

Resolution Number 2017-39

A RESOLUTION OF THE SIOUX COUNTY BOARD OF SUPERVISORS ADOPTING THE PROECUREMENT POLICY FOR FEDERALLY and NON-FEDERALLY FUNDED PROJECTS

WHEREAS, the Sioux County receives federal and nonfederal grant funds; and

WHEREAS, Sioux County is implementing a Procurement Policy describing the procedures, and standards by which the program will be managed; and

WHEREAS, staff has prepared a procurement policy, including evaluation criteria and a code of conduct in compliance with the guidelines and requirements established for the receipt of federal funds; and

WHEREAS, said Procurement Policy is in the best interests of Sioux County for federally and non-federally funded projects;

NOW THREFORE BE IT RESOLVED that the Sioux County Board of Supervisors does hereby approve and adopt the attached Procurement Policy for all future federally and non-federally funded projects.



County Board of Supervisors Chair

ATTEST:



County Auditor

SIoux COUNTY GRANT PROCUREMENT POLICY

PURPOSE

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, construction, and services are obtained efficiently and economically and in compliance with applicable federal law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition.

APPLICATION

This policy applies to the procurement of all supplies, equipment, construction, and services of and for Sioux County related to the implementation and administration of the award. All procurement will be done in accordance with the applicable provisions of 2_CFR 200.317 through 200.326. This applies to all federally and to non-federally funded programs unless found in conflict with procurement procedures required in Iowa law.

POLICY

METHODS OF PROCUREMENT

Procurement under grants shall be made by one of the following methods, as described herein: (a) small purchase procedures; (b) sealed bids (formal advertising); (c) competitive proposals; (d) noncompetitive proposals.

- A. Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for the procurement of services, supplies, or other property, costing in aggregate not more than \$100,000. If small purchase procedures are used for a procurement under a grant, price or rate quotations (minimum of 2) shall be obtained from an adequate number of qualified sources.
- B. In sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the required method for procuring construction.
 1. In order for formal advertising to be feasible, appropriate condition must be present, including, at minimum, the following:
 - a) A complete, adequate and realistic specification or purchase description is available.

- b) Two or more responsible bidders are willing and able to compete effectively for Sioux County's business; and
 - c) 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.
 - 2. When sealed bids are used for a procurement under a grant, the following requirements apply:
 - a) A sufficient time prior to the date set for opening of bids, bids shall be solicited (publicly advertised) from an adequate number of known suppliers.
 - b) The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation for bids.
 - c) All bids shall be opened publicly at the time and place stated in the invitation for bids.
 - d) A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of Sioux County indicates that such discounts are generally taken.
 - e) Any or all bids may be rejected if there are sound documented business reasons in the best interest of the program.
- C. Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids. If the competitive proposals method is used for a procurement under a grant, the following requirements apply.
 - 1. Request for Proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical.
 - 2. Requests for Proposals shall be solicited from an adequate number of qualified sources.

3. Sioux County shall have a method for conducting evaluations of the proposals received and for selecting awardees.
 4. Awards will be made to the responsible offeror whose proposal will be most advantageous to the procuring party, with price (other than architectural/engineering) and other factors considered. Unsuccessful offerors will be promptly notified in writing.
 5. Sioux County should use competitive proposal procedures for qualification-based procurement of architectural/engineering (A/E) professional services whereby competitor's qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where 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 procure other types of services (e.g., administration professional services) even though A/E firms are a potential source to perform the proposed effort.
 6. Evaluation Criteria for Sioux County in the Procurement of Professional Services. In accordance with 2 CFR, Part 200, the following factors will be used to evaluate the proposals or requests for qualifications when the "competitive proposals" method of procurement (used for the procurement of professional services) is utilized to select awardees.
 - The firm's past experience with similar projects;
 - Recipient's familiarity with the firm;
 - The firm's availability of staff/capability of staff;
 - The firm's technical and financial resources;
 - The firm's geographic location;
 - The firm's ability to complete projects in a timely manner and within budgetary constraints;
 - The firm's integrity and compliance with public policy;
 - The firm is not on county, State of Iowa, HUD's or DOL's debarred or suspended lists; and
 - Cost or anticipated compensation.
- D. Noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation from a number of sources, competition is determined inadequate. Noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids (formal advertising), or competitive proposals. Circumstances under which a contract may be awarded by noncompetitive proposals are limited to the following:
1. The item is available from only a single source;

2. After solicitation of a number of sources, competition is determined inadequate.
 3. A public exigency or emergency exists when the urgency for the requirement will not permit a delay incident to competitive solicitation; and
 4. The awarding agency authorizes noncompetitive proposals. (Sole source procurement for supplies, equipment, construction, and services valued at \$25,000 or more must have prior approval of the Iowa Homeland Security and Emergency Management Department).
- E. Sioux County will provide, when possible, that contracts be awarded to qualified small and minority firms, women business enterprises, and labor surplus area firms whenever they are potential sources.
- F. Any other method of procurement must have prior approval of the Iowa Homeland Security and Emergency Management Department.

CONTRACT PRICING

- A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- B. Sioux County shall perform some form of cost/price analysis for every procurement action, including modifications, amendments or change orders.

PROCUREMENT RECORDS

Sioux County shall maintain records sufficient to detail the significant history of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

CODE OF CONDUCT

The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 2 CFR; Part 200.318 and other applicable federal and state standards, regulations, and laws.

A. APPLICATION

This Code of Conduct applies to all officers, employees, or agents of Sioux County engaged in the award or administration of contracts supported by federal grant funds.

B. REQUIREMENTS

No officer, employee, or agent of Sioux County shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner; or
- d. An organization which employs, or is about to employ any of the above;

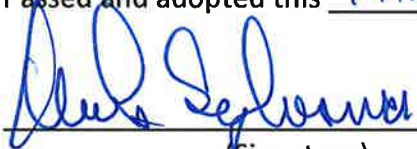
has a financial or other interest in the firm selected for award.

Sioux County officers, employees, or agents shall neither solicit nor accept gratuities, favor, or anything of monetary value from contractors, potential contractors, or subcontractors.


C. REMEDIES

To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against Sioux County's officer, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents, including termination.

Passed and adopted this 19th day of December, 2017



(Signature)

 Mark Sybermen, Chairman

(printed name), (title)

ATTEST



(Signature)

Ryan Dokter, County Auditor

(printed name), (title)