

		POLK COUNTY IOWA Procurement Division					
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Polk County, Iowa Procurement Division

Last revised 06/09/2022

I. Purpose

The Procurement Division is created for the purpose of managing and coordinating the use of county resources for the purchasing of goods and services in an efficient and transparent manner to ensure the availability and quality of goods and services at the best overall value to serve the needs of the citizens of Polk County, Iowa.

II. Definition

“County” means the governmental entity Polk County Iowa.

“Procurement,” or “Purchase” means the acquisition of goods and services through lease, lease/purchase, acceptance of, contracting for, obtaining title o, use of, or any other manner of method for acquiring an interest in a good or service.

“Professional Services” means any type of professional service which may be legally performed pursuant to a certificate of license and any other type of contractual service, required by Polk County but not furnished by its own employees, which is in its nature so unique that it should be acquired by negotiation on the basis of competence and qualification for the type of services required and for a fair and reasonable price rather than by competitive sealed bidding.

“Public Improvement” means a building or construction work which is constructed under the control of a governmental entity and is paid for in whole or part with funds of the governmental entity, including a building or improvement constructed or operated jointly with any other public or private agency, but excluding urban renewal demolition and low-rent housing projects, industrial aid projects authorized under chapter 419 of the Code of Iowa, emergency work or repair or maintenance work performed by employees of a governmental entity, excluding a highway, bridge, or culvert project, and excluding construction or repair performed for a rural water district under chapter 357A by its employees.

III. Procurement Division Duties

The Procurement Division shall create policies and procedures for the Board of Supervisors to consider and adopt at the Board's discretion.

The Procurement Division shall create procurement standards to establish efficient complete bidding procedures for the purchasing of goods and services for the Board of Supervisors to consider and adopt at the Board's discretion.

The Procurement Division shall have duty for overseeing purchasing of goods and services for the County.

The Procurement Division is a centralized source for procurement and purchasing goods and services.

- a. All Requests for Bids (RFB), Requests for Proposals (RFPs), Invitations for Bids (IFB), and Requests for Qualifications (RFQs) shall be made through and in collaboration with the Procurement Division, This authority may be delegated to others, if certain criteria exist, in accordance with the Polk County Purchasing Policy & Procedures.
- b. The Procurement Division is directed by the Procurement Supervisor and is responsible for seeing that all requirements pertaining to purchasing of goods and services are followed. The Procurement Division has the authority to conduct solicitations for any goods or services used by Polk County unless the Procurement Supervisor assigns an individual procurement to another county elected officer or department with Procurement Division oversight (excludes Polk County Conservation Board).

- c. The Procurement Division shall utilize the expertise of each elected office or county department in developing specifications and evaluation methods. Depending on the products and services being purchased, each elected officer or department may have a more hands on role in the procurement process; including serving on an evaluation committee.
- d. Capital items will be purchased by or authorized for purchase by the Procurement Division according to the Board of Supervisors approved budget when authorized by the County Administrator.
- e. The Procurement Division shall make available to every County elected office or county department, a "Best Practices Procurement Manual."
- f. The Procurement Supervisor shall make available training to departments/agencies on any procurement practice contained in the Best Practices Procurement Manual.
- g. The Procurement Supervisor may make proposed changes to the Purchasing Policies & Procedures to the County Administrator.
- h. County operated sources of supply, such as the Printing Facility, shall be the primary source of supply for County employees when products are available from these sources. Only when County operated and contracted sources of supply cannot meet a particular need of a department or office will items or services be procured from outside sources by the Procurement Division.
- i. In the event that a Polk County elected office or county department requires equipment or services not currently available through a County operated source of supply nor available from a current contracted supplier, the elected office or county department shall request the Procurement Division assist the office or department in conducting the appropriate procurement process on their behalf. In some situations, the Procurement Supervisor may authorize the elected office or department to conduct the procurement themselves, but only with Procurement Division approval and oversight.
- j. Voluntary utilization of Polk County contracts by other governmental agencies (government to government cooperative purchasing) is encouraged when the contract was awarded through fair and open competition.

IV. General Procurement Instructions

The instructions provided in this policy apply to all departments that are users of County procured goods and services:

- a. When preparing requisitions elected offices and departments should supply as complete information as possible. If goods or services are needed for a particular item, provide the model number, serial number, manufacturer, design and performance specifications, and any other information that may be useful to the Procurement Division.
- b. Under most circumstances, items will be delivered to the receiving area at the Polk County Administration Building at 111 Court Ave. General Services Department Receiving personnel will note the date and time of delivery and discrepancies on between the purchase order and delivery. If no discrepancies are noted, the items will be delivered to the requisitioning entity. The authorized requisitioning entity will sign and date Receiving's copy of the requisition when the items are delivered. When delivery has been completed, Receiving's copy of the requisition will be filed with the original requisition. If discrepancies are found by the Receiving personnel, they will be noted on Receiving's copy of the requisition. The items will not be delivered until the discrepancies have been resolved. There may be occasions when items need to be delivered directly to the requisitioning entity therefore the delivery location and address will be stated on the purchase order or bid. All packing slips or invoices shall be inspected to insure they reference the purchase order number and/or name of requisitioning entity. If they do not, the person receiving for the items will contact the Procurement Division for verification.
- c. The elected officer or department that originates a requisition for goods or services should initiate follow-up action if the goods or services have not been received in a reasonable time. This can be

accomplished by contacting the Procurement Division and asking for a status report on a particular requisition. Maintaining a pending file or unfilled requisitions will greatly enhance the requisitioning entity's ability to monitor open requisitions.

V. Competitive Procurement Methods

- a. *Consortium* - A consortium is a competitive procurement involving more than one agency. Each agency in the consortium must agree on the specifications and work together with one lead agency to develop common specifications.
- b. *Government to Government Cooperative Purchases* - The County may utilize a current contract issued by another governmental agency to make a purchase without further competition. The department may join a contract or agreement let by a purchasing consortium when the department reasonably believes the contract, agreement, or order was awarded in a fair and competitive manner.
- c. *Master Agreements* – Polk County may enter into master agreements to purchase goods and services of general use for all county elected offices or departments. Generally, master agreements should not exceed three years. Master agreements may provide for optional renewals for an additional one to three year term. However, a master agreement and any renewal shall not exceed a term of six years.
- d. *Small Purchase Procedure (informal quotes)* – The informal small purchase procedure may be used for goods, services and professional services costing between \$5,000 and \$49,999. It is the value of the total contract that determines the procedure to use. If an individual item is under \$50,000, but the approved total project cost is \$50,000 or more, the formal bid procedure will be followed even if the items are purchased individually. Preference will be given to companies that have offices and/or manufacturing facilities in first Polk County then second in Iowa. To use the small purchase procedure, contact the Procurement Division to obtain competitive pricing from an adequate number of qualified sources (typically 3 or more, but two may be determined adequate if no other supplied is found to be available in the area). Typically, low price is the sole determining factor in a small purchase procurement, but other factors may be considered (i.e. lead time on deliveries and company location). Determining factors should be part of the quote instructions. Polk County reserves the right to direct source professional service providers without competitive bids when it is in the best interest of Polk County and Polk County citizens. Departments may conduct small purchases on their own with Procurement Division approval.
- e. *Request for Proposal/Invitation for Bid (RFP/IFB - Formal Bid)* – The formal procedure for the purchase of any goods or services costing \$50,000 or more. The RFP procurement process must be conducted by the Procurement Division for all goods and public improvement projects with a total cost over \$50,000. RFPs may also be conducted for any project valued under \$50,000 when projects are general, specifications are less detailed, and/or knowledge of available products is inadequate. Respondents may have different features in their proposals that will be evaluated for best value. Respondents should only bid according to the exact specifications listed.
- f. *Construction Procurement (RFP-Formal Bid)* – The formal procedure for all public improvement projects with a total cost of \$100,000 or more. RFPs may also be conducted for any project valued under \$100,000 when projects are general, specifications are less detailed, and/or knowledge of available products is inadequate. Respondents may have different features in their proposals that will be evaluated for best value. Respondents should only bid according to the exact specifications listed. RFP's will be posted via the County E-Procurement platform; BidNet Direct.
- g. *Request for Qualifications (RFQ – Qualifications Based)* –The RFQ procedure is used when contracting for Architectural and Engineering services (A&E). Other types of Professional Services that may be procured using RFQ procedures include: Medical Doctors, Nurses,

Attorneys, program management, construction management, preliminary engineering, design, surveying, mapping, and/or services that require performance of a registered or licensed architect. Award criteria will be based on competence, qualifications and geographic location before price considerations. Respondents must submit costs proposals on a separate document clearly marked "Cost Proposal" which will not be reviewed until after the qualifications have been scored. If the RFQ review committee concludes the cost proposal of initial selected vendor precludes an award to the most qualified vendor, the office maintains the right to negotiate a lower cost. If that negotiation does not yield the results the County desires, the County may move to the next most qualified vendor and review their pricing. RFQ's will be posted via the County E-Procurement platform. Polk County reserves the right to direct source professional service providers without competitive bids or RFQ's when it is in the best interest of Polk County and Polk County citizens.

VI. Non-Competitive Procurement Methods

- a. *Micro-Purchase* – Micro Purchases are procurements under \$5,000 that can be made by the Procurement Division, elected offices or county departments without obtaining competitive sealed bids. These purchases should be made via current contracted Polk County suppliers. If no current Polk County suppliers exists for the specific good or service, the purchases should be equitably distributed amongst qualified suppliers in first Polk County, second in Iowa if none are available in Polk County, then US if no vendors are available in Polk County nor Iowa. No purchases or projects can be split to be under the dollar threshold to avoid competition.
- b. *Architectural and Engineering Services* - Polk County reserves the right to direct source professional service providers when it is in the best interest of Polk County and Polk County citizens. Non-competitive contracting for professional services must be approved and documented by the Procurement Supervisor
- c. *Professional Services* – Polk County reserves the right to direct source professional service providers when it is in the best interest of Polk County and Polk County citizens. Non-competitive contracting for professional services must be approved and documented by the Procurement Supervisor.
- d. *Sole Source Purchases* - Sole source procurements are allowed **ONLY** when the award of a contract is infeasible through a competitive process by any one of the following conditions:
 1. The item is only available from one source (determined by way of only receiving one qualified bid).
 2. The procurement is of such a specialized nature or related to a specific geographical location that by virtue of experience, expertise, proximity, or ownership of intellectual property rights, only one vendor could most satisfactorily provide the good or service.
 3. Applicable law requires, provides for, or permits use of a sole source procurement.
 4. The federal government or other provider of funds for the procurement (other than Polk County) has imposed clear and specific restrictions on the use of the funds in a way that restricts the procurement to only one vendor.
 5. The procurement is an information technology device or service that is systems software or an upgrade; or compatibility is the overriding consideration; or the procurement would prevent voidance or termination of a warranty, or the procurement would prevent or default under a contract or other obligations.
 6. A current contracted Polk County or state of Iowa vendor can meet all requirements and specifications of only the specific item or service being procured at a substantial cost savings.
- e. *Emergency Procurements* - In an emergency situation, County employees may not have time to contact the Procurement Division to conduct a formal bid or obtain quotes for goods and/or services. Therefore, Polk County staff should be empowered to make quick

decisions. Emergency procurements emphasize the rare, short-lived nature of such a situation and should not be used often nor be utilized to circumvent fair and open competition. Justifiable reasons for an emergency procurement are:

1. A situation in which an immediate or emergency need exists for an item or service because of events and circumstances not reasonably foreseeable;
2. The situation threatens the public health, safety, or welfare;
3. The situation dictates a need to protect the health, safety, or welfare of persons occupying or visiting a public property; and
4. A situation requiring a department or office to act immediately to preserve critical services or programs.

If a Polk County employee makes an emergency purchase and is unable to notify or consult with the Procurement Division or their department representative tasked with approving purchases prior to making the purchase, the employee must notify the Procurement Division and/or their department purchasing representative of the emergency procurement (including an explanation of the circumstances generating the need for the emergency procurement) as soon as possible. All attempts should be made to purchase from existing contracted suppliers.

- f. *Other Purchases* - A number of goods and services cannot be effectively purchased utilizing the procedures previously described in this manual. These would include but not limited to publications available from a sole source, periodicals, and membership dues in professional organizations, licensing fees, and conference registration fees. The elected office, department or authorized representative may negotiate directly with the source of these good and services. The vendor should be paid via PCard or Payment Plus wherever possible, but only when the County is not charged an additional service fee. On non P-Card purchases, the vendor should be directed to have invoices sent directly to the Accounts payable Section, Central Accounting Office, Auditor's office. Any invoices received by the requestor should be delivered to the Accounts Payable Section. The department/office head or authorize representative should NOT pay for the item and then apply for reimbursement. All payments by the County will be made to the vendors only. If prepayment is required, the requestor should present the registration material to order forms to Central Accounting so that a warrant can be prepared to pay for the items or service. When the requestor is in doubt as to which procurement method should be followed in a particular instance, the requestor should contact the Procurement Supervisor for guidance.

VII. Purchasing Card

There are two primary methods of purchasing goods and services for Polk County:

- a. *Purchasing Card (Pcard) Program* - The Polk County Purchasing Card (Pcard) Program is a commercial credit card program administered by the Iowa Department of Administrative Services (DAS) Central Procurement Bureau (CPB). The State participates in the U.S. Bank Consortium with the Board of Regents Universities and other public entities. The Pcard Program is designed to facilitate the acquisition of goods and services by Agencies in accordance with procurement and accounting statutes and administrative rules specified in the Code of Iowa, Iowa Administrative Code (IAC), and DAS policies and procedures.
- b. *Program Benefits* - Purchasing cards (Pcards) streamline the procure-to-pay (P2P) process of goods and services, making them an efficient, cost-effective payment tool and preferred alternative to traditional methods. Benefits for State buyers include convenience and faster delivery of goods and services; for County suppliers, Pcards mean quicker payment and reduced handling. (Funds are generally received within 48 hours of the transaction, and deposits are made electronically.) PCard purchases also offer cash back rebates to the county on all purchases, thus expanding the County's buying abilities. The most significant benefit is process cost savings, especially for low-value, high frequency purchases below competitive bid thresholds (below \$5,000). This is achieved by reducing the number of Purchase Orders (POs), invoices,

and paper warrants – freeing up time spent on procurement and accounting steps for other value-added tasks.

- c. *Program and Cardholder Requirements* – Each Department head may be issued a PCard and/or make the determination which of their staff shall be assigned PCards. Each employee will be specifically named on the card. Cards are not transferable to other employees and only permanent Polk County employees are eligible. It is the cardholder's responsibility (with department head and Procurement Division oversight) to ensure the PCard is used within County guidelines stated in the PCard Policy and Procedures Manual. Failure to do so may result in administrative action, including card suspension, revocation, civil legal action to reimburse the County for unauthorized purchases, and/or disciplinary action up to and including termination. It is the intent of the PCard program to streamline the buying process, allow individual departments to make faster purchases, schedule delivery directly to their departments (when feasible) for increased efficiency, and add visibility to individual purchases. Whenever possible, purchases shall be made via existing County supplier contracts (office supplies, hardware, PPE, furniture, etc.). Purchases from non-contracted suppliers of similar items available from contracted suppliers will be reviewed.
- d. *Required PCard Training* – In order to join the State of Iowa PCard consortium, the County is required to implement a PCard Policy and Procedures manual and oversee an Iowa DAS PCard training session for all card users. The training may be in person or self-taught via the program guidance posted on the Procurement Division website at the discretion of the Procurement Division. All required training must be completed before a PCard will be assigned to the County employee.
- e. *When to use the PCard* – Each PCard will have a set maximum one time purchase limit of \$5,000 as well as a maximum number of daily purchases to ensure no purchases are made that should have gone through the required competitive process administered by the Procurement Division to select a vendor. Department heads may request limits above the \$5,000 threshold when deemed necessary, but only for purchases via contracted suppliers obtained through a Procurement Division competitive procurement. Any items/services needed over the \$5,000 micro purchase threshold that are not via a current County supplier must be referred to the Procurement Division to obtain quotes and process the PCard purchase or conduct an RFP on behalf of the requesting department.
- f. *Purchase Order Requisitions* – In the event that a PCard purchase is not feasible, not allowed by the supplier, and/or a high value good or service above the PCard purchasing ceiling, purchase order requisitions shall be requested to the Procurement Division. This requisition will be processed via the Procurement Division or Central Services Manager at the direction of the Procurement Division Supervisor. All goods and services to be purchased from CIP funded projects will be conducted by CIP Administrator or Purchasing Department Supervisor designated staff.

VIII. Polk County and Iowa Preference

- a. At the discretion of the Board of Supervisors, preference may be given to Polk County vendors who produce goods, provide services or maintain an office in Polk County.
- b. By statutory authority, preference shall be given to products and services produced within the state of Iowa.

IX. Conflicts of Interest:

- a. No County employee or immediate family member shall receive a benefit or profit from any purchase or contract made in conjunction with their job as a County employee. Employees of the County shall not procure or assist in procuring any materials, supplies, or equipment for the personal use of any employee, or official of the County.
- b. Employees by virtue of position are not entitled to any special consideration from vendors and contractors in their personal affairs nor are they to attempt to procure material for the personal use for any other person.
- c. The provisions of this section do not apply to:
 - 1. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.
 - 2. An employee of a bank or trust company, who serves as treasurer of a county.
 - 3. Contracts made by a county upon competitive bid in writing, publicly invited and opened.
 - 4. Contracts in which a county officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in paragraph "h", or both, if the contracts are made by competitive bid, publicly invited and opened, or if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this paragraph does not apply to a contract for professional services not customarily awarded by competitive bid.
 - 5. The designation of official newspapers.
 - 6. A contract in which a county officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract shall not be renewed.
 - 7. A contract with volunteer fire fighters or civil defense volunteers.
 - 8. A contract with a corporation in which a county officer or employee has an interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of the officer or employee.
 - 9. A contract made by competitive bid, publicly invited and opened, in which a member of a county board, commission, or administrative agency has an interest, if the member is not authorized by law to participate in the awarding of the contract. The competitive bid qualification of this paragraph does not apply to a contract for professional services not customarily awarded by competitive bid.
 - 10. Contracts not otherwise permitted by this section, for the purchase of goods or services by a county, which benefit a county officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of six thousand dollars in a fiscal year.
 - 11. A contract that is a bond, note, or other obligation of the county and the contract is not acquired directly from the county, but is acquired in a transaction with a third party, who may or may not be the original underwriter, purchaser, or obligee of the contract.

*See Iowa Code Ann. § 331.342 (West)

- d. In order to maintain integrity and to continue to foster ethical and equal opportunity among the business community, Polk County employees are prohibited from accepting any gratuities, in any form, from any supplier or potential supplier either directly or indirectly.