

# COLE COUNTY

---

# MISSOURI

Working together for a better tomorrow



---

# PURCHASING POLICIES

ACCEPTED BY THE COLE COUNTY COMMISSION

ON

09/28/2021

**Sam Bushman**  
Presiding Commissioner

**Jeff Hoelscher**  
Eastern District Commissioner

**Harry Otto**  
Western District Commissioner

# Contents

PART ONE: DEFINITIONS .....	3
A. Purpose .....	3
1. Administrative Authorities .....	3
2. Contract.....	3
3. Cooperative Procurement.....	3
4. Employee.....	3
5. Maintenance Work.....	3
6. Procurement .....	3
7. Public Works.....	3
8. Responsible Bidder or Offeror .....	3
9. Responsive Bidder or Offeror.....	3
10. Vendor .....	3
PART TWO: PUBLIC ACCESS TO PROCUREMENT INFORMATION.....	3
A. Public Access to Procurement Information .....	3
PART THREE: PROCUREMENT POLICY .....	4
A. Purpose .....	4
B. Application .....	4
C. Methods of Source Selection.....	4
1. Electronic Equipment .....	4
2. Small Purchases ( $\leq$ \$12,000) .....	4
3. Large Purchases ( $>$ \$12,000.00) .....	4
D. Contracts and Purchase Orders.....	7
E. Conflict of Interest.....	7

# COLE COUNTY PURCHASING POLICIES

Revision due to House Bill Nos. 1729 & 1879

## PART ONE: DEFINITIONS

- A. **Purpose.** As used in this policy, the following terms shall have these prescribed meanings:
1. **Administrative Authorities.** Any Elected County Official, Department Head or their designee authorized to approve procurement and the expenditure of County funds pursuant to this Policy.
  2. **Contract.** Any type of Cole County agreement, regardless of what it may be called, for the procurement or disposal of supplies, services or construction.
  3. **Cooperative Procurement.** Cooperative procurement contracts are those contracts that have been executed by the County with vendors who have agreed, during the open bidding process, to offer the same pricing to other government entities such as municipalities, school, fire, and ambulance districts, etc., or any other governmental district and sub-district.
  4. **Employee.** An individual drawing a salary or wages from the County, whether elected or otherwise; any non-compensated individual performing personal services for the County or any department, agency, commission, council, board, or any other entity established by the executive or legislative branch of the County; and any non-compensated individual serving as an elected official of the County.
  5. **Maintenance Work.** The repair, but not the replacement, of existing facilities when the size, type or extent of the existing facilities is not thereby changed or increased.
  6. **Procurement.** Procurement activities are the purchase, rent, lease or other acquisition of supplies, materials, equipment, services, construction and property. It includes all functions incident thereto and description of requirements, selection and solicitation of sources, preparation and award of contracts and all phases of contract administration and the management.
  7. **Public Works.** All fixed works constructed for public use or benefit or paid for wholly or in part out of public funds. It also includes any work done directly by any public utility company when performed by it pursuant to the order of the public service commission or other public authority whether or not it is done under public supervision or direction or paid for wholly or in part out of public funds when let to contract by the utility.
  8. **Responsible Bidder or Offeror.** A person who has the capability in all respects to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, and credit which will assure good faith performance.
  9. **Responsive Bidder or Offeror.** A person who has submitted a bid which conforms in all material respects to the requirements set forth in the Request for Bid.
  10. **Vendor.** Any person or entity that provides, offers to provide or bids to provide any supply, material, equipment, goods, property or services to the County in return for consideration. This term shall have the same meaning as "seller", "bidder" or "contractor" as may be used in this policy.

## PART TWO: PUBLIC ACCESS TO PROCUREMENT INFORMATION

- A. **Public Access to Procurement Information.** Procurement information shall be a public record to the extent provided in Section 610.010 and 109.180 RSMo. and shall be available to the public as provided in such statutes.

## PART THREE: PROCUREMENT POLICY

- A. **Purpose.** The primary objectives of this Policy are to provide for the fair and equitable treatment of all persons involved in public purchasing by the County of Cole, hereinafter referred to as “County”; maximize the purchasing value of public funds in procurement practices; and provide safeguards in maintaining a procurement system of quality and integrity in accordance with the applicable statutes of the State of Missouri.
- B. **Application.** This policy applies to contracts for the procurement of supplies and services entered into by the County after the effective date of this policy, unless the parties agree to its application to contracts entered into prior to the effective date. It shall apply to every expenditure of public funds by all Administrative Authorities irrespective of the source of the funds. When the procurement involves the expenditure of federal or state assistance or funds, it shall be conducted in accordance with any mandatory federal or state laws or regulations promulgated thereunder to include, but not be limited to, referencing the vendor disbarment list maintained by the Office of the Secretary of State to ensure no listed vendor is utilized when federal funds are being used. Nothing in this policy shall prevent any office or department from complying with the terms and conditions of any grant, gift, fee or bequest that is otherwise consistent with law.
- C. **Methods of Source Selection.**
1. **Electronic Equipment.** Prior to purchasing any electronic equipment (computers, monitors, printers, fax machines, software and hardware), all Administrative Authorities should consult a member of the County Information Technology Department to ensure compatibility with existing systems and consider cooperative pricing resources available.
  2. **Small Purchases (≤ \$12,000).** Any purchase for unbid goods or services, excluding professional services, made with any one vendor with which the county-wide spend of unbid goods or services does not exceed \$12,000 in a rolling ninety day period may be made in accordance with the small purchase procedures as authorized in Section 50.660 RSMo. Purchases shall not be artificially divided (i.e. stringing purchases) so as to constitute a small purchase under this section.
    - a. **Purchases \$6,000 and under.** Purchases that do not exceed \$6,000.00 may be made without soliciting competitive bidding, but offices and departments should do their due diligence to ensure costs reflect the best pricing available to the county. IF the purchase is over \$5,000.00 a purchase order will need to be entered.
    - b. **Purchases between \$6,001 and \$12,000.** Insofar as is practical, no less than three (3) businesses shall be solicited to submit written quotations for the goods and/or services contemplated; a “no bid” response submitted by a vendor is permissible in fulfilling this requirement. Award shall be made to the business offering the lowest acceptable quotation. The names of the businesses submitting quotations as well as the date and amount of each shall be recorded and maintained as a public record; offices should submit the quotations, if obtained independently of the purchasing office, to the purchasing office for this purpose. Said quotations shall be also attached to the purchase order and respective invoice when paid.
  3. **Large Purchases (>\$12,000.00).** All contracts of the County exceeding \$12,000 shall be awarded by competitive sealed bidding, either via a Request for Bids or a Request for Proposals, except as otherwise provided in Sections C.3.b: Contracting for Designated Professional Services, Sole Source Procurement, Emergency Procurement and Other Specified Exceptions.
    - a. **Competitive Sealed Bidding.**
      - i. **Maximum Practicable Competition.** All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage

competition in satisfying the County's needs. Specifications shall not be unduly restrictive, but sufficient in meeting the needs of the County. The policy enunciated in this Section applies to all specifications including but not limited to those prepared for the County by architects, engineers, designers, and draftsmen.

- ii. **Public Notice.** All public notices of competitive sealed bidding of any type shall be given a reasonable time, not less than thirty (30) calendar days prior to the date set forth therein for the opening of bids. Such notice shall include publication in a newspaper of general circulation of at least five hundred copies per issue (Section 50.660 RSMo.) and shall run once a week for three consecutive weeks. Public notice shall state the place, date, and time of bid opening and whether or not the opening is public.
  - iii. **Opening.** Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the Request for Bids. The amount of each bid, when practical, and such other relevant information as the purchasing agent deems appropriate, together with the name of each bidder shall be recorded; the record and each bid shall be open to public inspection in accordance with Section 1-301 (Public Access to Procurement Information).
  - iv. **Receipt of Proposals.** Proposals, if it is determined by the Purchasing Agent that a non-public opening is appropriate, shall be handled so as not to permit disclosure of the contents of any proposal to competing offerors during the process of negotiation. A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after contract award (Section 610.021 RSMo.)
  - v. **Award.** The Purchasing Agent shall present bid award recommendations, after discussion with the appropriate department head(s) and/or elected official(s), in a scheduled commission meeting for all contracts. Award shall be made to the responsible offeror whose bid or proposal is determined to be the lowest and best.
- b. **Exceptions.**
- i. **Contracting for Professional Services.**
    - Authority. For the purpose of procuring professional services as defined by the laws of the State of Missouri, any Administrative Authority requiring such services may procure them on its own behalf if desired. The Cole County Purchasing department recommends that the following selection procedures be followed in these instances.
    - Selection Procedure.
      - Obtain Statement of Qualifications. Persons engaged in providing the designated types of professional services may submit statements of qualification and expressions of interest in providing such professional services. An Administrative Authority using such professional services may specify a uniform format for statements of qualifications. Persons may amend these statements at any time by filing a new statement.
      - Conduct Discussions. The Administrative Authority procuring the required professional services may conduct discussions with any offeror or offerors who have submitted a response to determine such offeror's qualifications. Negotiations may be conducted with such other offeror or offerors, in the order of their respective

qualification ranking, and the contract may be awarded to the offeror then ranked best qualified if the amount of compensations as determined to be fair and reasonable. Discussions to this end shall not disclose any information derived from proposals submitted by other offerors.

- Award. A written award shall be made to the offeror selected by the Administrative Authority procuring the required professional services as determined to be the most advantageous to the County.

ii. **Sole Source Procurement.** Section 50.783 RSMo grants the County Commission the authority to waive the requirements of competitive bidding when the Commission has determined in writing and entered into the commission minutes that there is only a single feasible source for the required supply or service item, existing when:

- Supplies are proprietary and only available from the manufacturer or a single distributor; or
- Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or
- Supplies are available at a discount from a single distributor for a limited period of time.

The requesting department must complete a Sole Source Request Form and submit it to the Purchasing Department (see attached Exhibit A). The Purchasing department shall keep and maintain, after conducting a good faith review of available sources, record that there is only one feasible source for the required supply or service. Negotiations as to price, delivery, and terms may be negotiated as appropriate under the circumstances. The Purchasing Department shall also advertise the requesting department's intent to make a sole source purchase of a value in excess of \$12,000 in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors. The Purchasing Agent will then schedule a determination by the Cole County Commission in regular session.

iii. **Emergency Procurement.** Notwithstanding any other provisions of this Policy, purchases for the emergency procurements of supplies, services, or construction items are permissible in the following scenarios per Section 50.780 RSMo., provided that all such emergency procurements are made with as much competition as is practicable under the circumstances and emergency purchases exceeding \$12,000 are approved by the County Commission:

- When there exists a threat to life, property, public health, or public safety;
- When immediate expenditure is necessary for repairs to county property in order to protect against further loss of, or damage to, County property, to prevent or minimize serious disruption in County services or to ensure the integrity of County records.

A written determination of the basis for the emergency and for the selection of any particular contractor(s) shall be documented as soon as practicable and a record of each emergency procurement shall be made and maintained by the Purchasing department. Records shall set forth the contractor's name, the amount and type of the contract, and a listing of the item(s) procured under the contract.

iv. **Cooperative Procurement.** Cooperative procurement agreements, which have met the sealed bid requirements as outlined herein, in which the County is

eligible to participate, shall be considered to have met all bid documentation requirements. All Missouri State bid contracts qualify for this bid documentation exemption; any other cooperative procurement agreement must be documented and maintained by the Purchasing Department. The approval authority for all normal purchases remains in effect.

v. **Procurement under Special Circumstances.**

- Utility bills (Ameren UE, Am Water, Allied Waste, Electric Co-Op)
- Travel Reimbursement (mileage, hotel, food, per diem, air fare, and other)
- Jury Duty and Election Workers
- Purchases from funds that have independent purchasing authority such as Election Service, Sheriff civil fees, Tax Maintenance Fund, and the Prosecuting Attorney's statutory funds are considered separate from the rest of the County for purposes of the bidding laws, so their \$12,000.00 will accumulate separately.
- Purchases of gas, oil, and other changing prices (volatile pricing environments)

D. **Contracts and Purchase Orders.** All contracts must be in writing and executed in the name of the County by the County Commission and signed by the County Auditor certifying that an unencumbered balance is on hand to cover the contract amount. The Purchasing Agent, upon approval of the County Commission, may execute purchase orders for the County when funds are available to pay such obligation and the purchase is in accordance with this policy. A formal purchase order must be generated for any purchase exceeding \$5,000. Orders placed without an authorized purchase order, contract or purchases made in violation of the policy are the individual's responsibility and liability. Payment thereof is not the County's responsibility.

E. **Conflict of Interest.** No employee, officer, or agent of the County may participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The employees, officers, or agents of the County may not solicit gratuities, favors, or anything of monetary value but may accept a gift that is an unsolicited item with a value of \$25 or less from contractors or parties to subcontracts. Any employee found guilty of any violation of this conflict of interest policy shall be subject to any disciplinary action up to and including dismissal as defined by these rules, and such other penalties as may be deemed appropriate and consistent with the laws of the County and the State of Missouri.