

Callaway County Purchasing Policy

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ARTICLE 1- GENERAL PROVISIONS

Part A- Purpose

The purpose of this Policy is:

1. To implement and make effective the purchasing policies put in place by Missouri Statutes and those established by the County of Callaway.
2. To provide for the fair and equitable treatment of all persons involved in public purchasing by the County.
3. To simplify, clarify and modernize Callaway County's procurement practices.
4. To permit the continued development of procurement policies and practices.
5. To make the procurement procedures of all county departments as consistent as possible.
6. To provide for public confidence in public procurement procedures.
7. To maximize the purchasing value of public funds in procurement.
8. To ensure that every expenditure of public funds (including State and Federal funds) complies with the terms and conditions of the funding source. If State or Federal requirements conflict with the provisions of this manual, nothing in the manual shall prevent the County from complying with the terms and conditions of the State or Federal requirement.

Part 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 assistance or contract funds, the procurement shall be conducted in accordance with any mandatory applicable federal law and regulations. Nothing in this Policy shall prevent any public agency from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.

Article 2- Purchasing

Part A- Methods of Purchasing

- 1. Annual Bid:** It shall be the duty of the Commissioners on or before the first day of February of each year to estimate the kind and quality of supplies, including any advertising or printing which the County may be required to do, required by law to be paid for out of County funds, which will be necessary for the use of the several offices for the following year, and to advertise for sealed bids and contract with the lowest and best bidder for such supplies. Before letting any such contract or contracts, the Commission shall cause notice that it will receive sealed bids for such supplies to be given by advertisement in some newspaper of general circulation published in the County, such notice to be published once per week for three consecutive weeks, the last insertion of which shall not be less than ten days before the date in said advertisement fixed for the letting of such contract or contracts, which shall be let on the first Monday in March, or on such other day and date as the Commission may fix between the first Monday of March and the first Saturday after the second Monday in March next following the publication of such notice; except that if by the nature or quantity of any article or thing needed for any county officer in any county of this state to which sections 50.760 to 50.790 apply, the same may not be included in such contract at a saving to such county, then such article or thing may be purchased for such officer upon an order of the county commission first being made and entered as provided in sections 50.760 to 50.790; and except further, that if any supplies not included in such contract are required by any such officer or if the supplies included in such contract are exhausted then such article or thing may be purchased for such officer upon order of the county commission first being made and entered of record as provided in sections 50.760 to 50.790.

The county commission may authorize the purchase of supplies, not including for contractual services, at any public auction held.

No contract for a purchase under this section shall arise until the commission has approved a purchase order for the supplies for which the bids were advertised and submitted under this section. (RSMo 50.760)

- 2. Competitive Bid.** All contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition, including advertising the proposed letting in a newspaper in the County or township with a circulation of at least five hundred copies per issue, if there is one. All bids for any contract or purchase may be rejected and new bids advertised for. (RSMo 50.660) Expenditures twelve thousand dollars and greater shall require a competitive bid. All competitive bids shall require a RFP or RFQ. Bids shall be sealed and are to be opened publicly in the presence of one or more witnesses at the time and place designated in the Invitation for Bids. The County Commission shall approve the solicitation of bids prior to advertisement. All public notices of the Invitation for Bids and Request for Bids shall be given a reasonable time, not less than fifteen (15) calendar days prior to the date set forth therein for the opening of bids. When time is of the essence, the Purchasing Director and/or Commission has the discretion to shorten the minimum time the bid is left open, with an opening date of 3 days from time of issue to allow for an emergency faxed/emailed bid.

Construction projects are a form of competitive bid. In addition to the requirements of the standard RFP, construction project RFPs shall include, but are not limited to:

- a. Bid Bonds – please see the Callaway County Debt Management policy on information regarding bonds
- b. Performance and Payment Bonds – please see the Callaway County Debt Management policy on information regarding bonds
- c. Prevailing Wage – A statement prohibiting the pay of wages less than the prevailing wage for the type of work performed when deemed a prevailing wage project by the Missouri Department of Labor.
- d. Understanding – A statement by the bidder that the plans and specifications are understood by the bidder.
- e. Affidavit of Work – A completed Affidavit of Work Authorization form.
- f. Affidavit of OSHA Safety Training Form – A completed Affidavit of OSHA Safety Training Form
- g. Retainage – A retainage amount may be withheld from certain contract payments until such time as the contract has been satisfactorily completed.

Construction contracts and change orders shall require approval by the County Commission in public session and documented in the meeting minutes.

- 3. **Informal Bid.** An informal solicitation or request for information for purchases under \$12,000.00, where oral or written quotes are obtained from vendors without formal advertising or receipt of sealed bids. Purchases less than \$4,500.00 shall not require written quotes.
- 4. **State Contract/Cooperative Procurement.** Missouri statutes authorized political subdivisions to use the services of the Missouri Division of Purchasing. The Division of Purchasing has instituted this statute by allowing eligible political subdivisions the ability to place orders against certain statewide contracts. (RSMo 67.360) Commission approval in public session shall be required if the expenditure is greater than twelve thousand dollars. (\$12,000).
- 5. **Sole Source Provider.** The County Commission may waive the requirement of competitive bids or proposals for supplies when the Commission has determined in writing and entered into the Commission minutes that there is only a single feasible source for the supplies. Immediately upon discovering that other feasible sources exist, the Commission shall rescind the waiver and proceed to procure the supplies through the competitive processes as described in this chapter. A single feasible source exists when:
 - a. Supplies are propriety and only available from the manufacturer or a single distributor; or
 - b. Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or
 - c. Supplies are available at a discount from a single distributor for a limited period of time.

On any single feasible source purchase when the estimated expenditure is twelve thousand dollars or over, the Commission shall advertise the Commission's intent to make such purchase 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 and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let. (RSMo 50.783)

6. **Professional Service.** Work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, medicine, optometry, pharmacy, professional engineering, real estate appraisal, and software, or as subsequently defined by the County Commission. A Request for Proposal (RFP) or Request for Qualifications (RFQ) shall be required for all professional services. Professional services are exempt from Competitive bidding procedures unless otherwise stated by the County Commission. All professional services shall be approved in a public session by the County Commission and documented in the meeting minutes.
7. **Emergency Procurement.** The county commission may waive the requirement of competitive bids or proposals for supplies when the county commission has determined that there exists a threat to life, property, public health, or public safety or 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. Emergency procurements shall be made with as much competition as is practicable under the circumstances. After an emergency procurement is made by the county commission, the nature of the emergency and the vote approving the procurement shall be noted in the minutes of the next regularly scheduled meeting. (RSMo 50.780)

Depositaries of County Funds

On or before the first Monday of July for the year in which a bid is requested and every fourth year thereafter (with an option to rebid in each odd-numbered year), the county commission shall receive proposals from banking corporations or associations at the county seat of the county which desire to be selected as the depositaries of the funds of the county. Such bids shall be published twenty days before the commencement of the term in some newspaper published in the county, and if no newspaper is published therein, then the notice shall be published at the door of the courthouse of the county. (RSMo 110.130) The county follows RSMo 110.130-110.270 for the advertising and letting of the depositary bid.

Insurance

Insurance policies purchased by a County as part of the compensation of Officials or employees must be competitively bid and awarded to the lowest and best bidder at least every three (3) years. (RSMo 67.150). Insurance policies purchased for the County must be competitively bid and awarded to the lowest and best bidder at least every six (6) years. (RSMo 376.696). Note the renewal of an insurance policy during a period between submission of the contract to competitive bidding does not count as a separate and distinct contract.

Multiple Source Award

- a. *General.* A multiple source award is an award of an indefinite quantity contract for one or more similar supplies or services to more than one bidder or offeror.
- b. *Limitations on Use.* A multiple source award may be made when award to two or more bidders or offerors for similar products is necessary for adequate delivery, service, or product compatibility. Any multiple source award shall be made in accordance with the provisions of

Competitive Bidding, Annual Bidding, or Emergency Procurements, as applicable. Multiple source awards shall not be made when a single award will meet the County's needs without sacrifice of economy or service. Awards shall not be made for the purpose of dividing the business, making available product or supplier selection to allow for user preference unrelated to utility or economy, or avoiding the resolution of tie bids. Any such awards shall be limited to the least number of suppliers necessary to meet the valid requirements.

- c. *Contract and Solicitation Provisions.* All eligible users of the contract shall be named in the solicitation, and it shall be mandatory that the actual requirements of such users that can be met under the contract be obtained in accordance with the contract, provided that: a. The County shall reserve the right to take bids separately if a particular quantity requirement arises which exceeds its normal requirement or amount specified in the contract; and b. The County shall reserve the right to take bids separately if the County Commission approves a finding that the supply or service available under the contract will not meet a non-recurring special need of the County.
- d. *Intent to Use.* If a multiple source award is anticipated prior to issuing a solicitation, the County shall reserve the right to make such an award and the criteria for award shall be stated in the solicitation.

Part B- Purchasing Process

Callaway County makes payments from invoices turned in to the County Clerk's office. Reimbursement forms with attached itemized receipts are required for any employee reimbursements. A payment requisition is required for internal transfers between funds and is required when an invoice is not available until the time in which the payment is made.

Callaway County requires Purchase Orders for any purchase over \$500. The Purchase Orders are created in the Purchasing office and are then signed by the Auditor and two Commissioners. After the required signatures are obtained, the purchase orders are entered into the county's financial software to be attached to the corresponding invoice(s).

Documentation required at each level of purchasing.

1. *Annual Bid.* Responsive bidder documents or meeting minutes; and itemized invoice/receipt.
2. *Competitive Bid.* RFP, Responsive bidder documents, construction contract (when applicable) and itemized invoice/receipt.
3. *Informal Bid.* No fewer than three (3) valid written documented quotes and itemized invoice/receipt. Quotes are not required if the purchase is less than \$500.00.
4. *State Contract/Cooperative Procurement.* Application/Approved application for cooperative purchasing (when applicable), State Contract number listed on the requisition, and itemized invoice/receipt.
5. *Sole Source Provider.* Waiver of competitive bids or proposals signed by the County Commission or meeting minutes stating the same, sole source letter from the vendor, and itemized invoice/receipt.
6. *Professional Services.* RFP or RFQ, County Commission approval/meeting minutes, and itemized invoice/receipt.
7. *Emergency.* Waiver of competitive bids or proposals signed by the County Commission or meeting minutes stating the same, quotes from vendors (when applicable), itemized invoice/receipt.

Part C- Purchasing Chart

Method of Purchasing	Expenditure Amount	Purchase Requirements	Documentation with Requisition
Annual Bid	\$12,000.00 and greater	Bid on or before the first day of February and let on the first Monday in March	Responsive bidder documents and itemized invoice/receipt
Competitive Bid	\$12,000.00 and greater	Commission approval to solicit bids, RFP/RFQ, advertise, construction project RFP/RFQ requirements (if applicable)	RFP/RFQ, Responsive bidder documents, construction contract (when applicable) and itemized invoice/receipt
Informal Bid	\$11,999.99 and less	Informal solicitation, no fewer than three (3) written documented quotes	All quotes and itemized invoice/receipt. No quotes required if less than \$500.00. Written quote required \$4,500 and over.
State Contract/Cooperative Procurement	No dollar amount restriction	Application/Approved Application provided to the Auditor's office. Commission approval prior to purchase when greater than \$12,000	State Contract number listed on the requisition, meeting minutes (when applicable), and itemized invoice/receipt
Sole Source Provider	\$12,000.00 and greater	Commission waives requirement of competitive bidding, \$12,000 and greater the Commission shall advertise intent to make such purchase	Signed waiver of competitive bids or meeting minutes of waiver, sole source letter from the vendor, and itemized invoice/receipt
Professional Services	No dollar amount restriction	Commission approval of soliciting RFP/RFQ, Public session approval of selected vendor	RFP/RFQ, approval/meeting minutes, itemized invoice/receipt
Emergency	\$12,000 and greater	Commission waive competitive bids in public session due to threat to life, property, public health or public safety or immediate expenditure is necessary. Quotes if practicable under the circumstance.	Waiver of competitive bids signed by Commission or meeting minutes, quotes from vendors (when applicable), itemized invoice/receipt.

Part D- Methods of Payment

The County shall remit payment in accordance with the terms of the specified vendor. Any purchase made by an individual not properly authorized will be the responsibility of the individual and not the County.

The approved methods of payment for the County are as follows:

1. *Vendor Charge Account.* Charge accounts may be setup with vendors in order to purchase supplies, and the vendor submits an invoice and monthly statement to the County for payment to be remitted. All charge accounts are setup and maintained by the County Purchasing office. Any Officeholder or administrative authority can request that a charge account be established with a vendor upon providing documentation of the purchasing method (annual bid, competitive bid, informal bid, etc.).
2. *Central Bank MasterCard Credit Card.* A County credit card shall only be used for prepaid travel expenses, purchases only available online, and circumstantial purchases. Circumstantial purchases include, but are not limited to, emergency purchases and prisoner transport. For more information, please see the Callaway County, Missouri Credit Card Policy. All County credit cards are setup and maintained by the County Purchasing office. Any Officeholder or administrative authority can request a credit card for their department.
3. *County Check.* The county pays all statements/invoices not paid for by a credit card with a county check. The county pays by invoice, and if there is a statement, corresponding invoices must be attached for payment. Invoices must be signed by the originating department. Accounts payable is handled by the County Clerk's office. It is then checked by the Auditor's office and Commissioners' office before the Clerk's office prints the checks. Checks are signed by the Auditor's office and Treasurer's office and are then mailed out by the Clerk's office.

Part E- Requisition Exemptions

Certain expenditures and/or categories of expenditures shall be exempt from the requisition process due to the nature of the expenditure. The processing requires approval by the Officeholder or administrative authority, County Auditor and County Clerk.

- a. Poll Workers
- b. Petit Jurors
- c. Payroll Expenses/Packets

Additional exemptions from the requisition process shall require approval by the County Auditor and the County Commission and shall be documented in the public minutes.

Article 3- Debarment of Suspension

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the County Commission, after consulting with the Callaway County Legal Counsel, is authorized to debar a person for cause from consideration for awards of contracts. The debarment shall be for a period of not more than three years. After consultation with the Callaway County Counselor, the County Commission is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity which might lead to debarment. The suspension shall be for a period not to exceed three months. The cause for debarment include:

1. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
2. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a County contractor;
3. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
4. Violation of contract provisions as set forth below, of a character which is regarded by the County Commission to be so serious as to justify debarment action:
 - a. Deliberate failure without good cause to perform in accordance with the specifications or within the time provided in the contract; or
 - b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.
5. Any other cause the County Commission determines to be as a serious and compelling as to affect responsibility as a Callaway County contractor, including debarment by another governmental entity for any cause listed in this Policy.

Article 4- Ethics in Public Contracting

Criminal Penalties

To the extent that violations of the ethical standards of conduct set forth in this Article constitute violations of the criminal laws of the State of Missouri, they shall be punishable as provided therein. Such penalties shall be in addition to the civil sanctions set forth in this Part. Criminal, civil, and administrative sanctions against employees or non-employees which are in existence on the effective date of this Policy shall be not impaired.

Employee Conflict of Interest

It shall be unethical for any Callaway County employee to participate directly or indirectly in a procurement contract, excluding competitive bids, when the Callaway County employee knows that:

- a. The Callaway County employee or any member of the Callaway County employee's immediate family has a financial interest pertaining to the procurement contract; or
- b. Any other person, business, or organization with whom the Callaway County employee or any member of a Callaway County employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement contract. A Callaway County employee or any member of a Callaway County employee's immediate family who holds a financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest.

Gratuities

It shall be unethical for any person to offer, give, or agree to give any Callaway County employee or former Callaway County employee, or for any Callaway County employee or former Callaway County employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposals therefore.

Prohibition Against Contingent Fees

It shall be unethical for a person to be retained, or to retain a person, to solicit or secure a County contract upon an agreement of understanding for a commission, percentage, brokerage, or contingent fee, except for the retention for bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

Contemporaneous Employment Prohibited

It shall be unethical for any Callaway County employee who is participating directly or indirectly in the procurement process to become or to be, while such a Callaway County employee, the employee of any person contracting with the governmental body of which the employee is employed.

Waivers from Contemporaneous Employment Prohibition and Other Conflicts of Interest

The Callaway County Commission may grant a waiver from the employee conflict of interest provision of the contemporaneous employment provision upon making a written determination that:

- a. The contemporaneous employment or financial interest of the Callaway County employee has been publicly disclosed;
- b. The Callaway County employee will be able to perform its procurement functions without actual or apparent bias or favoritism; and
- c. The award will be in the best interest of the County.

Use of Confidential Information

It shall be unethical for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

Sanctions

1. *Employees.* Callaway County employees are expected to adhere to the guidelines for appropriate conduct and are subject to disciplinary action(s) set forth in the Callaway County Personnel Policy Manual.
2. *Non-employees.* The Callaway County Commission may impose any one or more of the following sanctions on a non-employee violation of the ethical standards:
 - a. Written warnings or reprimands;
 - b. Termination of contracts; or
 - c. Debarment or suspension as provided in Authority to Debar or Suspend.

Article 5- Fixed Assets

Fixed Asset Inventory

The Purchasing office manages the fixed asset inventory for Callaway County under the authorization of the Auditor's office (RSMo 55.160).

All fixed asset and inventory purchases must be reported to the Purchasing office within thirty days of purchase so that an asset tag may be issued and the inventory properly documented.

Article 6- Disposal of Surplus

Disposal of Surplus

1. Disposal of surplus is managed by the Officeholder or administrative authority under the direction of the County Commission.
2. All disposals must be reported to the Purchasing office within thirty days of disposal using a form set forth by the Purchasing office.

Callaway County Court Order

State of Missouri }
Callaway County } SS

October Term 20 21

In the County Commission of said county, on the 29th day of October

20 21 the following, among other proceedings, were had, viz:

Now on this day, the Callaway County Commission does hereby approve the Callaway County Purchasing Policy as presented by Karen Rentschler, Callaway County Auditor and Debra Winter, Callaway County Purchasing Director.

(see attached)

Gary Jungermann
Presiding Commissioner

Randall L Kleindienst

Randall Kleindienst
Eastern Associate Commissioner

Roger Fischer

Roger Fischer
Western Associate Commissioner

Arrest: *Debra Winter*

Deputy to Commission