions should be made on the accepted paper form supplied by the county. These forms should be completed and the necessary purchase order issued **prior to any department funds being encumbered.**

Good sound business practices suggest that these requisitions be completed and submitted for services as well. This too, is required within the framework of the Williamson County purchasing system.

The requisition form should be completed in its entirety. To speed the process of receiving the necessary purchase order, particular attention should be paid to the completion of all parts of the requisition. Providing sketchy and incomplete purchase requisitions will only delay the order and receipt of the item you are requesting. Other suggestions for speeding the processing of the purchase order are outlined below:

1. Does this request fall within the realm of the annual bid process. That is to ask, "has a vendor already been awarded the contract for this product"?
2. Is this truly the most cost effective way of solving the problem?
3. Have proper channels been followed in requesting this item (ie. for equipment, has the Williamson County purchasing department been contacted for review of possible cooperative purchasing or purchasing from state contract, or for telephone service, has the Williamson County purchasing department been contacted prior to the requisition being submitted)?
4. Is this requisition the initial step in the process? If not, and the purchase has been prematurely made, the entire purchasing process has been circumvented, **and responsibility for payment may not rest with the county, but with the individual personally authorizing the purchase.**

It is the intention of Williamson County purchasing, to provide good sound controls on purchasing while making the individual responsibility within each department as simple as possible. If you have unique problems in the procurement process, contact us at 943-3553. We are here to help.

Types of Requisitions:

Requisitions are divided according to the type of action required on the purchase. Following are the recognized types of requisitions.

1. Routine - for all **normal purchasing** transactions requiring a requisition.

The purchasing department processes these requisitions using routine procedures. These are designated **PRIORITY FOUR.**

2. Expedited - for items that are needed sooner than the normal purchasing process would be able to get them.

The purchasing process must be expedited to prevent work stoppage or loss of the county's money. **Expedited purchases do not qualify as emergency purchases and are subject to all applicable bidding requirements.** The two types are:

- Walk Through - for items needed within ten working days to avoid work interruption, loss of service or significant added cost of operations.

The purchasing department processes these requisitions using routine procedures. The requisition and other documents are hand-carried through the purchasing process. These are designated **PRIORITY THREE.**

- Work Stoppage - for items needed immediately to prevent work stoppage due to unanticipated requirements.

The purchasing department processes these requisitions using routine procedures, but they start the process right after being notified of the need by telephone. These are designated **PRIORITY TWO.**

3. Emergency - for all requirements because of an emergency condition.

The purchasing department processes these requisitions using routine procedures designated under **PRIORITY ONE.**

ROUTINE REQUISITIONS.....Priority Four Type

Preparing the Requisition.

The requisition originates in the using department. Preparation must be done far enough ahead of the date that the goods/services are needed to allow purchasing and the vendor to do their jobs properly, including:

- Advertising for bids, if necessary. (This includes allowing adequate time for specification writing)
- Obtaining bids or price quotations.
- Processing bids, placing purchase orders or concluding contracts.
- Allowing delivery of goods or service.

The requisition should contain the following information:

- 1) **date of requisition** (month, day, year).
- 2) **name of department/section.**
- 3) **departmental contact** and telephone number.
- 4) **date required.** (Use definite date, not "**Rush**"," **Expedite**", or "**ASAP**")
- 5) **budget and contract codes** and vendor identification (if on an existing contract).
- 6) **quantity required**, including unit of issue.
- 7) **description.** (Clearly describe the item needed, including any technical requirements. If the department helps formulate the specifications, attach detailed technical specifications and other required information as a separate attachment. The description **SHOULD INCLUDE THE COMMODITY CODE.**
- 8) **purpose.** Describe the reason for the purchase.
- 9) **authorization block** (the authorizing official must sign on the proper line).
- 10) **budget certification.** (May be required to prove that money has been appropriated for the purchase).

- 11) **estimated cost.** If on an existing contract, give the unit price per the contract, and the total price.
- 12) **delivery destination.** This is the place where the item is to be delivered, or the service is to be performed. If there is a central receiving area, it will receive most deliveries. Delivery may also be directly to the user, to a work site, or to another authorized location.

Routing the Requisition.

After preparing the requisition, it must be routed to the following stations:

1. Departmental Authorization - for the signature of the authorizing official.
2. Additional Authorization - authorization by the County Judge is required prior to the requisition being submitted to the auditor's office for issuance of the purchase order. The County Judge bases the approval on whether the item has been included in the budget, and whether the line-item has a sufficient balance to cover the purchase. Within the limits of the budget, and assuming the legality of the purchase, elected county officials may decide the purchasing needs of their own offices.
3. Accounts Payable - for encumbrance of the proper fund line item.
4. Purchasing - When completed, the requisition is forwarded to purchasing, where it is processed in accordance with Williamson County purchasing guidelines.

This process may seem cumbersome, but it is required by law. Once the requesting department has obtained the necessary authorizing official signature, and delivered the requisition to the County Judge's office for additional authorization, the rest of the routing is automatic, unless there is a problem with the request. Requisitions are picked up by the auditor's office accounts payable department, processed, and forwarded to purchasing, where the purchase request is further reviewed. The department requesting the purchase be made, may either pick up the purchase order at the auditor's office purchasing department, or have the purchase order forwarded to the vendor by mail.

Processing the Requisition.

When the requisition is received in purchasing, it must be verified for accuracy, authorization and budget authority. Purchasing must do the following:

1. Check the requisition for completeness.
2. Check computations (total price, etc.) for accuracy.
3. Verify contract provisions, if on an existing contract.
4. Verify the authorization. Check authorization lists or personal authorization codes.
5. Verify the budget authority. Check budget line-item authority and budget balance for sufficient unencumbered amount to cover the purchase.

PRIORITY THREE / PRIORITY TWO..... TYPE REQUISITIONS

Expedited Requisitions:

Requisitions for expedited purchases are handled differently than routine purchases. There are two classes of expedited purchases. They are:

- Priority Three - purchases required within ten days to prevent unacceptable work slow downs or service deficiencies; or
- Priority Two - purchases required immediately to prevent actual work stoppages or service interruption.

Expedited purchases are **not emergency** purchases. They are for items needed quickly to prevent costly delays, and therefore warrant the additional cost and effort caused by the interruption of the normal work routine. However, they are not to be used unless absolutely required.

NOTE: For all purchases required under Priority Two and Priority Three that must be competitively bid under normal circumstances, an emergency must be declared in order to bypass the competitive bidding process.

Requisitioning Procedures:

- Priority Three Requisition
 1. The requisition is prepared .
 2. The preparer should then notify Purchasing by telephone, specifying that a Priority Three requisition is being walked through. Give Purchasing all available details.
 3. Walk the requisition to all required stations in accordance with Procedure. Wait until the station has completed processing the requisition, or have them call back when they are finished, and then carry the requisition to the next station.
 4. Hand-carry the requisition to Purchasing. Purchasing makes the purchase in accordance with either procedures in (Competitive Bidding) or (Non-Bid Purchases).

- Priority Two Requisition
 1. The requisition is prepared according to Procedure.
 2. The preparer should then notify Purchasing by telephone, specifying that a Priority Two requisition is being walked through. Give Purchasing all available details.
 3. Continue as with a Priority Three requisition.
 4. Purchasing begins the purchase process on receiving the telephone call in Step 2, and makes the purchase in accordance with either procedures in (Competitive Bidding) or (Non-Bid Purchases).

PRIORITY ONE.....TYPE REQUISITIONS

Emergency Requisitions:

Requisitions for purchases defined as emergency purchases are handled similarly to those for expedited purchases with one major difference. They must meet the qualifications for emergency purchases in the pertinent statutes. Emergency purchase requisitions are coded PRIORITY ONE.

Requisitioning Procedures

- **Priority One Requisition**
 1. The requisition is prepared according to Procedure, coding it Priority One.
 2. The preparer should then notify Purchasing by telephone, specifying that a Priority One requisition is being walked through. Give Purchasing all available details.
 3. Walk the requisition to all required stations in accordance with Procedure. Wait until the station has completed processing the requisition, or have them call back when they are finished, and then carry the requisition to the next station.
 4. Hand-carry the requisition to Purchasing. Purchasing begins the purchase immediately upon receiving the telephone call in accordance with Procedure.

Procedures for making Blanket Purchasing Agreements:

Blanket purchasing agreements (BPA's) are agreements with vendors to allow small purchases by individual departments without going through the normal purchasing procedure. For example, establishing a BPA with an automobile parts supplier for the county's automotive service department.

BPA's increase the efficiency of purchasing by allowing a rapid response when a needed part or supply is not in stock. BPA's also reduce administrative costs for small purchases by eliminating the need for requisitions and purchase orders.

BPA's are similar to a store account. They should have a dollar limit established by the governing body, but usually less than \$500 per month. Individual purchases should also be limited to an amount set by the governing body, usually less than \$100 per purchase. Purchases may not be split to circumvent this requirement.

When a department requests that a BPA be established, it is handled much like any purchase. The requisition is processed through normal channels, and requires the proper approvals. Then when the BPA is issued, the applicable account should be encumbered for the full amount of the BPA limit. After a BPA has been established, no requisitions or purchase orders are required to make a purchase. On approval of the department head, the needed part is simply purchased from the vendor. Invoices are retained and purchases are logged on a special form.

Procedure for making a blanket purchasing agreement:

- Step 1. The using department submits a routine requisition. Full justification is required. Be sure to include suggested vendors with which to place the BPA.
- Step 2. The requisition is routed for authorization and encumbrance of funds (if applicable).
- Step 3. When the approved requisition is received in purchasing, several vendors are contacted (usually including the suggested vendors). The vendor giving the best discount on purchases should normally be selected, but convenience may be considered.

Step 4. The blanket purchase agreement is entered into with the selected vendor for a period not to exceed one year, but ending with the county's fiscal year end. It should contain:

- a. monthly and single purchase dollar limits;
- b. persons authorized to order under the BPA;
- c. category of items (not a complete listing);
- d. terms of the sale, including discounts; and
- e. required information to be entered on each sales ticket, such as:
 - (1) vendor name and address
 - (2) BPA number
 - (3) department/location
 - (4) description of item(s) purchased
 - (5) unit price/total price
 - (6) call number
 - (7) person calling order/making purchase
 - (8) name, title and signature of person receiving delivery
 - (9) date

Step 5. The person taking delivery shall obtain a sales ticket. This sales ticket will be the monthly log form.

Step 6. All purchases will be entered on a monthly purchase log.

Step 7. A consolidated monthly invoice shall be issued for all purchases during the month and sent to the address where all purchase invoices are required to be sent.

Step 8. Payment will be made in accordance with normal procedures for those purchases within the monthly and single purchase limits that were ordered by authorized persons only.

BLANKET PURCHASE AGREEMENT (EXAMPLE)

1. This Blanket Purchase Agreement (BPA) covers delivery of the categories of items shown below, and no other, during the period beginning October 1, 19X1 and ending September 30, 19X2. The total amount of all purchases made against this BPA shall not exceed Five Hundred Dollars (\$500.00) per month, and no individual purchase shall exceed Fifty Dollars (\$50.00), including all items. Only those items authorized to be purchased by this BPA may be ordered and orders may be placed only by personnel authorized herein. Williamson County shall not be responsible for payment of any invoices except for those orders placed pursuant to this agreement.

a. Category of items: (EXAMPLE) Hardware, Electrical, Building Materials, Paint and related items

2. Orders may be placed by telephone, in person, or in writing by the following personnel:

<u>NAME</u>	<u>TITLE</u>	<u>DIVISION</u>	<u>TEL. NO.</u>
Joe Doaks	Foreman	Gen. Maintenance	555-1111
John Doe	Stock Clerk	Warehouse	555-1111
Faye Fadeaway		Foreman	Elec. Shop 555-1212
Johnny B. Good		Ass't Foreman	Elec. Shop 555-1212
Billy Beano	Stock Clerk	Warehouse	555-1212
Frank Farback	Foreman	Paint Center	555-2222
Helen Waite	Stock Clerk	Warehouse	555-2222

3. All items shall be charged at the established list prices as posted on the shelves or on merchandise, less discount of fifteen percent (15%). The person authorized to place orders shall assign a separate, sequential number for each purchase made, and shall communicate the number to the person taking the order. This order number, together with the Purchase Order Number assigned to this Blanket Purchase Order (Attached) shall be shown on each sales ticket for orders placed. Sales tickets must contain the following information:

- vendor Name and Address
- BPA Number
- purchase order number/order number
- department/location
- brief item description
- unit price (for each item)
- quantity (for each item)
- extension price (for each item)
- total price (all items)
- printed name, title, date and signature of person receiving delivery

4. Upon delivery or pick-up of each order, a copy of the sales ticket shall be supplied to the individual taking the delivery. The sales ticket shall be returned to the ordering department and retained for the monthly report.

5. A consolidated monthly invoice shall be issued for all orders made during that month. No advance payment may be made for back-ordered items. The invoice shall include orders completed during the month and the sales ticket numbers for orders completed. If more than one BPA has been made with a vendor, a separate invoice shall be sent for each BPA. Invoices shall be forwarded to:

WILLIAMSON COUNTY
Purchasing Department
301 SE Inner Loop - Suite 106
Georgetown, Texas 78626

6. The monthly invoice may not exceed the \$500 limit. Payments beyond \$500 will not be made by Williamson County, nor will payments be made for orders placed by unauthorized persons.
7. Payment shall be made by Williamson County upon verification of all deliveries and accuracy of sales tickets and invoices.

Sole Source Purchases.

There are many reasons why a purchase might be possible or practical from only one vendor:

1. There is no competitive product. The good/service is a one-of-a-kind or patented product, a copyrighted publication available from only one source, or a unique item such as an art work.
2. The product is only available from a regulated or natural monopoly. For example, utilities, gravel from the only pit in the area or some similar situation.
3. The product is a component of an existing system which is only available from one supplier. The replacement of a component or a repair part may only be available from the original supplier.
4. The purchase price is very small. Some prices are simply too small to justify the time and effort to get competitive quotes. The buyer probably has a good knowledge of similar purchases and prevailing prices, making it possible to waive the normal process for strictly practical reasons.

Another reason for sole source purchases may be the result of statutes or ordinances that require or allow certain types of purchases to be made from a particular source.

1. The item is produced by non-profit corporations using handicapped workers. Products made by blind or otherwise handicapped workers are often used by state or local governments.
2. The item is produced by prison workers. The state benefits from the sale of these items.

There are a number of good reasons why a local government may occasionally use sole source purchases. And it is proper to have the flexibility to make these purchases. But sole source purchases must be strictly controlled, since they are directly contrary to the competitive process.

Under most conditions, a sole source purchase should be the subject of a certain amount of negotiation. The lack of other competition may otherwise result in a severe case of "sellers market". The purchaser should prepare a detailed list of requirements relating to delivery, quality, performance and other conditions, and be prepared to withhold the purchase in order to ensure compliance. Of course, this may not be possible, but the buyer should do everything in his power to strengthen his bargaining position.

Procedure for Sole Source Purchases.

Sole source purchases are handled the same as other purchases, with these exceptions:

1. **If the requisitioning party determines that the item is a sole source purchase, they must attach a statement to the requisition that they have contacted a sufficient number of vendors to determine that only one practical source of supply exists, or state the reasons why only one source of supply exists.**
2. The requisition is then completed.
3. If the purchasing department determines that the item is a sole source purchase, they must include a similar statement in the purchase file.
4. All sole source purchases should be approved by an official authorized to approve such purchases. The approval should be done before a purchase order is issued.
5. The commissioners court must receive a signed statement from the purchasing official that the purchase can be obtained from only one source, and then must enter a statement to that effect in the minutes of the commissioners court meeting.
6. After the requisition is approved, the purchase order is prepared.

EMERGENCY PURCHASES.....

Texas statutes generally allow the county to make emergency or exempted purchases* without competitive bidding.

The county is generally exempted from competitive bidding *if*:

- 1. in case of a public calamity, the prompt purchase of items is required to provide for the needs of the public or to preserve the property of the political subdivision;**
- 2. the item is necessary to preserve or protect the public health or safety of residents of the political subdivision; or**
- 3. the item is made necessary by unforeseen damage to public property.**

Exempted purchases other than emergency purchases are handled routinely, according to the procedures for making non-bid purchases.

*(*For counties only, the exemption must be granted by the commissioner's court).*

TEXAS PURCHASING LAW - VERNON'S TEXAS CIVIL STATUTES

PROMPT PAYMENT ACT

Vernon's Texas Civil Statutes has many laws that pertain to public purchasers. This section discusses the most important of them.

VTCS Article 601f - Prompt Payment Act

This statute, commonly known as the **Prompt Payment Act**, sets out:

- required deadlines for payment of a government's obligations to its vendors,
- requirements for vendors' payments to their subcontractors,
- penalties for failure to comply with the Act, and
- exceptions to the Act.

This Act applies to all state agencies and political subdivisions, including counties and cities. It requires that they pay all payments owed not later than 30 days after the **goods or services** are received, or the date that the invoice is received, whichever is later. This applies to contracts executed on or after September 1, 1987.

The Prompt Payment Act also requires that **political subdivisions** not meeting the required payment date automatically add interest to the payment at the rate of **one percent per month**.

State agencies do not have to **automatically** pay interest, although it becomes due at the same time as for political subdivisions. For state agencies, the vendor must file a claim for the interest with the state agency, and include the envelope in which the warrant was received or other proof of the date the payment was mailed or transmitted by the state agency.

This Act also requires that vendors follow the same rules for payments to their subcontractors, including the automatic calculation and payment of interest at the rate of one percent per month. Subcontractors must then pay their suppliers, materialmen or servicemen within 10 days of receipt of their payment. If they fail to do so, they also become liable for automatic calculation and payment of interest at the same rate.

When the governmental entity believes there is an error on an invoice received from a vendor, it has until the 21st day after receipt to notify the vendor of the dispute. Then, if the dispute is resolved in favor of the government, the vendor must submit a new invoice and the **government has thirty days from receipt of the new invoice**

in which to pay. If the dispute is resolved in favor of the **vendor**, interest is due from the **original date the invoice became overdue.**

The Act provides that if other contractual provisions concerning time of payment are made, those provisions override the provisions of the Act. So you can make **any other** provisions for payment or resolution of disputes **in the contracts** between the government and the vendor. (Hint: If additional time is necessary to allow for the governing body to approve payments, a good place to provide for special payment arrangements is on the purchase order form.)

Other times when the Prompt Payment Act provides exceptions are:

- when there is a bona fide dispute between the **vendor** and a **subcontractor**, or between a **subcontractor and its supplier** concerning the supplies, materials, or equipment delivered or the services performed which causes the payment to be late;
- when the terms of a federal contract, grant, regulation or statute prevent the government from making a timely payment with federal funds; or
- when the invoice is not mailed to the proper office, if an office address is specified in the instructions on the purchase order.

This Act is intended to encourage the governments who are purchasing to take all available discounts. However, it is **not** intended that a government use partial payments to claim discounts. The Act provides that if a government does not make full payment within the discount period, it shall not take the discount. If a discount is claimed by only making partial payment within the discount period, interest accrues on the unpaid balance **on the day the discount offer expired, not** after the 30th day, as usually occurs.

The State Purchasing and General Services Commission is the rule-making agency for implementation of this Act.

This Act also specifies that in a formal administrative or judicial action to collect an invoice payment or interest due under this act, the party which loses the action is responsible to the prevailing party for reasonable attorney's fees.

**TEXAS PURCHASING LAW -
LOCAL GOVERNMENT CODE
PURCHASING FOR COUNTIES - THE COUNTY PURCHASING ACT**

Subchapter C Competitive Bidding

This subchapter contains all that previously was included in VTCS Article 2368 a-5, the County Purchasing Act. It contains definitions used in the Act, and details the requirements for competitive bidding for counties. As such, it is one of the most, if not **the** most, important statutes as far as purchasing officials for counties are concerned. Among the terms defined in the act are **separate purchases, sequential purchases and component purchases.**

Section 262.023 sets the competitive bidding or proposal threshold at \$15,000 for all counties, except as set out below.

In counties of less than 20,000 population where no purchasing agent has been appointed, competitive bids on contracts of \$15,000 or less are not required if the commissioners court publicly finds it to be in the public interest.

All bids or proposals must be sealed.

The provisions of this subchapter apply to contracts for which payment will be by current funds or bond funds or time warrants. If payment is to be made by certificates of obligation, then the provisions of Subchapter C, Chapter 271 apply. Also, see VTCS Article 6702-1, Subchapter C, Section 3.211 which details the requirement for bids on road and bridge equipment, materials and supplies at amounts exceeding \$15,000 for counties on the Court/Engineer system (unit road system).

In applying any requirements established by this subchapter, all separate, sequential, or component purchases (as defined in the definitions section) ordered or purchased with the intent of avoiding the competitive bidding requirements are treated like a single purchase. (Separate purchases of office supplies, when not intended to avoid competitive bids, are not considered to be a single purchase.)

Exemptions - Items exempted from the competitive bidding provisions **only** when the commissioners court by order grants the exemption, are:

1. items purchased in case of public calamity to relieve the needs of the citizens or to preserve county property;
2. items to preserve or protect the public health or safety of the residents of the county;

3. items necessary because of unforeseen damage to public property;
4. personal or professional services;
5. work paid for on a daily basis;
6. land or right-of-way;
7. sole source items, such as patented or copyrighted items, films or manuscripts, electric power, gas or other utilities, and captive replacement parts or components of equipment;
8. items of food, and
9. personal property sold at a public auction by a licensed auctioneer, or sold at a going out of business sale, or sold by another political subdivision of the state, a state agency or the federal government.

The renewal or extension of a lease or equipment maintenance agreement is not required to be bid if:

- the lease or agreement has been bid within the preceding fiscal year ;
- the renewal or extension does not exceed one year and
- the lease or agreement has not been previously renewed or extended.

If an item is purchased under the sole sources exemption, the purchasing official for the county must sign a statement to the commissioners court as to the existence of only one source, and the court must enter in its minutes a statement to that effect.

In case of the exemption of foods from formal competitive bidding, the county is required to obtain three quotations for purchases of food either by telephone or by written solicitation at intervals set by the commissioners court, and to accept the lowest and best bid, or to reject all bids and repeat the process. Records of the bids must be maintained by the purchasing officer for at least one year or until audited by the county auditor, whichever is later.

Notice of Competitive Bidding - All contracts to be let by **competitive bids or proposals** must be advertised. The advertising must be in a newspaper of general circulation in the county, and:

- must be published therein at least once a week until the bid opening, and
- the first publication must be on or before the 14th day before the date of the bid opening.

If no newspaper of general circulation exists, the notice may be posted in a prominent place in the courthouse that is constantly accessible to the public for the 14 days before the bid opening. (If posted inside the courthouse, and the courthouse is not opened for some days during the period, those days will not count toward the 14 day period.)

The notice must contain:

- the specifications or where the specifications may be obtained,
- the time and place for receiving the bids,
- the time and place for opening the bids,
- the name of the county official or employee to whom bids are to be sent,
- whether to use lump-sum or unit prices in the bid,
- the method of payment, and the type of bond, if any, required by the bidder, and
- If any part of the payment is by time warrants, certain information on the time warrants is required.

Additional Notice for Heavy Equipment Bids - If the proposed purchase is for earth-moving, material handling, road maintenance, or construction equipment, the notice may require a request for information about the costs of operation and maintenance and resale value of the equipment. If the commissioners court desires, they may require the successful bidder to provide a bond to cover the amount of any repurchase agreement.

Opening of Bids - Bids must be opened by the county's purchasing official on the date and the time specified. The opening date may be extended if there is an error in the specifications, or to provide more time for the provisions of the competitive proposal method in §262.030. After opening, bids must be kept on file and available for public inspection. For proposals under §262.030 which contain trade secrets or confidential information which has been identified as such, the portion with the secrets or confidential information is not available, but the remainder of the proposal must be.

Awarding of the Contract - The county's purchasing official presents the bids to the commissioners court, and the court must either award the contract to the responsible bidder who submits the lowest and best bid or reject all bids and re-bid the contract. **One and only one bid may be awarded** for each bid invitation. If two or more responsible bidders submit identical lowest and best bids, the

commissioners court must decide between those bidders by drawing lots. **(Note: If too many identical bids begin to appear, especially from the same bidders, you may begin to suspect bid rigging or collusion.)**

In determining the lowest and best bid for a contract for the purchase of earth-moving or road maintenance or construction equipment, the commissioners court may consider any information requested in §262.0255 about costs of repair or maintenance, and the resale value of the equipment in awarding the contract.

Before a bid is awarded to other than the low dollar bidder, all lower bidders meeting the specifications must be given an opportunity to appear before the commissioners court to present evidence of their responsibility. In determining who is a responsible bidder, the commissioners court may consider the safety record of the bidder so long as the commissioners court has adopted a written definition and criteria for determining the safety record, and has given notice in the specifications that the safety record must be considered.

In the specifications for the bid or proposal, the county must state whether lump-sum or unit prices will be used. Lump-sum means one price must be stated for the entire contract, while unit prices means that a price per unit must be stated, and the county will pay that price for all units purchased. In using unit pricing, the county must give approximate quantities to be purchased, but the compensation to the bidder will be based on actual quantities purchased.

Time Warrants - If a timely petition of at least 5 percent of the registered voters of the county is filed before the time for authorization of time warrants to be used to pay for a purchase, then the county must hold an election on the question of using the time warrants.

Alternative Multi-step Competitive Proposal - In a county of 125,000 population or more, if the county purchasing official determines that preparing a detailed specification for a purchase is impractical, then the official may so inform the commissioners court. If the court agrees, then the purchase may be made by a multi-step competitive proposal. In this case, the county gives a general description of the item desired, instead of detailed specifications, and requests un-priced proposals.

Within seven days after the opening of the proposals, the county official must request priced bids from the qualifying bidders using the criteria in the request for proposals. Within 30 days after the date of opening, the priced proposals must be presented to the commissioners court, and the award must be to the responsible bidder whose bid is determined to be the lowest evaluated offer resulting from negotiation. During this time, discussions may be held with acceptable bidders, and revisions are permitted after submission to determine the best and final offer. All qualified responsible bidders must be accorded fair and equal treatment.

Alternative Competitive Proposals for Insurance and High Technology Items -

An alternative method of competitive purchasing is the use of proposals. A request for proposals must include the conditions to be satisfied, and the relative importance of price and other evaluation criteria. The same public notice requirements as for competitive bids apply. The contract is awarded to the responsible offerer whose proposal is determined to be the lowest evaluated offer resulting from negotiation, considering the relative importance of all the criteria stated in the request for proposals.

Proposals which contain trade or confidential information as identified by the proposer will be opened in such a way as to avoid disclosure of this information. All other information in proposals must be open to the public.

All proposals reasonably susceptible to being selected must be given fair and equal consideration, and discussions must be conducted with all these. The proposals may be revised to give maximum satisfaction to all parties before award of the contract for the purpose of obtaining best and final offers.

Modifications and Changes - After award of a contract, but before the signing, the county purchasing official may **negotiate** a modification in the best interests of the county, so long as the modification does not substantially change the scope of the contract nor cause the contract to exceed the amount of the next lowest bid. The commissioners court must approve the modification.

After award of the contract, the commissioners court may make changes to plans, specifications or quantities, if necessary. But the total contract amount may not be increased unless the increase can be paid from current funds. If a change order of \$15,000 or less is involved, the court may grant authority to an employee to approve the change order. No increase of more than 25 percent may be made, and any decrease of 18 percent or more must have the consent of the contractor.

Bid or Performance Bonds On contracts for public works or for contract amounts exceeding \$100,000, the county may require a **bid bond or cashier's check for five percent** of the bid amount. The county shall also require a **performance bond** on contracts for amounts of \$50,000 or more. (**Note: See also VTCS Article 5160 Performance Bonds on Public Works Contracts. Contracts exceeding \$25,000 must have a performance bond and a payment bond.**) For contracts of less than \$50,000, the county may provide that no payment will be made until after completion and acceptance of the work, or fulfillment of the purchase contract. No performance or bid bond may be required of a bidder or proposal offerer whose rates are subject to regulation by a state agency.

Criminal Penalties - Any county official or employee commits a Class B Misdemeanor if they intentionally or knowingly make or authorize separate, sequential or component purchases to avoid the competitive bidding requirements of §262.023. Any other intentional or knowing violation of §262.023 is also a Class B

Misdemeanor. Any intentional or knowing violation of any provisions this subchapter other than §262.023 is a Class C misdemeanor.

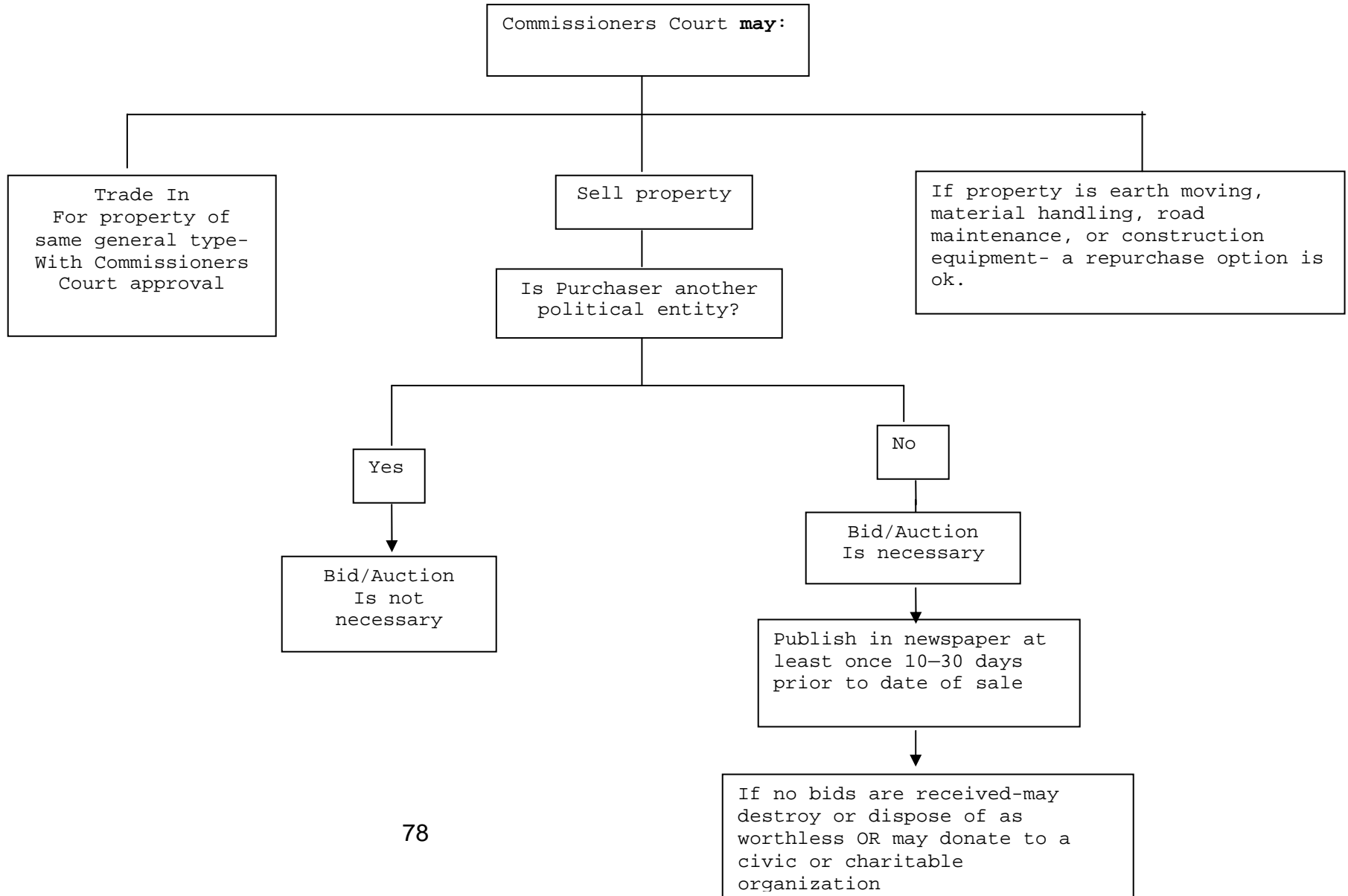
The final conviction of violations of §262.023, which are Class B Misdemeanors, result in immediate removal from office or employment of that person. Also, for four years of the date of final conviction, the person is ineligible to:

- be a candidate for or to be elected or appointed to a public office in this state;
- be employed by the county; or
- receive compensation through a contract with the county.

However, the removed official or employee does not lose any retirement or workers compensation benefit rights.

DISPOSITION OF COUNTY PROPERTY

TEXAS LOCAL GOVERNMENT CODE - Chapter 263 Subchapter D
Disposition of Salvage or Surplus Property



DISPOSITION OF UNCLAIMED OR ABANDONED PROPERTY

TEXAS CRIMINAL PROCEDURE - CODE AND RULES

Article 18.17

