

Procurement Policy document example
from Great Rivers Greenway

Procurement Policies and Procedures

A. General Provisions

1. **Purpose:** The purposes of these policies are to assure that all supplies, equipment, other purchases, and all services are procured efficiently, effectively, and at the most favorable prices available to the District; provide for the fair and equitable treatment of all persons or firms involved in purchasing and procuring of services by the District; promote competition in contracting; provide safeguards for maintaining a procurement system of quality and integrity; and assure that District purchasing and procurement actions are in full compliance with applicable State and local laws.
2. **Application:** These policies apply to all contracts for the procurement of supplies, equipment, services, and construction entered into by the District. They shall apply to all expenditures of funds by the District for public purchasing, including contracts that do not involve an obligation of funds (such as concession contracts). The term “procurement,” as used in these Policies, includes contracts and modifications (including change orders) for construction or services, as well as purchase, lease, or rental of supplies and equipment. [The contract amounts listed within these policies refer to the total amounts payable under contracts during their entire term \(e.g., the total amount payable under a contract requiring monthly payments of \\$1,000 with a term of 3 years would be \\$36,000 for the purposes of these policies\).](#)

B. Procurement Authority and Administration

1. All procurement transactions made by the District shall be administered in accordance with these policies under the direction of the Chief Executive Officer or his or her designee. The Chief Executive Officer may issue operational procedures to implement these Policies.
2. The Chief Executive Officer or his/her designee shall ensure that:
 - a. Contracts and modifications are in writing, clearly specifying the desired supplies, equipment, services, or construction, and are supported by sufficient documentation regarding the method of procurement, including as a minimum the method of procurement chosen, the selection of the contract type, the rationale for selecting or rejecting offers, and the basis for the contract price.
 - b. For procurements other than purchases exempted from public solicitation due to dollar amount as described below, and those made in emergency situations, where practical, adequate public notice is given of each upcoming procurement solicitation; responses to such notice are honored to the maximum extent practical; a minimum of seven (7) days is provided for preparation and

submission of bids or proposals; and notice of contract awards is made available to the public.

- c. Solicitation procedures are conducted in full compliance with applicable law.
 - d. Contract award is made to the lowest and best-qualified bidder (for sealed bid contracts) or contract award is made to the offeror whose proposal offers the best value to the District, considering price (except for architectural, engineering or land surveying services) technical, and other factors as specified in the solicitation (for contracts awarded based on competitive proposals); and unsuccessful firms are notified within a reasonable length of time after contract award.
 - e. Missouri products and supplies are given preference when making purchasing or procurement decisions in accordance with RSMo. §67.1748.
 - f. Sufficient unencumbered funds are available to cover the anticipated cost of procurement before contracts award or contract modification, including change orders, are executed.
 - g. Work is inspected before payment, and payment is made promptly, preferably within 30 days, for contract work performed and accepted.
3. These Policies and any modifications shall be submitted to the Board of the District for approval. The Board appoints and delegates procurement authority to the Chief Executive Officer and is responsible for ensuring that any procurement policies adopted are appropriate for the District.

C. **Ethics in Public Procurement**

1. The District shall adhere to the following practices of conduct, consistent with applicable law.
 - a. **Conflict of Interest:** Subject to the terms of the District's Code of Ethics Policy, no employee, officer or agent of the District shall participate directly or in the award or administration of any contract if a conflict would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:
 - i. An employee, officer or agent of the District involved in making the award;
 - ii. Such person's relative (including such person's spouse or domestic partner, such person's parent, or any individual having a full, half, step or in-law relationship with such person's parent, child or sibling);

- iii. Such person's business partner; or,
 - iv. An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.
- b. Gratuities, Other Compensation and the Use of Confidential Information: District officers, employees or agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts, and shall not knowingly use confidential information for actual or anticipated personal gain.
- c. Disclosure of Any Contingent Fees or Payments: The District shall require disclosure and certification from all bidders regarding the existence of any arrangement providing for the bidder's retention of a person or firm to solicit or secure a District contract for a commission, percentage, brokerage, or contingent fee, except for bona fide employees or bona fide established commercial selling agencies.

D. Procurement by Non-Competitive Proposal ("Sole Sourcing")

1. Conditions for Use. Procurement shall be conducted competitively to the maximum extent possible. Procurement by non-competitive proposals may be used when the award of a contract is not feasible using the purchase procedures, competitive bids, or competitive processes described herein, and one of the following applies:
 - a. the item or service is available only from a single source, based on a good faith review of available sources;
 - b. after solicitation of a number of sources competition is determined inadequate.
2. Justification. Each procurement based on non-competitive proposals shall be supported by a written justification for using such procedures. The justification shall be approved in writing by the Chief Executive Officer, and, if in excess of a total amount of \$50,000, approved by the Board.

E. Cooperative Purchasing

1. The District may enter into or utilize intergovernmental cooperative purchasing agreements and/or procurement programs to purchase or use common goods and services. The decision to use an intergovernmental cooperative purchasing agreement and/or procurement program or to conduct a direct procurement shall be based on economy and efficiency. If used, the intergovernmental cooperative purchasing agreement and/or procurement program shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspections, acceptance, termination, payment, and other relevant terms and conditions.

F. Emergency Procurement Procedure

1. Notwithstanding anything to the contrary contained herein, the Chief Executive Officer may conduct procurement on behalf of the District on an emergency basis by non-competitive proposal without prior Board action or approval if the procurement is essential to deal address or remedy an existing emergency condition, as defined below. Such emergency procurement shall be limited to quantities and time periods sufficient to address or remedy the immediate threat and shall not be used to meet long-term requirements. The District may conduct such emergency procurement pursuant to the following conditions:
 - a. An “emergency condition” exists. An “emergency condition” is a situation (such as a flood, epidemic, riot, equipment failure, or any other reason declared by the Chief Executive Officer) which (i) creates an immediate threat to the public health, welfare, or safety or (i) creates an immediate need for supplies or services which cannot be met through normal procurement methods and which seriously threatens one or more of the health or safety of any person; the preservation or protection of property; or the continuation of necessary District functions or services.
 - b. The purchase does not exceed ~~\$100,000~~ a total amount of \$100,000. For any such purchase that is in a total amount of \$50,000 or greater, the approval of the Board Chair or Vice Chair is required.
 - c. Following any emergency procurement made pursuant to this section, the Chief Executive Officer shall submit to the Board a memorandum explaining the necessity for such expenditure.

G. Procedure For Purchases Used in the Construction or Maintenance of Any Public Recreational Facility, Park, or Public Recreational Ground

1. Any procurement not exceeding a total amount of \$50,000 may be authorized by the Chief Executive Officer without Board approval. The Chief Executive Officer shall report all contracts in excess of a total amount of \$10,000 authorized by the Chief Executive Officer without Board approval to the Board at the next regular Board meeting. Contract requirements shall not be artificially divided so as to constitute a purchase under this section. **Any procurement exceeding a total amount of \$50,000 must be approved by the Board.**

2. Procedures for Purchases Not Exceeding \$10,000
 - a. For all purchases not exceeding a total amount of \$5,000, only one quotation need be solicited if the price received is considered reasonable. Reasonable efforts shall be made to assure that such purchases will be distributed equitably among qualified sources.

 - b. For purchases in excess of a total amount of \$5,000 but not exceeding a total amount of \$10,000, the following procedures shall apply:
 - i. For all purchases from not-for-profit corporations or state and local governments in excess of a total amount of \$5,000 but not exceeding a total amount of \$10,000, only one quotation need be solicited if the price received is considered reasonable. Reasonable efforts shall be made to assure that such purchases will be distributed equitably among qualified sources.

 - ii. For all other purchases in excess of a total amount of \$5,000 but not exceeding a total amount of \$10,000, no less than three offers shall be solicited to submit price quotations, which may be obtained verbally, by telephone, or in writing (which may be via e-mail). Award shall be made to the offeror providing the lowest and best quotation, unless justified in writing based on price and other specified factors. The names, addresses, and/or telephone numbers of the offerors and persons contacted, and the date and amount of each quotation shall be recorded and maintained as a public record.

3. Procedures for Purchases Exceeding \$10,000
 - a. For all purchases in excess of a total amount of \$10,000 used in the construction or maintenance of any public recreational facility, park, or public recreational ground in the District, the District shall utilize a competitive bidding process under either the “lowest and best bid” procedure set forth in section 34.040 RSMo, or the “lowest and best proposal” standard set forth in section 34.042 RSMo:

- i. An invitation for written bids and proposals shall be issued including specifications and material contractual terms and conditions applicable to the procurement. The District shall post a notice of the proposed purchase.
- ii. Advertisements should be made in at least two daily newspapers of general circulation and one weekly minority newspaper in such places as are most likely to reach prospective bidders or offerors and available to the general public at least seven (7) days before bids are to be opened.
- iii. The invitation for bids shall state the time and place for both the receipt of bids and the public bid opening. All bids received shall be marked for time and date received but not opened and shall be stored in a secure place until bid opening. A bidder may withdraw its bid at any time prior to bid opening.
- iv. Bids shall be solicited by mail or other reasonable method generally available to the public from prospective suppliers.
- v. The District may conduct a prebid meeting to provide information and respond to questions of potential bidders. Such meeting shall be held at least one week prior to the bid opening.
- vi. Sealed bids shall be opened publicly and in the presence of at least one witness. A summary of bids shall be recorded and the bids shall be available for public inspection. Award shall be made as provided in the invitation for bids by written notice to the successful bidder. If equal low bids are received from qualified bidders, award shall be made by drawing lots or similar random method, unless otherwise provided in State or local law and stated in the invitation for bids. If only one responsive bid is received from a qualified bidder, award shall only be made upon the completion of a cost or price analysis that verifies the reasonableness of the price.
- vii. The Chief Executive Officer, and such staff as directed by him/her, shall review the bids and make a recommendation of award to the lowest and best qualified bidder to the Board. Upon approval by the Board, the District shall direct the preparation of a contract for execution by the District and the successful bidder.

4. Bonding Requirements

- a. For construction contracts exceeding a total amount of \$50,000, contractors shall be required to submit the following:

- i. bid guarantee equivalent to 5% of the bid price;
- ii. performance bond satisfactory to the District for 100% of the contract amount, providing assuring complete performance of all obligations of the contract; and
- iii. payment bond for 100% of the contract price.

5. Amendments and Change Orders

- a. For all executed contracts not in excess of a total amount of \$50,000, amendments and change orders may be authorized by the Chief Executive Officer without Board approval; provided, however, that should the cumulative amount of the executed contract and the amendment or change order exceed a total amount of \$50,000, Board approval will be required.
- b. For all executed contracts in excess of a total amount of \$50,000, amendments and change orders not exceeding 10% of the total contract amount authorized by the Board may be authorized by the Chief Executive Officer without Board approval; provided, however, that should the cumulative amount of amendments and change orders exceed 10% of the total contract amount authorized by the Board, such amendment or change order must be approved by the Board.

H. Procedure For Purchases Not Used in the Construction or Maintenance of Any Public Recreational Facility, Park, or Public Recreational Ground

1. Any procurement not exceeding a total amount of \$50,000 may be authorized by the Chief Executive Officer without Board approval. The Chief Executive Officer shall report all contracts in excess of a total amount of \$10,000 authorized by the Chief Executive Officer without Board approval to the Board at the next regular Board meeting. Contract requirements shall not be artificially divided so as to constitute a purchase under this section. **Any procurement exceeding a total amount of \$50,000 must be approved by the Board.**

2. Procedures for Purchases Not Exceeding \$10,000
 - a. For all purchases not exceeding a total amount of \$5,000, only one quotation need be solicited if the price received is considered reasonable. Reasonable efforts shall be made to assure that such purchases will be distributed equitably among qualified sources.

 - b. For all purchases from not-for-profit corporations, state and local governments, or political subdivisions thereof in excess of a total amount of \$5,000 but not exceeding a total amount of \$10,000, only one quotation need be solicited if the price received is considered reasonable. Reasonable efforts shall be made to assure that such purchases will be distributed equitably among qualified sources.

 - c. For all other purchases in excess of a total amount of \$5,000 but not exceeding a total amount of \$10,000, no less than three offers shall be solicited to submit price quotations, which may be obtained verbally, by telephone, or in writing (which may be via e-mail). Award shall be made to the offeror providing the lowest and best quotation, unless justified in writing based on price and other specified factors. The names of the offerors and the date and amount of each quotation shall be recorded and maintained as a public record.

3. Procedures for Purchases Exceeding \$10,000
 - a. For all purchases in excess of a total amount of \$10,000 not used in the construction or maintenance of any public recreational facility, park, or public recreational ground in the District, the District may utilize any of the procurement procedures set forth below.

 - b. Competitive Bids
 - i. Contracts may be awarded on the basis of competitive bidding if the following conditions are present: a complete, adequate, and realistic specification or purchase description is available; two or more qualified bidders are willing and able to compete effectively for the work; the

procurement lends itself to a firm fixed price contract; and the selection of the successful bidder can be principally on the basis of price. The District shall use sealed bidding when required by law.

- ii. An invitation for written bids shall be issued including specifications and material contractual terms and conditions applicable to the procurement; including a statement that award will be made to the lowest and best qualified bidder whose bid meets the requirements of the invitation for bids. Advertisements should be made in such places as are most likely to reach prospective bidders or offerors and available to the general public at least seven (7) days before bids are to be opened. The invitation for bids shall state the time and place for both the receipt of bids and the public bid opening. All bids received shall be marked for time and date received but not opened and shall be stored in a secure place until bid opening. A bidder may withdraw its bid at any time prior to bid opening.
 - iii. The District may conduct a prebid meeting to provide information and respond to questions of potential bidders. Such meeting shall be advertised at least five days prior to the meeting date, and shall be held at least one week prior to the bid opening.
 - iv. Sealed bids shall be opened publicly and in the presence of at least one witness. A summary of bids shall be recorded and the bids shall be available for public inspection. Award shall be made as provided in the invitation for bids by written notice to the successful bidder. If equal low bids are received from qualified bidders, award shall be made by drawing lots or similar random method, unless otherwise provided in State or local law and stated in the invitation for bids. If only one responsive bid is received from a qualified bidder, award shall only be made upon the completion of a cost or price analysis that verifies the reasonableness of the price.
 - v. The Chief Executive Officer, and such staff as directed by him/her, shall review the bids and make a recommendation of award to the lowest and best qualified bidder.
- c. Requests for Proposals and Requests for Qualifications
- i. Requests for proposals or qualifications for professional and technical services may be used if there is an adequate method of evaluating such proposals or qualifications and where the District determines that conditions are not appropriate for the use of competitive bidding. In such circumstances, the following procurement procedures may be utilized:
 - a. Qualified Vendor's List

- i. Pursuant to a process approved by the Chief Executive Officer, the District may routinely maintain a list of qualified consultants (the “Qualified Vendor’s List”).
- b. Purchases Not Exceeding \$50,000
 - i. For all purchases not exceeding a total amount of \$50,000, only one quotation need be solicited from a firm on the Qualified Vendor’s List if the price received is considered reasonable. Reasonable efforts shall be made to assure that such purchases will be distributed equitably among qualified sources.
- c. Purchases in Excess of \$50,000
 - i. For all purchases in excess of a total amount of \$50,000, a request for qualifications (RFQ) or request for proposals (RFP) shall be developed which describes the project and identifies the factors on which proposals or qualifications are to be evaluated and the relative importance of price and other evaluation factors. The RFQ or RFP will be issued to at least three (3) firms; however, due to the uniqueness of the project, the Chief Executive Officer may determine to issue the RFQ to any number more than three (3) firms. A mechanism for fairly and thoroughly evaluating proposals or qualifications shall be established before the solicitation is issued. Proposals and qualifications shall be evaluated only on the criteria stated in the RFP or RFQ, as applicable.
 - ii. If appropriate, the District may enter into negotiations with offerors determined to have met the selection criteria established, based on evaluation against the factors specified in the RFP or RFQ. Such offerors shall be accorded fair and equal treatment with respect to any opportunity for negotiations and revisions of proposals.
 - iii. District staff shall select the firm considered best qualified and capable of performing the desired services, and negotiate with that firm based on a written description of the scope of the proposed services. If staff is unable to negotiate a satisfactory contract with the first firm selected, staff will terminate negotiations with that firm and undertake negotiations with the next firm it considers most qualified. If negotiations with that firm

are also unsuccessful, staff shall undertake negotiations with the remaining firm(s). If staff is unable to negotiate a contract with any of the selected firms, it shall reevaluate the needed services and reasonable fee requirements and repeat the steps outlined above.

4. Amendments and Change Orders

- a. For all executed contracts not in excess of a total amount of \$50,000, amendments and change orders may be authorized by the Chief Executive Officer without Board approval; provided, however, that should the cumulative amount of the executed contract and the amendment or change order exceed a total amount of \$50,000, Board approval will be required.
- b. For all executed contracts in excess of a total amount of \$50,000, amendments and change orders not exceeding 10% of the total contract amount authorized by the Board may be authorized by the Chief Executive Officer without Board approval; provided, however, that should the cumulative amount of amendments and change orders exceed 10% of the total contract amount authorized by the Board, such amendment or change order must be approved by the Board.

I. Procedure for Purchases of Construction Management Services

1. Any procurement not exceeding a total amount of \$50,000 may be authorized by the Chief Executive Officer without Board approval. The Chief Executive Officer shall report all contracts in excess of a total amount of \$10,000 authorized by the Chief Executive Officer without Board approval to the Board at the next regular Board meeting. Contract requirements shall not be artificially divided so as to constitute a purchase under this section. **Any procurement exceeding a total amount of \$50,000 must be approved by the Board.**
2. Notwithstanding Sections G or H of these policies, for all purchases for construction management services, the following procurement procedures shall be utilized. Procurement of these services shall be in accordance with RSMo. Section 8.679.
 - a. Purchases for Construction Management Services With Total Construction Costs Not Exceeding \$1,500,000
 - i. For all purchases of construction management services for projects where the total construction costs do not exceed a total amount of \$1,500,000, a request for proposals shall be solicited by advertising for a period of ten days in one newspaper of general circulation in the county where the project is located. The number of such proposals shall not be restricted or curtailed, but shall be open to all construction managers complying with the terms upon which the proposals are requested.
 - ii. The following criteria shall be considered in evaluating proposals: fees for overhead and profit; reimbursable costs for reimbursable items as defined in the request for proposal; qualifications; demonstration of ability to perform projects comparable in design, scope and complexity; demonstration of good faith efforts to achieve compliance with federal, State and local affirmative action requirements; references of owners for whom construction management has been performed; financial strength; qualifications of in-house personnel who will manage the project; and the demonstration of successful management systems which have been employed for the purposes of estimating, scheduling and cost controls.
 - iii. District staff shall select the firm considered best qualified and capable of performing the desired services based upon the foregoing criteria, and negotiate with that firm based on a written description of the scope of the proposed services. If District staff is unable to negotiate a contract with the firm selected at a price determined by the District to be fair and reasonable, the District shall reevaluate the necessary construction management services, including the scope and reasonable fee requirements, and again advertise and solicit proposals from construction managers complying with the terms of the revised requests for proposal.

b. Purchases for Construction Management Services With Total Construction Costs Exceeding \$1,500,000

- i. For all purchases of construction management services for projects where the total construction costs exceed a total amount of \$1,500,000, a request for proposals shall be solicited by advertising for a period of ten days in two daily newspapers in the State which have not less than fifty thousand daily circulation in addition to advertising in the county where the project is located. The request for proposals shall also be advertised in one weekly minority newspaper. The number of such proposals shall not be restricted or curtailed, but shall be open to all construction managers complying with the terms upon which the proposals are requested.
- ii. The following criteria shall be considered in evaluating proposals: fees for overhead and profit; reimbursable costs for reimbursable items as defined in the request for proposal; qualifications; demonstration of ability to perform projects comparable in design, scope and complexity; demonstration of good faith efforts to achieve compliance with federal, State and local affirmative action requirements; references of owners for whom construction management has been performed; financial strength; qualifications of in-house personnel who will manage the project; and the demonstration of successful management systems which have been employed for the purposes of estimating, scheduling and cost controls.
- iii. District staff shall select the firm considered best qualified and capable of performing the desired services based upon the foregoing criteria, and negotiate with that firm based on a written description of the scope of the proposed services. If District staff is unable to negotiate a contract with the firm selected at a price determined by the District to be fair and reasonable, the District shall reevaluate the necessary construction management services, including the scope and reasonable fee requirements, and again advertise and solicit proposals from construction managers complying with the terms of the revised requests for proposal.

3. Amendments and Change Orders

- a. For all executed contracts not in excess of a total amount of \$50,000, amendments and change orders may be authorized by the Chief Executive Officer without Board approval; provided, however, that should the cumulative amount of the executed contract and the amendment or change order exceed a total amount of \$50,000, Board approval will be required.

- b. For all executed contracts in excess of a total amount of \$50,000, amendments and change orders not exceeding 10% of the total contract amount authorized by the Board may be authorized by the Chief Executive Officer without Board approval; provided, however, that should the cumulative amount of amendments and change orders exceed 10% of the total contract amount authorized by the Board, such amendment or change order must be approved by the Board.

J. Procedure for Purchases of Architectural, Engineering and Land Surveying Services

3. Any procurement not exceeding a total amount of \$50,000 may be authorized by the Chief Executive Officer without Board approval. The Chief Executive Officer shall report all contracts in excess of a total amount of \$10,000 authorized by the Chief Executive Officer without Board approval to the Board at the next regular Board meeting. Contract requirements shall not be artificially divided so as to constitute a purchase under this section. **Any procurement exceeding a total amount of \$50,000 must be approved by the Board.**

4. Notwithstanding Sections G or H of these policies, for all purchases for architectural, engineering, and land surveying services, the following procurement procedures shall be utilized. Procurement of these services is exempted from competitive bidding requirements under RSMo. Section 8.285.
 - a. Prequalification List
 - i. Pursuant to a process established by the Chief Executive Officer, the District may routinely maintain a list of qualified consultants which provide architectural, engineering, and land surveying services (the “Prequalification List”).

 - b. Purchases Not Exceeding \$50,000
 - i. For all purchases not exceeding a total amount of \$50,000 for architectural, engineering, and land surveying services, only one quotation need be solicited from a firm on the Prequalification List if the price received is considered reasonable; however, due to the uniqueness of the project, the Chief Executive Officer may determine to issue the RFQ to any number more than three (3) firms, including or not including those on the District’s Prequalified List. Reasonable efforts shall be made to assure that such purchases will be distributed equitably among qualified sources.

 - c. Purchases in Excess of \$50,000
 - i. For all purchases in excess of a total amount of \$50,000 for architectural, engineering, and land surveying services, a request for qualifications (RFQ) or invitation to interview shall be developed which describes the project, requests the consultant’s approach to the project, and identifies the factors upon which consultants are to be evaluated and the relative importance of specific qualifications and other evaluation factors. The RFQ or invitation to interview will be issued to at least three (3) firms on the District’s Prequalified List; however, due to the uniqueness of the project, the Chief Executive Officer may determine to issue the RFQ to any number more than three (3) firms, including or not including those

on the District's Prequalified List. A mechanism for fairly and thoroughly evaluating the qualifications shall be established by the Chief Executive Officer before the solicitation is issued.

- ii. District staff shall select the firm considered best qualified and capable of performing the desired services, and negotiate with that firm based on a written description of the scope of the proposed services. If staff is unable to negotiate a satisfactory contract with the first firm selected, taking into account considerations including but not limited to price, staff will terminate negotiations with that firm and undertake negotiations with the next firm it considers most qualified. If negotiations with that firm are also unsuccessful, staff shall undertake negotiations with the remaining firm(s). If staff is unable to negotiate a contract with any of the selected firms, it shall reevaluate the needed services and reasonable fee requirements and repeat the steps outlined above.

4. Amendments and Change Orders

- a. For all executed contracts not in excess of a total amount of \$50,000, amendments and change orders may be authorized by the Chief Executive Officer without Board approval; provided, however, that should the cumulative amount of the executed contract and the amendment or change order exceed a total amount of \$50,000, Board approval will be required.
- b. For all executed contracts in excess of a total amount of \$50,000, amendments and change orders not exceeding 10% of the total contract amount authorized by the Board may be authorized by the Chief Executive Officer without Board approval; provided, however, that should the cumulative amount of amendments and change orders exceed 10% of the total contract amount authorized by the Board, such amendment or change order must be approved by the Board.

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