

Resolution No. 409

**A RESOLUTION OF THE COUNTY COUNCIL OF DORCHESTER
COUNTY ADOPTING A FISCAL POLICY ON PURCHASING, TO
SUPERSEDE ANY PREVIOUSLY ADOPTED OR PRACTICED POLICY
ON PURCHASING, AND SPECIFYING THE POLICY IS APPLICABLE
TO ALL DEPARTMENTS, OFFICES AND AGENCIES OF
DORCHESTER COUNTY, MARYLAND GOVERNMENT**

WHEREAS, Dorchester County is accountable to its citizens for the use of public dollars and its resources should be used wisely to ensure adequate funding for the services, public facilities and infrastructure necessary to meet the County's present and future needs; and

WHEREAS, the adoption of financial policies is recognized as a best practice in public budgeting; and

WHEREAS, financial policies should be an integral part of the development of service, capital, and financial plans and the budget; and

WHEREAS, procurement policies and procedures are designed to support and facilitate the public service functions of the County through the acquisition of goods and services by applying best methods and business practices that provide for public confidence in the County; and

WHEREAS, the County Council desires to develop a policy providing for a procurement process of quality and integrity, broad based competition, fair and equal treatment of the business community, increased economy in the procurement process, and uniform procurement procedures.

NOW THEREFORE, BE IT RESOLVED by the County Council of Dorchester County, Maryland that the attached Fiscal Policy on Purchasing (summarized below) be adopted:

APPLICABILITY

This fiscal policy applies to all departments, offices, and agencies of Dorchester County Government in the acquisition, rental, purchase or lease of supplies, services, maintenance, capital improvements, and architectural and engineering services, and any purchase not specifically excluded.

The Department Head has the responsibility to ascertain that adequate budgeted funding exists before approval of any purchases.

Purchases shall not be artificially divided to meet less substantive procurement methods.

EXCLUSIONS

The following items do not require a Purchase Order: emergency procurements, postage, expense reimbursements, utilities and insurance.

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Certain disbursements by their nature are not purchases and are not subject to the purchasing policies and procedures. The following disbursements are examples: Debt/lease payments, budgeted appropriations, grant funds passed to sub-recipients, capital funding reimbursements, and withholding remittances. Whether a disbursement is subject to the purchasing policy will be resolved by the Finance Officer with final approval by the County Administrator.

Heavy equipment repairs are excluded from the purchasing policies. Heavy equipment is defined as equipment whose operators are required by personnel policy to be a Motor Equipment Operator IV.

PROCUREMENT METHODS

ALL PURCHASES LESS THAN \$2,500 for which funds have been provided within appropriate departmental budget accounts shall be the Department Head's responsibility to ensure the selection of a vendor that can deliver within required specifications at the lowest and/or best cost. The preferred method of purchase for procurements \$500 or less is using the purchasing card in accordance with the purchasing card policies and procedures manual.

ALL PURCHASES OF \$2,500 AND LESS THAN \$5,000 for which funds have been provided within appropriate departmental budget accounts shall require at least 3 verbal quotes and/or proposals. Purchase shall be initiated by submitting a completed purchase requisition form to the Finance Office. The purchase requisition should reflect the quoting vendor's name and respective quote. It shall be the Department Head's responsibility to ensure the selection of a vendor that can deliver within the required specifications at the lowest and/or best cost. The department shall retain adequate documentation substantiating the quotes or proposals. The Finance Office will prepare the Purchase Order and return to the initiating department. Departments upon receipt of the Purchase Order may then initiate the purchase.

SOLE SOURCE OVER \$2,500

If the Department Head wishes to purchase any item over \$2,500 on a sole source basis, the Director of said department must obtain written permission from the County Administrator or designee. The request for permission should address why a sole source purchase is necessary. The Department Head has a duty to negotiate the most favorable price and terms and conditions notwithstanding the sole source nature of the procurement.

EMERGENCY PROCUREMENTS

If the County Administrator or designee determines the need for an emergency purchase, the County Council shall approve any resulting contracts in regular session, with a statement as to the need for the emergency purchase. Emergency procurements may be negotiated on a sole source or limited competition basis as dictated by the circumstances surrounding the emergency.

An emergency procurement is justified only when an emergency condition exists that threatens one or more of the following: the health or safety of any person(s) or animal(s); the preservation or protection of property; or the continuance of necessary County functions.

Emergency procurements shall be limited to the procurement of only the types of items and quantities or time period sufficient to meet the immediate threat and shall not be used to meet long-term requirements.

PROCUREMENT BY COOPERATIVE PURCHASING AGREEMENTS OR FEDERAL/STATE CONTRACTS

The County may participate in, conduct, sponsor or administer a cooperative purchasing agreement. The purpose of such agreements is to promote efficiency and savings that can result from cooperative purchasing. The County may also use contracts established by the Federal government and its instrumentalities, the State of Maryland, and other states agencies and instrumentalities. Use of either procurement method is dependent on the best interests of the County, whether the agreement or contract was awarded on a competitive basis, County Council approval, and provided that the terms and conditions of the applicable agreement or contract does not prohibit use by the County.

COMPETITIVE BIDDING - \$5,000 OR MORE

Unless competitive bidding is waived by the County Council, bids must be sought for purchases of \$5,000 or more. The following bidding procedures should be followed:

- a. When public competitive bidding is required for the purchase or lease of supplies or capital equipment, the department initiating the purchase shall prepare bidding documents.
- b. When public bidding is required for the award of public works contracts, bidding documents shall be reviewed as appropriate by the Engineering Department.
- c. When prepared, such documents shall be filed with the County Administrator and Director of Finance. The initiating department upon the approval of the County Council shall solicit bids by advertising at least twice within a seven-day period, in a publication of general circulation within the County. The initiating department may also advertise in trade or professional journals or publications when such advertising may be deemed to be in the best interests of the competitive bidding process.
- d. All bids shall be in writing and sealed, and shall be opened at a public meeting to be held on the day and time and at such place as is designated in the advertisement for bids. The County Administrator or in the absence of the County Administrator the Director of Finance shall conduct the bid opening.
- e. Upon opening of bids as herein provided, the bids shall be submitted to the initiating department for review and tabulation, following which said department shall then recommend to the County Council the bid which in their opinion should be accepted. The County Administrator shall then certify to the County Council a recommendation that all appropriate bid procedures have been followed and that the best bid in the opinion of the County has been selected for award.
- f. The County Council shall accept the lowest or best bid deemed to be reasonable, and in the best interests of the County, price, quality of goods, work or services, time of delivery or completion and responsibility of bidders all being considered.

g. The County Council may reject any or all bids, may re-advertise for new bids, and may postpone or abandon any purchase, lease contract or project.

h. Any bid that is not received at the designated location, time, and date set forth in the bid documents will be considered late and will not be considered. Delivery of the bid to the specified location at the prescribed time and date is the sole responsibility of the bidder. Late bids shall be returned to the bidder unopened.

i. Technicalities or minor irregularities in bids may be waived if the County Council determines that it shall be in the County's best interest. The Council may either give a bidder the opportunity to cure any deficiency or waive the deficiency if it is to the County's advantage to do so.

j. The department head shall provide notice of bid results to all participating bidders.

COMPETITIVE SEALED PROPOSALS

This procurement method employs a Request for Proposals (RFP) for the solicitation of competitive sealed proposals which are evaluated on the basis of factors that include but are not limited to price. Evaluation shall be based on the factors set forth in the request for proposals in order to determine which proposal best meets the needs of the County.

PASSED and ADOPTED this 29th day of March, 2005.


This Resolution shall be effective upon its adoption.

ATTEST:



Jane Baynard, County Manager

COUNTY COUNCIL OF DORCHESTER
COUNTY



Glenn L. Bramble, President



David Yockey, Vice President



Effie M. Elzey, Council Member



Thomas A. Flowers, Council Member



William V. Nichols, Council Member

DORCHESTER COUNTY, MARYLAND



PURCHASING POLICIES & PROCEDURES

Revised March 29, 2005

Glenn L. Bramble, President
David Yockey, Vice-President
Dr. Thomas A. Flowers
Effie M. Elzey
William V. Nichols

Originally Approved 2/19/2002
Revised 7/30/2002

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SECTION I. - INTRODUCTION

The County Council of Dorchester County approved on March 29, 2005, these procurement policies and procedures for the governance of procurements by the County.

SECTION II. - AUTHORITY AND DELEGATION

Article 25, Section 3 of the Annotated Code of Maryland authorizes the Council to adopt by Resolution administrative acts. Pursuant to Resolution Number _____ of the Council of Dorchester County this policy shall supersede any previously adopted or practiced purchasing and bidding procedures.

SECTION III. - PURPOSE

These procurement policies and procedures are designed to support and facilitate the public service functions of the County through the acquisition of goods and services by applying best methods and business practices that provide for public confidence in the County.

This document provides for a procurement process of quality and integrity, broad based competition, fair and equal treatment of the business community, increased economy in the procurement process, and uniform procurement procedures.

SECTION IV. - APPLICABILITY

This fiscal policy applies to all departments, offices, and agencies of Dorchester County Government in the acquisition, rental, purchase or lease of supplies, services, maintenance, capital improvements, and architectural and engineering services, and any purchase not specifically excluded.

The Department Head has the responsibility to ascertain that adequate budgeted funding exists before approval of any purchases.

Purchases shall not be artificially divided to meet less substantive procurement methods.

SECTION V. - EXCLUSIONS

The following items do not require a Purchase Order: emergency procurements, postage, expense reimbursements, utilities and insurance.

Certain disbursements by their nature are not purchases and are not subject to the purchasing policies and procedures. The following disbursements are examples: Debt/lease payments, budgeted appropriations, grant funds passed to sub-recipients, capital funding reimbursements, and withholding remittances. Whether a disbursement is subject to the purchasing policy will be resolved by the Finance Officer with final approval by the County Administrator.

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