

**GRANT COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. R-18-33**

WHEREAS, the Board of County Commissioners met in a regularly scheduled meeting on Tuesday, September 18, 2018 at 9:00 a.m. in the Grant County Administration Center, 1400 Hwy 180 E, Silver City, New Mexico; and,

WHEREAS, the Governing Body of Grant County has discussed the need for updating the written policy regarding the procedures for maximize the purchasing power and value of public funds and ensure the purchasing process is conducted in an ethical, fair, and open manner; and,

WHEREAS, proper purchasing by Grant County employees conducting County business is essential for the efficient operation of County government, for the protection of County property and for maintaining a safe and healthy work environment; and,

WHEREAS, the guidelines in this policy promote efficiency, effectiveness, equity, and fairness in public purchasing; and,

WHEREAS, this Resolution hereby repeals all other Grant County Resolutions and/or Policies relating to the Purchasing Policy not including the Purchasing Card Policy.

NOW, THEREFORE, BE IT RESOLVED by the governing Body of Grant County, New Mexico that the proposed County of Grant Purchasing Policy, attached as "Exhibit A", be hereby amended and adopted as official policy of the County of Grant, New Mexico effective October 01, 2018.

BOARD OF COUNTY COMMISSIONERS

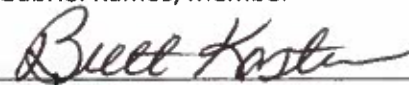
APPROVED, ADOPTED AND PASSED on this 18th day of September 2018.



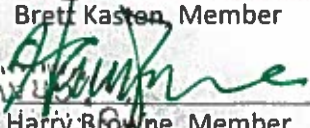
Gerald W. Billings Jr., Chairman

Alicia Edwards, Vice Chair

Gabriel Ramos, Member



Brett Kasten, Member



Harry Browne, Member

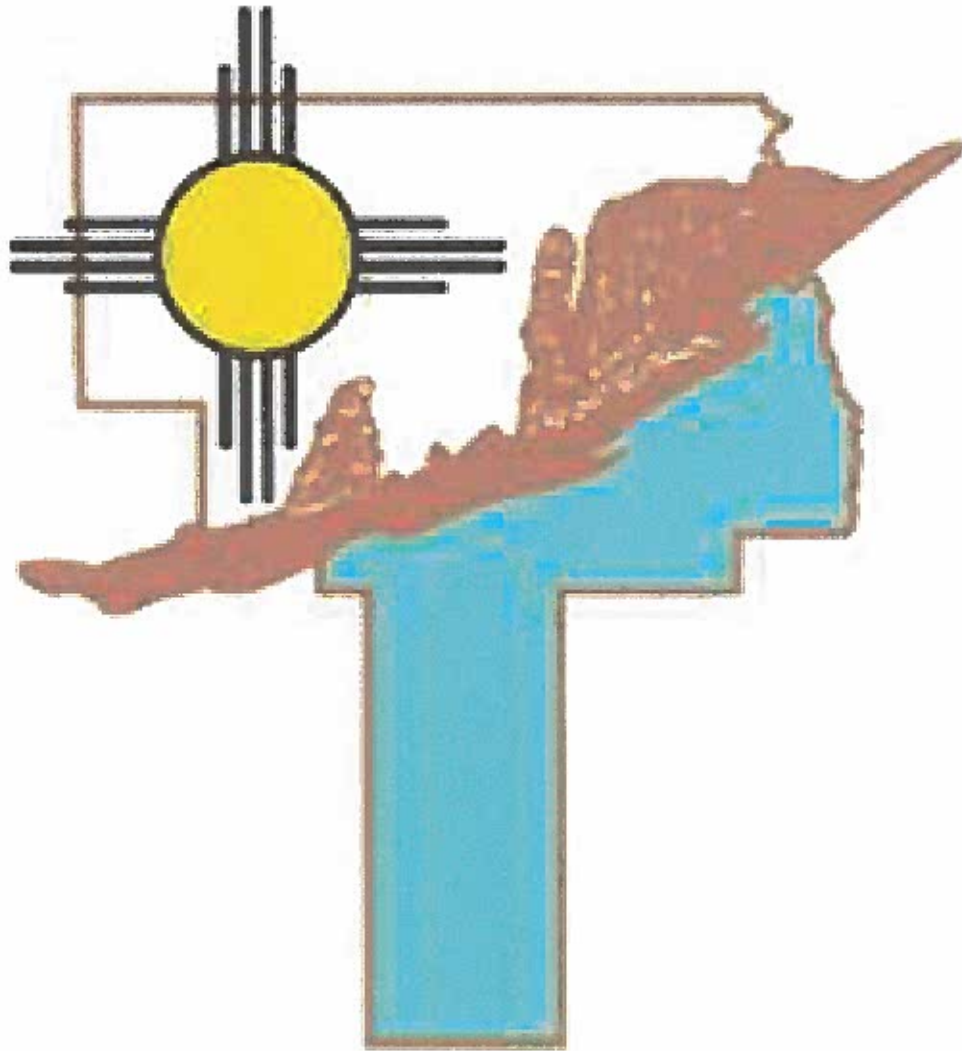
ATTEST:



Marisa Castrillo, County Clerk



Grant County



Purchasing Policy

Preface

The Grant County Purchasing Policy and all attachments, documents and guides is a policy of the elected body of Grant County. Anyone may propose amendments to this Policy through the Office of the County Manager, 1400 Hwy 180 E., Silver City, NM 88061.

Grant County Purchasing Code of Ethics

The Grant County Finance Department Staff and Procurement Manager firmly adhere to a strict code of ethics. Engaging in activities that are inconsistent with the proper discharge of a public employee's duties is considered to be ethical misconduct and may constitute a breach of public trust. Such activities can include participating in decisions that present a conflict of interest, or using confidential information for either actual or anticipated personal gain – or doing this on behalf of any other person.

A violation of ethical conduct and trust also includes the acceptance of money, gifts or favors from an individual or concern with a public employee has reason to believe may become (or is) a party a business transaction with the employee's employer.

In addition, it is incumbent upon every Grant County employee to avoid engaging in any activity that may leave an impression that influence peddling is being condoned, or that favoritism is being extended to an individual or concern. In practicing a high standard of ethical conduct, every Grant County employee should:

1. Avoid becoming involved in transactions that could result in a conflict between personal interests and the interests of Grant County.
2. Prevent the intent and appearance of unethical or compromising conduct in relationships, actions and communications.
3. Never use confidential information as means of obtaining financial enrichment or personal betterment for oneself or for any other person.
4. Decline personal gifts or gratuities from present or potential suppliers since this can influence, or appear to influence, procurement decisions.
5. Focus attention on the objectives and policies of Grant County.
6. Promote positive supplier relationships through courtesy and impartiality in all aspects of procurement operations and activities.
7. Strive to obtain the maximum value for each dollar of expenditure.
8. Grant all competitive suppliers equal consideration insofar as New Mexico or federal statutes and regulations, and Grant County policy demand.
9. Conduct business with potential and current suppliers in an atmosphere of good faith.
10. Demand honesty in all aspects of sales representation whether offered through the medium of a verbal or written, and advertisement, or a sample of the product.
11. Receive consent of the originator of any ideas, designs or information before exposing them to anyone, or using them in specifications for competitive purchasing purposes.
12. Make every reasonable effort to negotiate an equitable and mutually agreeable settlement of any controversy with a supplier, and/or be willing to submit any major controversy to an independent party for review, insofar as Grant County Policy permits.
13. Educate our internal clients on these ethical practices.
14. Develop skills, expand knowledge and conduct business that demonstrates competence and promotes the procurement profession.

Approved by the Board of County Commissioners _____

Table of Contents

1. General Purchasing	.....05
2. Standard Purchasing Procedure Applicability	.....06
3. Initiating a Purchase: Purchase Order (PO)/Requisition	.....07
4. Authorization of Purchase Orders	.....08
5. Invoices	.....09
6. Small Purchases, Quotes & Competitive Purchases	.....10
7. Competitive Purchase Evaluations	.....12
8. Emergency Purchasing	.....15
9. Special Funds	.....16
10. Sole Source Purchasing	.....16

I. GENERAL PURCHASING

1. The County Purchasing Policy shall be in compliance with the rules, regulations and requirements of the State of New Mexico “Public Purchases and Property Act,” and the State Procurement Code.
 - i. Definition; Purchase: Purchase is the commitment, obligation and/or expenditure of Grant County supervised funds to obtain goods or services.
2. All small purchases should be from a vendor who can furnish the County a quality product at a competitive price and at the best value for the County.
3. County Employees and other designated purchasers who have been delegated the authority to make small purchases should consider price and quality when making a decision to purchase from a vendor.
4. Any purchase which is not legally and appropriately approved within the County budget or by other County Commission action, or which does not substantially comply with the provisions of the State Statutes, particularly the State Procurement Code, and the provisions of this Policy, shall be considered an unauthorized County purchase and thereby not subject to payment by the County. The County hereby declares and establishes that it will assume no responsibility for payment of unauthorized purchases. Furthermore, any individual initiating or otherwise executing any unauthorized purchase is solely responsible for payment. All questionable purchases shall be submitted to the County Manager for review and determination under the provisions of this Policy. The County Manager shall be authorized to issue any supplement consistent with the Policy deemed necessary to administer, manage or clarify this policy.
5. Unauthorized purchases may include, but are not limited to, the following:
 - i. Obtaining product or services prior to approval.
 - ii. Splitting invoices to avoid departmental approval/credit limits.
 - iii. Invoices one year or older.
 - iv. Obtaining products or services without a purchase order.
 - v. Invoices dated before a purchase order was issued.

Please Note: Grant County (CRS# 01508042000) is tax exempt on all tangible goods. Construction and Construction Materials Services and Labor are taxable.

6. If price and quality are comparable, the person(s) authorized to make a purchase should equally trade with local business firms in an effort to give each Grant County vendor as much business as another County vendor. Price sharing is unethical.

7. Knowledge of this Policy: A copy of this policy and all supplements shall be given to each designated custodian, i.e. department, department head, and/or department managerial staff, who shall sign for and be required to be knowledgeable about, understand and comply with the provisions of this Policy.
8. Enforcement: Actions that appear to be in violation of this Policy shall be reviewed by the County Manager, Finance Director or designee and if determined to be a violation shall be submitted in a monthly report (or as needed in emergency situations) to the County Commission to be considered at a public meeting.
9. **Exceptions In Toto:** Grant County shall follow all other Exemptions as authorized in Section 13-1-98, NMSA, 1978, of the State of New Mexico Procurement Code, and as noted in Section 13-1-135 through 13-1-137, NMSA 1978.

II. STANDARD PURCHASING PROCEDURE APPLICABILITY

1. "Standard Purchases" are described as systematic, planned, and necessary purchases for administration and operation of a project, division and/or department. There shall be no exception to these standard procedures except as provided in the "Emergency Purchasing Procedures" section of this policy.
2. The following purchases require the purchase be approved through a certain individual or department, due to the nature of the purchase, regardless of purchase amount:
 - i. Information Technology (IT): All IT related purchases and any electronic or digital-type equipment that will be put on inventory or leases shall be approved through the IT Department. This includes, but is not limited to, all computers, and computer related equipment such as hard/software, printers/scanners, monitors, keyboards, etc., as well as items such as DVR systems/equipment, cameras, PA/sound system and recording equipment, security systems and monitoring equipment, etc.
 - ii. Facilities: All purchases related to County buildings and facilities shall be approved through the Public Works Department. This includes, but is not limited to, interior/exterior building modification of any type, door locks (excluding the Detention Center and Sheriff's Office), any equipment that must be hard wired electrically or connected to plumbing systems, or any equipment that will be installed into/onto a building surface.
 - iii. Vehicles: All vehicle purchases (except those done for the Sheriff's Office and Fire Departments) shall be approved through the Procurement Manager.
 - iv. Used Equipment and Item Purchases: Used equipment purchases shall be completed under following provisions:

- a. The County Manager is authorized to approve purchases of used equipment or items not to exceed the amount of funds appropriated for such purchases. If the procurement is of a value greater than \$10,000 the County Manager must notify the Commission Chairman of the intent to purchase such equipment. In the event the Chairman does not agree with the County Manager's decision to purchase such used equipment, the purchase shall be formally approved by action of the County Commission prior to purchase.
- b. Used equipment or items with a price or estimated value of \$20,000 or more shall require formal quotes as though the items were new, adding specifications that permit used items under conditions to be outlined in the bid specifications including, but not limited to, requiring a written warranty for at least ninety (90) days after date of delivery, and an independent written appraisal by a qualified mechanic or appraiser.

III. INITIATING A PURCHASE: PURCHASE ORDER (PO)/REQUISITION

1. All standard purchases as authorized by this section require that the buyer utilize either a Grant County Purchasing Card (P-Card) (see P-Card Policy) or an Grant County purchase order/requisition be issued prior to placing an order or making a purchase. **The County Manager and/or Finance Director has the right to refuse approval of any purchase or request at any time.** The PO form shall contain all information as required by the Procurement Manager to include, but is not limited to, the following:
 - i. **Vendor:** the business to which the purchase order will be issued.
 - ii. **Vendor Number:** Numbers for new vendors shall be assigned only through the Finance Department. A vendor number must be on file for the vendor prior to issuance of a Purchase Order.
 - iii. **Terms:** Grant County pays net within 30 days of receipt of invoice unless other arrangements are made and included on this section of the purchase order.
 - iv. **Quantity:** a specified unit and the approximate amount per unit being requested. Units may include, but are not limited to, "each," "box," "gals," "reams," "pounds," etc. If exact quantity is unknown, users shall provide the best estimate of quantity (see "Estimated Amount" below).
 - v. **Description:** the description of the items or services should be sufficiently complete to identify the item being purchased. ***Goods or Services*** that have been obtained through the use of an agreement must reference the agreement number and submit a copy of the agreement.

Services that have been obtained through the use of a Bid/RFP must reference the Bid/RFP number or agreement number. Commonly used items may be identified by brand names.

- vi. **Estimated Amount:** Calculation of the quantity multiplied by the unit price. If exact cost cannot be determined, users shall provide the best estimate of cost.
- vii. **Department:** Enter name of department or division initiating the Purchase Order.
- viii. **Employee:** Department head or authorized user.
- ix. **Complete Fund Number:** the appropriate and correct budget line item/account number to be charged. It is the authorized user's responsibility to assign the correct full line item account number (XXX-XX-XXXX) to the Purchase Order. Multiple line item accounts may be included in the Purchase Order. If purchasing is done using grant funds, approval **must be granted** from the Procurement Officer/Accounts Payable Specialist/Finance Director to assure that all expenses will be reimbursed.
- x. Blank copies of PO Requisition forms may be found in the Finance/Procurement office or by e-mail request. (See Appendix)
- xi. Quotes **MUST** be for the same item('s).

IV. **AUTHORIZATION OF PURCHASE ORDERS**

1. The user department must have an authorized Purchase Order issued prior to executing the purchase. Purchase Orders may be transmitted to vendors via fax or email. The user department shall inform the vendor that the Purchase Order number **MUST** be included on the invoice submitted to the County for payment.
2. Purchases executed prior to obtaining a Purchase Order are prohibited except as otherwise noted in "Emergency Purchasing Procedures" of this policy.
3. Adding different items to a Purchase Order after it has been authorized is prohibited, unless approved by the Finance Director, or designee, to ensure compliance. However, a Purchase Order may be increased provided there are no changes in the item, unit price, and funds are available.
4. **Open Purchase Order:** For the purpose of this policy, open Purchase Orders are Purchase Orders against which multiple billings will be submitted over a specific period of time. All open Purchase Orders shall be accompanied by any required applicable documentation. An open Purchase Order will be closed out at the end of the fiscal year (July 1 – June 30 of the next year). The open Purchase Order shall include an estimated total cost of all purchases anticipated during the specific period. Actual invoices for all purchases made using an open Purchase Order shall be submitted to the Finance Office

upon receipt with a notation to keep open and the final invoice shall be marked **FINAL** to denote closing of the open Purchase Order.

5. Purchase Orders Not Needed, i.e. "Prior Approval": A Purchase Order is not needed when there is **CURRENT** contract or agreement in place that has been approved by the Board of County Commissioners. Examples include utility billing, monthly fuel charges, phone bills, etc.

V. INVOICES

1. An invoice is an itemized statement submitted by the vendor to the County for payment of material or services delivered to the County. It is the responsibility of the vendor to ensure that a Purchase Order is provided prior to issuing materials or service and the vendor shall *include* the Purchase Order number on the invoice submitted to the County for payment. In cases that Purchase Order numbers are not included on the invoice when required, the vendor shall be informed.
 - i. The Finance Department, at its discretion, is authorized to return any invoices which do not reference a valid Purchase Order number. The County will not be responsible for purchases made without an executed and authorized Purchase Order.
2. The Vendor shall be notified that repeated improper invoicing is sufficient cause to exclude the vendor from the County's purchasing program, per this document. Also, the County may refuse payment in any case that there is an unauthorized purchase, including, but not limited to, "General Purchasing" of this document.
 - i. Verification of Invoices: All invoices shall be reviewed by User departments prior to payment to ensure materials or services have been received and to certify authorization for payment. The certification statement requires an authorized signature, date of signature and Purchase Order number and General Ledger (GL) Number on the invoice. It will be the responsibility of each department to ensure outstanding invoices are promptly submitted for payment.
 - ii. Processing for Payment: The Finance Department will ensure that all invoices received are appropriately authorized and certified prior to payment. The Finance Director, or designee, shall be responsible for ensuring appropriate procedures are established and used for payment after invoices are received to include timely payment and to ensure discounts are received and late charges avoided.
3. Over Expenditures: Purchase Orders shall not be issued, approved or processed in cases wherein line items will be over expended, except as approved by the Finance Director, or their designee, in accordance with State and County regulations, provisions and statutes, and provided there are legally sufficient budget balances available elsewhere. It shall be the primary responsibility of the authorized user to ensure sufficient funds are available prior to initiating a purchase. The Finance Director, or designee, shall provide sufficient information, data, reports, etc., upon request, to keep purchasers properly updated on

budget balances and shall notify any office, department or agency head, after analysis of the monthly budget report, of any indications of existing or impending budget balance problems.

VI. SMALL PURCHASES, QUOTES & COMPETITIVE PURCHASES NMSA 13-1-102 – 13-1-199:

- i. General purchasing guidelines are as follows: The Procurement Code, 13-1-28 through 13-1-199 NMSA 1978 imposes civil, misdemeanor and felony criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kick-backs. Authorized users shall attempt to insure that all purchases are made at best possible prices. Purchases shall be made in accordance with the following provisions:
- a. **\$20,000 or Less - Small Purchases:** Purchases that procure services, construction or items of tangible personal property having a value not exceeding twenty thousand dollars (\$20,000), excluding applicable state and local gross receipts taxes, may be purchased by issuing a direct purchase order to a contractor based upon the best obtainable price. Award can be made without securing competition if the user determines that the price received is reasonable. The user 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 County.
 - i. The Procurement Manager may work to find other purchases, at other prices, if inadequate or insufficient prices are found by the purchaser and may deny any small purchases.
- b. **\$20,001 to \$59,999 - Written Quotes:** Small purchases of nonprofessional services, construction or items of tangible personal property having a value exceeding twenty thousand dollars (\$20,000) but not exceeding fifty-nine thousand nine hundred ninety-nine dollars (\$59,999) no fewer than three businesses shall be solicited via written requests containing the specifications for the procurement to submit written quotations. Quotes may be on official company letterheads, by way of e-mail, hand written by a potential vendor or any other **written** means to ensure that competitive quotes have been obtained. If three written quotes cannot be obtained, the agency shall document the reasons and include the document in the procurement file. Such notations as “does not carry” or “did not return my phone call” do not qualify as a valid quotation. Each department will be responsible for obtaining the above-mentioned quotes. The Procurement Manager may work to find additional quotes, as needed, in the event of inadequate or insufficient quotes and will approve/deny all written quotes. Procurement requirements shall not be artificially divided so as to constitute a small purchase under this section.
 - i. A Purchase Order must be obtained and go through the invoicing process. P-Cards are not allowed at this limit for a single item purchase unless approved by the Finance Manager/County Manager.

- ii. In the event two vendors have the same quote, written justification shall be provided by the requestor as to how one vendor was chosen over the other. Determinations can be made by local availability, items in stock, vendor delivery, shipping charge, etc.
- iii. In the event there are not three known vendors which have goods/services available, less than three quotes are permissible provided the user attaches the quotes that were obtained and identifies the names of other vendors contacted who could not provide the goods/services.
- c. **\$60,000 and above - Formal Bid/RFP Process**: All purchases exceeding \$59,999 require formal solicitation procedures; utilizing Request for Proposals, for services, or Request for Bids, for tangible goods and/or services, as specified by State regulations and shall be processed and executed by the Procurement Manager. Procurement requirements shall not be artificially divided as to constitute a small purchase under this section.
- d. **Request for Proposals (Professional Services and Services) or Request for Bids (Tangible Goods)**:

Professional Services are defined in Section 13-1-76 NMSA 1978 as, the services of architects, archeologists, engineers, surveyors, landscape architects, medical arts practitioners, scientists, management and systems analysts, certified public accountants, registered public accountants, lawyers, psychologists, planners, researchers, construction managers and other persons or businesses providing similar professional services, which may be designated as such by a determination issued by the state purchasing agent or a central purchasing office.

- i. Professional services under \$60,000 are considered a small purchase and are exempt from formal procurement; however, nothing in this section shall prevent the County from seeking qualifications based proposals for professional services under \$60,000 if in the best interest of the County.
- e. Purchases must be approved in the current budget. **Purchases not approved in the current budget require approval by the County Manager and County Commission prior to advertising for bids.** Proposals and Bids may be rejected by the Procurement Manager, County Manager, Finance Director, Evaluation Committees or County Commission in the event that they are in excess of budgetary limits, are non-responsive to specifications, or due to irregularities in the proposal or bid specifications.
 - i. The Procurement Manager reserves the right to delay approval, to seek additional confirmation or information regarding any purchase, and to request additional information.
 - ii. The Procurement Manager may procure services, construction or items of tangible personal property having a value not exceeding Twenty thousand dollars (\$20,000) pursuant to the small purchase guidelines for the State of New Mexico (NMSA 13-1-125).

- iii. The Invitation for Bid (IFB) or notice thereof shall be published not less than 10 calendar days prior to the date set for the opening of bids. The IFB or notice must be published at least once in at least one (1) newspapers of general circulation in this County.

f. **Statewide or Federal Purchasing Contracts, Procurement Under Existing Contracts and Cooperative Bid Exceptions.** Three additional quotations or bids are not required for purchases under this section; however, the costs may also not be the least expensive; purchases shall be done in the best interest of the County.

- a. Purchases may be made providing that the vendor has a valid and current Statewide or Federal Purchasing Contract (ex. GSA) or a qualified, documented procurement done by another State Agency (NM only) or local government agency. Notwithstanding the requirements of Sections 13-1-102 through 13-1-118 NMSA 1978, the County may contract for services, construction or items of tangible personal property without the use of competitive sealed bids or competitive sealed proposals as follows:

- (1) at a price equal to or less than the contractor's current federal supply contract price (GSA), providing the contractor has indicated in writing a willingness to extend such contractor pricing, terms and conditions to the state agency or local public body and the purchase order adequately identifies the contract relied upon; or

- (2) with a business which has a current exclusive or nonexclusive price agreement with the state purchasing agent or a central purchasing office for the item, services or construction meeting the same standards and specifications as the items to be procured if the following conditions are met:

- (a) the quantity purchased does not exceed the quantity which may be purchased under the applicable price agreement; and

- (b) the purchase order adequately identifies the price agreement relied upon.

Any purchase must include appropriate written authorization for Grant County's use, either in the original solicitation or in writing by the vendor agreeing to the same terms and conditions at a price equal or less than the contractor's current price. The product or service must be listed and priced in the schedule.

- b. Federal and/or State contract numbers must be identified on the Purchase Order or P-Card statement and a copy of the contract must be submitted and kept on file by the Procurement Manager.
- c. The County may purchase items cooperatively through another public body's bid or request for proposal process, provided the original solicitation was conducted consistent with the New Mexico State Procurement Code. ~~Complete copies of the~~

original solicitation documents, vendor responses, verification of award, and any other pertinent information shall be kept on file by the Procurement Manager.

- d. All purchase utilizing a contract must have a copy of the contract number listed on the quote with a copy of the contract.

VII. COMPETITIVE PURCHASE EVALUATIONS

- i. All bids will be evaluated fairly and completely with input from major stake-holders, within the guidelines provided by the Procurement Manager. The Procurement Manager and Department Head will select the evaluation committee, made up of:

- a. Users of the good, service or item of tangible personal property to be purchased is preferred – Department Heads are permissible when a User is not available, though persons working with the item most is preferred;; and a member from Information Technology (IT), *as needed*, for technical support or guidance.

- i. Five (5) members are recommended, with three (3) members as a minimum and seven (7) as a maximum.

- ii. People who participated in the pre-procurement process also are ideal members of the Evaluation Committee.

- b. The resulting deliverable will be an Evaluation Report/Score Sheet indicating the preferred proposal and the reasoning behind the selection. The results and recommendations from this evaluation will be presented to the Procurement Manager.

- c. Evaluation criteria is not standardized and should be tailored to suit the County's need/specific requirements weighted for "Best Value."

- d. A legal representative may be a part of the RFP evaluation, when necessary, in instances where new or alternate terms and conditions or unusual, out of the ordinary, terms and conditions are submitted by an Offeror and/or Grant County.

- e. The Procurement Manager may sit in on Evaluation Meetings for technical assistance but will not be an

evaluator/voting member of the Evaluation Team unless new or alternate terms and conditions or unusual, out of the ordinary, terms and conditions are submitted by an Offeror and/or Grant County.

ii. Roles and Responsibilities of Evaluation Committee Members

- a. The Evaluation Committee members play an active role in the selection of the contractor(s).
- b. Evaluation criteria are items of importance that will be considered when reviewing the proposal of each Offeror. The evaluation criteria and their weights will be included in the Request for Proposal (RFP) documents. The detailed breakdown of how points will be assigned shall be set prior to the proposal opening.
- c. During the RFP evaluation process, the Procurement Manager is the ONLY person authorized to release results or communicate with the Offerors. All the Requests for further information or clarification must be forwarded to the Procurement Manager. The Procurement Manager may contact the Offeror for clarification of the response. Any attempt by an Offeror to discuss an RFP with anyone other than the Procurement Manager should be reported to the Finance Director, County Manager, or designee, and the Procurement Manager immediately.
- d. All proposals and corresponding information are CONFIDENTIAL. This information is not to be discussed with anyone outside the Evaluation Committee.
- e. While serving as an Evaluation Committee member, all possible perceived or actual conflicts of interest will be disclosed promptly to the Procurement Manager.
- f. All members of the Evaluation Committee shall sign the Evaluation Committee Member Declaration.
- g. The County Lawyer or representative will review and provide advice on contract terms and conditions.
- h. Each Committee member is responsible to review each proposal, attend all Evaluation Committee proposal scoring sessions and attend every finalist presentation and demonstration.

- i. Designated subject matter experts will be available to advise the Evaluation Committee of technical matters but they are not involved in the scoring of Offeror proposals.

iii. Selection

- a. The evaluation criteria for all proposals, except architects, engineers, and surveyors, shall include, but is not limited to the following factors; price (cost), adherence to specifications, availability/delivery, support, capability of vendor. Additionally, when there is no material difference between bids/quotation, local vendors shall be given preference.

iv. Specifications

- a. Specifications should be written primarily to address the need of the County for a specific item to perform a specific function. Specifications written for purchases shall not be “closed or exclusive,” or otherwise written in such a way as to intentionally favor or exclude a vendor. Reference to specific types of quality shall be followed by working “or equal” and all specifications regardless of wording shall be considered as “or equal.” It shall be the authorized user’s responsibility to ensure that all other provisions, procedures and considerations are correct and appropriate, and to address any questionable unusual or inappropriate specifications prior to processing.

v. Competitive Purchase Process Not Needed

- a. The bidding process may be waived by the Procurement Manager in cases that a vendor has a State, Federal or other qualified Purchasing Contract.

vi. Award

- a. Bids are awarded based on lowest responsive bid (cost) where all specifications/requirements are met.
- b. RFPs are awarded based on a pre-determined point evaluation system and reviewed and scored by the evaluation committee; an average score will be taken, high point wins.
- c. All bids and Request for Proposals require Board of County Commissioner approval before contract/agreement award.

vii. **Bid/RFP Timelines**

- a. As a general guideline, An invitation for bids or a notice thereof shall be published not less than ten calendar days prior to the date set forth for the opening of bids.
- b. As a general guideline, RFPs will have a 30 day response period after issuance/advertisement.
- c. The preceding timelines are a general guideline, and may depend on Commission meeting schedules. The Procurement Manager reserves the right to change timelines for bid opening or RFP response time, as necessary, but will try to follow this general timeframe guideline.

VIII. EMERGENCY PURCHASING NMSA 13-1-127

- i. The County Manager may recommend making emergency procurements when there exists a threat to public health, welfare, safety or property requiring procurement under emergency conditions; provided that emergency procurements shall be made with competition as is practicable under the circumstances. The Procurement Officer will make a written determination of the basis for the emergency procurement and for the selection of the particular contractor or vendor shall be included in the procurement file. Emergency procurement determinations must be posted within 3 days on either/both the State Sunshine Portal or the County website. Emergency procurements shall not include the purchase or lease purchase of heavy road equipment.
1. An emergency condition is a situation which creates a threat to public health, welfare or safety such as may arise by reason of floods, fires, epidemics, riots, acts of terrorism, equipment failures or similar events and includes the planning and preparing for an emergency response. The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:
 1. the functioning of government
 2. the preservation or protection of property; or
 3. the health or safety of any person

IX. SOLE SOURCE PURCHASING NMSA 13-1-128

- i. **Sole Source Purchase:** A contract may be awarded without competitive sealed bids or proposals regardless of the estimated cost

when the Procurement Manager makes a determination, after conducting a due diligence review of available sources and consulting the using department, that there is only one source for the required service, construction or item of tangible personal property. The Procurement Manager, Finance Director, or Designee and the County Manager, or Designee, shall conduct negotiations, as appropriate, as to price, delivery and quantity in order to obtain the price most advantageous to Grant County, 13-1-126 NMSA 1978. Sole Source Purchases shall be made also under the following provisions:

- a. The service construction or item of tangible personal property must be unique and this uniqueness must be substantially related to the intended purpose of the contract.
 - i. No Department may circumvent this requirement by narrowly drafting specifications so the only one predetermined source will satisfy the specifications.
- b. Prior to approval of a sole source procurement the Procurement Manager will:
 - i. Obtain a sole source certification form from the requesting department which must contain at minimum:
 - a. The Contractor's name and address;
 - b. The amount and term of the contract and
 - c. A detailed description of the nature and quantity of the services, construction of items of tangible personal property to be procured.
- c. Following receipt of the certification form, the Procurement Manager will use diligence in determining the basis for the request and will review available sources and may consult further with the requesting department.
- d. If the Procurement Manager determines sole source procurement is justified, they will provide the information to the State of New Mexico for posting on the State's Sunshine Portal and post notice of the intent to procure through sole source on the County's website for a minimum of 30 calendar days. After the notice has been posted for 30 days on both the Sunshine Portal and/or the County's website, and providing no protests have been filed in relation to the posting, the Procurement Manager can make a determination in writing to allow the procurement.

X. SPECIAL FUNDS:

- i. Funds for specialized activities, such as special boards, undercover operations, inmate cash, etc. shall be specifically appropriated by the County Commission. The Finance Director, or designee, shall be responsible for preparing written supplements, establishing safeguards, provisions, and procedures to ensure appropriate accounting and

maximum accountability for such funds. The office or department head shall be the custodian strictly responsible for the appropriate use of these funds. User departments shall designate custodian and alternate custodian of special funds.

XI. PURCHASING CARDS:

See Purchasing Card Policy