

<i>Jefferson County Policies & Procedures</i>			
Policy Name:	Bidding and Contract Policy	Approved:	9/5/2013
Policy Number:	318	Author:	Keyser
Associated:			

1. Determination of Need

- a. The county office must determine the product or service required, including the quality level, quantity, delivery requirement and estimated cost.

2. Availability through State or Federal Resources

- a. Once the need is established, the county office should determine if the product or service is available from
 - i. Statewide contract
 - ii. Sheltered Workshops
 - iii. WV State Agency for Surplus Property
 - iv. Sole Source

3. Sole Source

- a. A written, signed quotation from the sole source vendor and written justification from the county office for purchases of printing and commodities over \$15,000.00 must be obtained. Fax quotations are permitted. A specific description, terms, FOB point of shipment and price must be included in the signed quotation.
- b. The county office must maintain written documentation in their office certifying that no other sources are available and that the county office exhausted all attempts to secure competition.

4. Emergency Purchases

- a. An emergency purchase is a purchase which can be made after exercising sound judgment and discretion, the county office concludes in good faith some unforeseen or unexpected circumstance has suddenly created a situation requiring that commodities or services be immediately purchased by the county office. A record of competitive bids upon which the purchase was based is to be submitted to the county commission with the proof of purchase.
- b. A minimum of three bids should be obtained.

5. Obtain Bids on Printing and Commodities over \$15,000 (WV Code §7-1-11)

a. Printing means

- i. Printing
- ii. Binding
- iii. Ruling
- iv. Lithographing
- v. Engraving
- vi. And other similar services (WV Code §5A-1-1)

b. Commodities means

- i. Supplies,
- ii. Material,
- iii. Equipment,
- iv. Contractual services means,
 1. Telephone,
 2. Telegraph,
 3. Electric light
 4. And power,
 5. Water and similar services.
- v. And any other articles or things used by or furnished to a department, agency or institution of state government.

c. For printing or commodities over \$15,000.00, competitive bids must be obtained. All requests for bids must be sent to the County Commission.

6. Obtain Bids on All Construction Projects over \$25,000.00 (WV Code §5-22-1)

a. The county commission will obtain competitive bids on all construction projects of \$25,000 or more.

b. West Virginia Code §5-22-1 covers all projects that includes both the labor and materials.

7. Request for bids

a. All requests for bids will be processed by the County Commission. See Formal Acquisition Procedures in this document.

8. Evaluation and Award

a. After the official bid opening, all bids or proposals are opened, evaluated, and an award is made in accordance with the purchase guidelines.

9. Purchase Order Encumbrance

- a. Encumbrance of purchase orders ensures that the county office has the appropriate funds to make the specific purchase. The encumbrance date is the earliest date that a vendor may commence on any contract.

10. Contract Management

- a. The county office is responsible for establishing benchmarks for contracts to ensure that the product acquired or services to be rendered are offered in accordance with the contract specifications. All contracts will be file with the county commission.

11. Questionable purchases

- a. When a clear determination of whether a project or service requires competitive bids, the project or service will be treated as if it was subject to competitive bids and go through the bidding process as outline in the "Formal Acquisition Procedures".

12. Non-Competitive Procurement

- a. The following equipment and other commodities or services can be purchased directly from a vendor without competitive bidding:
 - i. The item cannot be obtained through ordinary purchasing procedures (no bid obtained)
 - ii. The item is unique, or is not available from any other source (sole source)
 - 1. Copyright materials
 - 2. Conference facilities
 - 3. Speakers
 - iii. The item is technology related
 - iv. The item is available from a statewide contract
 - v. The item is available from the federal government at the same price
 - vi. Item is from a shelter workshop.
 - vii. Item is available from an internet website, maintained by a legitimate government.
 - viii. The item is a construction project less than \$25,000
 - ix. The item is a commodity or service of less than \$15,000.

13. Other counties bids

- a. A bid obtained from another county can be used, if the following procedures are follow (West Virginia Code §7-1-11):
 - i. A copy of the other county's bidding policies and procedures are obtained and compare to the written policies and procedures adopted by the county commission.
 - ii. The other county policy and procedures meets or exceeds this policy and the adopted procedures of the county commission.
 - iii. The other county has followed all applicable laws and regulations in obtaining this bid.

iv. All bids are obtained and reviewed.

14. This policy refers to bidding of a contract, and does not cover leasing contracts.

15. All contracts must be reviewed by Legal. The attorney for the Commission is responsible for ensuring the contract is worded in the best interest of the Commission and the County. Any changes or recommendations by the County's attorney should be changed accordingly or have the attorney document he/she is in agreement with your proposal.

- a. The manager submitting the contract for review is responsible for ensuring the contract is appropriate for their needs. The manager should read the contract thoroughly to ensure the contract requirements/County obligations can be met.
- b. The contract should be signed by the Commissioners, County Administrator, County Attorney, or Elected Official, as appropriate, with a copy to the County Clerk and County Administrator to maintain records and the County's financial obligations.

Formal Acquisition Procedures

The overall objective of the purchasing function is to acquire the goods and services necessary to provide the essential services for which an organization is responsible. All procurement transactions must be conducted in a manner that provides the essential services for the county, in an efficient and cost effective manner.

Once a request for bid is received the following procedures should be followed:

1. **Request for bids from the county office must contain the following information:**
 - a. A detailed description of, or specification for the item(s) being purchased
 - b. Delivery date, if required
 - c. Possible warranty or services agreements needed
 - d. List of possible suppliers
2. **Decide the basic type of purchase:**
 - a. One-time/ Single purchase
 - b. Open ended contracts
 - c. Agreements
 - d. Emergency purchases
 - e. Leases and lease agreements
 - f. Direct purchases
3. **Determine what kind contract is involved**
 - a. Terms of the contracts
 - b. Services and warranties to be provided
 - c. Length of the contract
4. **Determine the possible vendors**
 - a. Reference sources such as telephone book, etc.
 - b. Supplier's catalogs
 - c. Meeting with business representative

- d. Contacting other counties with like goods and services
 - e. Utilizing the internet
- 5. Prepared notice for soliciting of bids**
- a. A detailed description of, or specification for the item(s) being purchased
 - b. Delivery date,
 - c. Possible warranty or services agreements needed
 - d. Require sealed bids
 - e. Bonds required, if applicable
 - f. Policy of awarding bids available
 - g. Date of opening bids
 - h. Contract Approval and Award date
- 6. Soliciting bids**
- a. Public Notice
 - i. The notice may be published by any advertising medium deemed advisable.
 - ii. The notice shall be posted at the courthouse
 - iii. The notice may be by electronic devices,
 - iv. The notice may be by email to prospective vendors
 - b. Notifying of possible vendors
 - i. Phone call
 - ii. Mailing of notice
 - iii. Emailing
- 7. Hold Pre-Bid Conferences, when appropriate**
- a. Have sign in sheets
 - i. Name of company
 - ii. Person attending
 - iii. Address
 - iv. Phone number
 - v. Fax number
 - vi. Date and time of pre-conference
 - vii. Item being bid
 - viii. Email and website information
 - b. Hold between the hours of 10:00 a.m. and 3:00 p.m.
 - c. Tuesday through Thursday
- 8. Determine a response time for opening date and time**
- a. Time should allow a timely delivery of product or services solicited
- 9. Bids submission**
- a. Designate a person to receive the sealed bids,
 - b. Designate a location, and time for bids to be submitted
 - c. Refuse all bids after the designated time has passed
 - d. Involve county office that request the item
 - e. Determine if the bids meets requirements
 - f. Determine if further details are needed
 - g. Tie bids
 - i. Flip a coin
 - ii. Pull a card to determine or
 - iii. Award multiply contracts if possible
 - h. Lowest responsible bidder, or a written justification signed by commissioners for awarding to other vendor.(WV Code §5A-3-11)

10. Bid Opening

- a. At the time and place noted in the advertisement, publicly open the bids
- b. Read all bids aloud
- c. No bids may be opened on days which are recognized as holiday by the Postal Services.
- d. Do not accept or consider any bids that do not contain a valid bid bond or other surety
- e. Maintain a file on all rejected bids. Reasons for rejection of a bid:
 - i. An error made
 - ii. The error materially affected the bid
 - iii. Rejection of the bid would not cause a hardship on the county
 - iv. Enforcement of the bid in error would be unconscionable.

- f. A contractor who withdraws a bid may not submit another

11. Contract Approval and Award

- a. Negotiation when all bids exceed available funds
 - i. May negotiate a lower price within available funds with lowest bidder
 - ii. Void all bids and send request back to county office for new request
- b. Name date and time of awarding the contract