



BEXAR COUNTY ADMINISTRATIVE POLICY

ADMINISTRATIVE POLICY NO.8.1

TITLE: Purchase of Goods and Services and Procurement of Professional and Personal Services.

REPLACES: April 29, 2014 Purchase of Goods and Services and Procurement of Professional and Personal Services

REVISION DATE: September 12, 2017

EFFECTIVE DATE: September 12, 2017

SECTION 1: PURPOSE

The purpose of this policy is to establish guidelines and accountability for the expenditure of taxpayer funds used to procure goods and services used by the County departments and offices. The processes used to procure goods and services should always provide the best value for the County, while providing an open and fair process for vendors/suppliers and subcontractors/sub-suppliers/sub-consultants.

These policies are approved by the Bexar County Commissioners Court. Therefore, as necessary, appropriate revisions may be made to these policies at the discretion of the Commissioner Court. The Purchasing Agent shall be responsible for accurate maintenance and distribution of approved revisions. This information includes the rules, regulations, and procedures necessary to adhere to those policies.

SECTION 2: GUIDING PRINCIPLES

The Guiding Principles that follow have been developed by and for the use of all of Bexar County's departments and offices:

1. Purchasing Department Employees will avoid any activity that would create a conflict between their personal interests and the interest of Bexar County and will avoid the appearance of unethical or compromising practices in relationships, actions, and communications. The types of activities that should be avoided include: accepting gratuities of any kind valued at more than \$25 from current or potential vendors; using confidential proprietary information for actual or anticipated personal gain; or disclosing a vendor's confidential proprietary information inappropriately to other vendors during the procurement process.
2. Taxpayers are best served by a purchasing program that encourages competition, prevents favoritism, and obtains the best value for the best price. This includes involvement by local outreach and small, minority and women-owned business enterprises (SMWBE) in the County's programs and purchases, to the greatest extent possible.
3. By working cooperatively, Bexar County can leverage purchasing volume for lower prices or other favorable terms. Bexar County will use cooperative arrangements where doing so will provide savings in time, money or other resources.
4. A livable community is based in part on the quality of its environment. Bexar County will buy environmentally friendly goods and services where doing so will not compromise quality or value.
5. In support of its mission to provide its citizens with quality services, Bexar County will continue to seek efficient and accountable methods of purchasing and maintaining county assets. Staff will use innovation and technology to enhance management of purchasing programs and expenditures.
6. Bexar County hires personnel with the skills necessary to provide quality services to its citizens. At times however, Bexar County may wish to use outside professional and personal services contractors. External professional and personal services will be sought when technical expertise is required which does not exist within Bexar County resources, or a temporary requirement exists that cannot be met by Bexar County's existing work forces, or it is necessary to receive advice and recommendations independently of the Bexar County workforce.

SECTION 3: ROLES AND RESPONSIBILITIES

COUNTY DEPARTMENTS AND OFFICES

General:

The role of the Bexar County offices and departments shall be to utilize the services of the Purchasing Department for those purchases that are in excess of their purchase authority, and to work cooperatively to see that the necessary goods and services are procured to most efficiently serve Bexar County.

Specific:

1. Work cooperatively with the County Purchasing Agent and Commissioners Court to procure goods and services that maximize performance and achieve County goals;
2. Work with the County Manager's Office staff to strategically plan for procurement needs through the annual budget process;
3. Identify employees with purchase requisition and PCARD/TCARD duties and ensure they obtain necessary training in appropriate purchasing procedures before purchasing approval is granted;
4. Work with the County Small Business and Entrepreneurship Department (SBED) Director to include SMWBE performance measures in County departments and offices annual performance measures where appropriate. Measures will be based on an analysis of the availability of SMWBEs to meet a department's procurement needs;
5. Work with the County Auditor and Purchasing Agent to facilitate the inventory of County asset types;
6. Purchase ethically and not use position to secure special privileges, prices or exemptions for personal gain or for others;
7. Notify the Purchasing Agent and Commissioners Court of a business or personal relationship with a prospective vendor in writing and remove self from the procurement process;
8. Comply with State law, County purchasing, SMWBE(Bexar County ADMINISTRATIVE POLICY NO. 8.0) policies, and procedures and attend training to obtain necessary knowledge;
9. Refrain from using purchasing strategies designed to avoid formal competitive procurement procedures such as component purchases (purchasing in pieces rather than purchasing as a whole), separate purchases (purchasing goods in a series of separate purchases that normally would have been combined) and sequential purchases (purchases made over a period of time that would normally have been made as one purchase) that violate State law;

10. Avoid submitting purchase requisitions to the Purchasing Department that would request expenditures in excess of existing budgeted funds;
11. Maintain appropriate documentation to support purchasing transactions as outlined in County policies and procedures;
12. Engage the Purchasing Agent and Small Business and Entrepreneurship Department for assistance in identifying SMWBEs when deciding on procurement needs;
13. Purchase professional and personal services in accordance with law and the County purchasing policies and procedures;
14. Coordinate with the Bexar County District Attorney's Office when submitting forms and documents used for solicitation and contracting of professional and personal services for legal review to ensure documents and procedures reflect changes in the law and this policy;
15. Discourage unsolicited verbal or written communications from competing companies which may pertain or relate directly or indirectly to any proposal being evaluated; and
16. Recommend contracts for award based on demonstrated competence and qualifications for the type of goods or services to be performed at fair and reasonable prices.

PURCHASING AGENT

General:

The procurement procedures for goods and services for Bexar County are set forth in the Texas Local Government Code 262, Purchasing and Contracting Authority of Counties. The Purchasing Agent shall supervise all competitive purchasing of goods and services in accordance with the procurement procedures for the County departments and offices.

Specific:

1. Provide assistance to the County Small Business and Entrepreneurship Department with outreach efforts;
2. Seek out and solicit bids and proposals from SMWBEs/HUBs and DBEs in support of the County SMWBE policies and document such efforts;
3. Provide strategic purchasing advice and support to County offices and departments as they develop operational programs;
4. Work with departments and offices to develop necessary forms, formats, and procedures for approval by Commissioners Court, in compliance with law and Court policy statements;
5. Work with suppliers to ensure timely delivery of goods and services for County departments and offices for the greatest value and in compliance with the law and County purchasing policies and procedures;

6. Make purchases of goods and services that are in the aggregate, under \$50,000 and supervise the competitive process for purchases exceeding \$50,000;
7. Make recommendations for contract award to Commissioners Court for purchases supervised through the competitive purchasing process exceeding \$50,000 in the aggregate;
8. Resolve all internal and external complaints, and facilitate termination, demand for payment, cure notice, show cause and debarment procedures when deemed necessary in accordance with the law and County purchasing policies and procedures;
9. Provide training to assist County employees in compliance of the law and County purchasing policies and procedures;
10. Assist (when requested) with department recommendations for contract award to Commissioners Court for purchase of professional and personal services;
11. Provide the Small Business and Entrepreneurship Department with the contract award information by maintaining the online SMWBE Contract and Diversity Management System;
12. Perform outreach to build partnerships with County offices, vendors and other public agencies;
13. Set ethical standards for an open and fair process and develop formats to ensure that standards are enforced;
14. Maintain open and regular communication between County departments and offices, County officials and Commissioners Court;
15. Coordinate with the Bexar County District Attorney's Office and submit forms and documents used by the Purchasing Department for solicitation and contracting for legal review to ensure documents and procedures reflect changes in the law on an annual basis;
16. Work with Departments and offices to monitor vendor compliance with contract terms and conditions, quality of goods or services and timely renewal or re-bid;
17. Supervise the acquisition, tracking, monitoring, disposal, and reporting of County fixed and controlled asset types in accordance with law and County purchasing policy and procedures;
18. Provide assistance to County officials for purchases exempt from the competitive bid process;
19. Provide assistance to County officials for the purchase of professional and personal services;
20. Promote efforts to increase recycling and reduce waste when purchasing commodities and services for Bexar County;

21. Supervise purchases made using the County purchasing and travel card;
22. Review and recommend changes to the County Auditor's Office regarding purchasing functionality and the County Automated Financial Management System;
23. Utilize a bidder list that includes certified vendors (SMWBEs) for a purchase over \$5,000 that is subject to competition and made by the Purchasing Department.
24. Utilize a County automated contract register to record vendor solicitations, responses, and awards for a purchase over \$50,000 that is subject to competition and made by the Purchasing Department.
25. Procurement Thresholds:
 - (a) \$5,000 and below: Informal Procurement Activity and PCard Purchases
 - (b) \$5,001 to \$49,999: Informal Solicitation Requirement
 - (c) \$50,000 and above: Formal Solicitation Requirement, or as determined by Legislative Session

VENDORS AND PROSPECTIVE SUPPLIERS

General

Bexar County welcomes the opportunity to do business with vendors in the community. The Purchasing Agent is interested in fostering participation by all businesses offering goods and services utilized by the County departments and offices. The Purchasing Agent has the responsibility of making the most economical acquisition of quality goods and services to ensure efficient operation.

Specific

1. Comply with County purchasing policy and procedures in an ethical and fair manner, and not misrepresent facts or circumstances in dealings with Bexar County;
2. Participate in good faith effort to achieve the County participation targets for SMWBE/HUB and DBE opportunities and reporting;
3. Request clarification, delineation, or explanation of a quote, bid or proposal in writing to the Purchasing Agent or individual specified in the solicitation document when competing for a procurement opportunity; (Note: Alterations to bids after bid opening is not authorized);
4. Respond to County requests and solicitations with fair and competitive pricing;
5. Deliver commodities and services in a timely fashion and in accordance with terms of the contract award; and

6. Purchasing Department staff will verify the Excluded Parties List System (EPLS) for all Federal Funded Procurement Requirements by registering with the System for Award Management (SAM). www.sam.gov

CHANGE ORDERS AND AMENDMENTS TO CONTRACT ACTIONS REQUIRING COMMISSIONERS COURT APPROVAL

General

Bexar County is subject to Texas Local Government Code 262.031, CHANGES IN PLANS AND SPECIFICATIONS, among many other laws pertaining to the purchase of goods and services. It is important that there is consistency in how our vendors, the public and other government agencies perceive our procurement process in terms of compliance to the applicable laws. That is why it is necessary that all change orders or amendments be coordinated appropriately by the Purchasing Agent, who is responsible to assure compliance with the applicable procurement laws and to promote fair and consistent dealings with the vendors used to supply County needs.

Specific

Only the Purchasing Agent is hereby authorized to issue change orders to existing contracts. Any change orders issued by any employee other than the Purchasing Agent, or an employee of the Purchasing Department of Bexar County is not binding and may result in disciplinary action for such employee.

Texas Local Government Code 262.031, CHANGES IN PLANS AND SPECIFICATIONS states:

(a) If it becomes necessary to make changes in plans, specifications, or proposals after a contract is made or if it becomes necessary to increase or decrease the quantity of items purchased, the Commissioners Court may make the changes. However, the total contract price may not be increased unless the cost of the change can be paid from available funds.

(b) If a change order involves an increase or decrease in cost of \$50,000 or less, the Commissioners Court may grant general authority to an employee to approve the change orders. However, the original contract price may not be increased by more than 25 percent unless the change order is necessary to comply with a federal or state statute, rule, regulation, or judicial decision enacted, adopted, or rendered after the contract was made. The original contract price may not be decreased by 18 percent or more without the consent of the contractor.

SECTION 4: STANDARDS

Civil Practice and Remedies Code §106.001 (Non-Discrimination)
Chapter 262, Texas Local Government Code, (Purchasing and Contracting Authority of Counties)
Chapter 271, Texas Local Government Code (Purchasing and Contracting Authority of Municipalities, Counties and Certain other Local Governments)
Chapter 2251, Texas Government Code (Payment for Goods and Services)
Chapter 2252, Texas Government Code (Contracts with Governmental Entities)
Chapter 2254, Texas Government Code (Professional Services)
Chapter 2269, Texas Government Code (Contracting and Delivery Procedures for Construction Projects)
Health & Safety Code §361.426 (Recycled Product Preferences)
Local Government Code Chapter 140.003 (Specialized Local Entities)
Texas Constitution Article 3 §44

SECTION 5: REFERENCES

Detailed procedures for applying this policy and applicable forms are found in the Bexar County Purchasing Manual dated July 2017, as amended.