WOODBURY COUNTY, IOWA
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 Woodbury County related to the implementation and administration of the CDBG award. All procurement will be done in accordance with 24 CFR; Part 85.36.

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); (e) 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 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 preferred method for procuring construction.

1. In order for formal advertising to be feasible, appropriate conditions must be present, including, at a 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 Woodbury County 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 Woodbury 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 is 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. Requests 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. Woodbury 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. Recipient may 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 can not 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.

D. Noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation from a number o£ sources, competition is determined inadequate. Noncompetitive proposals maybe 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 (IDED) 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 Department of Economic Development).

E. Woodbury County will provide, to the greatest extent 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 o£ the Iowa Department of Economic Development.

CONTRACT PRICING

A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.

B. Woodbury County shall perform some form of cost/price analysis for every procurement action, including modifications, amendments or change orders.

PROCUREMENT RECORDS

Woodbury 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.

Passed and adopted this 11th day of June, 2002.

Larry D. Clausen, Chairman
Woodbury County Board of Supervisors

ATTEST

Patrick F. Gill, Woodbury County Auditor