

Policy Title: ~~Purchasing~~Procurement

Policy Number: Part 4 Financial Administration, Chapter 6 Procurement and Contracting, Section 1

Type of Policy: Administrative

Adopting Resolution: ~~CC19-344~~

References: Uniform Commercial Code; Amendment 41; 2 Code of Federal Regulations 200; Resolutions CC03-417, CC07-106, CC12-198, CC16-179, ~~CC19-344~~; ~~Procurement Purchasing~~ Procedures

Effective Date: ~~October 8, 2019~~

Adoption Date: ~~October 8, 2019~~

Administrative Revision Date: ~~Not applicable~~

Policy Custodian: Finance

Compliance: All Elected and Appointed Offices and staff

Purpose: To establish policies governing purchasing activities.

A. General Responsibility

1. ~~Purchasing Operations~~Strategy Innovation and Finance (SIF)-Procurement is the County's authorized agent for the lease, rental and purchase of products and services for all County departments, divisions and elected offices (collectively "County Entities"), in accordance with any applicable provisions of laws and regulations, and in accordance with County policies promulgated by resolutions approved by the Jefferson County Board of County Commissioners ("BCC").
2. ~~Purchasing Operations~~SIF-Procurement will submit products and services to proposal or bid, issue purchase orders, and in conjunction with the County Attorney's office, negotiate and enter into contracts and Master Agreements for products and services.
3. ~~The SIF-Procurement Purchasing Operations~~ shall not participate in the negotiation of agreements for the lease, purchase, or sale of real property.
4. It is the responsibility of ~~Purchasing Operations~~SIF-Procurement to provide "best in class" procurement and contracting support services that will provide the best value to the County as set forth in Section B.5 of this Policy. SIF-Procurement ~~Purchasing Operations~~ shall implement sound business practices and programs that promote fiscal responsibility, mitigate County risk, strategically position the County for future benefit, and facilitate transparency and due diligence in all

County transactions.

5. ~~Purchasing Operations~~[SIF Procurement](#) is responsible for reviewing requisitions for completeness and clarity and notifying County Entities when there is a need for additional information or a recommended change in specifications.
~~Purchasing Operations~~[SIF-Procurement](#) shall clarify the quality, quantity and type of items requisitioned so that the best interests of the County may be served. No changes, however, will be made to a requisition until after collaborative discussion with and subsequent notification to the affected County Entity.
6. ~~Purchasing Operations~~[SIF-Procurement](#) may negotiate agreements for products and services that can be used by other local governmental entities to promote goodwill and leverage economies of scale consistent with the provisions of Colorado statute.
7. ~~Purchasing Operations~~[SIF-Procurement](#) has authority, in accordance with its established Procedures, to determine the manner in which a product or service will be ~~acquired~~[procured](#). For ~~acquisition~~[the purchase](#) of products or services under a Federal or State grant, the cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

B. Procurement & Contracting Procedures

1. Procedures that will support these policies are set forth under separate cover ("Procedures"). These Procedures shall apply to all County Entities and will incorporate the requirements of applicable state statutes and federal laws that may govern certain County transactions.
2. Procedures will be established collaboratively with other County Entities as appropriate in an effort to ensure efficient and effective operations.
3. All Procedures shall be established in accordance with sound business practices, principles, and any applicable provisions of laws and regulations. The County Attorney's office shall review procedures to ensure consistency with ~~County~~[County Policies](#) and any applicable state statutes and federal laws that may govern certain County transactions.
4. Laws and regulations applicable to the procurement process will be referenced in the Procedures.
5. Products and services subject to competitive procurement shall be awarded to the supplier that can provide the "Best Value" for the County. Best Value will be determined based upon clearly stated evaluation criteria set forth in the competitive document ~~and according to the~~[Purchasing](#)~~Procurement Procedures,~~
unless otherwise required by applicable laws and regulations. ~~For purposes of this policy, best value shall be defined as: the lowest overall cost to the County~~

after taking into consideration actual costs, tangible and intangible benefits and or metrics, cost savings, cost avoidance, or opportunity cost. All business awarded in this manner must have detailed documentation as set forth in the Procedures supporting the best value selection.

6. ~~Exceptions to the purchasing requirements to, such as the competitive bid process, can be set forth established in the Procurement Procedures as determined by SIF Purchasing.~~

C. Special Review and Approval Requirements

In addition to the approval requirements set forth in [this Policy](#) and the [Purchasing Procedures](#) ~~for County acquisitions~~, the following items shall require ~~special review and approval by the reviewing authority~~ prior to ~~acquisition purchase~~:

Acquisition Item	Reviewing Authority
Certificates of Participation expenditures (fund 13)	County Manager
All Capital Improvement Projects	Director of Strategy, Planning and Analysis
County Vehicles/ Equipment , excluding Sheriff and Airport	Director of Fleet Services
Computer hardware and software products & services	Chief Information Officer or Deputy Chief Information Officer
Telecommunications Equipment Products & services	Chief Information Officer or Deputy Chief Information Officer
Microfilming and computer microfilm services	Archives and Records Management Supervisor
Radio Equipment	Radio Maintenance Supervisor
Surplus Property Disposal (other than PC equipment)	Division/Office Director and Director of Strategy, Innovation and Finance
Surplus PC Equipment	Chief Information Officer or Deputy Chief Information Officer
Electrical Equipment (with special voltage requirements) for use in Facility Management maintained buildings, grounds and facilities.	Director of Facilities Management

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Commented [KN1]: The Sheriff occupies buildings that FM maintains. They can buy whatever in the detention center.

<u>Acquisition Item</u>	Reviewing Authority
Hazardous Material Disposal	Critical Incident Response Section (Sheriff) Jefferson County Public Health Department

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D. Approval Authority

1. The BCC delegates authority to the Purchasing Operations Manager to execute purchase orders, purchase order change orders, sign any contract or contract amendment, and documents terminating a contract or purchase order (which include purchase orders and purchase order modifications) processed through SIF-Procurement Purchasing Operations in accordance with this Purchasing Procurement Policy and the Purchasing Procurement Procedures.
2. Original ~~C~~contracts and original contract amendments purchase orders signed by the Purchasing Operations Manager shall require the following additional approvals in the policy chart below for non-Appointed and non-Elected Official offices and as further defined in Appendix C of the Purchasing Procurement Procedures. Contract amendments, renewals, and purchase order change orders shall only require the additional approvals as outlined in Appendix C of the Purchasing Procurement Procedures:

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<u>Original Contract or Original Purchase Order Value</u>	<u>Additional Approval (for non-Appointed and non-Elected Officials Offices)</u>
All contracts <u>and purchase orders</u>	<u>Division Director or designee (Cost Center Manager)</u>
<u>≥ \$100,000</u>	Department Director
<u>≥ \$250,000</u>	County Manager
<u>≥ \$500,000</u>	Board of County Commissioners

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3. The BCC delegates authority to the County Manager and to any authorized County Representative identified in any contract to sign Special Authority Change Orders in the amount of ≤10% of the original contract or purchase order value, as authorized by the contract or purchase order and the Purchasing Procurement Procedures, in accordance with the following limits:
4. For dDeclared di-Disasters or eEmergencies, refer to -See the Declaration of

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[Disaster or Emergency Policy for delegated purchasing and contracting authority during a declared disaster or emergency.](#)

E. Supplier Relations

1. Market Competition

[Purchasing Operations](#)[SIF-Procurement](#) shall encourage and provide equitable opportunities among qualified suppliers for fair and equal competition through the implementation of its Procedures. Such competition shall support the strategic initiatives of the County and establish mutually beneficial relationships between the County and its suppliers.

2. Strategic Supplier Relationships

a. For purposes of this [Ppolicy](#), strategic supplier relationships are defined as long term commitments characterized by information sharing, cooperative continuous improvement efforts, and sharing of risks and rewards. Under the direction of the Purchasing Operations Manager, the selection of a strategic supplier is a collaborative effort with primary stakeholders and is based upon a critical and thorough analysis of the County's long term needs as they relate to the product and/or service, a thorough market analysis, objective evaluation of all critical requirements, and other vigorous due diligence procedures as set forth procedurally.

b. Strategic supplier relationships must provide 'Best Value' as defined in Section B.5 of this Policy.

3. Preferences

No provision is made in this [Ppolicy](#) for set-asides for minority or women owned businesses, nor for dollar percentage or other types of preferential considerations for local vendors and contractors, except as directed by federal or state laws or regulations, statute, or by the funding entity consistent with those laws.

4. Supplier Grievances

a. The aggrieved party bears the burden of complying with all applicable Procedures, which are available upon request, when filing a protest.

b. All protests must be sent to the [Director of Strategy, Innovation and Finance](#)[Purchasing Operations Manager](#) and will be addressed in accordance with the Procedures. The determination and resolution of the protest, as set forth in the Procedures, shall be considered final.

F. Negotiations and Good Faith Requirement

1. All parties involved in the negotiation, performance or administration of County procurement actions shall perform these activities in good faith. New or additional information, that in the opinion of the Purchasing Operations Manager might affect the award, may be considered as part of the negotiations with the selected supplier.
2. ~~Purchasing Operations~~[SIF-Procurement](#) and/or the County Attorney's office in conjunction with the County Entity are authorized to facilitate negotiations concerning general business and legal terms and conditions of the transaction.

G. Use of County-Wide Programs

1. ~~Purchasing Operations~~[SIF-Procurement](#), for the benefit of the County, may establish programs and agreements for similar products and services that are utilized by multiple County Entities. Entities under the direction of the County Manager shall participate in these programs and agreements for their similar needs to ensure the best use of the taxpayers' money subject to G.2.below. Elected Officials' offices are strongly encouraged to participate in these programs and agreements.
2. ~~Acquisitions for~~[Purchases of](#) similar products and services outside of County programs and agreements must have appropriate justification and documentation as set forth in the Procedures and must be approved by the Purchasing Operations Manager.
3. Procurement Card ("P Card" or "Pro Card")

~~Purchasing Operations~~[Finance](#) shall administer and manage the program as set forth in Procurement Card Policies and Procedures.

H. Code of Ethics

1. [SIF-Procurement may preclude Jefferson County employees or other outside parties from being involved in purchasing activities for failure to comply with the Code of Ethics or to avoid the appearance of a conflict of interest.](#)
2. Any person employed by Jefferson County who engages in purchasing activities for the County will abide by this code and will:
 - 4-a. Avoid engaging in acts or actions that could be perceived as immoral, or unethical behavior in relationships, actions, and communications.
 - 2-b. Conduct all purchasing activities in accordance with governing laws and regulations and in keeping with sound business ethics, professional courtesy, and competence.

~~3-c.~~ Demonstrate loyalty to the County by diligently adhering to County policies and procedures.

~~4-d.~~ Adhere to the authority granted them by the County.

~~e.~~ Avoid any private or professional activity that would create a conflict between personal interests and the interests of the County.

~~5-f.~~ Avoid acquiring or maintaining any financial interest or otherwise, direct or indirect, with any supplier that would conflict in any manner or degree with assigned purchasing activities. The same restrictions and disclosure requirements apply to the County employee's immediate family (spouse, partner, or children) and other family members in the County employee's household (publicly traded shares on stock that are selected and administered by a third person, such as a mutual fund or retirement plan are excluded from this restriction.)

~~6-g.~~ Disclose, in writing to their division/department director/elected official, any potential conflict of interest.

~~7-h.~~ Refuse, directly or indirectly, gifts, gratuities or any other thing of value from present or potential suppliers that might influence or appear to influence procurement decisions.

~~8-i.~~ Afford suppliers equal opportunity to compete for County business when competition is warranted and purchase without prejudice, striving to obtain the maximum value for each dollar of expenditure.

~~9-j.~~ Adhere to and protect the supplier's business and legal rights to confidentiality for trade secrets and other proprietary information subject to public records requirements.

~~10-k.~~ Enhance the proficiency and stature of the purchasing profession by adhering to the highest standards of ethical behavior.