

## ***Boone County Regional Sewer District PROCUREMENT POLICY***

All procurements made by Boone County Regional Sewer District (BCRSD) involving the expenditure of District Funds will be made in accordance with the following procurement standards.

Procurement transactions, regardless of method or dollar value, will maximize open and free competition consistent with Section 204.350, Missouri Revised Statutes. BCRSD shall not engage in procurement practices which may be considered arbitrary or restrictive.

Purchases will be reviewed by appropriate administrative personnel such as the General Manager, the Manager of Finance & Administration or the Operations Manager to prevent duplication and to ensure that costs are reasonable.

### **I. METHODS FOR PROCUREMENT**

Procurements shall be made using one of the following methods: (a) small purchase procedures, (b) competitive sealed bids, (c) competitive negotiations, (d) non-competitive negotiation and shall be made pursuant to Section 204.350, Missouri Revised Statutes.

#### **A. Small Purchases**

Purchases over \$10,000 must be approved by the Board before payment is made. A purchase that is approved as part of the annual budget review need not be brought back to the board unless the cost is more than what was budgeted.

1. Purchases under \$10,000.00. Whenever any purchase or contract for goods or services is for the sum of less than one thousand dollars (\$10,000.00) inclusive, BCRSD personnel may order the items as needed.
2. Goods or Services Costing \$1,000.00 to \$2,500.00 Inclusive. Whenever any purchase or contract is for goods or services costing from one thousand dollars (\$1,000.00) to two thousand five hundred dollars (\$2,500.00) inclusive, BCRSD personnel shall obtain at least three (3) quotations from qualified vendors for the goods or services to be purchased. The quotations may be obtained orally or in writing and the award for purchase or contract given to the lowest responsible bidder. \*We don't follow this now...should this be updated as well?\*
3. Purchases Costing From \$2,500.00 to \$10,000.00 Inclusive. Whenever any purchase or contract is for goods or services costing from two thousand five hundred dollars (\$2,500.00) to ten thousand dollars (\$10,000.00) inclusive, the BCRSD personnel shall solicit at least three (3) written quotations for the item or items to be purchased. The quotations shall be submitted in written form to the administrative personnel who shall award the purchase or contract to the lowest responsible bidder.

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4. Items Costing Over \$10,000.00. Whenever any purchase or contract for goods or services is estimated to be more than ten thousand dollars (\$10,000.00), BCRSD personnel shall cause to be published in one (1) issue of a newspaper of general circulation in Boone County a notice inviting bids. Said notice shall be published at least fifteen (15) business days prior to the date set for the receipt of bids. The notice herein required shall include a general description of the articles to be purchased or services to be performed and the time and place for opening bids. BCRSD personnel may also mail to potential suppliers of the items to be purchased or services to be performed an invitation to bid. Upon public opening of the sealed bids, BCRSD personnel shall review all bids received and shall make a recommendation to the Board as to which bidder has submitted the lowest responsible bid meeting specifications.

5. Contracts over \$500.00 for Construction of Trunk sewers and Sewage Treatment Plants. Notwithstanding any other provision of this Policy, whenever any contract for the construction of trunk sewers or sewage treatment plants is for more than five hundred dollars (\$500.00), then pursuant to Section 204.350, Missouri Revised Statutes, BCRSD personnel shall cause to be published in one issue of a newspaper of general circulation in Boone County a notice inviting bids. Said notice shall be published at least thirty (30) days prior to the date set for the receipt of bids. The notice shall include a general description of the work to be done and the time and place for opening bids. BCRSD personnel may also mail to potential contractors performing the type of work covered by the contract an invitation to bid, and BCRSD personnel further may publish the notice in one or more newspapers of general circulation. Upon public opening of the sealed bids, BCRSD personnel shall review all bids received and shall make a recommendation to the Board as to which bidder has submitted the lowest responsible bid meeting specifications. Pursuant to Section 204.350, such bidding procedure shall not be necessary in case of repairs or emergencies requiring prompt attention.

## **B. Competitive Sealed Bids**

Bidding will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost. When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services, other than those personal or professional, exceeds \$10,000, an Invitation for Bids (IFB) notice will generally be prepared. This notice will be published at least once in Columbia Daily Tribune the official newspaper of general circulation in central Missouri. This newspaper notice will appear not less than thirty (30) days before the due date for bid proposals. BCRSD may also solicit sealed bids from responsible prospective suppliers by sending them a copy of such notice.

The IFB will include a summary description of the goods or services to be procured, the bid bond, payment bond and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be used must be stated in the IFB. The newspaper notice must also contain language which calls to the attention of bidders all applicable requirements which must be complied with such as prevailing wage and the Davis-Bacon Act.

Sealed bids will be opened in public at the time and place stated in the IFBs. The bids will be tabulated after the bid opening. The results of the tabulation and the bid procurements will be examined for accuracy and completeness by BCRSD staff who will make recommendations to the BCRSD Board of Trustees. A tabulation of all bids received shall be available in the District office for public inspection in no later than thirty (30) days. In addition, the BCRSD staff shall determine that all firms are responsive and responsible. The BCRSD Board of Trustees will make the decision as to whom the contract shall be awarded. After the bid award is made, a contract will be prepared for execution by the successful bidder.

BCRSD may cancel an IFB or reject all bids if it is determined that such is in the best interests of BCRSD. Bidders will be notified in writing of such cancellation or rejection. BCRSD may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.

### **C. Competitive Negotiations**

BCRSD will use competitive negotiations, regardless of contract amount, upon a written determination that:

1. Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid or the lowest evaluated bid price (in other words, bidding is not feasible).
2. The services to be procured are professional in nature. With the exception of certain professional services (see the BCRSD Policy for Contracting for Architectural, Engineering and Land Surveying Services), competitive negotiations will proceed as follows:
  - a. Proposals may be solicited through newspaper advertisement; additionally, a Request for Proposal (RFP) may be prepared and mailed to qualified vendors. The RFP will describe services needed. The RFP will also state where further details regarding the RFP may be obtained. The RFP will call attention to the same regulations discussed in the bidding process. Requests for proposals will always include cost as a selection factor.
  - b. Award must be made to the offeror whose proposal is determined in writing by the BCRSD to be the most advantageous to BCRSD. Evaluations must be based on the factors set forth in the Request for Proposal. The review committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be abandoned.

For the procurement of certain professional services, an alternative to RFPs may be used. BCRSD may publish a Request for Qualifications. RFQ's are handled in a similar method to RFP's with the exception that cost is not a factor in the initial evaluation. The General Manager will evaluate the

responses and rank them by comparative qualifications. The highest scoring person or firm will be contacted and the General Manager will negotiate cost. If the General Manager is unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm will be invited to negotiate. The General Manager will maintain a written record of all such negotiations.

#### **D. Noncompetitive Negotiations**

Noncompetitive negotiations may be used for procurements in excess of \$10,000 when bidding or competitive negotiations are not feasible. BCRSD may purchase goods and services through non-competitive negotiations when it is determined in writing by the General Manager that competitive negotiation or bidding is not feasible and that:

1. An emergency exists which will cause public harm as a result of the delay caused by following competitive purchasing procedures (see Section II for Emergency purchasing procedures), or
2. The product or service can be obtained only from one source, or
3. The contract is for the purchase of perishable items purchased on a weekly or more frequent basis, or
4. Only one satisfactory proposal is received through the IFB, RFP or RFQ, or
5. The state has authorized the particular type of noncompetitive negotiation (e.g., the procurement of services by an Area Development District), or
6. The equipment or service must be purchased from the original equipment manufacturer (OEM) or original source of service.

Procurement by noncompetitive negotiation requires the strictest attention to the observation of impartiality toward all suppliers. The BCRSD must approve all procurements by non-competitive negotiation when only one supplier is involved or only one bid or response to an RFP/RFQ is received.

Bids will be accepted only from those contractors who have a proven record of ability to successfully complete the scope of work being bid. References will be requested along with the contractor's bid proposal. Any contractors submitting a bid must produce (along with his/her bid documents) written proof of liability insurance and worker's compensation coverage. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources in awarding contracts.

#### **E. Cooperative Purchasing**

The BCRSD will use Public Cooperative Purchasing Contracts such as purchases made through or with the State or any other governmental jurisdiction which operates a cooperative

procurement program and will allow the District to purchase goods or services that the jurisdiction has made available following the completion of its own internal purchasing procedures, and professional services.

## **II. EMERGENCY PURCHASES**

In the event of an emergency, when the operation of the District's facilities is endangered or interrupted and a threat to public health and the environment is apparent, normal purchasing procedures may be altered or omitted in order to resolve the emergency as soon as possible. A report must be filed with the Administrative Managers and Board of Trustees detailing the circumstances of the emergency.

In every case, the Chairman, if available, should be notified of the situation and his directions sought. At the next Board meeting, the staff will submit its report of the factual situation, whether informal bids were sought and the basis on which services and/or materials were contracted for without Board prior approval. Upon consideration of staff reports and its approval of the staff's actions, the Board will record in the minutes sufficient factual information justifying its action of approving the staff's action. The approval will state that an emergency did, in fact, exist and emergency action taken by the staff was approved.

## **III. DOCUMENTATION**

All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is not feasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed, the purpose of this section is to ensure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost, (including the issue of reasonableness of cost), rationale for method of procurement and selection of contract type, and basis for payment.

## **IV. LOCALLY OWNED, MINORITY-OWNED, FEMALE-OWNED AND SMALL BUSINESSES**

Affirmative steps will be taken and documented to solicit participation of locally owned, minority-owned, female-owned and small businesses. BCRSD will solicit proposals from minority- or women-owned businesses that provide the goods or services that are being sought. Where possible and feasible, delivery schedules will be established and work will be subdivided to maximize participation by small businesses or minority- or women-owned businesses. The BCRSD will use the City of Columbia Minority & Women Owned Business Directory when issuing RFPs and RFQs. This list shall also be consulted when making small purchases.

**VI. CONFLICT OF INTEREST**

No BCRSD member, employee, consultant, elected official, appointed official or designated agent of BCRSD will take part in the award of any procurement transaction if a conflict of interest, real or apparent, exists. A conflict of interest occurs when the official, employee or designated agent of BCRSD, partners of such individuals, immediate family members, or an organization which employs or intends to employ any of the above has a financial or other interest in any of the competing firms.

Adopted by the BCRSD this \_\_\_\_ day of \_\_\_\_\_, 2016.

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Randy Chann, Chair

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Debbie Schnedler, Secretary