



Procurement Policy and Procedures Manual



*Adopted by the Board of Park County Commissioners on
12/17/19*



**PARK COUNTY,
WYOMING**



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Certification:

This policy document is hereby approved and adopted by the Board of Park County Commissioners on this 17th day of December 2019. This document is intended for use and reference by all Park County employees, department heads, and elected officials involved in purchasing and procurement of goods and services on behalf of Park County Government.



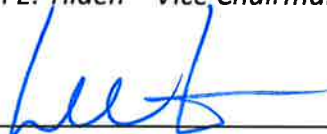
Jake Fulkerson- Chairman



Joseph E. Tilden – Vice Chairman



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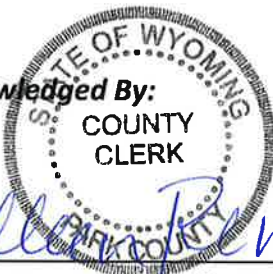



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Date

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I. PURPOSE, SCOPE AND APPLICABILITY

I.A. Policy Statement

The Board of Park County Commissioners (BOCC) recognizes its statutory duties and responsibilities while representing the citizens of Park County, Wyoming (County). Among these duties is a fiduciary responsibility to faithfully manage the financial assets, revenue and reserves entrusted with them by the people which they serve. The BOCC, in cooperation with other County elected officials and department heads, developed this *Procurement Policy and Procedures Manual (Policy)* to provide guidance and direction to individuals who make procurement and purchasing decisions for the County. Every person involved in the procurement process is a steward of County funds, entrusted by taxpayers to expend money for the overall betterment of the County in a responsible, efficient and effective manner. The overall goal of this *Policy* is to establish consistent practices that ensure the County receives the best value for every dollar spent. Fundamentally, this *Policy* is based upon a commitment to principles of fair and open competition in the marketplace.

I.B. Policy Oversight

The BOCC formed a Procurement *Policy* Committee (PPC) to protect the integrity of procurement and purchasing actions taken on behalf of the County. The PPC shall report directly to the BOCC and consist of individuals appointed by the BOCC, including County elected officials and department heads, as well as others involved in making procurement and purchasing decisions on behalf of the County. The PPC shall include at least one (1) Commissioner.

The PPC shall periodically review vouchers, forms, requests for quotations, bids or other actions or procedures related to this *Policy* to 1) ensure that those making procurement and purchasing decisions for the County are practicing the procedures and principles of this *Policy* accordingly; 2) provide a mechanism for evaluation and accountability; and 3) determine if the procedures and principles of this *Policy* are adequate. The PPC shall meet at least annually to review this *Policy* and shall recommend to the BOCC any amendments or changes necessary to ensure consistent and value-based purchasing and procurement decisions. The PPC shall also intervene when called upon to interpret unique purchasing situations as they arise.

The formation of this *Policy* and the PPC is not intended to circumvent, undermine or deter elected officials, department heads or other authorized individuals from making sound purchasing decisions. On the contrary, this *Policy* and the PPC have been developed to assist those involved in purchasing with making the best possible decisions when it comes to spending County funds.

I.C. Ethical Considerations

The practice of favoritism, whether to the user, department or a vendor, is not permissible and is in direct conflict with the core principles outlined herein. Purchasing from or through employees of County government or through companies in which County employees have a



financial interest, either directly or indirectly, is not permitted. The purchasing power of the County shall not be used for private advantage or gain.

Public officials or employees are prohibited from obtaining a direct benefit from any contract in which they are involved on behalf of the public agency they serve. They are prohibited from influencing or attempting to influence award of contracts, soliciting or receiving gifts or rewards for recommending, influencing or attempting to influence contract awards. No gift or gratuity shall be accepted by any County employee which is provided for the purpose of influencing a purchasing decision. Park County may terminate, at no charge to the County, any purchase or contract if it is found that gifts or gratuities were offered to County employees for the purpose of influencing purchasing decisions.

It is the *Policy* of Park County to maintain the highest possible standards of business ethics, professional courtesy and competency in all transactions. At all times, applicable laws are to be observed. In this regard, the following should be observed in all dealings with vendors:

- ✓ *Accord prompt and courteous reception as well as fair and equal treatment to all vendors and their representatives.*
- ✓ *Provide equal opportunity for all qualified vendors to make price and specification quotations.*
- ✓ *Guarantee the confidentiality of all price quotations made by all vendors until final award/acceptance of quotes.*
- ✓ *Avoid putting suppliers through unnecessary expense or inconvenience.*
- ✓ *Remain free from obligations to any supplier other than prompt payment for goods and services received.*
- ✓ *If, for any reason, one vendor is permitted to requote, all competitors shall be given the same opportunity.*
- ✓ *Decline to take advantage of vendor errors and show consideration for difficulties by cooperating when possible.*

I.D. Related Policies, Procedures and Publications

In implementing and adhering to the standards and procedures described herein, those involved in procurement and purchasing on behalf of the County shall also reference and adhere to the following related policies, procedures and documents, when applicable and appropriate.

- *County Road Fund Manual for State and Federal Programs – Adopted by the Wyoming County Road Standards Committee – June 10, 2011;*
- *Park County Policy Manual (Latest Edition); and*
- *Wyoming Statutes (hereafter “W.S.”) § 16-6-101 through 16-6-107 – (regarding Wyoming contractor preference).*



Certain funding sources and grant programs have exclusive policies and procedures for procurement, purchasing and contract administration. When conflicts between policies arise, the most stringent shall take precedence. The administrator for the primary funding agency shall be the final authority on methods and procedures for purchasing and procurement. These funding agencies may include, but are not limited to, both federal and state governmental entities.

I.E. Application

This *Policy* applies to the procurement and purchase of supplies and services by the County as of the effective date of this *Policy*. This *Policy* shall apply to every expenditure of public funds for purchases by all County-authorized purchasing authorities irrespective of the source of the funds. When procurement involves expenditures of federal or state funds, it shall be in accordance with any mandatory applicable federal or state 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 the law. In all cases, the BOCC may waive specific requirements or formalities related to purchasing decisions if it is deemed to be in the public's best interest while providing the best value to the County.

II. TYPES OF PURCHASES

The County governmental body encompasses many different departments and boards with a diversity of functions, responsibilities and interests. Therefore, decisions involving procurement and purchases require some flexibility. However, purchases can generally be grouped into the following classifications for budgeting and accounting purposes as they relate to this *Policy*.

- A. Advertising & Promotional
- B. Computer Systems, Software and Information Technology
- C. Construction Materials
 - Buildings & Facilities (includes landfills)
 - Road & Bridge Materials
- D. Vehicles, Machinery and Heavy Equipment
- E. Consumables
 - Office/Field Supplies
 - Food & Perishable Items
 - Fuel, Oil, & Lubricants
 - Tires & Other Wearing Items
- F. Equipment and Furniture
 - Small Equipment
 - ✓ Lawn Mowers
 - ✓ Portable Generators
 - ✓ Weed Eaters
 - Office Furniture

- Personal Protective Equipment
- Safety Equipment
- Tools
- G. Leases and Rentals
- H. Real Property
- I. Services
 - Construction – Capital Improvements
 - Education and Training
 - Health Based/Medical
 - Insurance
 - Maintenance & Repairs
 - ✓ Equipment
 - ✓ Facilities & Infrastructure
 - Skilled
 - ✓ Electrical
 - ✓ HVAC
 - ✓ Plumbing
 - ✓ Laboratory Testing
 - Professional
 - ✓ Accounting/Auditing
 - ✓ Architectural
 - ✓ Construction Quality Assurance
 - ✓ Engineering
 - ✓ Geology
 - ✓ Land Surveying
 - ✓ Legal
 - Utilities
 - ✓ Electricity
 - ✓ Internet
 - ✓ Phone
 - ✓ Sewer
 - ✓ Water

III. METHODS OF PURCHASING AND PROCUREMENT

Fundamental methods of purchasing and procurement are generally accepted throughout various governmental organizations at the local, state and federal levels. The following methods have been developed by the PPC to encompass generally accepted practices in principle while also allowing some flexibility for various department heads, elected officials and authorized purchasing officials. The flexibility is intended to promote efficiency and consistency of operations without sacrificing the principle fundamentals of this *Policy* which are based on maximizing value on behalf of the County.

III.A. Purchase Authority

County operations are carried out in a fiscal year that begins on July 1 and ends on June 30. The County budget is an estimate of revenue and spending for each fiscal year. County and departmental budgets are carefully planned out by the various elected officials, department heads and boards under close supervision by the BOCC. Ultimately, the final budget is approved with public input at the start of each fiscal year. Elected officials, department heads and some boards have the responsibility and authority to procure services and purchase goods that make our County government work for the people of Park County. However, the final authority on purchases and procurement rests with the BOCC.

The County has established a standardized vouchering system for centralized processing of all invoices received for goods and services or receipts for payment already completed. The receipt of an invoice or bill, or the completion of a payment through other authorized means (cash, credit card and purchase order), triggers the voucher process. Voucher forms (See *Appendix B*), which are prepared in a uniform format, may be completed by department heads, elected officials, or other delegated personnel. Each form provides space for vendor information, an itemization of expense(s) incurred and the appropriate budget category to which each expense applies.

Vouchers are reviewed and approved by department heads and/or elected officials to make sure each purchase or request for payment is accurate, necessary and appropriate and represents the best value for the goods and services received. Each department head or elected official is responsible for ensuring that expenditures are coded to the appropriate budget category. Also, each department head or elected official is responsible for making sure that expenditures align with approved budget limits as established and approved at the beginning of a fiscal year. Purchasing authority within a department may be delegated by a department head or elected official to a responsible designated purchasing official or official(s). However, the department head or elected official is ultimately responsible for reviewing and approving all expenditures incurred by his/her department. In signing a voucher, a department head (or elected official) is certifying that they have reviewed and authorized each expenditure being charged against their department budget.

Vouchers are to be processed and submitted to the Office of the Clerk as soon as they are received, if possible, to ensure timely payment to vendors and payees. Timely voucher submissions assist department heads, elected officials, and accounts payable staff with maintaining a real-time tracking of approved budget categories. Upon receipt of completed vouchers, the Office of the County Clerk enters them into the accounts payable system. Vouchers are then grouped and distributed to the BOCC before checks are cut and mailed to vendors or other payees for payment. Vouchers are reviewed and ultimately approved by the BOCC on the first (1st) and third (3rd) Tuesday of each month; vouchers are to be submitted by each department to the Office of the County Clerk by the close of business on the Wednesday preceding each of these meetings.



III.B. Best Value

Authorized purchasing officials shall shop for the “best value” while comparing similar products and services between vendors and/or service providers. In making these purchases, it is not always necessary to purchase the lowest priced product or service. On the contrary, authorized purchasing officials shall seek to find the “best value” for the County. Decisions regarding “best value” shall be based on many factors including quality of product/services, longevity (how long it will last), uniformity of systems, technology, availability (urgency of need), efficiency of operations, long term maintenance considerations, location and overall cost.

III.C. Park County Preference

Park County as a government (or governmental entity) was created and exists to benefit and serve the people of Park County. This includes support for local businesses and firms. When possible and practical, authorized purchasing agents, elected officials, and/or department heads shall seek to acquire products and services that originate or are sold for retail within Park County’s jurisdictional boundaries. A 5% preference shall be given to Park County goods and services when comparing products or services from vendors located outside of Park County. In other words, if a like or similar product/service can be purchased from a Park County vendor for a price that is less than or equal to the sum of the cost of the outside Park County product/service plus 5%, then preference shall be given to the Park County vendor when possible and practical. For the purpose of this *Policy*, Park County vendors are considered local vendors and shall have at least one office in the name of the vendor located within the jurisdictional limits of Park County.

III.D. Wyoming State Preference

III.D.1. Materials Preference

Per W.S. § 16-6-105, when comparing products produced or sold from outside of Wyoming, a five percent (5%) materials preference for Wyoming materials shall be applied to public purchases. As it relates to W.S. § 16-6-105, “materials” means supplies, material, agricultural products, equipment, machinery and provisions to be used in the construction, major maintenance, renovation, regular maintenance and upkeep of public institutions. The preference shall be applied in favor of materials that are produced, manufactured or grown in Wyoming, or that are supplied by a resident of the State who is competent and capable to provide the materials within the State of Wyoming. Preference shall not be granted for materials of inferior quality to those offered by competitors outside of the state. As it relates to W.S. § 16-6-105, “agricultural products” means any horticultural, vegetable product, livestock, livestock product, bees or honey, poultry or poultry product, sheep or wool product, timber or timber product.

III.D.2. Contractor Preference

W.S. § 16-6-102 allows for a 5% bidding preference for Wyoming resident contractors over non-resident contractors on public works projects. The Labor Standards Division of the State of Wyoming, through the Wyoming Department of Workforce Services, has been granted authority by the Wyoming State Legislature to issue certificates to companies meeting the qualifications of



a resident company. Per W.S. § 16-6-103, a successful resident bidder shall not subcontract more than thirty percent (30%) of the work covered by his/her contract to nonresident contractors. This means that when a contractor wins a bid while using the 5% bid preference, 70% of the value of the contract needs to be performed by Wyoming resident subcontractors. Failure to comply with this requirement can result in the revocation of the residency certificate for the contractor taking advantage of the preference.

III.D.3. Resident Laborer Preference

W.S. § 16-6-203 indicates that every individual working on public works projects within the state should be a Wyoming resident. The only exception for this is for companies who have offered positions to Wyoming residents and received certifications to bring non-resident workers onto the projects. According to W.S. § 16-6-202(ii), a resident is an individual who is authorized to work in the United States and who has resided in Wyoming for at least one (1) year. Contractors are responsible for verifying and maintaining proof of current and past employees on public works projects.

III.E. Purchasing and Procurement Limits

When possible and practical, the purchasing and procurement limits outlined in *Table 1: Procurement Limits* shall be adhered to. These limits have been developed to consider unique purchasing needs for certain departments and types of purchases. The various types of purchases based largely on individual budget categories for each department are summarized in Section II of this *Policy*.

III.F. Direct Purchase or Procurement

Purchases of goods or services of smaller valued items or services (<\$5,000) may be purchased directly from approved vendors without a formal request for quotes or call for bids. Refer to *Table 1: Procurement Limits* for specific thresholds and allowances for direct purchase or procurement of goods and services. When possible and practical, even for purchases valued under \$5,000, purchasers are encouraged to seek pricing from multiple sources.

III.G. Requests for Quotation

For certain eligible materials or services typically valued at more than \$5,000 and less than \$50,000 (see *Table 1: Procurement Limits*), purchases and/or procurement of services can be accomplished through an informal Request for Quotation (RFQ) from qualified vendors. When possible, a minimum of three (3) quotes shall be obtained from vendors having goods or services that meet the specified standards. Requests for quotations need not be advertised and sealed submittals are not required for this informal process. However, the value of quotes submitted shall not be shared with others submitting quotes until after a decision is made regarding a purchase or procurement. In all cases, any information shared with one vendor should be shared with all vendors related to price in the interest of fairness. In no case shall one vendor's quoted price be used to barter or negotiate with a competing vendor.

III.H. Requests for Proposals

Certain projects and/or services may require some flexibility in methods or scope to achieve the stated goals. These projects and/or services may be better served through a Request for Proposals (RFP) process. RFPs shall include, at a minimum:

- 1) Organizational overview;
- 2) Project goals/Product specifications;
- 3) Contact information for the County representative who is solely designated to respond to questions related to the request;
- 4) Deadline for submittals (date and time);
- 5) Location where proposals are to be submitted;
- 6) Proposal format;
- 7) Proposal delivery instructions (e.g., hand-delivery, mail or email);

For lower-valued purchases or services (less than \$50,000), the RFP process may be relatively informal. Announcing an RFP may be done by way of the County website, websites dedicated to promoting similar RFPs and local/regional newspapers; the authorized purchasing agent/requestor may opt to solicit vendors with products or services that closely match the needs of the County. Proposals may be submitted to the requestor via email or regular mail, based upon the preference of the requestor.

For higher cost projects or purchases (>\$50,000), where a formal RFP is deemed to be the appropriate method for procurement, a more formal process shall be employed. Specifically, a formal RFP shall be advertised in local/regional newspapers and on the County website, as well as on websites dedicated to promoting similar RFPs. Proposals shall be sealed and hand-delivered/mailed to the Office of the County Clerk. Similar to *Section III.I. Competitive Bidding*, sealed proposals shall be opened in front of the BOCC during regularly scheduled meetings occurring on the 1st and 3rd Tuesday of each month.



Table 1: Procurement Limits

	< \$5,000	\$5,000 to \$50,000	>\$50,000
Advertising & Promotional	<i>Direct Purchase</i>	<i>Informal RFQs or RFPs</i>	<i>Competitive Bidding Procedures or Formal RFPs</i>
Computer Systems and Information Technology ¹	<i>Direct Purchase</i>	<i>Informal RFQs or RFPs</i>	<i>Informal RFQs or RFPs</i>
Construction Materials - Buildings & Facilities, - Roads & Bridges	<i>Direct Purchase</i>	<i>Informal RFQs or RFPs</i>	<i>Informal RFQs or RFPs</i>
Consumables - Office/Field Supplies, - Food & Perishable Items, - Fuel, Oil, & Lubricants, - Tires & Other Wearing Items	<i>Direct Purchase</i>	<i>Informal RFQs or RFPs</i>	<i>Competitive Bidding Procedures or Formal RFPs</i>
Equipment and Furniture - Small Equipment (Mowers, Portable Generators, etc.), - Office furniture - Safety Tools & Equipment	<i>Direct Purchase</i>	<i>Informal RFQs or RFPs</i>	<i>Competitive Bidding Procedures or Formal RFPs</i>
Leases and Rentals	<i>Direct Purchase</i>	<i>Informal RFQs or RFPs</i>	<i>Competitive Bidding Procedures or Formal RFPs</i>
Real Property	<i>Negotiated Price</i>	<i>Negotiated Price – BOCC</i>	<i>Negotiated Price – BOCC</i>
Services, Construction - Buildings, - Facilities - Roads/Bridges	<i>Direct Purchase</i>	<i>Informal RFQs or RFPs</i>	<i>Competitive Bidding Procedures or Formal RFPs</i>
Services, Professional - Accounting, - Architecture, - Engineering - Land Surveying - Legal	<i>Direct Procurement</i>	<i>Informal Qualifications Based Selection Process or Informal RFPs (Qualifications Based)</i>	<i>Formal Qualifications Based Selection Process</i>
Services, Skilled - Plumbing, - Electrical - Mechanic - HVAC - Welding	<i>Direct Purchase</i>	<i>Informal RFQs or RFPs</i>	<i>Competitive Bidding Procedures or Formal RFPs</i>
Services, Utilities - Electric, - Sewer, - Telephone/Data - Water	<i>Direct Purchase</i>	<i>Informal RFQs or RFPs</i>	<i>Informal RFQs or RFPs - Seek BOCC Approval Before Finalizing Purchase</i>
Vehicles, Machinery, and Heavy Equipment	<i>Direct Purchase</i>	<i>Competitive Bidding Procedures</i>	<i>Competitive Bidding Procedures</i>

1. Refer to Section III.M for exceptions;

III.I. Competitive Bidding

Certain purchase types and pricing levels require competitive bidding (see *Table 1: Procurement Limits*). Competitive bidding is a formal process that requires advertising to solicit sealed bids for products, goods or services.

To initiate the process, a call for bids must be advertised in the official County-designated newspaper(s) once per week for two (2) consecutive weeks. The advertisement for bids must include specific information about the project, product(s) or service(s) to be purchased/procured. The advertisement must also outline the deadline date and time for submittals, location where sealed bids are to be submitted, and the date when bids are to be opened. All sealed bids, sealed formal proposals and sealed statements of qualifications (for professional services) shall be submitted to the County Clerk's Office.

Bid openings shall be scheduled with the BOCC and shall be conducted as part of the Commissioners' regularly scheduled meetings held on either the first (1st) or third (3rd) Tuesday of each month, unless announced otherwise. Bids shall be opened in public and read aloud. The department head or elected official responsible for the bid solicitation shall then review the bids for accuracy and conformance with the bid documents. Based on the review, the department head or elected official shall make a recommendation to the BOCC for selection. The BOCC shall hear the department head's (or elected official's) recommendation and shall have the final approval on the company, products, materials or services being considered for purchase under these competitive bidding procedures. Park County reserves the right to accept or reject any or all bids, to negotiate items in the best interest of the County and to accept the bid deemed to be in its best interest.

III.J. Single Source and Sole Source Procurement

Single source procurement is considered a viable process when there are multiple options for purchase but it is determined that purchases from a single specific source are in the best interest of the County. A single source purchase decision may be appropriate and viable for several reasons. For example, uniformity of materials, components, or equipment may result in the need to purchase from a single source to minimize ongoing maintenance costs. A sole source purchase is deemed to be necessary when one vendor or manufacturer is identified as the only viable entity from which to purchase a commodity or service. This process, when deemed appropriate supersedes all bidding requirements. The BOCC may authorize single source or a soul source purchases under the following circumstances:

1. When the product or service is of a unique nature or allows for standardization with existing equipment and will provide exceptional value to Park County.
2. Emergency purchases where the well-being of the citizens, employees or Park County property may be endangered if the purchase is delayed.
3. Where Park County currently has a contract in place with a vendor for like products or services.

4. Use of this exception requires the recommendation of one of the following: Elected Official, Department Head or BOCC. Sole source or single purchases or procurement involving a value in excess of \$50,000 shall be approved by the BOCC.

The department seeking single source or sole source procurement must provide written source justification to the BOCC when the value of the purchase or procurement exceeds \$50,000.

III.K. Emergency Procurement

Certain circumstances and events may require unusual and timely decisions regarding necessary materials, equipment, products or services. During a disaster or emergency, it is Park County's responsibility to meet the immediate and urgent needs of the public in the shortest period whereby delivery time may override cost as the determining factor in selection of a contractor, service or materials. These circumstances should generally be related to emergency situations. However, these decisions may also be prompted by circumstances where the department head or elected official has determined that immediate action is necessary to protect the County's interests or property.

Any emergency purchases or procurement of services shall require the department head or elected official to make immediate contact via phone or email to at least three (3) County Commissioners. The Commissioners will ultimately make the decision on whether a purchase rises to a level requiring an accelerated procurement process. In these cases, competitive bidding or other formal procedures may be waived if it is determined to be in the County's best interest.

III.L. Qualifications-Based Selection for Professional Services

Competitive proposals are required in most instances of procuring professional services because it allows for consideration of technical quality or other factors in addition to price. Competitive proposals are solicited, evaluated and awards made to the offeror whose proposal is most advantageous to Park County, with price, qualifications and other factors (as specified in the solicitation) considered. Either fixed-priced or cost-reimbursement type agreements may be awarded.

Per Wyoming Statutes, certain professional services including architectural, engineering and land surveying services require qualifications-based selection when public funds are used. A qualifications-based selection process shall be implemented when the services of a licensed professional engineer, architect or land surveyor are needed, and the estimated value is in excess of \$5,000. An informal RFQ can be utilized for projects involving professional services with an estimated value in excess of \$5,000 but less than \$50,000. For the informal selection process, statements of qualifications shall be requested and reviewed by a committee formulated by the requesting department head or elected official, using at least three (3) unbiased individuals selected by the department head/elected official. These individuals may be County employees, elected officials, or department heads.

When the estimated value of services exceeds \$50,000, RFQs shall be publicly advertised. The selection process for larger professional services projects shall be more formal, with the selection committee consisting of at least five (5) individuals: the requesting department head/elected official, at least one Commissioner, a disinterested department head/elected official, a disinterested county employee and one "at-large" member that is not a County employee. The at-large selection committee member may include, but is not limited to, a city engineer, WYDOT resident engineer, BLM manager, Forest Service manager or other individual rendered unbiased towards the project or services.

III.M. Exceptions to Bidding Requirements

In certain situations, it is in Park County's best interest to maintain uniformity and consistency with certain brands and technology for ongoing maintenance purposes. It is important that renewals and replacement of items for certain systems be uniform and consistent for overall system integrity, efficiency and functionality. The following exceptions are hereby exempt from competitive bidding requirements as it relates to renewals and replacements of existing systems; however, purchases in excess of \$50,000 shall require BOCC approval.

- Law Enforcement Center (LEC) facilities and equipment;
- County wide HVAC and related controls systems;
- Fire protection and related controls systems; and
- Computers, network equipment, software and two-way radio systems.

IV. CONTRACTS

All contracts, agreements, leases or other documents that commit Park County to \$5,000 or more in payment must be reviewed by the County Attorney and approved by the BOCC and appropriate department head/elected official. Any contract amount that is not accounted for in the annual budget must be approved by the Board, followed by the submission of a budget amendment request to the County Clerk for approval by the Board. Bids for non-budgeted contract services may be solicited prior to approval, with the express understanding that award of the contract will depend upon approval by the Board.

IV.A. Cooperative Purchasing and Government Contracts

Cooperative purchasing opportunities through alliances with other governmental entities are encouraged when the citizens of Park County will directly benefit from lower pricing and/or better value. Examples include procurement and purchasing through State contracts and agreements.

IV.B. Required Contract Elements

Contract documents shall include a clear description of the goods and services to be purchased and the schedule for delivery and acceptance. When possible and applicable, references to specific models and detailed specifications shall be used to help eliminate opportunities for subjectivity and ambiguity.

IV.C. Signature Authority

Purchases or procurement of products, goods or services that are valued below \$5,000 generally do not require a specific written contract or agreement. However, written purchase orders outlining the terms of the purchase are encouraged and recommended when possible and practical. Purchases or procurement of materials and/or services with a value in excess of \$5,000 but below \$50,000 require a written agreement signed by both the vendor and the department head/elected official. All agreements shall be reviewed by the County Attorney's office before execution to help ensure protection of the County's interests. If standard agreements are used, each subsequent agreement or amendment shall be reviewed by the County Attorney if there are changes in the terms of the agreement. Agreements associated with purchases in excess of \$50,000 shall be signed by the vendor, department head (or elected official) and BOCC. The BOCC shall be afforded the opportunity and ample time to review the agreements along with the County Attorney's office before it is brought to the BOCC at the regularly scheduled Commissioners meetings for signatures.

IV.D. Change Orders

A change order is a mutual agreement between Park County and the contractor to modify costs, scope of work, performance period or contract specification changes. A change order may or may not alter the original contract amount and/or completion date. Common causes for change orders are the incorrect estimation of work; unexpected obstacles encountered upon execution of project work; the inefficiency or inability of the project team to complete deliverables on budget and or on time; the addition of features or options beyond what was originally requested; and extreme weather conditions causing delays.

A change order can be initiated by either the contractor/project manager or Park County. The change order must describe, at a minimum, any of the following that apply: the work to be done (or not done), changes in technical specifications, a detailed list of materials, and specific cost changes. The change order should include an explanation of the circumstances that are believed to have caused the needed change in an existing active contract or agreement. Change orders shall not be used to circumvent the authorized approval limits listed in *Table 1: Procurement Limits*.

Change orders shall require approval authority as outlined in *Table 1: Procurement Limits*. Construction project change orders must be approved by the licensed professional overseeing the project (i.e., architect, engineer, or land surveyor). The change order must also be approved by the project manager and contractor. Change orders valued in excess of \$5,000 shall be approved by the BOCC.

IV.E. Severability

All contracts or agreements shall include a severability clause approved by the County Attorney's office whereby the County shall have the authority to exit an agreement without cause if deemed to be in the County's best interests.

V. SALE OR DISPOSAL OF PARK COUNTY PROPERTY

Whenever a piece of equipment or item owned by Park County is no longer needed by the original end user, the equipment or item shall first be offered to other Park County departments. The Office or Department receiving the asset will arrange for the asset to be transported to the department receiving the asset. Where an asset is not needed by another department, the following shall apply:

- Assets determined to have value outside the Park County governmental structure may be publicly sold through a competitive sealed bid process or may be auctioned through a government surplus auction house including online auctions. If the asset's estimated value will not cover the expense of transportation and auction house fees, the department head and/or elected official may dispose of the asset in accordance with federal, state and local laws. Any expense for the disposal of the asset shall be borne by the end user.
- Assets deemed to no longer be of value to any department of Park County may be donated or sold to another non-profit entity or a third party provided the transaction meets the spirit of the *Policy* for fair and open competition in the market place.
- Transactions involving assets sold or donated to non-profit organizations shall be approved by the BOCC.

Upon transfer of an asset between departments, the sale of an asset to an entity outside of Park County government or the donation/disposal of an asset, an Asset Control Form (see *Appendix C: Asset Control Form*) shall be completed and provided to the Office of the Clerk. The Asset Control Form shall be signed by the department head or elected official responsible for forfeiting the asset. Submittal of an Asset Control Form triggers the update of the master County asset schedule. Any funds received from the disposition of assets are to be deposited into the Park County General Fund unless they are offered as trade to offset the purchase of related items.

V.A. Missing, Stolen, or Destroyed Property

Department heads and/or elected officials shall notify the Office of the Clerk and the Sherriff's Office when items of significant value (> \$5,000) are missing, stolen or destroyed. The department head or elected official shall determine when the asset was lost, stolen or destroyed. A police report shall be prepared and a copy of the report shall be provided to the Office of the Clerk. An Asset Control Form (See *Appendix C: Asset Control Form*) shall be completed and submitted to the Office of the Clerk if the item is unable to be recovered.

VI. INSURANCE REQUIREMENTS

Contractors and other service providers contracted by Park County will be required to maintain insurance of the following types and amounts:

- Commercial General Liability Insurance (to include products liability, completed operations, contractual, broad form property damage and personal injury):

- Each Occurrence: \$1,000,000
- General Aggregate: \$2,000,000
- Comprehensive Automobile Liability Insurance (to include all motor vehicles owned, hired, leased, or borrowed):
 - Bodily Injury/Property Damage: \$1,000,000
 - Personal Injury Protection: Per Wyoming State Statutes
- Workers' Compensation Insurance: Per Wyoming State Statutes
- Professional Liability Insurance (to include coverage for damages or claims for damages arising out of the rendering, or failure to render, any professional services):
 - Each Occurrence: \$1,000,000
 - This insurance requirement only applies to contractors who are performing services under an agreement as professionals licensed under the laws of the State of Wyoming, such as physicians, lawyers, engineers, nurses, mental health providers, and any other licensed professionals.

Any insurance policies or agreements shall not include any indemnity language that will conflict with Park County's sovereign authority. Specifically, Park County does not and will not indemnify or hold harmless any individual, vendor, or service provider contractually obligated to Park County. The insurance companies issuing a *Policy* or policies shall have no response against Park County for payment of any premiums due or for any assessments under any form of any *policy*. Any and all deductibles contained in any insurance *Policy* shall be assumed at the sole risk of the contractor.

All insurers of the contractor must be licensed or approved to do business in the State of Wyoming. Upon failure of the contractor to furnish, deliver and/or maintain such insurance as provided herein, Park County may elect to immediately declare suspended, discontinued, or terminate the related agreement. Failure of the contractor to obtain and/or maintain any required insurance shall not relieve the contractor from any liability under the agreement, nor shall the insurance requirements be construed to conflict with the obligations of the contractor concerning indemnification.

Each insurance *policy* required shall be endorsed to state that coverage shall not be suspended, voided or cancelled without at least thirty (30) days prior written notice by certified mail, return receipt requested, to Park County. At any time during the term of the agreement, Park County may require the contractor to provide proof of the insurance coverages or policies required under the agreement. The contractor shall not commence work under the contract until they have submitted to Park County, and received approval thereof, certificates of insurance showing that they have complied with the foregoing insurance requirements.

All referenced insurance policies and/or certificates of insurance shall be issued to include Park County as an "additional insured". The name of the proposal or project must appear on the certificate of insurance. Underwriters shall have no right of recovery or subrogation against Park County; it being the intent of the parties that the insurance policies so affected shall protect both



Park County, Wyoming

parties and the primary coverage for any and all losses covered by the described insurance. The clause entitled "Other Insurance Provisions" contained in any policy including Park County as an additional insured shall not apply to Park County.

If any of the said policies shall be or at any time become unsatisfactory to Park County as to form or substance, or if a company issuing any such policy shall be or at any time become unsatisfactory to Park County, the contractor shall promptly obtain a new policy, submit the same to Park County for approval and thereafter submit a certificate of insurance as herein above provided. Upon failure of the contractor to furnish, deliver, and maintain such insurance as provided herein, the contract, at the discretion of Park County, may be immediately suspended, discontinued, or terminated.

VI.A. Bonding

For all construction contracts in excess of \$50,000, the contractor shall secure a bid bond, performance bond and a payment bond, each in the amount of one hundred percent (100%) of the agreement price with a corporate surety approved by Park County and licensed to do business in the State of Wyoming. Said bonds are to be released at the sole discretion and direction of Park County.



Appendix A - Definitions

- ❖ **Addendum (or addenda)**: A written change, addition, alteration, correction or revision to a bid, proposal or contract document. Addendum/Addenda may be issued following a pre-bid/pre-proposal conference or as a result of a specification or work scope change.
- ❖ **Amendment**: An agreed addition to, deletion from, correction or modification of a document or contract. Also, an Amendment revises or changes an existing document; as a formal revision, improvement or correction.
- ❖ **Annual Service Agreement**: A document issued to a vendor to establish a service provider arrangement. These contracts are issued primarily to afford Park County protections against insurance claims and indemnity as well as other items. This document must be in place prior to using any supplier of services to Park County except those covered by other specific contract forms.
- ❖ **Approval Authority**: Each department head and/or elected official or their designee has purchasing authority as outlined in this *Policy* and can sign transaction documents. Ultimate authority for all purchases rests with the BOCC in administering the guidelines outlined herein.
- ❖ **Assets**: Any item or piece of equipment with an original purchase price of \$5,000 or more and having a useful life of more than one year.
- ❖ **Award**: The acceptance of a bid or proposal with the issuance of a purchase order or a contract.
- ❖ **Best Value Award**: Purchase based on service and technical elements of a bid or proposal along with the cost/price element.
- ❖ **Bid Evaluation**: A summary comparison of information obtained from the potential suppliers of goods or services responding to a bid request. This process objectively evaluates all the information supplied to clearly define the Lowest Price supplier as well as the selected supplier, if different. Where the selected supplier is not the Lowest Price supplier a narrative is to be included in the bid evaluation as to the criteria used to select the Lowest Cost vendor.
- ❖ **Bidding Requirements**: Generally, all purchases of goods and/or services greater than \$5,000 requires written competitive quotes (<\$50,000) or formal competitive bids (>\$50,000). Other variations and exceptions are as noted in this *Policy* and are summarized in *Table 1 – Procurement Limits*.



- ❖ **Board of County Commissioners or BOCC:** means the current Board of Park County Commissioners as duly elected by the people of Park County.
- ❖ **Business:** Any corporation, limited liability company, partnership, individual, sole proprietorship, joint stock company, joint venture, or other private legal entity.
- ❖ **Buyer:** A department head, elected official or other authorized Park County employee who performs purchasing duties on behalf of Park County.
- ❖ **Cash Discount:** A cash discount is a special reduction from invoice price offered or negotiated with a vendor for paying an invoice within a specified time frame from the date of the invoice.
- ❖ **Change Order:** A written order, signed by an authorized purchasing agent, authorizing changes to the original purchase order and/or contract. Typically, a change order shall be prepared to affect an alteration of specifications, delivery point, rate of delivery, period of performance, price, quantity or other provision of a contract accomplished by mutual action of the parties of the contract. The change is not to be performed by the vendor until the change order is properly approved as defined in this *Policy*.
- ❖ **Construction:** The process of building, altering, repairing, improving or demolishing any County structure or building, or any other structural improvements of any kind to any County real property.
- ❖ **Consumables and Supplies:** Items that, regardless of cost, are neither fixed nor controlled assets.
- ❖ **Contract:** Any type of agreement, regardless of what it may be called, for the procurement or disposal of supplies, services or construction.
- ❖ **Contract Administration:** Following the award of a contract, the management actions that must be taken to assure full compliance with all the terms and conditions contained within the contract document, including price. Contract administration activities include payment, monitoring of progress, inspection and acceptance, quality assurance, monitoring/surveillance, modifications, negotiations, contract closeout and other activities.
- ❖ **Contractor:** Any person, business or entity having a contract for goods, services or construction with Park County.
- ❖ **Controlled or Sensitive Assets:** Items whose acquisition cost fall below the fixed asset threshold, but which are considered Controlled (sensitive) Assets and are therefore tracked through the accounting system in the Clerk's office for inventory control. Examples may include items such as high-end digital cameras, radios, laptop computers,



GPS systems, weapons and other items that are generally sensitive, portable or theft-prone. In no case are items with a cost below \$1,000 be placed on either a Fixed Asset List or Controlled Asset List. These items may be tracked by the individual departments but will not be tracked through the accounting program in the Clerk's office.

- ❖ **County:** Means Park County, its employees, elected officials, all offices and departments, and county appointed boards.
- ❖ **County Agencies and Departments (non-elected):** Operational divisions within the County governmental structure intended to manage certain functions to serve the citizens of the County. These agencies and departments include:
 - ✓ *Buildings & Grounds Department (includes Events Division)*
 - ✓ *Emergency Management/Homeland Security*
 - ✓ *Health Department*
 - ✓ *Information Technology*
 - ✓ *Landfill Department*
 - ✓ *Planning & Zoning Department*
 - ✓ *Public Works Department (includes Engineering & Road & Bridge)*
- ❖ **County Appointed Boards/Commissions/Committees:** This *Policy* applies to the following Boards only if purchasing, selling, moving or disposing of County-owned property, or applying for and securing County-sponsored grants.
 - ✓ *Fair Board*
 - ✓ *Library Board*
 - ✓ *Museum Board*
 - ✓ *Planning & Zoning Commission*
- ❖ **Depreciation:** Allocation of the cost of fixed assets (not to include controlled assets under the fixed asset threshold) over an estimated useful life under the categories outlined in the depreciation classification schedules. Depreciation is calculated using the straight-line method of depreciation unless an asset is inexhaustible, such as land.
- ❖ **Donated Assets:** From time to time Park County may be the recipient of a gift of an item that must be added to either the Fixed or Controlled Asset Lists. These items may include furniture, equipment, works of art, weapons or other physical items. The value is determined by the fair market value of the item on the date of donation. Donated goods that meet the criteria for other assets will be added to the fixed asset or controlled asset lists.
- ❖ **Elected Offices:** Includes Park County officials that are elected to hold a specific office as voted in by the citizens of Park County. These offices include:
 - ✓ *Board of County Commissioners*
 - ✓ *Assessor*
 - ✓ *Attorney*

- ✓ Clerk
 - ✓ Clerk of District Court
 - ✓ Coroner
 - ✓ Sheriff
 - ✓ Treasurer
-
- ❖ **Emergency:** A situation where the health, safety or well-being of the citizens, employees or property of Park County may be endangered if action is delayed.
 - ❖ **Estimated Useful Life:** The number of years a fixed asset is expected to be useful to the County under its original purchase purpose. Inexhaustible assets such as land have an infinite useful life.
 - ❖ **Fixed Asset:** Functional units with a value equal to or greater than the County's \$5,000 fixed asset threshold. Fixed assets have an estimated useful life greater than one year and are depreciated under the County's established depreciation schedule for the asset's classification.
 - ❖ **Furniture and Fixtures:** Office equipment and furnishings costing more than \$5,000 per unit and not affixed to the building.
 - ❖ **Grant Acquired Assets:** Assets that qualify under the fixed asset program may also have tracking and inventory requirements if purchased with grant funds.
 - ❖ **Informal Request for Solicitation:** All documents, whether attached or incorporated by reference, used to solicit price quotes for a product/service requirement in a less formal procedure than the Request for Proposals. This process is to be used for purchases by elected officials or department heads within their purchasing limits as summarized in *Table 1-Procurement Limits*.
 - ❖ **Infrastructure:** Generally defined as roads, bridges, easements, rights-of-way and other similar intangible assets.
 - ❖ **Intangible Asset:** An asset obtained by the County which lacks physical substance, is not financial in nature and has an initial useful life extending beyond a single reporting period. Intangible assets include non-monetary assets such as easements, rights-of-way, software programs, water rights, etc.
 - ❖ **Inventory:** A process whereby the items listed on the Fixed Asset List or Controlled Asset List are physically viewed, counted and their location noted. Each item inventoried by Park County is to be physically inventoried on an annual basis.

- ❖ **Invitation for Bids**: The bid process used when the exact specifications of the goods/services are known, and the purchase decision will be based almost exclusively on price unless otherwise identified in this *Policy*.
- ❖ **Local Vendors**: For the purpose of this *Policy*, local vendors shall be defined as those businesses or vendors that have service centers or outlets within the jurisdictional borders of Park County.
- ❖ **Lowest Price**: The lowest price when all suppliers' bids are put on a comparable basis. When the selection of a supplier is not for the lowest price, a written explanation must be contained in the bid evaluation as to the basis used in determining the Lowest Cost alternative.
- ❖ **Procurement**: Buying, purchasing, renting, leasing or otherwise acquiring any supplies, services or construction.
- ❖ **Professional Services**: Those services which are essentially intellectual in character and which include analysis, evaluation, prediction, planning, or recommendation. A professional service incorporates extended analysis, the exercise of discretion and independent judgment in its performance. In addition, it requires an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience in the field. Professional Services may include but are not limited to those specialized services performed by accountants, analysts, consultants, lawyers, medical services, physicians, and planners.
- ❖ **Proprietary Information**: Information or data describing technical processes, mechanisms, or operational factors that a business wishes to keep confidential and restricted from public access.
- ❖ **Public Employee**: An individual drawing a salary from a governmental body.
- ❖ **Purchase Order**: A legal authorized document issued by a department to obtain goods/services from a vendor of Park County. Acceptance of a purchase order by the vendor constitutes a contract.
- ❖ **Purchase Requisition**: A document used to request and describe the purchase of items and/or services by a department requiring the issuance of a Purchase Order.
- ❖ **Requests for Proposals (RFP)**: An RFP is a formal solicitation for products or services that are required by Park County where the result is well-defined, and Park County is seeking a solution from a Contractor or Vendor.
- ❖ **Scope of Work**: A detailed, written description of the conceptual requirements for the project contained within the Request for Proposal or Advertisement for Bids. The Scope



of Work should establish a clear understanding of what is required by the Contractor, vendor or service provider.

- ❖ **Sealed Bids:** A mandatory requirement for all RFPS exceeding the approval authority of Department Heads and Elected Officials (See *Table 1-Procurement Limits*). All sealed bids or proposals must be submitted to the Office of the County Clerk and shall be publicly opened and read aloud at a regular meeting of the Board of Park County Commissioners. Regular meetings for such public openings are typically scheduled on the 1st and 3rd Tuesday of each month.
- ❖ **Services:** The furnishing of labor, time or effort by a contractor not involving the delivery of a specific product other than reports that are merely incidental to the required performance.
- ❖ **Single Source:** One vendor or manufacturer who has been identified as the only viable entity from which to purchase a specific commodity or service. Typically, these products and/or services are integrated into larger systems that are interlinked; which would require substantial and cost prohibitive changes to Park County's operations if a different product was purchased for use.
- ❖ **Sole Source:** One vendor or manufacturer who is defined as the only viable entity from which to purchase a commodity. Typically, the product or service is of a unique nature, or allows for standardization with existing equipment and will provide exceptional value to Park County. This process supersedes all bidding requirements.
- ❖ **Specifications:** A description of the physical characteristics, functional characteristics or the nature of supplies or services to be purchased. Specifications are created to fulfill the requirements of an elected official or department.
- ❖ **State of Wyoming:** For the purpose of this *Policy*, "state" shall mean State of Wyoming including all state departments and agencies.
- ❖ **Supplies:** All non-capital property including, but not limited to, equipment and materials.
- ❖ **Volume Discount:** A reduction in price offered or negotiated with a supplier that is based on the volume purchased.

Appendix B - Sample Voucher Form

Appendix C - Asset Control Form



**Park County
Asset Control Sheet**

Control Sheet Purpose

Date _____

Department or Office:

Acquisition:

____ Purchase
____ Donation Received
____ Lease
____ Other _____

Disposal:

____ Trade-In For _____
____ Sold
____ Lost/Stolen
____ Junked/Scrapped
____ Transferred to Dept _____
____ Other _____

For Disposals (to be completed by the disposing department)

Asset Number _____ Tag Removed Date _____

Asset Description _____

Year/Make/Model _____

Serial/VIN Number _____ Manufacturer _____

_____ Date _____

Elected Official/Department Head Signature

For Acquisitions (to be completed by the Clerk's office)

Description _____

Vendor _____ Manufacturer _____

Year/Make/Model _____ Serial #/VIN _____

Purchase Date _____ Check # _____ Price/FM Value \$ _____

Asset # Assigned _____ Useful Life (years) _____

Type of Asset (Fixed or Controlled) _____

If Grant Purchase: Granting Agency _____ Grant # _____

Date Placed On/Removed From Asset List _____ By _____

Adopted November 2008, Revised September 2010

