

# **Franklin County Natural Resources Conservation District Procurement Policy**

**Adopted July 21, 2021**

## **Purpose**

This document describes the process by which the Franklin County Natural Resources Conservation District will procure consulting services and/or purchases. This policy is intended to obtain the highest quality goods and services at competitive prices, clearly define authority for the selection of vendors and consultants for goods and services, and to allow equal and fair opportunity among qualified vendors and consultants, prioritizing local and small businesses where possible to reinvest in our community.

## **Procurement Guidelines**

### **\$10,000 or Less**

Purchases may be processed without quotations. Awards can be made without securing competition at the discretion of the District Manager if it is determined that the price received is reasonable. The District is not precluded from obtaining quotes from more than one vendor if the user suspects that the price is not reasonable or determines that it is in the best interest of the District.

### **\$10,000 to \$25,000**

Purchases may be processed without quotations. Awards can be made without securing competition following approval by a majority of the Board of Supervisors if it is determined that the price received is reasonable. The District is not precluded from obtaining quotes from more than one vendor if the user suspects that the price is not reasonable or determines that it is in the best interest of the District.

### **\$25,000 to \$50,000**

Written Quotes. Purchases shall be made according to the least costly, best qualified, and most responsible bidder provided at least three (3) bona fide written quotes are obtained on from a Request for Proposals or Quotations form created by the District for the solicited work. The District Manager and a majority of the Board of Supervisors shall select the vendor or contractor based on the received quotes. Bids may be rejected in the event that they are in excess of budgetary limits, are non-responsive to specifications, or due to irregularities in the bid specifications.

In determining the “least costly, best qualified, and most responsible bidder”, in addition to price, the following may be considered:

1. The substantial performance of the bidder in meeting the specifications and other terms and conditions of the solicitation;
2. The ability, capacity, and skill of the bidder to provide the services required, and to do so within the time specified;

3. The character, integrity, reputation, quality, experience, financial resources, and performance of the bidder under previous contracts with the District (if applicable) and elsewhere.

### **\$50,000 and Above**

All purchases exceeding \$50,000 require formal bid procedures and shall be processed and executed through formal procedures. Purchases and contracts shall be made according to the least costly, best qualified, and most responsible bidder as determined above. At least three bids must be solicited by the District. The District Manager and a majority of the Board of Supervisors shall select the vendor or contractor based on the received bids; additional guidance will be sought by applicable engineers, grant administrators, and organizational partners as needed.

### **Documented and Written Quote Exceptions**

In the event there are not three (3) known vendors which have materials/services available, less than three (3) quotes are permissible provided the District retains the quotes obtained and identifies, on the bid form or on separate attachment, the names of other vendors contacted who could not provide the materials/services.

### **Affirmative Action and Local Preference**

Whenever possible, qualified small, minority and women-owned businesses shall be included in the solicitation lists for bids or non-bid purchases. The District shall maintain an updated list of these businesses to reference when applicable for purchases and solicitation of services; this list will include businesses within Franklin County and within a reasonable driving or shipping distance of Franklin County. If the purchase is federally funded in whole or in part, minority and women owned businesses must be included in the solicitation lists and all other affirmative action requirements outlined in the grant provisions must be followed. The District may exercise a preference for local businesses for purchases but only if such a preference does not result in unreasonable prices or rates due to a lack of competition.

### **Deviations from this Procurement Procedure**

In the event that funds to be used to procure goods or services are subject to Grant or Contract Terms that are in conflict with the terms set out in this Procurement Policy, the District Manager will alert the Board of Supervisors to this discrepancy at the time of procurement and the deviation will be documented in the relevant Board Meeting Minutes.

This procurement policy shall not apply to the selection of providers for services that are characterized by a high degree of professional judgement and discretion including legal, financial, auditing, risk management, and insurance services.

The District may, at their discretion, choose to sole source contracts or purchases to consultants or contractors who are pre-qualified to continue with an existing project, or have completed previous projects that position the consultant as best qualified for the next phase of a project. This does not preclude the District from obtaining quotes or bid procedures if the District finds

the existing contractor to be unqualified for a specific project or if the price is not reasonable. Sole source exceptions will be authorized and documented by the Board of Supervisors.

### **Applicability**

This policy is designed to provide instruction to District staff and supervisors, and no provision in this policy shall be construed as to grant rights of recourse to bidders if this policy is not followed.

The District reserves the right at its discretion to reject any and all bids, wholly or in part, to waive and informalities or any irregularities therein, to accept any bid even though it may not be the lowest bid, to call for rebids, to negotiate with any bidder, and to make an award which is determined to be in the best interest of the District.

### **Conflict of Interest**

Federal regulations require that real or apparent conflicts of interest that may arise in the context of District purchases and contracting are addressed. Conflicts of Interest could include but are not limited to: individual or family ownership of a solicited business, previous or future anticipated employment or supervisory role of a business or organization, real or perceived financial or social gain related to selection of a business due to financial investments or real or perceived social capital.

The procedure for public disclosure of the potential conflict of interest is as follows:

1. The person (District Manager or Supervisor) will notify the entire Board of Supervisors of the potential conflict of interest at a Board Meeting and it shall be documented in the Board Meeting Minutes which are publicly available.
2. Said person will recuse themselves from the discussion and be unable to provide input and is restricted from voting on the matter. A majority of the Board, when applicable as determined by the value of goods or services, must be in agreement in order to select an awardee (i.e. if 1 Supervisor recuses themselves, three of the four remaining Supervisors must be in agreement to select the awardee).
3. Said person will not be involved in the selection, award, or administration of the purchase or contract for the entirety of that process. The exception to this is if the District Manager is the person with a conflict of interest; in this case, they will recuse themselves from the selection process, but will assist with award and administration per documented position responsibilities. The Board Chair will provide oversight of the District Manager during this process.