

# **PRESIDIO COUNTY**



## **PURCHASING POLICIES**

**UPDATED APRIL 14, 2015**



# Presidio County, Texas

## Purchasing Policies

### **01. POLICY AND AUTHORITY**

-  Policy 1.1: General Policy
-  Policy 1.2: Purchasing Authority and General Guidelines

### **02. REQUISITIONS**

-  Policy 2.1: Requirements for Requisitioning

### **03. PURCHASING REQUIREMENTS**

-  Policy 3.1: Purchasing of Materials and Supplies
-  Policy 3.2 Bidding/Proposal Process and Procedures

### **04. SPECIAL PURCHASES**

-  Policy 4.1: Special Purchases
-  Policy 4.2: Emergency Purchases

### **05. COOPERATIVE PURCHASES**

-  Policy 5.1: Enabling Authority

### **07. COUNTY PROPERTY**

-  Policy 7.1: County-Owned Supplies and Equipment

### **08. HUB REQUIREMENTS**

-  Policy 8.1: Historically Underutilized Business (HUB) Contracting

### **09. RECYCLING PROGRAM**

-  Policy 9.1: Recycled Product Procurement and Waste Management

### **10. EXCLUDED PARTIES**

-  Policy: 10.1: Federal Debarred Vendors

### **11. LEGAL BASIS FOR PURCHASING**

-  Policy 11.1: Statutory References

### **12. CODE OF ETHICS**

-  Policy: 12.1 General Ethical Standards

Adopted by Commissioners Court – 10/09/2010

Revised by Commissioners Court – 09/17/2013

Revised by Commissioners Court – 4/22/2014

Revised by Commissioners Court ~ 04/14/2015

*PH*

Policy 1.1: General Policy

It is the policy of Presidio County that all purchasing shall be conducted strictly on the basis of economic and business merit. This policy is intended to promote the interest of the citizens of Presidio County.

- A. To avoid violation of, or the appearance of violation of, the policies in this manual, Presidio County employees and officials are prohibited from:

Seeking or accepting, directly or indirectly, any loans, services, payments, entertainment, trips or gifts of merchandise or money in any amount from a business or an individual doing or seeking to do business with the County.

- B. It is important to remember that County Purchasing operates in full view of the public. In order to assure an open purchasing process and economy in purchasing, the Commissioners Court has determined that competitive bidding will be used as much as possible in the purchase of goods and services for the County.
- C. Presidio County intends to maintain a cost effective purchasing system conforming to good management practices. To be successful, the system must be backed by proper attitudes and cooperation of not only every department head and official, but also every supervisor and employee of Presidio County. The establishment and maintenance of a good purchasing system is possible only through cooperative effort.
- D. The responsibility of purchasing ultimately rests with the Commissioners Court. The Purchasing Officer, as an agent of the Commissioners Court, aids in the purchasing process but is subject to the Court's direction as to reasonable specifications and maximum prices on items to be purchased. The Purchasing Officer, as authorized by the Commissioners Court, shall instruct departments and agencies of various rules and procedures needed to fulfill the Purchasing Officer's duties.
- E. The purchasing process is not instantaneous. Time is required to complete the steps required by State law. In order to accomplish timely purchasing of products and services at the least cost to Presidio County, all departments must cooperate fully. Prior planning and the timely submission of requisitions are essential to expedite the purchasing process and to assure that the process is orderly and lawful.

Policy 1.2: Purchasing Authority and General Guidelines

Authority to make County purchases resides in either the County Purchasing Officer or the Commissioners Court. The County Purchasing Officer is designated by the Commissioners Court. The Purchasing Officer authorizes purchases of goods and services and supervises all purchases made on competitive procurement to ensure compliance with the purchase contract and shall provide competitive procurement, to the extent practical under the circumstances, for the County to purchase an item under contract that is not subject to competitive bidding. (LGC 262.0115 and 262.011).

B. General guidelines for procurement and utilization of this manual are as follows:

1. Generally, competitive procurement is required on any purchase likely to equal or exceed \$50,000.00. (The competitive procurement amount is set by the State Legislature and may be changed by the Legislature (LGC 262.023(a).) Unless a procurement contract for the goods or services already exists, the items are required to be purchased through competitive procurement as described in Policy 3.2. Questions regarding the necessity of competitive procurement should be directed to Purchasing Officer.
2. Other Purchases -- Special procedures are available for and applicable to the purchase of particular goods and services summarized as follows:
  - a. Unbudgeted Capital Expenditures -- purchases not authorized in a department's current budget must be authorized through a budget amendment by the Commissioners Court, before submitting a requisition to the Purchasing Officer.
  - b. Blanket Purchase Orders -- acquisition of goods or services on an "as needed" basis may be authorized in appropriate instances by a blanket purchase order. (See Policy 4.1, A.)
  - c. Competitive Proposals -- as an alternative to competitive procurement, (LGC 262.030) competitive proposals from vendors may be solicited by the County. (See Policy 4.1, B.)
  - d. Travel -- arrangements for travel and reimbursement of travel expenses should be according to the procedures provided by the Presidio County Policy and Procedure Guidelines.
  - e. Professional and Personal Services -- Professional and Personal Services may be exempted from competitive procurement, in which case they may be obtained through Requests for Proposals or Requests for Qualifications. (See Policy 4.1, B & C.)
  - f. Emergency Purchases -- items otherwise required to be competitively procured may be exempt from the competitive procurement process by the Commissioners Court if (1) an item that must be purchased in a case of public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the County, (2) the purchase is necessary to preserve the public health or safety of County residents, or (3) the purchase is required due to unforeseen damage to public property. (See Policy 4.2)
  - g. Sole Source Items -- an item available from only one source may be purchased without competitive procurement, with the approval of both the Commissioners Court and County Purchasing Officer. (See Policy 4.1, D.)

- h. Personal Property Sold -- Personal property sold at auction, at a going out of business sale or by another government entity may be purchased without competitive procurement. (See Policy 4.1, E.)
- i. Services – Services required under the statutory bid amount are delegated to the Purchasing Officer.

Policy 2.1: Requirements for Requisitioning

- A. A requisition is required for all purchases (LGC 113.901). Authority to approve requisitions for processing is delegated to the Purchasing Officer. The purpose is twofold: (1) to inform Purchasing Officer of the needs of the requesting department; and, (2) to identify correctly and clearly the material requested. Requisitions must be prepared well in advance to enable issuance of Purchase Order and to allow for delivery by the vendor.
- B. Requisitions are prepared and processed manually and approved by the department head with an authorized signature. All information, including complete product or service details, must be given by the requesting department. An Authorization Form must be submitted to the Purchasing Officer for each Elected Official or Department Head to delegate requisitioning authority for assigned budgets to individual employees. Each Elected Official or Department Head is held accountable to insure that all authorized employees are properly instructed in Purchasing law and policy and are cognizant of all legal and disciplinary consequences as a result of violations.
- C. All capital purchases require a Sequence Number issued by the Treasurer's Office after approval by Commissioners Court in compliance with the Budget Policy.
- D. The following deadlines have been established for each fiscal year to assist the Budget, Purchasing and County Treasurer's offices by allowing adequate time to process all of the necessary paperwork, secure bids or quotes and provide for the payment of the majority of expenses prior to September 30th of each year:
  - 1. July 1 Deadline for purchase request for capital items or procurements that require competitive sealed procurement: Requisitions must be received and funds must be available by this date for any capital purchase. Requests after this date would need to be justified through Commissioners Court for items over \$50,000.00 and through the Purchasing Officer for all other capital items.
  - 2. September 1 Deadline for all other purchase requisitions: Requisitions received after this date will not be processed in the current fiscal year unless adequate justification is made through the Purchasing Officer. Repair requests will be handled as normal to insure efficient operations.

Policy 3.1: Purchasing of Goods and Services

A. Goods and services are acquired through Purchasing Officer.

The Buyer shall use various means to provide for competitive bidding to practicable extent (LGC 262.0241). Methods and procedures for acquisitions are described below.

B. This section of the procedure manual outlines the responsibilities of County departments when making an acquisition.

1. Requesting Departments' responsibilities are to:

- a. Make requests early enough to allow sufficient time for the vendor to make delivery.
- b. Prepare specifications, if needed.
- c. Supply a written list to Purchasing Officer of any department personnel (besides the department head or County official) who are authorized to prepare and/or approve requisition forms.
- d. Inform Purchasing Officer of all unusual demands.
- e. Take no actions which might be viewed as obligating or committing the County, except in an emergency (as defined in Section VI, D).
- f. Make no commitments regarding goods or services in the name of the County. Such commitments will be VOID unless they are made by the Purchasing Officer, the Commissioners Court, or other authorized agents of the Purchasing Officer.
- g. Submit requisitions for purchases from grant funds to the Office of Management and Budget (O.M.B.) for review prior to submission to the Purchasing Officer.

C. Once a department issues a requisition for items, Purchasing Officer may seek pricing from various vendors. If the expenditure is less than the statutory bid requirement, a written or verbal quote may be sought by the Purchasing Officer; if above the statutory bid requirement, competitive written bids must be sought by the Purchasing Officer. Upon completion, the requisition will be processed, into a purchase order (PO).

D. When items are received or services completed, the requesting department confirms that items or services were received in acceptable condition according to contract terms. If in unacceptable condition, contact the Purchasing Officer for follow up with vendor in order to correct any problematic area. If items are in acceptable condition, the department shall process a Receiving Report and forward it to the Treasurer. Upon receipt of the vendor invoice and Receiving Report, the Treasurer will verify the accuracy of the invoice and process it for payment.

E. It is the responsibility of each County department to see that all purchased items conform to the quantity, quality and specifications of the order.

F. If goods are unacceptable, the user department must immediately notify Purchasing Officer of the reasons why the merchandise is not acceptable. Purchasing Officer will then compel replacement, cancel the order, or take other appropriate action to obtain acceptable merchandise. If merchandise

replacement or other appropriate action cannot be achieved within a time frame acceptable to the user department, the PO shall be canceled.

G. Pick-up purchase orders may be issued for specific purchases as approved by the Purchasing Officer and are limited to purchases of items which cannot be planned for in advance; for example, items needed when there is an unforeseeable equipment breakdown. Departments may either pick up the PO from Purchasing Officer and hand deliver it to the authorized vendor OR the vendor may receive a PO number over the phone to execute the order and later receive a hard copy PO to confirm the order. Once the items are received or services completed, the Receiving Report is processed in the same manner previously described.

H. Miscellaneous Provisions:

1. County officials or employees shall not purchase supplies, materials or equipment of any kind through the County of Presidio for personal use.
2. All departments requiring specific uniforms to be worn by County employees shall limit such purchases to only those items not considered to be of a personal nature. Personal nature items include but are not limited to hats and boots. An exception to this policy must be approved by Commissioners Court.
3. Presidio County attempts to purchase recycled products when deemed economical and quality standards are met.
4. Presidio County Commissioners Court has adopted a framing policy that allows elected officials and department heads to expend County appropriated funds to the extent available for the framing and display in County offices of decorative items, if the item is donated to the County in writing. County funds may not be used for the framing of personal items such as diplomas, certificates, etc.
5. Items of a personal nature shall not be purchased with County funds.

Policy 3.2: Bidding/Proposal Process and Procedures

- A. Bid Procedures - Statutory Limits - LGC 262.023 sets limits for requirements of formal bids. No specifications are to be written with the intent to exclude a possible bidder. Competitive bidding can be let on either a lump sum or a unit price basis. If unit price bids are solicited, the needed quantities of each item are to be estimated on the requisition based on the best available information. The successful bidder's compensation, however, will be based on the actual quantities supplied, furnished or constructed. In applying the competitive bidding and competitive proposal requirements, all separate, sequential or component purchases of items are treated as if they are a single purchase and a single contract.
  
- B. Requesting Department's Responsibilities
  - 1. Obtain bid procedure information from the Purchasing Officer.
  - 2. Provide bid specifications and approximate quantities, based on the best available information, and include a requisition.
  - 3. Return the bid information (Item 2) to Purchasing Officer far enough in advance of the desired purchase date to allow time for the formal bidding process.
  - 4. Be present at the meeting of Commissioners Court during which the bid specifications and award are discussed, if necessary.
  
- C. Purchasing Officer's Responsibilities
  - 1. Determine if such item or items are exempt from competitive bidding procedures (LGC 262.024).
  - 2. Review bid specifications to determine adequacy in light of general requirements and to insure they are not restrictive.
  - 3. Prepare final bid specifications for Commissioners Court approval.
  - 4. Finalize agenda request and notify the department of agenda date.
  - 5. Mail bid notice and/or specifications to vendors.
  - 6. Insure publication of the legally required notice (LGC 262.025).
  
- D. Bid Opening/Receipt of Proposals (LGC 262.026/262.030) - All bids and proposals will be received and clocked in by the Purchasing Officer or their designee. The recorded clock-in time will be the official time of receipt. The Purchasing Officer will open all formal bids in an open public forum on the assigned day at the designated time. Electronic bids or proposals, if allowed, will be opened with password-enabled sign-on only after the established closing date and time. Electronic bids or proposals and the recap summary will be downloaded, printed and treated like a manual hard copy (paper) response at this point. Bids will be read aloud, recorded on a bid tabulation sheet, and witnessed by County Treasurer. Purchasing Officer will furnish copies of the bids to the requesting department, and/or the evaluation committee.

Proposals will be opened and publicly received and acknowledged only so as to avoid disclosure of the contents to competing offerers and kept secret during the negotiation/evaluation process. However, all proposals shall be open for public inspection after the contract is awarded. Trade secrets and confidential information contained in the proposal, so identified by offerer as such, will be treated as confidential by Presidio County to the extent allowable in the Open Records Act.

Commissioners Court authorizes the Purchasing Officer to extend bid and proposal opening dates by addenda to, if in the best interest of the county. (LGC 262.026).

- E. Bid/Proposal Recommendations (LGC 262.027/262.030) - After examining copies of all the bids, the requesting department and/or evaluation committee will send a written recommendation for bid award to Purchasing Officer prior to the deadline for Commissioners Court agenda. Purchasing Officer will verify recommendation to the lowest bid received from a responsive, responsible bidder.

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

The Purchasing Officer and evaluation committee shall conduct discussions and negotiate with responsible proposal offerers who submit proposals determined to be reasonably susceptible of being selected for award. Offerers will be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. Revisions are permitted after submission and before award for the purpose of obtaining the best and final offer. The Purchasing Officer shall present the best and final offer to Commissioners Court for award.

After certification of recommendations, Purchasing Officer will submit an agenda, notify the department and present bids/proposals and a recommendation for award to the Commissioners Court.

- F. Bid Award (LGC 262.027) - Bids will be awarded to the lowest and best responsible bidder, or all bids may be rejected.

The Commissioners Court may award contracts for the purchase of road construction material to more than one bidder if each of the selected bidders submits the lowest and best bid for a particular location or type of material (LGC 262.027(e)).

When only one bid is received by the County, the bid may be accepted if the Commissioners Court determines the price is fair and reasonable. If the price is not fair and reasonable, Commissioners Court will reject and seek new bids.

If two or more responsible bidders submit identical bids, the bid award will be made in a manner prescribed by the County Judge.

After award of a contract but before the contract is made, the Purchasing Officer may negotiate a modification of the contract, if the modification is in the best interests of the County and does not substantially change the scope of the contract or cause the contract to exceed the next lowest bid. The Purchasing Officer will forward the modification to Commissioners Court for approval before it may become effective (LGC 262.0305).

- G. Surety Bonds (LGC 262.032/GC 2253) - A vendor awarded a contract may be required to post bond. If it is required, the Purchasing Officer will include the requirement in the bid advertisement. A bid bond in an amount not less than 5% of the total contract price may be required if a contract involves construction of public works or is a contract that exceeds \$100,000.00. A performance bond may be required for all contracts in excess of \$50,000 (LGC 262.032).

A public works contract for more than \$25,000.00 shall require the contractor to execute a payment bond and contract in excess of \$100,000.00 shall require the contractor to execute a performance bond (GC 2253.021). Presidio County may not require a bond for public works contracts for \$25,000.00 or less (GC 2253.022).

- H. Acquisition of Item After Bid Award - Following award of the bid contract by the Commissioners Court, the requisition is processed in the manner described in Section 3.1, above.
- I. Change Order - A change order may be required when it becomes necessary to make changes after performance of the contract has commenced. The Purchasing Officer is authorized to approve a change order to the original contract price up to statutory limits. All other change orders require Commissioners Court approval according to the provisions of LGC 262.031.

Policy 4.1: Special Purchases

- A. Acquisition Under a Blanket Purchase Order - A blanket purchase order authorizes a County department to obtain up to a specified amount of material (services or supplies) on a continuing basis from a vendor. Such purchase orders are authorized only by the Purchasing Officer in appropriate circumstances, e.g., obtaining rock as needed in variable quantities by the Road and Bridge Department. Any department foreseeing a definite and regular need for items should consider contacting Purchasing Officer to investigate obtaining a blanket purchase order for such items.

Blanket purchase orders anticipated to exceed \$50,000 during the course of a year must be competitively procured. No blanket purchase order may exceed budgeted funds for such purchases by the department.

- B. Competitive Proposal Procedure (LGC 262.030) - Various items may be purchased through a "request for proposal" (RFP) process. An RFP may be used for insurance, high technology items and other special services. If indicated by the Purchasing Officer, an RFP may be used for any procurement determined to be in the best interest of the County. Professional services other than architectural and engineering services may be obtained through this process.
- C. Request for Qualifications (GC 2254.004) - A Request for Qualifications (RFQ) may be issued for Architectural and Engineering Services in compliance with GC 2254.004.
- D. Sole-Source Purchases (LGC 262.024(a)(7)) - Typical items considered sole source purchases include patented or copyrighted material, secret processes, natural monopolies, utility services, captive replacement parts or components for equipment, and films, manuscripts or books. Such items may be purchased from a sole source without competitive procurement only after the Purchasing Officer, in writing, after concurrence of the department head, certifies the existence of only one source to the Commissioners Court and the Court enters a finding of such in its minutes (LGC 262.024(c)).
- E. Personal Property Sold (LGC 262.024) - Personal property sold at an auction by a state licensed auctioneer; at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code; or by a political subdivision of the state, a state agency of this state, or an entity of the federal government may be purchased without competitive procurement, if exempted by order of Commissioners Court.
- F. Prior to using Homeland Security Funds for any purchase the Purchasing Officer shall verify that the vendor has not been debarred from Federal Procurement. The Purchasing Officer shall include evidence of this verification performed at the time of purchase and shall retain this evidence with the procurement records. As of 4/22/2014 this policy is expanded to include the following:

Prior to procuring or entering into contract(s) for any goods/services, the Presidio County Purchasing Officer must check the debarment status of the vendor using the EPLS system (<https://www.SAM.Gov>) and document that verification has occurred. This policy applies to the procurement of all good(s) or service(s) regardless of unit price or quantity.

**Procedures for Documentation**

Before Homeland Security funds may be spent, the Purchasing Officer will:

1. Goto the EPLS Website (<https://www.SAM.Gov>).
2. The Purchasing Officer or their agent will search the EPLS system for the vendor.
3. If the vendor is found to be debarred, the vendor may not be used for procurements utilizing Homeland Security Grant Funds.
4. If the vendor is found not be debarred, print the screen page and retain with the procurement documentation.
5. A copy of the screen print indicating the vendor is not debarred, at the time of the procurement, must be included with the supporting documentation submitted to the Texas Homeland Security State Administrative Agency requesting reimbursement or advance.

Policy 4.2: Emergency Purchases

- A. Emergency purchases are authorized in extremely limited circumstance (LGC 262.024):
  - 1. in the event of public calamity for the benefit of the County citizens or to protect public property;
  - 2. in order to protect the public health or safety of County residents;
  - 3. when made necessary by unforeseen damage to public property.
  
- B. Depending upon the time of the emergency and type of purchase necessary, one of the following procedures should be followed:
  - 1. After hours emergency -- in such instances the department head or elected official, or authorized representative, must take the necessary action to obtain the needed goods or services and contact the Purchasing Officer in writing as soon as possible with notice of such purchase. Commissioners Court must grant an exemption from bidding of all emergency purchases over \$50,000.00.
  
  - 2. Emergency during working hours -- If the purchase is less than \$50,000.00 approval from Purchasing Officer is required by issuance of a purchase order prior to purchase. Commissioners Court must grant an exception from bidding of all emergency purchases over \$50,000.00.

Policy 5.1: Enabling Authority

- A. 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.
- B. VTCA Local Government code Chapter 271, Subchapter D, §§271.081.083 – State Cooperation in Local Purchasing Program – 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 Texas Procurement and Support Services Division (TPASS). The Texas Procurement and Support Services Division is also required to provide information and technical assistance to local governments about the purchasing program.
- C. Local Government (LGC) Chapter 262 – Purchasing and Contracting authority of counties.

## Policy 7.1: County-Owned Supplies and Equipment

All County-owned supplies, equipment and machinery must be used only for County business or other governmental function. Elected Officials and Department Heads are responsible for the proper accounting for, maintenance of and use of County equipment.

- A. Receipt of New Property - Capital Assets - New property will be tagged for inventory purposes by Purchasing. The Treasurer's Office will tag all furniture, equipment and other property considered as capital assets according to the Capitalization Policy as follows:
1. Factors to be considered in determining items to be capitalized are as follow:
    - a. The expected normal useful life is one year or more.
    - b. The item has a unit cost of \$5,000 or more. Unit costs should include any charges for freight or installation. Computer software is an exception to the capitalization policy and should be included in the Computer Supply line item.
    - c. The item is such that it is normally used in sets or multiple units, which as a collective unit, has a total value in excess of that established as the minimum and which otherwise satisfy requirements of a fixed property, e.g. tool sets, etc.
  2. Factors to be considered in determining items which should be excluded from capitalization are as follow:
    - a. Item is such that it requires regular replacement because of rapid wear.
    - b. Item is such that one-time use of it will destroy the item for further usefulness.
    - c. Items which are installed or otherwise added to an existing fixed asset where such additions are required merely to return the item to a functioning product, e.g. engine overhauls, replacement of typing element on electric typewriters, replacement of lens in cameras of closed circuit TV units in the Sheriff's Department.
- B. Elected Official and Department Head Responsibility- Each Elected Official and Department Head is responsible for the custody and care of county property assigned to his or her respective department. County property may be used only for County purposes. Each Elected Official and Department Head is responsible for ensuring that assets are tracked and secured in a manner that is most likely to prevent theft, loss, damage or misuse of assets. Care shall be taken to insure all necessary precautions are in place so that assets are secured.
- C. Controlled Property - Each Elected Official and Department Head shall maintain control over property not defined under the capitalization policy, yet considered high risk items. High risk items include, but are not limited to, weapons, electronics, tools, and computer peripherals. Internal procedures, including physical inventories, shall be established by each

Elected Official or Department Head to track such items. Controlled property reports shall be established and submitted annually with the Budget Application. Controlled property reports shall be made available for inspection by the County Treasurer upon request.

The Office of the County Treasurer shall maintain an inventory of all computer equipment for the purpose of tracking and maintenance. This inventory does not absolve Elected Officials and Department Heads from the responsibility of assuring stewardship of the property or the reporting requirements for the property.

- D. Transfer of Property (LGC 262.011(j)) - The Treasurer's Office is authorized by Commissioners Court to transfer supplies, materials and equipment among the various County departments. The transfer or trade of any equipment (not limited to capital items) from one department to another must be handled through the Treasurer's Office. In the event an item is no longer required, the department will notify the Treasurer's Office using the Request for Transfer or Deletion From Inventory form. The Treasurer's Office will direct appropriate action to be taken.

It is the responsibility of the transferring department to assure that the department receiving the property immediately acknowledges receipt of the property. Until the receiving department acknowledges receipt by signing the transfer form, the property shall remain on the inventory of the transferring agency.

The Treasurer's Office and other departments are encouraged to make inquiries as to unused or unneeded equipment in the possession of other departments, but the decision as to whether the property is unneeded ultimately rests with the Treasurer as authorized by Commissioners Court.

The Treasurer shall provide a record of transferred items to the Commissioners Court at the end of each fiscal year.

- E. Missing Property - Lost or stolen property must be reported immediately. Reports of loss or theft must be made by the Elected Official or Department Head in writing to the Treasurer and the Risk Manager. Reports of theft must have attached a copy of the theft report compiled by the proper law enforcement agency.

If an item cannot be located, Treasurer will verify all proper documentation has been submitted by the respective department and remove the item from the financial accounting system.

- F. Disposal of Surplus or Salvage Property (LGC 263, Subchapter D) - Commissioners Court will periodically authorize the Purchasing Officer to dispose of "surplus" (in excess of needs, but still useful) or "salvage" (valueless property) properties. Surplus or salvage property may be sold by competitive bid or auction by the Treasurer as provided in Section 263 of the Local Government Code. Surplus and salvage property is not limited to capital items as defined herein.

County employees will be given the same opportunity afforded to other persons to bid on and purchase surplus properties offered for sale at auctions.

No Treasurer's Office employees or their immediate family may bid on property sold through a Sealed Bid Sale. Treasurer's Office employees may not knowingly purchase or receive merchandise through a third party through a

Sealed Bid Sale.

Presidio County may sell surplus or salvage property to another county or a political subdivision within the county, or offer the property as a trade-in for new property of the same general type. Commissioners Court may order the property to be destroyed or disposed of if no bids are received from a public auction or sealed bid sale. Property that has become obsolete or considered waste may be deleted from the department's inventory records upon approval of the Treasurer.

- G. Inventory Arrangements - Resignation, Retirement or Removal - When an elected official or a department head leaves his or her County employment, arrangements must be made with Treasurer's Office for an equipment inventory far enough in advance to insure that the inventory can be taken before the termination date. The Treasurer will provide to the Commissioners Court a full report, noting any discrepancies between property actually located and property listed on the inventory. The County official or department head will be personally accountable to the Court for all missing items.
- H. Annual Inventory - On July 1 of each year, the Treasurer shall prepare an inventory of all property of the County based on the information submitted by the Elected Officials and Department Heads for the purpose of financial accounting and inventory control. The inventory shall include all property identified in Subsection A.

Policy 8.1: Historically Underutilized Business (HUB) Contracting

- A. The goal of Presidio County is to ensure all HUBs, as described in the Texas Government Code, Title 10 Subtitle D, Chapter 2161, have maximum opportunities to participate in the County's procurement in awarding of contracts and subcontracts.
- B. Presidio County will make a good faith effort to increase contract awards for the purchase of goods or services from the HUBs. HUB vendors are encouraged to participate in the county's purchasing and bidding process. While the County is oriented to adhere to good faith efforts, nothing in this effort shall be construed to establish set-asides or mandatory quotas.
- C. The County and all prime contractors (if subcontracts are to be let) will take the affirmative steps listed below:
  - 1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists.
  - 2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources.
  - 3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business.
  - 4. Establishing delivery schedules, where the requirements permit, which encourage participation by small and minority business, and women's business enterprises.
  - 5. Using the services and assistance of the Small Business Administration, the Minority Business Development Agency of the Department of Commerce and the Texas Procurement and Support Services Division (TPASS) Centralized Master Bidders List HUB Directory.

Policy 9.1: Recycled Product Procurement and Waste Management

A. Goals and Purposes

1. To establish policies and procedures for implementing, the Presidio County Recycled Product Procurement Policy.
2. This policy shall establish a Comprehensive Waste Management Program to implement reduction, recycling and disposal of waste materials generated by Presidio County operations. The primary goal of this Policy is to reduce the costs of materials and waste disposal, reduce the amount of waste sent to landfills, reduce use of limited natural resources, prevent environmental pollution, and promote the purchase and use of recycled products.
3. County departments shall minimize the amount of waste materials generated by operations through use of appropriate management strategies, feasible technologies and products, and staff procedures. Wastes that are generated by operations shall be reused when possible and permissible by law. Wastes that cannot be reused in operations will be recycled through a qualified contractor. Wastes that cannot be reused or recycled shall then be disposed of at a permitted landfill in accordance with all applicable regulations. The use of hazardous materials shall be reduced and non-hazardous alternatives implemented whenever possible.

B. Department Affected

Applicable to all Presidio County departments.

C. Definitions

1. Contractor: means any person, group of persons, consultant, designing architect, association, partnership, corporation, or other business entity that has a contract with Presidio County (including suppliers) or serves in a subcontracting capacity with an entity having a contract with Presidio County for the provision of goods or services.
2. Designated Products: means recycled and environmentally preferable products and materials designated by the Purchasing Officer and the Recycling Committee pursuant to this policy.
3. Environmentally Preferable Products: means products that have a lesser or reduced effect on human health and the environment when compared with competing products that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product.
4. Minimum Content Standards: means standards maintained by the Purchasing Officer and the Recycling Committee specifying the minimum level of recovered material and/or post-consumer material necessary for designated products to qualify as recycled products.
5. Post-Consumer Material: means a material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. "Post-consumer material" is a part of the broader category of "recovered material".

6. Practicable: means satisfactory in performance and available at a fair and reasonable price.
7. Recovered Material: means waste material and by-products which have been recovered or diverted from solid waste, but does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

D. Policy

1. Presidio County strongly supports and will aggressively implement the Presidio County Recycled Product Procurement Policy.
2. All Departments shall use and require their contractors and consultants to use products manufactured with the maximum practicable amount of recovered material, especially post-consumer material, and require their contractors and consultants to use, environmentally preferable products whenever cost effective and to the extent practicable.
3. All Departments shall ensure that they and their contractors use recycled paper in printed material, and that it bears an imprint identifying the recycled content of the paper, whenever practicable, and shall ensure that they and their contractors use both sides of paper sheets whenever practicable.
4. Departments may specify recycled content at levels higher than the minimum content standards.

E. Procedures

Action By:	Action
Purchasing Officer	<p>Designate products, processes, and procedures to be evaluated by Departments, and used or adopted whenever practicable, maintain a designated product list, and periodically transmit this information to departments for implementation.</p> <p>Provide Departments, with technical assistance in policy implementation.</p>
County Departments	<p>Assign appropriate personnel to evaluate each designated product to determine the extent to which it may practicably be used by the department and its contractors.</p> <p>Revise contracting procedures as necessary to procure designated products whenever practicable and to facilitate data collection.</p> <p>Transmit evaluation results and purchase data for designated products used by the Department and its contractors to the Purchasing Department by July 30th each year.</p>

F. Responsibilities

1. The Purchasing Officer shall:

Provide departments with information to facilitate their evaluation and purchase of designated products and inform them of their responsibilities under this policy; revise minimum content standards as necessary to ensure that designated products contain the maximum practicable amount of recovered material and are consistent with guidelines and regulations promulgated by the United States Environmental Protection Agency, and other Federal and State agencies; ensure that environmentally preferable products are designated whenever practicable; transmit minimum content standards to departments; and assemble an annual report to the County Commissioners Court on the status of policy implementation. This report shall include data on purchases of recycled/non-recycled and environmentally preferable products by each Department, and results of designated product evaluations.

2. County Departments shall assign staff to:

Ensure that contracting procedures do not discriminate against recycled products without justification; assign appropriate personnel to evaluate each designated product to determine the extent to which it may practicably be used by the department and its contractors. Revise contracting procedures to maximize the specification of designated products whenever practicable and facilitate compilation of data on the purchase of designated products by the department and its contractors; and transmit evaluation results and procurement data to the Purchasing Officer by July 30 each year for inclusion in the annual report to the Presidio County Commissioners Court on the status of policy implementation.

G. Program Implementation Guidelines

Daily implementation of the program shall be the responsibility of the county department's management and staff implemented through integrating the simplest, most practical procedures possible into existing operations.

H. Program Feasibility Criteria

Unless otherwise required by federal or state law, the methods, services, or cooperative agreements for implementation of waste management programs and the acquisition of products, commodities, or materials, which contain recycled materials or result in energy savings, shall meet the following conservation, cost, and operational planning feasibility criteria for use in County operations, unless otherwise required by law:

1. Conservation Criteria. One or more of the following conservation benefits shall be achieved:

- a. An increase in the amount of waste recycled/reused;
- b. A decrease in the amount of raw material resources used;
- c. A decrease in actual environmental pollution or potential pollution risk;

2. County Waste Streams

- a. Facilities/ Maintenance Wastes

- 1) Used paper - Waste paper shall be recycled as much as possible, including white, brown, manila, mixed paper, magazines, corrugate cardboard, etc.
- 2) Used aluminum cans - Aluminum cans shall be recycled whenever feasible, providing collection bins at most convenient and appropriate locations.

b. Fleet Maintenance Wastes

- 1) Waste tires - Tires shall be recycled through a licensed contractor, not land filled.
- 2) Used motor oil, differential oil, used transmission, power steering, hydraulic and brake fluid. Used oil is disposed through licensed contractor. Waste oil storage facilities shall be above ground instead of underground as much as feasible.
- 3) Used oil filters (UOF) - Used oil filters are disposed through licensed contractor.
- 4) Waste oil absorbent - Absorbent materials are disposed of through licensed contractors.
- 5) Used Antifreeze/coolant - Used antifreeze/coolant shall be recycled through licensed contractor.
- 6) Used Lead Acid Batteries - Used lead acid batteries shall be recycled through licensed contractor.
- 7) Freon/CFC Capture & Recycle - Freon air conditioning system maintenance and repair must utilize approved Freon recovery equipment.
- 8) Wash bay wastes - Fleet wash bays must be maintained regularly and waste generated managed as special waste. The fleet wash bays are cleaned by licensed contractor who comes out and removes water from wash bay.
- 9) Grease trap/Storm water Pond Wastes - Traps or ponds for pollution control that receive storm water or fresh water from fleet maintenance operations and facility sites must be maintained to optimize effectiveness and minimize waste sludge and soil generation, which must be managed as special or hazardous waste. The grease traps are connected to the wash bay container.
- 10) Parts cleaning solvent wastes - Auto parts cleaning practices utilized shall minimize non-recyclable waste generation and hazardous material generation. The licensed contractor replaces the solvents with new ones.

c. Road/Park Maintenance Wastes

- 1) Used asphalt, flex base, aggregate - The reuse of reclaimed asphalt, base and aggregate shall be maximized whenever feasible.
- 2) Excess soil - Excess soil shall be disposed unless property owner wants the excess soil.
- 3) Roadside litter - Litter and household wastes dumped illegally on county property shall be removed and disposed by a licensed contractor.
- 4) Scrap metals - Scrap metals shall be removed by licensed contractor.
- 5) Dead animal waste - This is handled through the affected Road and Bridge Precinct, whose personnel remove the dead animal waste and dispose according to State Law.
- 6) Hazardous Materials-Illegal Dumping and Accidental spills  
- Hazardous materials/special waste abandoned or accidentally spilled on county property constitutes a potential threat to public health and safety and must be contained, removed and properly disposed of as soon as possible. The County Fire Marshal's will be contacted and handle accordingly.
- 7) Septic/Sewage Wastes - The owner of the affected system is contacted for response.
- 8) Storm water Pond Wastes – The affected jurisdiction will be contacted for response.

d. Other Wastes

- 1) Cafeteria Wastes - Cafeteria food wastes are disposed; recycling of aluminum, cardboards, steel, tin cans, glass and plastic shall be considered to see if this meets the Program Feasibility Criteria. Grease traps must be maintained regularly and pumped out using a licensed waste contractor.
- 2) Medical Wastes - Medical wastes must comply with the regulations laid out in the Texas Health and Safety Code 330.1004.
- 3) Printing/Photographic Wastes - Chemical inventories for operations such records management will be used up in annual operations, to minimize need for disposal or extended storage of surplus chemicals; expired chemicals disposal will comply with the law.

Policy: 10.1 Federal Debarred Vendors

- A. No purchase utilizing Federal funds may be made from vendors that are currently included on the Federal Excluded Parties List.
- B. The following requirement shall be included in the Invitation to Bid or Request for Proposal documents if the expected purchase with Federal funds is anticipated to exceed \$100,000.00.

Certification of Eligibility: The provision applies if the anticipated contract exceeds \$100,000.00. By submitting a bid or proposal in response to this solicitation, the bidder/proposer certifies that at the time of submission, he/she is not on the Federal Government's list of suspended, ineligible, or debarred contractors. In the event of placement on the list between the time of bid/proposal submission and time of award, the bidder/proposer will notify the Presidio County Purchasing Officer. Failure to do so may result in terminating this contract for default.

Policy 11.1: Statutory References

It is not intended that this section be all-inclusive of the laws governing the County purchasing function.

A. Government Code (GC), Chapter 2254--Professional Services Procurement Act  
Counties may not bid contracts for professional services; it must select the most highly qualified provider for requested services and then negotiate a contract. Contracts must be awarded on the basis of "demonstrated competence and qualification to perform the service." Fees must be "fair and reasonable," consistent with and not in excess of published recommended practices and fees of applicable professional organizations, and not in excess of any maximums specified by state law. "Professional services" includes services within the scope of the practice of: accounting, architecture, land surveying, optometry, medicine or professional engineering; this includes services performed by any licensed architect, land surveyor, optometrist, physician, surgeon, certified public accountant or registered professional engineer in connection with his or her professional employment or practice.

B. Local Government Code (LGC) Chapter 271, Subch. D-- Purchase Under State Contract  
The State Purchasing and General Services Commission may perform purchasing services for local governments (including counties). A County which purchases under state contract satisfies all competitive bidding laws.

Per Article 601b, Section 3.081, the State Purchasing and General Services Commission may perform purchasing services regarding the sale or lease of automated information systems using "catalogue purchasing procedures". A vendor must apply for and receive certification by the General Services Commission in order for them to participate in catalogue purchasing. Once certified, the County may compare various vendor's catalogue pricing in order to determine the lowest and most responsible vendor for the automated information system related purchase.

C. LGC Chapter 171 -- Conflict of Interest  
Ownership of certain property or business interests may require that a local public official refrain from participation in votes or decisions and/or refrain from certain acts if the vote, decision or act involves the business interests or property owned by the public official or by a person related to the public official within the first degree of consanguinity or affinity.

"Local public official" includes members of the County governing body or other County officers, whether elected or appointed, paid or unpaid.

Citation to "articles" are to Tex. Rev. Civ. Stat. Ann.: citations to "Code" or "section" are to the newly codified Local Government Code.

D. LGC Chapter 262, Subch. B -- County Purchasing Officer  
Presidio County Commissioners Court employs the Purchasing Officer under the provisions of LGC 262.0115. Under the supervision of Commissioners Court, the Purchasing Officer shall carry out the functions prescribed by law for a purchasing agent under Section 262.011 in regard to County purchases and contracts and shall administer procedures prescribed by law for notice and public bidding for county purchases and contracts.

The County Purchasing Officer "shall" purchase all supplies, materials and equipment required or used by the County and "shall" contract for all repairs to County property, and supervises all purchases made by competitive bid. It is unlawful for any other person, firm or corporation, other than the County Purchasing Officer, to purchase any supplies, materials or equipment or to contract for repairs to property used by the County, except those purchases made within the purview of other applicable law [Section 262.011(d)]. The County Treasurer may not pay for any

purchase unless that purchase has been made by the County Purchasing Officer or by competitive bid as required by law. Id.(f).

In order to prevent unnecessary purchases, the County Purchasing Officer shall transfer any County supplies, materials and equipment from any department not needing them to another department requiring them.

- E. LGC Chapter 262, Subch. C -- County Purchasing Act (Competitive Bidding)  
This subsection of the Local Government Code contains the comprehensive County purchasing statute. Procedures must be strictly complied with except for certain specific exemptions enumerated in the statute. These include certain emergencies and cases involving sole suppliers.  
  
All separate, sequential or component purchases of items are treated as parts of a single purchase or contract. Id. 262.023(c). Any County officer or employee who intentionally or knowingly makes or authorizes separate, sequential or component purchases in avoidance of the competitive bidding requirements of section 262.023 is guilty of a CLASS B misdemeanor. Automatic and immediate removal of the officer or employee from his County office or position results upon final conviction. Id. 262.034 and 262.035.
- F. LGC Chapter 263, Subch. D -- Disposition of Salvage or Surplus Property  
Surplus property is property in excess of needs, but property that still has some usefulness. Salvage property is defined as property having no value for the purpose for which it was originally purchased. The Commissioners Court may sell surplus or salvage property by competitive bid or by auction. It also may be offered as a trade-in on new property of the same general type. If the property cannot be sold or traded, the property can be donated to a civic or charitable organization located in the County or be destroyed.
- G. LGC Chapter 271, Subch. C -- Certificates of Obligation  
Certificates of Obligation (COB) are alternative financing instruments and may be issued for the payment of contractual obligations to be incurred in: 1) public works construction, 2) materials, supplies, equipment, machinery, buildings, land and rights-of-way for authorized needs and purposes, 3) professional services, 4) constructing or equipping a jail, 5) constructing, renovating, or otherwise improving a County-owned building, and 6) bridge construction. Purchases financed with COBs are subject to all bid and advertising requirements.
- H. GC Chapter 791.025 -- Interlocal Cooperation Contracts  
Presidio County may agree with another local government or with a state agency, including the State Purchasing and General Services Commission to purchase goods and services.
- I. Article 5159a -- Prevailing Wage Rates  
Presidio County shall adopt a Prevailing Wage Rate as established by this statute.

Policy: 12.1 General Ethical Standards

*Public employment is a public trust. It is the policy of Presidio County to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by Presidio 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 and 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 Presidio County Purchasing Process. Presidio County employees will avoid the appearance of unethical or compromising practices in relationships, actions, and communications.*

- A. It shall be a breach of ethics to attempt to realize personal gain through public employment with Presidio County by any conduct inconsistent with the proper discharge of the employee's duties.
- B. It shall be a breach of ethics to attempt to influence any public employee of Presidio County to breach the standards of ethical conduct set forth in this code.
- C. It shall be a breach of ethics for any employee of Presidio County to participate directly or indirectly in a procurement when the employee knows that:
  - 1. the employee or any member of the employee's immediately family has a financial interest pertaining to the procurement;
  - 2. 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
  - 3. 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. If such conflicts of interest exist, the employee shall notify the Purchasing Officer in writing and remove him/herself from the County procurement process.
- D. It shall be a breach of ethics to offer, give or agree to give any employee or former employee of Presidio County, or for any employee or former employee of Presidio 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 or 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.
- E. It shall be a breach 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 Presidio County, or any person associated therewith, as an inducement for the award of a subcontract to order.
- F. The prohibition against gratuities and kickbacks prescribed above shall be conspicuously set forth in every contract and solicitation there for.

- G. It shall be a breach of ethics for any employee or former employee of Presidio County knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person. Employees will keep County procurement information obtained from an RFP or RFQ confidential until after contract award if the solicitation provides for it to be kept secret.



# Purchase Requisition

**Presidio County**

Date:

Account #: - - -

VENDOR:

SHIP  
TO:

Customer ID:

Qty	Description	Unit Price	Line Total
Special Instructions:			
			Total

\_\_\_\_\_  
Authorized by Department Head

\_\_\_\_\_  
Date