



Purchasing Regulations - Summary

Purchasing Division

Effective September 24, 2018, the Purchasing Manual is now Purchasing Regulations and provide guidance to all County staff including Purchasing on how to efficiently and correctly comply with Procurement Law as set forth in Article 8.

In addition to specific changes that make the procurement process more efficient, the Regulations have been reorganized to make information easier to find. This Summary provides an outline of the most important changes section by section.

DEFINITIONS

p.4

Added the following NEW definitions:

- 254 List
- Cooperative Purchasing
- County Representative
- Design/Build
- Electronic
- IFB
- Open End Agreement
- Piggyback Procurement
- Point of Sale
- QBS
- RFP
- RFI
- Statement of Qualifications
- Underlying Contract

GENERAL

p.9

- Added Section to define and explain Category Management.
- Added penalty for making unauthorized purchases holding the employee personally responsible.
- Removed Exemptions, Recycled Paper, and Vendor Library sections as obsolete.
- Added provision for using GSA Schedules
- Made pCard payments the preferred method of payment for small purchases
- Deviations from Standard Insurance: Clarified that the Purchasing Agent may approve deviations on a case by case basis, but will consult with Risk Management and the Office of Law.

- Procurement by Electronic Means: Added clarification to allow for a full e-Procurement system and file storage which will reduce the time it takes for contracts to circulate through the mail system for signature.
- Added veteran-owned business enterprises as an area of focus to list of Minority Business Enterprises that the County is seeking to enhance cooperation.
- An added delegation of authority for Purchasing Staff to have signature authority to move straightforward procurements more quickly through the process.
- Added Reasonable Fees Section for reproduction of Purchasing documents.
- Altered the composition of the Consultant Selection Committee (CSC) and streamlines the types of procurement actions that must be presented to the CSC.
- Added requirements for a Protest Bond for all protests filed by interested parties.

SMALL PROCUREMENTS (§ 8-2-106)

p.15

- Clarified Small Procurement Thresholds:
 - Under \$2,500 is a point of sale transaction (completed by agency) (payment method: p-card or PO) no fund certification required
 - \$2,500 - \$5K (completed by agency or Purchasing) (payment method: p-card or PO) requires fund certification by Controller.
 - \$5,001 - \$25,000 (Completed by Agency or Purchasing but Purchasing must approve) Requires 3 written quotes. Funds must be certified. (payment method can be PO or p-card).
- Added language that allows a purchase order to be used as a means of certifying funds for purchases less than \$5,000.
- Added ability to use websites as a means of obtaining a quote for small purchases.

EMERGENCY PROCUREMENTS (§ 8-2-108)

p.16

Defined the documentation required for all emergency purchases, including three quotes, the next business day unless it is impractical to get more than one quote.

REQUESTS FOR INFORMATION (RFI)

p.19

New section added detailing the purpose and use of RFIs by Purchasing.

CONTRACTS

p.20

- Clarified that receipt of goods and services under contracts will be managed and tracked by the Using Agency.
- Allows for markup on pricing for materials or rented equipment used for maintenance, repairs, or new installations on County property.
- Allows for acceptance of vendor-generated contracts if in the County's best interest.
- Requires that no award be made to a contractor unless the contract contains provisions obligating the contractor not to discriminate in any manner against any employee or applicant for employment.
- Allows the County to accept dual indemnification if in the County's best interest.

PROCUREMENT OF GOODS AND SERVICES – AWARD TO ALL RESPONSIVE AND RESPONSIBLE VENDORS **p. 26**

- Allowing Purchasing to make awards to all or multiple vendors/contractors for IFBs, RFPs, and Small Procurements.
- Removed “other than Capital Improvement Contracts”

COMPETITIVE SEALED BIDDING (§ 8-2-103) – OTHER THAN CAPITAL IMPROVEMENT PROCUREMENTS **p. 28**

- Placed responsibility on potential bidders to notify the County if questions have not been answered by an addendum.
- Included protest bond as an option to ensure that protests with good intent and merit are filed
- Requires bid pricing to remain valid for 120 days instead of 90. Also allows Purchasing to extend bid pricing beyond 120 days.
- Defines how mistakes in bids are handled.
- Allows Purchasing to cancel an award if required documents are not returned to the County within a stated time.
- Removes requirement to wait seven days after bid opening to make an award.

COMPETITIVE SEALED BIDDING (§ 8-2-104, § 8-2-113) – CAPITAL IMPROVEMENT PROCUREMENTS **p. 36**

- Includes URLs for Capital Improvement Solicitations and Design Manual.
- Removes bid notice requirement on Purchasing’s website.
- Removes requirement to send Notices to Contractors to potential bidders.
- Removes requirement to make copies of IFBs to reduce printing costs and staff time.
- Removes requirement to wait seven days after bid opening to make an award.
- Defines how mistakes in bids are handled.
- Allows negotiation with sole bidders.
- Changes entity responsible for capital improvement program procurements from the Using Agency to the Department of Public Works.

COMPETITIVE SEALED PROPOSALS (§ 8-2-104) – OTHER THAN CAPITAL IMPROVEMENT PROCUREMENTS **p. 42**

- Allows for the use of Qualification Based Selections under certain circumstances.
- Allows for the use of Prequalified Contractors in a closed competitive RFP for purchases that pose a security risk.
- Places responsibility on offerors to notify the County if questions have not been addressed in subsequent addenda.
- Clarifies evaluation committee scoring and the evaluation process.
- Allows for a protest bond as an option to ensure that protests with good intent and merit are filed
- Defines how mistakes in proposals are handled.

**COMPETITIVE SEALED PROPOSALS (§ 8-2-104) – CAPITAL IMPROVEMENT
PROCUREMENTS (DESIGN/BUILD) p. 50**

- Moves responsibility for handling requests for clarification to Project Manager.
- Places responsibility on offerors to notify the County if questions have not been addressed in subsequent addenda.
- Defines how mistakes in proposals are handled.
- Allows for a protest bond as an option to ensure that protests with good intent and merit are filed

SOLE SOURCE PROCUREMENTS (§ 8-2-106) p. 57

- Changes dollar threshold of \$25,000. Now required for less than \$25K where applicable.

EXPEDITED PROCUREMENTS (§ 8-2-108) p. 58

- Changes approvals required to conduct an Expedited Procurement. Now requires CAO, CSO, and Purchasing Agent to approve.
- Allows Purchasing Agent to open bids privately.

**PROFESSIONAL SERVICES PROCUREMENTS (§ 8-2-109) – OTHER THAN
ARCHITECTS AND ENGINEERS p.59**

- Requires appropriate certification or credentials instead of a high degree of professional or technical skills.
- Removes the requirement that purchase exceed \$25,000.
- Removes the requirement to maintain lists of prequalified professional services providers.
- List of prequalified providers must contain at least three prequalified vendors to facilitate the purchase.

**PROFESSIONAL SERVICES PROCUREMENTS – ARCHITECTS AND ENGINEERS
(§ 8-2-109) p.60**

- Adds the Central Services Officer as voting member of the Consultant Selection Committee streamlines the types of procurement actions that must be presented to the CSC.
- Changes “Chief Engineer” to “Director of Public Works”.
- Renames Waterway Improvements to Stream & Ecological Restoration in Service Categories.
- Adds GIS to Service Categories.
- Allows consultant services to be purchased by one of three methods: A&E either RFP or QBS, or Open End.
- Increases Open End selection from \$100,000 to \$250,000.
- Disallows the right to protest a decision to not prequalify a consultant.
- Allows the Purchasing Agent to review and approve shortlist instead of the Consultant Selection Committee.

ATTACHMENT A: AREAS OF QUALIFICATION WITHIN SERVICE CATEGORIES

p.72

- No revisions.

PROFESSIONAL SERVICES PROCUREMENTS – INFORMATION TECHNOLOGY PROFESSIONALS (§ 8-2-110)

p. 78

- New section.
- Allows for prequalification of IT vendors and defines selection process for establishing the list of prequalified vendors and how tasks are awarded.

PROCUREMENT OF REVENUE GENERATING SERVICES (§ 8-1-102(b))

p. 86

- Removes the determination of whether the anticipated total gross revenue generated is above or below \$25,000.

SPOT MARKET PRICING FOR RECYCLING OR REVENUE-PRODUCING PRODUCTS

p. 86

- New section.
- Defines how spot marketing is handled.
- Includes language stating that public notice may be provided if value is estimated to exceed \$10,000 unless determined by the Purchasing Agent to not be in the best interest of the County.

DISPOSITION OF GOODS

p. 86

- Notification of need to dispose of goods are placed with the Property Control and Accountability Manager instead of the Purchasing Agent.
- Allows the Central Services Officer to approve disposition of supplies with a written request from the Department Head.