

## RESOLUTION 2020-22

A RESOLUTION ESTABLISHING CONSENT OF PURCHASES AND RESCINDING RESOLUTION 2013-13, SAME, ADOPTED JUNE 24, 2013

**WHEREAS**, the Board of County Commissioners of Barton County, Kansas, believes it appropriate to clarify issues regarding purchases of consumable and durable goods by elected officials and department heads, and

**WHEREAS**, the Board believes clarifying such issues will further Commission goals that County moneys be spent in an appropriate, responsible, and transparent manner, and

**WHEREAS**, such a policy has historically been described as a "Consent of Purchase Policy."

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Barton County, Kansas establishes the following procedures for purchases by County elected and department heads.

### 1. Definitions.

- a. *Consumable goods* means a product that is routinely depleted. Examples include supplies such as paper, pens, file folders, computer disks, toner, ink cartridges, and similar items. Consumables also include such items as asphalt, road sand, and similar items. Consumables also include food, drink, and similar items. Consumable goods typically will have a life span of five years or less.
- b. *Equipment* means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost, which equals or exceeds \$2,000.
- c. *Intangible property* means property having no physical existence, such as trademarks, copyrights, patents, and patent applications and property, such as loans, notes, and other debt instruments, lease agreements, stock, and other instruments of property ownership.
- d. *Micro-purchase* means a purchase of supplies or services, the aggregate amount of which does not exceed the micro-purchase threshold.

- e. *Personal property* means property other than real property. It may be tangible, having physical existence, or intangible.
- f. *Proposal* means a procurement method in which either a fixed price or cost-reimbursement type contract is awarded.
- g. *Real property* means land, including land improvements, structures, and appurtenances thereto, but excludes moveable machinery and equipment.
- h. *Sealed Bid* means a procurement method in which bids are publicly solicited, and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder.
- i. *Services* means an action performed by contractors, subrecipients, and other payees.
- j. *Supplies* means all tangible personal property other than those described in the definition of equipment in this section. A computing device is a supply if the acquisition cost is less than \$2,000, regardless of the length of its useful life.

2. **Informal procurement methods.** When the value of the procurement for personal property, equipment, supplies, or services does not exceed \$2,000, informal procurement methods may be used. Barton County uses informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services include:

- a. **Micro-purchases.** The acquisition of personal property, equipment, supplies, or services, the aggregate dollar amount of which does not exceed \$2,000, the micro-purchase threshold. To the maximum extent practicable, Barton County should distribute micro-purchases equitably among qualified suppliers.
  - i. **Micro-purchase awards.** Micro-purchases may be awarded without soliciting competitive price or rate quotations if Barton County considers the price to be reasonable based on research, experience, purchase history, or other information and documents it files accordingly.
  - ii. **Micro-purchase thresholds.** Barton County is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, evaluation of risk, and its documented procurement process. The micro-purchase threshold used by Barton County must be authorized and not prohibited under State, local, or tribal laws or regulations.

3. **Formal procurement methods.** When the value of the procurement for personal property, equipment, supplies, or services exceeds the threshold established by Barton County, or when purchase includes real property such as land and buildings, formal procurement methods are required. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold Barton County determines to be appropriate:

a. **Sealed bids.** In order for sealed bidding to be feasible, the following conditions should be present:

- i. A complete, adequate, and realistic specification or purchase description is available;
- ii. Two or more responsible bidders are willing and able to compete effectively for the business; and
- iii. The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally on the basis of price.

iv. If sealed bids are feasible, the following apply:

1. Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local and tribal governments, the invitation for bids must be publicly advertised;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
3. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
4. A firm-fixed-price contract award will be made in writing to the lowest responsive and most responsible bidder. Bids will be awarded to the lowest and/or best responsible bidder, considering conformity with the specifications, terms of delivery, and other conditions imposed in the bid. In addition to the price, the Commissioners will consider other factors, including but not limited to County and State resident businesses, quality, transportation, safety, adaptability, experience, and financial responsibility; and
5. Barton County reserves the right to reject any and all sealed bids and to award in the best interests of the County.

b. **Proposals.** Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

- i. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practicable;
- ii. Barton County has a written method that provides bid and tabulation function and uniformity;
- iii. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to Barton County, with the price and other factors considered; and
- iv. Barton County may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the offeror's qualifications are evaluated, and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method where the price is not used as a selection factor can only be used in the procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.
- v. Barton County reserves the right to reject any and all proposals and to award in the best interests of the County.

4. **Non-competitive procurement.** There are specific circumstances in which non-competitive procurement may be used. Non-competitive procurement may only be awarded if one or more of the following apply:

- a. The acquisition of property, equipment, supplies, or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold of \$2,000;
- b. The item is a consumable good;
- c. The purchase of specific items of consumable goods generally does not require approval by the Commissioners at the time of purchase. The authorization for such purchases is implicit in the budget of the appropriate department head.
- d. The item is the repairs of vehicles and/or machinery;
- e. Repairs do not require Commission approval unless the repair exceeds \$5,000 or the vehicle or machinery's current estimated value, whichever is lower.

- f. The item is available only from a single source;
- g. The item is needed during an emergency situation. Emergency purchases may be authorized by the County Administrator. The County Administrator may determine if an emergency exists to authorize an emergency purchase;
- h. The Federal awarding agency or pass-through entity expressly authorizes a non-competitive procurement in response to a written request from Barton County; or
- i. After solicitation of a number of sources, competition is determined to be inadequate.
- j. Barton County reserves the right to reject any and all non-competitive proposals and to award in the best interests of the County.

5. **Grant procurement.** Procurement with grant funds must be administered according to Federal and State laws and regulations, the issuing entity's guidelines, and grant agreement, and according to Barton County's *Consent of Purchase Policy*. Federal grant awards shall also follow the regulations and guidance set forth in §200.317 -§200.327 of the Uniform Guidance. Each award shall be examined for additional governance within the agency or program issue.

- a. Subrecipients are subject to the same regulations, standards, and audits as the award pass-through agent (Barton County), and performance is measured against whether the objectives of the program are met. Barton County subrecipient monitoring for projects involving Federal funds shall also follow the regulations and guidance set forth in §200.317 -§200.327 of the Uniform Guidance.

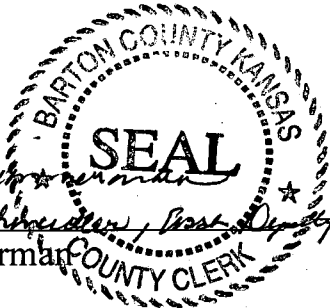
**FURTHER**, that nothing in this Resolution shall apply if in conflict with any state statutes and or Federal procurement laws or regulations; and

**FURTHER**, that Resolution 2013-13, A Resolution Establishing Consent of Purchases During Regular Commission Meetings and Rescinding Resolution 2001-21, Adopted June 24, 2013, is hereby rescinded.

Dated this 28<sup>th</sup> day of December, 2020.

BOARD OF COUNTY COMMISSIONERS

ATTEST:



*Donna Zimmerman*  
*by Don Schneider, Post Deputy*  
Donna Zimmerman  
County Clerk

*Jennifer Schartz*  
Jennifer Schartz, Chairman

*James R. Daily*  
James R. Daily, Commissioner

APPROVED AS TO FORM:

*Patrick Hoffman*  
Patrick Hoffman,  
County Counselor

APPROVED VIA TEAMS  
Don Davis, Commissioner, via TEAMS

*Kirby Krier*  
Kirby Krier, Commissioner

*Homer Kruckenberg*  
Homer Kruckenberg, Commissioner