



Lubbock County Purchasing Policy

Office of the Lubbock County Purchasing Department

The Lubbock County Purchasing Policy was originally Adopted on December 23, 1996, and was effective on January 1, 1997. It was last revised on July 24, 2023, before the 2026 policy went into effect on June 22, 2026.



Resolution

AMENDING OF THE LUBBOCK COUNTY PURCHASING POLICY

WHEREAS, the following policy, having been discussed and reviewed by Commissioners Court; and,

WHEREAS, the following policy supersedes and replaces any and all previous policies, either written or unwritten; and,

WHEREAS, all department heads and elected officials are to ensure that all of their employees are aware of the attached policy and for their compliance with the same; and,

NOW, THEREFORE, BE IT RESOLVED, it is ordered, adjudged, and decreed that the following policy for Purchasing is adopted by Lubbock County, effective the 22nd Day of June, to remain in effect until further orders are issued by this Court.

Passed and Approved on this 22nd Day of June 2026.

Curtis Parrish, County Judge

Mike Dalby, Precinct One

Jason Corley, Precinct Two

Cary Shaw, Precinct Three

Jordan Rackler, Precinct Four

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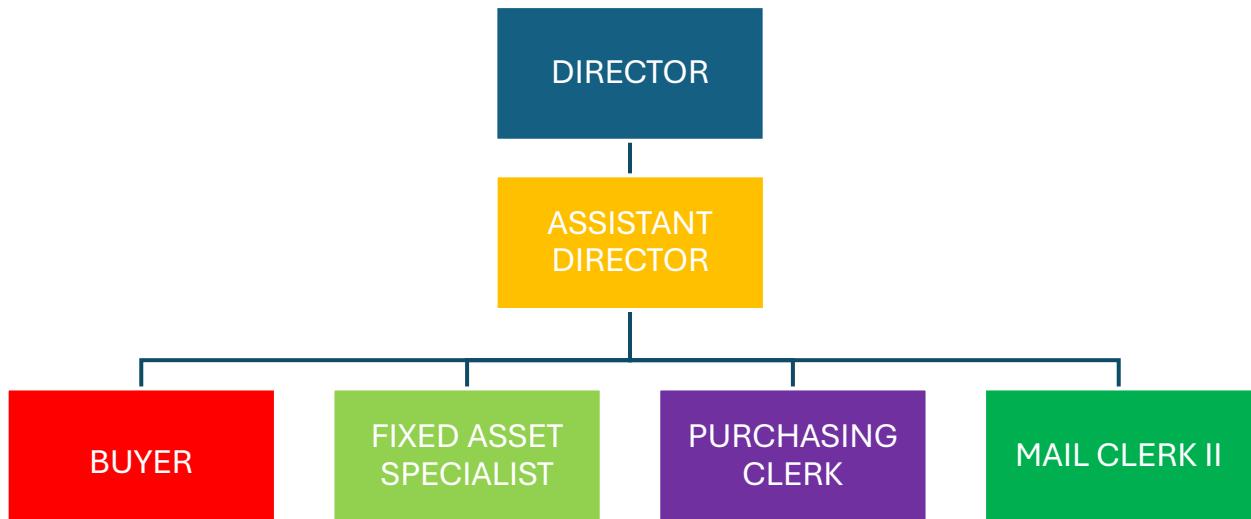
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Lubbock County Purchasing Department

ORGANIZATIONAL CHART



SECTION 1: PURCHASING AUTHORITY

APPLICATION

This manual contains the authorized procedures for purchasing by County officials and employees. These procedures are adopted by the Lubbock County Commissioners Court, and changes in the contents of this manual shall be made only by the Commissioners Court.

This manual has been developed to provide guidelines for the Lubbock County Departments and to help those Departments fully understand the legal and ethical responsibilities of the Lubbock County Purchasing Department. This manual is organized in a way that others can follow and understand the logic behind the guidelines and procedures. The purchasing process is not a static process; it is one with continuous improvements as determined by Legislators, Lubbock County Commissioners Court, and the Lubbock County Purchasing Department. This manual presents the most current information.

Texas Local Government Code Chapter 262 governs county purchasing procedures and these statutes, including interpretations of them made by Texas Courts, are the ultimate authority on the validity of purchasing procedures. Because the procedures described in this manual are based on State law, this manual, in many instances, contains language taken directly from statutes. This manual cannot address every situation and, when an unusual situation occurs or a difficult legal problem arises, the exact statutory language must be reviewed and analyzed. In every situation, the final authority for County purchasing procedures is the Commissioners Court.

Under the authority of the Texas Local Government Code Section 262, the Lubbock County Director of Purchasing has adopted policies and procedures for the Lubbock County Purchasing Office. Lubbock County Manual for Purchasing Policies and Procedures will be formally approved by the Lubbock County Commissioners Court.

Effective Date - The policies and procedures written in this manual become effective upon approval by the Lubbock County Commissioners Court.

PRECEDENTS AND INTERPRETATION

Precedent and interpretation of the laws shall be as follows:

- If a conflict between the policy and procedures of Lubbock County and State Law occurs, the stricter of the two provisions will govern.
- Headings and titles shall not be used to interpret policy and procedures.
- If at any time a provision of the policies and procedures is deemed to be null and void, the remainder of the policy and procedures manual will not be affected.

The Texas Local Government Code, Chapter 262.0115, determines the roles and responsibilities for the Director of Purchasing to include the following: Purchasing Agent shall also have the same meaning as Director of Purchasing. It is standard operating procedure that Lubbock County, through their employment of the

Director of Purchasing, will comply with these laws. It is also understood that the Director of Purchasing will meet the requirements of these laws as they are amended.

A purchasing agent employed under this section serves at the pleasure of the commissioners court. The commissioners court may employ other persons necessary to assist the purchasing agent in performing the agent's functions.

Under the supervision of the commissioners court, the purchasing agent shall carry out the functions prescribed by law for a purchasing agent under Section 262.011 in regard to county purchases and shall administer the procedures prescribed by law for notice and public bidding for county purchases.

- The county purchasing agent shall purchase all supplies, materials, and equipment required or used, and contract for all repairs to property used, by the county or a subdivision, officer, or employee of the county, except purchases and contracts required by law to be made on competitive bid. A person other than the county purchasing agent may not make the purchase of the supplies, materials, or equipment or make the contract for repairs.
- The county purchasing agent shall supervise all purchases made on competitive bid and shall see that all purchased supplies, materials, and equipment are delivered to the proper county officer or department in accordance with the purchase contract.
- A purchase made by the county purchasing agent shall be paid for by an electronic transfer, check, or warrant drawn by the county auditor on funds in the county treasury in the manner provided by law. The county auditor may not draw, and the county treasurer may not honor an electronic transfer, check, or warrant for a purchase unless the purchase is made by the county purchasing agent or on competitive bid as provided by law.
- On July 1 of each year, the county purchasing agent shall file with the county auditor and each of the members of the board that appoints the county purchasing agent an inventory of all the property on hand and belonging to the county and each subdivision, officer, and employee of the county. The county auditor shall carefully examine the inventory and make an accounting for all property purchased or previously inventoried and not appearing in the inventory.
- To prevent unnecessary purchases, the county purchasing agent, with the approval of the commissioners court, shall transfer county supplies, materials, and equipment from a subdivision, department, officer, or employee of the county that are not needed or used to another subdivision, department, officer, or employee requiring the supplies or materials or the use of the equipment. The county purchasing agent shall furnish to the county auditor a list of transferred supplies, materials, and equipment.
- The county purchasing agent may have assistants to aid in the performance of the agent's duties. A person who is authorized by the county purchasing agent to use a county purchasing card while making a county purchase is considered an assistant of the county purchasing agent to the extent the person complies with the rules and procedures prescribed for the use of county purchasing cards as adopted by the county purchasing agent and approved by Commissioners Court.

SECTION 2: PURCHASING ROLES AND RESPONSIBILITIES

The Lubbock County Purchasing Department aims to maintain an efficient purchasing department engaged in the procurement of goods and services according to State Statutes and approved County Policies and Procedures. It is expected that Lubbock County will receive goods and services of the highest quality, at the

best price, and on a timely basis. The procurement process will provide responsible bidders with a fair and equal opportunity to compete for Lubbock County business. The Lubbock County Purchasing Department will be recognized for the customer service it provides and for its honesty and integrity.

To provide a centralized procurement program encompassing statewide and nationally approved principles and practices.

This purchasing manual is not static. Purchasing procedures in Lubbock County will change as needed, particularly evolving to incorporate technological advances and changing legislation.

The Purchasing Department as well as officials, managers, and employees will provide all responsible vendors with equitable and competitive access to the County procurement process. Further, County purchasing will be conducted in a manner that will promote and foster public confidence in the integrity of the County procurement process.

Purchasing Department personnel accumulate a solid foundation of knowledge and experience about purchasing marketing trends, prices, and vendors. This expertise assists users to define their needs better to save the County money and promotes a more efficient procurement process.

The County Purchasing Policy is to:

1. Seek the best quality, lowest priced goods, and services available that meet the needs and delivery requirements of Lubbock County personnel;
2. Provide all responsible vendors and contractors, including Disadvantaged Business Enterprise (DBE), with equitable access to servicing the needs of Lubbock County and its personnel through the competitive bidding of goods and services;
3. Ensure compliance with the County Purchasing Act as well as other state and federal laws applying to county purchasing;
4. Manage all County assets and inventory so that replacement costs are minimized and Lubbock County can account for those assets; and
5. Dispose of all surplus, salvage, seized, and abandoned property in a manner that provides the most benefit to the taxpayers of the County and complies with the law.

ADDITIONAL RESPONSIBILITIES:

In addition, the responsibilities of the Director of Purchasing shall be to:

1. Develop, implement, and maintain a Fixed Asset Management System;
2. Develop, implement, and maintain the Cooperative Purchasing Program;

3. Encourage and support procurement staff with the tools and training necessary to ensure effective, professional, and consistent procurement in Lubbock County, as well as championing the public perception that tax dollars are wisely spent;
4. Work in conjunction with the Auditor and other County officials in the development of efficient financial processes;
5. Promote local business participation in Lubbock County procurement processes; and
6. Provide the business community with a central professional link to County business.
7. Administration of the Purchasing Card Program (P-Card) and fuel card. For additional information on Purchase Cards, please refer to the Purchasing Card Program Policy and Procedures Manual.

CERTIFICATION AND TRAINING

Employees of the Lubbock County Purchasing Department continually train to better understand the intent of the law; to provide a comprehensive approach in servicing Lubbock County, and to promote integrity in the decision-making process. The integrity of the procurement process must be enforced to maintain the public's trust and reduce exposure to criticism. It is the belief of the Lubbock County Purchasing Department that by transferring purchasing knowledge to other county employees we become partners, and collaboration truly becomes embedded in the purchasing process.

The Lubbock County Director of Purchasing is required to complete not less than 25 hours of course work that relates to the duties of the Director of Purchasing. The courses must be:

- Accredited by a nationally recognized college or university
- Recognized by a nationally purchasing association; or
- Offered by state agencies, or by state professional associations, related to purchasing.

In addition, it is the goal of all Purchasing Department employees, including the Director of Purchasing, to seek state certification from the Texas State Comptroller's office to be a State Purchaser. The certification is the Basic Texas Purchaser (8-hour course) and the Certified Texas Contract Developer (24-hour course) to be certified. Certifications are issued for three (3) years and require Procurement professionals upon renewing the three (3) year certification to take twenty-four (24) hours of SPD-sponsored in-person or online continuing education. One (1) of the twenty-four (24) hours must be ethics, to maintain certification. In addition, one (1) hour may be a non-SPD-sponsored elective of your choice. Hours are tracked on each employee's transcript.

Dual certifications require 36 hours to maintain certification. The dual certification includes the Certified Texas Contract Manager (CTCM) (16-hour course).

PURCHASING CODE OF ETHICS POLICY

It is the policy of Lubbock County that the following ethical principles will govern the conduct of every employee involved directly or indirectly in the County procurement process.

Conflicts-of-Interest, Nepotism and Misuse of a Public Position.

A. Affirmative Duty to Disclose an Interest and Abstain from Participation.

1. Where a member of the Commissioners Court, or any other officer of Lubbock County, whether elected, appointed, paid or unpaid, who exercises authority beyond that which is advisory in nature, has a substantial interest in a business entity or real property, that official shall file, before a vote or decision on any matter involving the business entity or real property, an affidavit with the County Clerk of Lubbock County, stating the nature and extent of the interest, and shall abstain from further participation in the matter, if:
 - i. In the case of substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
 - ii. In the case of a substantial interest in real property, it is a reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.
2. If the official is required to file and does file an affidavit under Subsection (1), the official is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of the governmental entity of which the official is a member is composed of persons who are likewise required to file and who do file affidavits of similar interests on the same official action.
3. Furthermore, the official may not:
 - i. Act as surety for a business entity that has work, business, or a contract with Lubbock County; or
 - ii. Act as surety on any official bond required of an officer of Lubbock County.
4. "Substantial Interest"
 - i. A person has a substantial interest in a business entity if:
 - a. The person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or \$5,000 or more of the fair market value of the business entity; or
 - b. Funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.
 - ii. A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.
 - iii. A local public official is considered to have a substantial interest under this section if a person related to the official in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a substantial interest under this section.

iv. The relation in c) is defined as the official's spouse, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, and sister-in-law.

5. "Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

B. Additional Forbidden Actions, Selected Criminal Statutes

The following actions are forbidden under the Texas Penal Code:

1. Abuse of official capacity which includes the misuse of anything of value belonging to the government or violating a law relating to the individual's office or employment.
2. Official oppression which includes the use of one's official position to deny another the exercise or enjoyment of any right.
3. Misuse of official information which includes the use of information not yet released to the public and known by virtue of one's official position, for personal gain, for the gain of another person, or with intent to harm another person.
4. Honorariums and solicitation or acceptance of gifts for the performance of official duties.
5. Perjury, falsification and tampering with or fabricating evidence and official records.

Lubbock County Purchasing Policy is based on statutes provided for in Texas Local Government Code and Texas Penal Code. All statutes were currently in force at the time of the approval of this policy.

If found to be in the best interest of Lubbock County, any part or portion of this policy may be repealed or changed by an order of the Commissioners Court. Such action will not affect any other part or portion of this policy.

CONFLICT OF INTEREST

Employees will avoid any activity that would create a conflict between personal interests and the interests of Lubbock County. Conflicts exist in any relationship where an employee is not acting in the County's best interest and may be acting in their own best interests or the interests of someone associated with them. Such conflicts of interest would include being involved in any procurement activity in which:

1. The employee or any member of the employee's family has any financial interest pertaining to the Lubbock County procurement process;
2. A business or organization in which the employee, or any member of the employee's family, has a financial interest pertaining to the Lubbock County procurement process;
3. Any other person, business, or organization with whom the employee or a member of the employee's family is negotiating or has any arrangement concerning prospective employment.

If any such conflicts of interest exist, the employee will immediately notify the Director of Purchasing in writing and will remove himself/herself from the Lubbock County procurement process.

GRATUITIES

Benefits, gifts, or favors shall not be accepted from contractors, vendors, or other people who deal with Lubbock County except as provided by law.

All employees shall never solicit or accept money, loans, gifts, favors, or anything of value, from present or potential vendors that might influence or appear to influence any purchasing decision. Generally, edible goods will not offend this prohibition unless it appears to influence a purchasing decision. If anyone is in doubt whether a transaction complies with this policy, the individual should disclose the transaction to the Director of Purchasing for interpretation.

CONFIDENTIAL INFORMATION

Employees shall keep the proprietary information of vendors confidential. Employees shall keep County information obtained from a solicitation by the County confidential until after contract award if the response solicitation provides for it to be kept confidential.

SECTION 3: PURCHASING PROCEDURES

It is the policy of Lubbock County that all purchasing shall be conducted strictly based on economic and business merit in accordance with both State and Federal law. The Purchasing Department will:

1. Provide the best service possible to all County departments in a fair and equitable manner.
2. Ensure an atmosphere of equality to all vendors without regard to undue influence or political pressure.
3. Protect the interests of the Lubbock County taxpayers in all expenditures.
4. Be the only point of contact for vendors seeking to do business with Lubbock County.

Lubbock County intends to maintain a cost-effective purchasing system conforming to good management practices. The establishment and maintenance of a good purchasing system are possible only through a cooperative effort.

The responsibility of purchasing ultimately rests with the Commissioners Court. The Director of Purchasing, as an agent of the Commissioners Court, aids in the purchasing process, but is subject to the Court's direction as to reasonable specifications and maximum prices on the items to be purchased. The Director of Purchasing, as authorized by the Commissioners Court, shall instruct departments and agencies as to the various rules and procedures needed to fulfill the Director of Purchasing's duties.

GENERAL GUIDELINES

Lubbock County will not be obligated to purchase goods that are delivered for use on a trial basis or not purchased by the Purchasing Department.

The following strategies, as defined in Texas Local Government Code 262.022, that are employed with the intention of avoiding formal competitive bidding are in violation of Texas Local Government Code 262.023:

1. “Component purchases” means purchases of the component parts of an item that in normal purchasing practices would be purchased in one purchase.
2. “Separate purchases” means purchases, made separately, of items that in normal purchasing practices would be purchased in one purchase.
3. “Sequential purchases” means purchases, made over a period, of items that in normal purchasing practices would be purchased in one purchase.

Texas Local Government Code 262.034 details the specific criminal penalties for using component, separate or sequential purchases to avoid formal competitive bidding.

Employees must never purchase goods or services for their own personal benefit. No one may use the name of Lubbock County for any personal purchase or charge any personal purchase to Lubbock County. Any such action is prohibited and may be grounds for prosecution.

Employees shall avoid any appearance of unethical or compromising practices in all relationships, actions and communications.

ADDITIONAL PROCEDURAL RESPONSIBILITIES

Departments must be cognizant of budget balances and refrain from trying to process requisitions more than their balances unless the proper transfer of funds has been accomplished. Purchase requisitions for which there is not adequate funding will not be processed.

Departments should plan purchases to keep emergency purchase requisitions to a minimum. Lubbock County seldom realizes any economic benefits from hastily processed requisitions. Vendors may attempt to charge premium prices for goods or services when the Purchasing Department is not allowed the proper time to explore all sources.

The Purchasing Department is committed to processing purchase requisitions within three business days.

Requisitions may be delayed and/or rejected if they are not completed properly. Examples are incorrect funding source, user defined field incorrect, inadequate competition, incorrect vendor, cooperative compliance, proper workflow, general description and proper attached documentation.

The Purchasing Department shall review all purchase requests and ensure they are descriptive and specific, but do not prevent competitive bidding for comparable goods.

Since there is no central receiving location in the County, each department is responsible for receiving goods and services. Departments should promptly contact vendor of any incorrect invoices, shortages, late delivery, damaged merchandise, or any other problem relating to the vendor's performance.

It is hoped that departments understand and appreciate that the nature of public purchasing is to review and consider all purchase requests to promote competitive bidding.

- If it is anticipated to exceed \$100,000, the purchase will be made in accordance with Texas Statutes governing political subdivisions of the State.
- If a request for goods or services is \$99,999 or less, the purchase will be made in accordance with the policies and procedures set by the Director of Purchasing and adopted by the Commissioners Court.
- All purchases from the Justice of the Peace Technology Fund will require the approval of the Lubbock County Commissioners Court.
- For travel related eligible expenses and guidance, refer to Lubbock County Employee Handbook, Section 6.02
- **Travel-related expenses purchased in a prior fiscal year must be coded in Munis to a pre-paid account for the next fiscal year. It is the Department Heads responsibility to ensure that funds are available from the Travel & Training account.**
- **Uniforms/clothing provided by the County shall only be purchased with the use of a Purchase Order. For additional information on uniforms, refer to Lubbock County Employee Handbook, Section 10.11.**

The following items cannot be purchased with County funds:

- Food or beverages for departmental parties, retirements, etc. Meals for specific County sponsored events must be approved in advance by the Commissioners Court. Recurring specific events can be blanket approved for the fiscal year. For additional information refer to Lubbock County Employee Handbook, Section 10.06.
- Any purchases for staff retirements, birthdays, weddings, etc.
- Any department cards and postage that are not work related, for example cards and postage for holidays, retirement and birthdays.
- Small break room items, equipment and supplies such as microwave ovens, televisions, cable service, small appliances, snacks, plates, cups, etc.
- Any item for personal use. This includes any décor items for county employees' offices including, but not limited to, framed or unframed pictures, maps, flags, challenge coins or any other decorative items.

Contact the Director of Purchasing if you have any questions regarding the above restricted items.

It is the policy of Lubbock County that, in all governmental purchases, preference be given to the purchase of products made from recycled material, if those products containing such recycled material meet applicable quality and quantity standards. To that end, each person responsible for purchasing should:

- Periodically review procedures and specifications to eliminate those procedures and specifications that explicitly discriminate against the use of recycled products; and
- Encourage the use of products made from recycled products and from products that can be recycled.

VETERAN HEROES UNITED in BUSINESS (VetHUB) CONTRACTING

- A. The goal of Lubbock County is to ensure all VetHUBs, a program focused exclusively on small businesses owned and operated by veterans with a 20 percent or higher service-connected disability as described in the Texas Register, have maximum opportunities to participate in the County's procurement in awarding contracts and subcontracts.
- B. Lubbock County will make a good faith effort to increase contract awards for the purchase of goods or services from VetHUBs. VetHUB vendors are encouraged to participate in the county's purchasing and bidding process. While the County is oriented to adhere to good faith efforts, nothing in this effort shall be construed to establish set-asides or mandatory quotas.
- C. The County and all prime contractors (if subcontracts are to be let) will take the affirmative steps listed below:
 1. Placing businesses owned and operated by veterans with a 20 percent or higher service-connected disability on solicitation lists.
 2. Assuring that VetHUB businesses are solicited whenever they are potential sources.
 3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by VetHUB businesses.
 4. Establish delivery schedules, where the requirements permit, which encourage participation by VetHUB businesses.
 5. Using the services and assistance of the Small Business Administrations, the Minority Business Development Agency of the Department of Commerce and the Texas Comptroller's Office, Centralized Master Bidders List VetHUB Directory.

SECTION 4: REQUISITION AND PURCHASE ORDER PROCESS

DEFINITION – After identifying a need in the department, the user department formally requests a purchase to be made through the use of an electronic requisition.

PURPOSE – By submitting a requisition, the user department authorizes the Purchasing Department to enter a Purchase Order with a vendor for the purchase of goods and services. The requisition is for internal use only and may not be used by the user department to enter a procurement with a vendor.

POLICY

Based on approved budget line items, the user department submits an electronic purchase requisition to the Purchasing Department. Prior to Purchasing staff receiving an electronic request for good or services, it must first be approved electronically by the User Department designated staff to verify applicability to department and proper use of appropriation accounts.

TYPE OF REQUISITION

Routine requisitions. These requisitions are for daily and/or basic operational items that can be processed using normal procedures. Routine requisitions are normally processed within three business days. Processing may occasionally be extended to obtain best value. Departments should plan all requests in a timely manner to avoid any delays. Last-minute requests are not guaranteed to be processed outside of the normal processing time.

Priority requisitions. These are requisitions for items needed sooner than the routine processing time. These are also known as “expedited” purchases. Priority purchases are considered items that need immediate processing to avoid any interruption because of unanticipated events. Failure to anticipate recurring needs in a timely manner does not meet priority or emergency criteria. Priority requisitions must be approved by the Director of Purchasing or his designee prior to expediting request.

Emergency requisition. Emergency purchase will be processed in accordance with the Local Government Code; Section 262.024 (Discretionary Exemptions) when the expenditure will exceed \$100,000. Refer to Section 9: Discretionary Exemptions.

YEAR-END PURCHASES

Ensure year end purchases are timely and not processed up to the end of the fiscal year. All purchases, whether they are Purchase Order or Purchase Card, shall be processed prior to September 15th of each fiscal year excluding travel related expenses. Purchases needed after this date shall be processed by the Purchasing Department. Purchasing will process those purchases determined to be either an emergency or necessary for end of year.

For the requisition and purchasing process to work effectively and to avoid delays in the process and comply with County policy and state law, user departments should understand and comply with the following rules:

THINGS TO CONSIDER

1. **Do not use unethical purchasing strategies to avoid competition.** Strategies that are prohibited by law include: requests for component purchases that would normally be purchased as a whole; purchasing items separately in a series of purchases that normally would be purchased as a single purchase; and sequential purchases made over a period of time or from different funding sources that normally would be one purchase.
2. **Avoid unethical activities/behaviors that create a conflict of interest or the perception of a conflict of interest.** Activities such as soliciting or accepting gratuities of any kind from present or potential

vendors/contractors which might influence or appear to influence a purchasing decision; failing to disclose in writing to the Director of Purchasing a conflict of interest and not removing yourself from the procurement process when there is a conflict; and disclosing confidential proprietary information from solicitations to other vendors or using the information for personal gain.

3. **Ensure appropriation accounts have funding prior to submitting a requisition.** County departments/offices are not allowed to incur expenditures that exceed available budgets. Purchasing will not process requisitions for which there is inadequate funding or improper use of accounts. Using alternate accounts must be approved by the Auditor prior to requisition entry. Approval must be obtained in writing and attached to requisition as supporting documentation.
4. **Plan all purchases on a timely basis to minimize the use of emergency and expedited purchases.** Expedited purchases may be costlier to the County and may cause delays for other requests submitted timely by other departments. Proper planning is essential to avoid paying higher premiums for goods and services.
 - Departments must coordinate with the grant administrator to ensure products or services are compliant with grant requirements.
 - Ensuring Information Technology Department is involved early in the review process of purchases for products including hardware and software. For additional information on technology related purchases, refer to Lubbock County Employee Handbook, Section 11.03, 11.04 and 11.05.
5. **Ensure that purchasing policies and procedures are understood before ordering.** Departments must ensure that all employees responsible for making department purchase requests have read and understood the purchasing procedures in this Manual.
6. **Coordination between Departments and Purchasing for receipt of goods and services.** Since the County does not have a centralized receiving location, each department is responsible for individually receiving goods and services. If the item(s) received is a fixed asset that must be tracked and reported, departments should call the Fixed Asset Specialist in Purchasing to coordinate tagging. Ensure that all items accounted for are received electronically in the purchasing system to assist with processing of payment to vendor.

TECHNOLOGY PURCHASES

- **All County hardware and software shall be purchased by the Technology Department. The Technology Department must review and approve any cloud service, software, or hardware system prior to acquisition. Furthermore, departments must include the Technology Department from the beginning of a project that includes computer hardware and software. For additional information on IT related purchases, refer to the Lubbock County Employee Handbook, Section 11.03, 11.04 and 11.05.**

If an item is questionable, reach out to IT for clarification of product.

USE OF BRAND NAME OR EQUAL

- The user department must present justification for brand name. The Purchasing Department will use this method only if there is complete justification. The specification will list goods and services by brand-name, model, and other identifying specifics. It must also include products with performance equivalent to the characteristics of the named brand. Other manufacturers with almost identical products under a different brand name may be included. Brand is a designation of desired quality. **The Purchasing Department uses this method only if there is a sound justification. The burden of justification rests with the user department.**

BLANKET PURCHASE ORDER (BPO)

- The blanket purchase order (sometimes referred to as an open purchase order) serves as a cost cutting tool. It is used to reduce both processing and reaction time, effort and paperwork. It is a contract with a specific vendor that allows frequent or small purchases by department without going through repetitive bidding procedures, (e.g., annual contracts, or other situations approved by Purchasing). Blanket purchase orders are not to be used to circumvent the competitive pricing procedures employed by the County. Its general purpose is to eliminate numerous requisitions and purchase orders for small or frequent dollar items or services, and to allow for consolidation of the payment process.
- The blanket purchase order will be used at the discretion of the Purchasing Department, when it is determined to do so is in the best interest of the County.
- Blanket purchase orders require a requisition with any purchase and must contain the same information as a standard purchase order. A concise description of the items or type of items being purchased must be included in the description area of the requisition.
- A department may only issue one blanket purchase order for a given commodity to a specific type of vendor at any given time, unless deemed necessary by the Purchasing Department.
- All requests for blanket purchase orders are to follow normal requisition procedures. Once received in the Purchasing Department, the Purchasing Department will convert the requisition to a purchase order. All blanket purchase orders will be encumbered.
- Upon the approval and issuance of a blanket purchase order, the requesting department assumes several responsibilities. These include maintaining a running total of the purchases and ensuring that no “overruns” occur. The County is not responsible for any overruns of blanket purchase orders. The responsibility for payment rests with the department head. Items obtained are listed and relevant to the BPO.

REQUISITION PROCEDURE

- The requisition process is an electronic process with up to five (5) levels of approval to be made by the designated employees of each approving department.
- A requisition cannot be made if the department does not have sufficient funds to cover the cost of the request.
- Line-Item Transfers must be processed prior to the requisition.

- The levels of approval, as applicable to the GL account
 - 10 – User/Funding Department
 - 15 – Contracts/Legal
 - 30 – Information Technology Department – IT related purchases
 - 40 – Auditor’s Department – Grant (State/Federal) funded purchases
 - 50 – Auditor approval – Special Funds/Projects
 - 90 – Purchasing Department – Final approval

Requisitions must include but are not limited to the following:

- General notes:
Identify if Blanket Purchase Order (BPO) and any relevant information needed to support purchase order.

If product and/or services is from a cooperative purchasing program, the cooperative purchasing program and applicable contract number will need to be referenced. **No competition dollar threshold for procurements under authorized Cooperative Purchasing programs.**

Note: It is important to review multiple cooperative purchasing programs with a vendor to ensure best value for the county.

When using Federal funds for procurement, reference ‘FEDERAL FUNDS’.

When keying a requisition against a county contract, reference contract number and the Commissioners Court date of approval.

- User Defined Fields:
Select the applicable workflow based on the procurement.

(N) – Normal
(ITS) – Route Workflow to ITS – IT related purchases

- Type:
(B) Blanket
(D) Dept/Emergency
(E) Exported
(N) Normal
(R) RFP-Bid

Lubbock County is currently only using Blanket and Normal

Check “Receive by Amount” when processing Blanket Purchase Orders and when quantities are unknown.

- Line Item:

Full description of product and/or service. Provide detailed description of purchase to include model numbers, manufacturer's part number, quantity, unit price, unit of measure.

Vendor information

Allocation: Product/Service must match with appropriate GL account.

- Optional Details:
Fixed Asset. Check yes for items \$1,000 or over or highly pilferable items under \$1,000.
- Requisition Attachments:
All relevant documents must be attached to the requisition to include quote(s), and contract/agreements.

Once a purchase order is issued it is the User Department's responsibility to issue the purchase order to the vendor. There are some instances that require the Purchasing Department to place the order. Purchasing will work with the user department on those requisitions. User departments shall provide vendors with the Lubbock County Terms & Conditions printed on the back of each Purchase Order.

INVOICES

The invoice is an itemized statement of merchandise shipped or delivered to an end user and is a guide for the County in settling financial obligations incurred. Invoices are based upon Purchase Orders and therefore should contain the same information. Any difference between the invoice and the Purchase Order should be resolved with the vendor immediately, and always before forwarding for payment. It is important to process invoices for payment in a timely manner as soon as a proper invoice is received.

Vendors shall be notified to mail invoices directly to the following:

Lubbock County Auditor's Office
P.O. Box 10536
Lubbock, Texas 79408

The vendor's invoice shall contain the following information:

- a. Purchase order number
- b. An itemized list of merchandise received
- c. The prices, terms, quantities, and other pertinent information from the Purchase Order

The Auditor's Office shall forward the original invoice to the user department. The user department will enter the invoice information into the electronic financial system for processing and payment as expeditiously as possible.

PAYMENTS

A payment by governmental entity under a contract executed on or after September 1, 1987, is overdue on the 31st day after the later of:

1. The date the government entity receives the goods under the contract;

2. The date the performance of the service under the contract is completed; or
3. The date the governmental entity receives an invoice for the goods or service.

Payment will be made upon receipt and acceptance by the County of completed services and/or products ordered and receipt of a valid invoice, in accordance with the Texas Government Code, Chapter 2251. Successful bidder is required to pay subcontractors within ten (10) days.

SALES TAX

Lubbock County is by statute exempt from the State Sales Tax and Federal Excise Tax; therefore, purchases shall not include sales tax. There are minimal exceptions to the hotel occupancy tax related to hotel stays, hotel parking and certain fuels. Please reach out to the Purchasing Department for any sales tax related questions.

PURCHASE ORDER CHANGE ORDERS

- A formal record of any modification to the original purchase order.
- Purchase Order Change Orders are initiated by the user department to correct price, adjust quantities, adjust freight costs, or other details of purchase.
- A change order can also be keyed to cancel or close a purchase order.
- Supporting documentation such as invoices, updated quotes or fully executed contract change order, must be attached to the change order request.
- All change orders are reviewed and approved by the Director of Purchasing or the Assistant Director of Purchasing, ensuring it aligns with Purchasing policy.
- Once the change order has been approved, Munis will e-mail the modified purchase order copy to the personnel who keyed the original requisition for the purchase order.
- The user department is responsible for furnishing the modified purchase order to the affected vendor as necessary.

The change order must not substantially deviate from the original intent or scope of the purchase order.

SECTION 5: PURCHASING METHODS

PURCHASING METHODS QUICK GUIDE

Informal Solicitations:	<p>Under \$5,000</p> <p>Department may select recommended vendors. Required to obtain minimum of one (1) written quote. Purchase is based on the best value for County.</p>
Informal Solicitations:	<p>\$5,000 - \$99,999</p> <p>Required to obtain minimum three (3) written quotes. Cooperative purchasing agreements may be utilized, where a minimum of one (1) written quote is required. Purchase is based on lowest responsive bidder.</p>

<p>Formal Solicitations:</p>	<p>\$100,000 and Over</p> <p>Purchasing department in collaboration with user department develops the specifications and evaluation criteria for the requested purchase</p> <p>Purchasing department along with the user department determines if the request will be an ITB (Invitation to Bid), RFP (Request for Proposals), or RFQ (Request for Qualifications)</p> <p>Solicitation is advertised in the newspaper; a due date is published; package information is posted on the website</p> <p>Opening is conducted</p> <p>If ITB – vendor name and actual price quotes are read to the public and recorded for the record.</p> <p>If RFP or RFQ – vendor name is read to the public; content of package remains confidential until award is made.</p> <p>Public Works RFP price proposals will be public at opening.</p> <p>Invitation to Bid (ITB)</p> <p>Price quotes are tabulated and vendor responsiveness is determined</p> <p>Recommendation for award is made to the Commissioners’ Court.</p> <p>RFP/RFQ</p> <p>Evaluating teams are selected</p> <p>Evaluation may entail review of information submitted and interview.</p> <p>Highest ranking entity is announced, and award is made by the Lubbock County Commissioners Court</p> <p>Cooperative purchasing agreements may be utilized, where a minimum of one (1) written quote/proposal will meet the formal requirements.</p>
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COMMODITY PURCHASES LIMITS

It is important to note that if cumulative purchases from a single commodity code are anticipated to exceed \$100,000 in a fiscal year, then the Director of Purchasing must proceed with a formal competitive bidding process. Cumulative purchases include county-wide purchases and are not restricted to the user department.

VIOLATIONS AND PENALTIES

Coordination among many County departments and offices is necessary for the process to work smoothly. To avoid delays and comply with County policy and State law, user departments should remember the following:

Do not authorize the purchase of any goods or services.

Do not purchase any goods or services for your own personal benefit.

Do not commit to acquiring goods or services without an authorized purchase order. Anyone obligating an expenditure of funds for goods or services before securing a purchase order may be held personally responsible for the payment.

Other than P-Card purchases, any purchase obtained without a Purchase Order will need to be ratified or approved by Commissioners Court.

It is a violation of the Purchasing Act to intentionally separate purchases to avoid the \$100,000 competitive requirements in accordance with the Local Government Code procurement laws.

PURCHASES OF LESS THAN \$5,000

The individual department head may exercise discretionary purchasing of such purchases as authorized within the scope of this policy and within the authority provided within the current fiscal year budget. The department head will have the responsibility of making this level of purchase in the most prudent and cost-effective manner. Competitive quotations are encouraged but not required.

Intentionally separating purchases to avoid the \$5,000 informal competitive bidding limit is a violation of the Purchasing Policy. This includes reoccurring services or supplies that could have been competitively bid.

INFORMAL SOLICITATION \$5,000 TO \$99,999

For purchases of \$5,000 to \$99,999 this process will apply unless specifically addressed elsewhere. The process begins with the department obtaining three written quotes from vendors. The department selects the lowest offer unless there is justification for selecting anything other than the lowest price. Quotes from an awarded vendor on a state contract or qualified purchasing cooperative satisfy the competitive bidding requirements of the Purchasing Act and therefore meet the three-quote requirement of this section. The state contract or qualified purchasing cooperative contract number shall be referenced on the quote/proposal.

Purchasing Department will submit the quote/proposal to the cooperative purchasing agency/vendor for approval.

If the purchase is from an awarded vendor on a state contract or qualified purchasing cooperative, the state contract or cooperative contract number shall be entered in the general notes of the requisition and listed on the quote/proposal. The final approved purchase order, including terms and conditions, is then forwarded to the vendor by the requesting department or purchasing cooperative as required.

Intentionally separating purchases to avoid the \$99,999 informal competitive bidding limit is a violation of the Purchasing Policy. This includes reoccurring services or supplies that could have been competitively bid.

FORMAL SOLICITATION EXCEEDING \$100,000

Competitive Bid; Request for Proposals and Request for Qualifications.

DEFINITIONS AND USE – Competitive bidding or solicitations lets available vendors compete with one another to provide goods and services.

Generally, competitive procurement is required on any purchase likely to exceed \$100,000. (The competitive procurement amount is set by the State Legislature and may be changed by the Legislature. LGC 262.023(a).) Unless a procurement contract for the goods or services already exists, the items are required to be purchased through competitive procurement as described below. Questions regarding the necessity of competitive procurement should be directed to Purchasing.

Competitive bidding has two purposes. The first purpose is to make sure that the best possible value is utilized and that public money is used effectively, properly, legally, and only for public projects. The second purpose provides qualified and responsible vendors with an equitable opportunity to do business with the County.

COMPETITIVE BIDDING

Public purchasing that requires approval by the Commissioners Court must comply with the solicitation process of the Texas Local Government Code, Chapter 262, Subchapter C. Competitive Bidding in General

- “Sealed” bids are petitioned through an Invitation to Bid (ITB) if the bid is expected to be more than \$100,000. Sealed bids may be requested for an Annual Contract where purchases over the year will exceed \$100,000, or for a single purchase of goods or services whose cost will exceed \$100,000.
- The ITB includes the County’s specifications, terms and conditions.
- The Commissioners Court will award the contract resulting from the ITB to the lowest responsible bidder.
- Competitive bids are not negotiated.
- Price is the main factor for award.

Local Government Code 262.0305 allows for the following.

(a) After award of a contract but before the contract is made, the county official who makes purchases for the county may negotiate a modification of the contract if the modification is in the best interest of the county and does not substantially change the scope of the contract or cause the contract amount to exceed the next lowest bid. (b) For a modified contract to be in effect, the Commissioners Court must approve the contract.

COMPETITIVE PROPOSALS

(RFP and RFQ) – Like competitive bidding, competitive proposals apply to public purchasing that requires approval by the Lubbock County Commissioners Court and must comply with the solicitation process of the Texas Local Government Code, Section 262.023.

- “Sealed” proposals are requested through a sealed Request for Proposals (RFP) and Request for Qualifications (RFQ) process.
- Qualified vendors send in their responses to the RFP/RFQ for deliberation.
- Evaluators will independently review and score each vendor proposal. There will be a consensus scoring based on individual scoring.
- The Commissioners Court will award the contract resulting from the RFP/RFQ to the highest-scoring vendor.
- The RFP/RFQ requests proposals based on the County’s requirements, terms and conditions.

There are several important differences between types of formal solicitations as identified below.

PROCUREMENT METHOD	USE WHEN	ADVANTAGES	DISADVANTAGES
Competitive Bids Invitation for Bids (ITB)	Adequate competition exists. The product or service is available from more than one source.	Award process is simpler. Award is given to the lowest responsive, responsible bidder by providing the best value to the County.	Defined specifications may be difficult to develop. Does not encourage innovative solutions.
Competitive Proposals Request for Proposals (RFP)	When factors other than price are evaluated. When negotiations are desired. Vendor is expected to provide innovative ideas.	Allow factors other than price to be considered. Allow customized proposals suggesting different approaches to the same business need. Allow negotiations in order to obtain the best value for the County.	Lead times for procurement may be greater. Evaluations are more complex and subjective.
Request for Information (RFI)	There is insufficient information to write specifications for any procurement method.	Provides information to prepare a complete bid or proposal document. Allow the business community to have input into the solicitation document based on current industry practices and market factors. Informs the County of any potential problems early in the procurement.	Lengthens the procurement process.
Request for Qualification/Services (RFQ) [This method is required by statute for Professional Services]	Selection is made solely on the skills and qualifications of the professional. For Architect/Engineers, price is not a factor until after a qualified vendor is selected.	Emphasizes competency of the proposed professional contract	Contractor is tentatively selected before price is negotiated.

PROCEDURES FOR INVITATION TO BID (ITB); REQUEST FOR PROPOSALS (RFP); REQUEST FOR QUALIFICATIONS (RFQ)

The competitive procurement process calls for the approval of the Lubbock County Commissioners Court for an expenditure exceeding \$100,000. This expenditure must comply with the requirements of Subchapter C of the Purchasing Act and are completed using the below identified process. It is important to note that “bids” are vendor responses in ITB process and “proposals” are vendor responses to the RFP process; qualifications are vendor responses on an RFQ.

DEFINING THE NEED

The user department should contact the Purchasing Department when there is a need for a good or service costing more than \$100,000.

- The Purchasing Department does not proceed with the purchases unless it verifies that
 - Sufficient unencumbered funds for the purchase are appropriated in the budget line item, or
 - The department verifies that funds are available through a budget transfer
- **Purchasing Department along with User Department will select procurement methods.**
 - ITB – Invitation of Bid
 - RFP – Request for Proposals
 - RFQ – Request for Qualifications
- Purchasing Department will work with the user department to develop the specifications for the goods or services to be provided.
- To allow for maximum competition, the specifications should be comprehensive and broad
- The specifications should be structured to
 - Utilize best value
 - State the need clearly
 - Provide fair treatment to vendors
 - Avoid favoritism
 - Inspire innovative solutions
 - Allow free and open competition
- For an annual solicitation, the specifications must indicate the expected quantities to be purchased and how the lowest price will be calculated.
- The Information Technology Department will review specifications for information technology goods and services.
- The Purchasing Department will collaborate with the user department to identify the criteria/requirements for evaluation of the ITB, RFP and RFQ.
- Prepare a solicitation document and publish a notice of the proposed purchase.
- Notice about the proposed purchase must be published at least once a week for two consecutive weeks in a newspaper of the general circulation in the county.
- The first day of publication must occur before the 14th day before the date of the solicitation opening
- The notice must include
 - Specifications and requirements that describe the goods and services to be purchased or a statement that indicates where the specifications and requirements may be obtained; and
 - Time and location for receiving and opening solicitation and the name and position of the person who will receive the solicitation.
 - The notice will indicate that additional information is to be found in the county website.
 - The notice will indicate who to call and the number to call (if there are any questions).
- Pre-Bid/Proposal Conference – ITB, RFP and RFQ – A pre-bid/proposal conference will be scheduled if the need is identified.
- The following guidelines are used for the Pre-Bid; Pre-Proposal; Conference
 - The Director of Purchasing together with the user department works to determine if a Pre-Bid/Proposal Conference is needed and whether attendance will be mandatory or optional. Mandatory Pre-Bid/Proposal should be used sparingly and must be justified.

- The Pre-Bid/Proposal Conference is managed by the Purchasing Department and requests that the user department make staff available to answer any vendor questions during the conference.
- Addendum to the Solicitation - The Commissioners Court authorizes the Director of Purchasing to extend the bid and proposal opening date or make other needed changes by addendum to the original specifications. (LGC 262.026).
 - An addendum may be necessary to clarify an original intent or correct errors
 - Changes may be insignificant and are not likely to require additional time
 - An amendment is documented by an Addendum Form.
 - All bidders will be asked to acknowledge the addendum.
 - The Director of Purchasing should allow at least three (3) business days between the date of the addendum and the opening date of the solicitation.

RECEIPT OF COMPETITIVE SOLICITATIONS (ITB, RFP, RFQ)

To ensure identification, security and confidentiality of responses to solicitations are in order, the following procedures and guidelines must be adhered to:

- The Lubbock County Purchasing Department will receive all solicitation documents in response to Lubbock County's ITB, RFP and RFQ
 - The Lubbock County Purchasing Department will receive, stamp date and time, and record the name of the vendor that has submitted a response to an ITB, RFP, and RFQ, other than those submitted through the electronic bidding platform. Electronic bidding platform records this information on the submittal.
 - The Lubbock County Purchasing Department must provide a safe and secure place to hold all responses until the opening date.
 - Only sealed responses are accepted.
 - Responses are not open until the Purchasing Department opens them in a public forum at the advertised date and time. Electronic bidding platform seals the proposals/bids until public opening.
 - All hard copy responses arriving other than through the approved electronic bidding platform after the opening time are returned unopened to the vendor.
 - The Purchasing Department will communicate with the vendor and notify the vendor when a document package has arrived late and will be returned unopened.
- In some cases, a response is received through the mail or by an independent carrier and is inadvertently opened. The following procedure must be followed:
 - The Purchasing Department is immediately called to act as a witness to say that the response (especially the price of the bid) was not reviewed.
 - The response is immediately resealed by that employee of the County Purchasing Department, and the incident is duly recorded.

By following the above-mentioned procedures, the Purchasing Department makes sure that there are no perceptions of favoritism and avoids revealing prices or response information. By properly documenting and recording the submission of the response, the Purchasing Department prevents any perception that the Purchasing Office is manipulating the receipt of the solicitations.

PUBLIC OPENING OF SOLICITATIONS

The following guidelines for public opening of solicitations are followed:

- **Invitation for Bid (ITB)** – The Director of Purchasing/designee publicly opens, reads aloud, and records the name of the vendor, bid amount submitted.
- **Request for Proposal (RFP) and Request for Qualifications (RFQ)** – The Director of Purchasing/designee publicly opens and records the name of the vendor submitting a proposal. Only the names of the vendors are released.
For Public Works RFP monetary proposals will be public and read aloud at opening.

During the process of negotiation, the contents of the solicitation are kept confidential. The proposals are not made public to avoid disclosure of contents to competing proposers. After award has been granted, all the proposals submitted are available and open for public inspection, except where trade secrets and confidential proprietary information is concerned.

EVALUATION AND AWARD

- Invitation to Bid (ITB)
 - The Purchasing Department evaluates the bids with the assistance of the user department and recommends the lowest possible and best value bid to the Lubbock County Commissioners Court for award.
 - The evaluation of the bid is based on the following:
 - Compliance of goods and services with specifications
 - The relative price, including cost of repair and maintenance if heavy equipment is being considered or the cost of delivery and hauling if road construction is involved.
 - Vendor's past performance, vendor's financial ability to perform and the vendor's safety record if stated in the ITB.
 - Before the award, the Purchasing Department verifies that all bidders are responsive bidders and that they complied with all requirements of the bid.
 - A bid tabulation sheet is prepared.
 - A recommendation for bid award is made to the Lubbock County Commissioners Court.
 - Annual awards can be given to one primary vendor or to multiple primary vendors; these will be the low bidders taking into consideration location, availability and quantities needed.
 - Following action of the Lubbock County Commissioners Court, the Purchasing Department will send an e-mail notifying the vendor(s) of the award.

- Commissioners Court may:

Reserve the right to reject any or all bids. In the event all bids for an item are rejected, the Commissioners Court will instruct the Director of Purchasing as to appropriate action to take. This may include not moving forward with the requirement or publishing a new notice.

If two responsible bidders submit the lowest and best bid, the commissioners court shall decide between the two by drawing lots in a manner prescribed by the county judge.

A contract may not be awarded to a bidder who is not the lowest dollar bidder meeting specifications unless, before the award, each lower bidder is given:

Notice of the proposed award; and

an opportunity to appear before the commissioners court and present previously unconsidered evidence concerning the lower bid as best, which may include evidence of the bidder's responsibility.

- **Request for Proposals; Request for Qualifications**

- The evaluation of the request for proposals is supervised by the Purchasing Department
- Purchasing Department verifies that all proposer/qualifications are responsible proposer, that is, they have complied with and submitted all requirements of the RFP/RFQ.
- Based on the criteria a scoring tabulation is prepared.
- Requests for Proposals and Requests for Qualifications are scored by members of the scoring committee who in turn provide Commissioners Court a recommendation(s) based on tabulation scores/rankings of each firm or contractor. Commissioners Court may authorize and approve staff recommendations or may select another qualified proposer.
- If the Lubbock County Commissioners Court is to score and evaluate the proposals, a time and a date are scheduled for the evaluation.
- Copies of the proposals submitted by each vendor are forwarded to the member of the Commissioners Court with instructions.
- The evaluation committee will use only the specified factor and their weights to evaluate the proposal in accordance with State procurement law.

Along with the copies of the proposals and the instructions, the **Lubbock County Conflict of Interest must be signed by the** evaluation committee members prior to the evaluation/scoring of the proposals.

All information in the vendor's response is to be kept confidential.

No discussion of the proposal that would compromise the award is to occur with anyone outside of the proposal evaluation committee members. Committee members may clarify or request additional information through the Purchasing Department to successfully complete the evaluation.

The Purchasing Department is responsible for:

- Making sure that the evaluation is conducted in a fair and consistent manner and that the integrity of the evaluation process is maintained.
- Communicating with participating vendors.
- Tabulating the scores.
- Computing the values.
- Reporting the results to the Lubbock County Commissioners Court for action to be awarded by the members of the court.

NEGOTIATIONS

To make sure that all proposers are given fair and equitable treatment, the following guidelines must be followed for all negotiations:

- The Purchasing Department administers ALL negotiations.
- Any discussions with proposers MUST be organized with the Director of Purchasing.
- **A staff member from the Purchasing Department must be present at ALL oral presentations/interviews with vendor(s).**
- At the risk of jeopardizing the integrity of the Lubbock County procurement process, the User Department **must** coordinate contact with a proposer through the Purchasing Department.
- With respect to the opportunity for discussion and revision of proposals and the submission of a “Best and Final Offer” (BAFO), the Lubbock County Purchasing Department will grant those that are considered in the competitive range a fair and equitable treatment.
- At the completion of negotiations, the Purchasing Department may request qualified proposers to submit a “Best and Final Offer” (BAFO) to a specified location and date. In accordance with the negotiations, the (BAFO) must allow the proponent to:
 - Adjust initial offer
 - Update pricing according to any changes made by the User Department or County has made
 - Show any added incentives to improve the overall score in accordance with the evaluation plan and RFP.

NO RESPONSE BID RECEIVED

Texas Local Government Code §262.0225 (d): “A county that complies in good faith with the competitive bidding requirements of this chapter [Texas Local Government Code, Chapter 262, entitled Purchasing and Contracting Authority of Counties] and receives no responsive bids for an item may procure the item under Section 262.0245.”

Texas Local Government Code §262.0245: This Section requires the county purchasing agent to adopt procedures that provide for competitive procurement, to the extent practicable under the circumstances, for the county purchase of an item that is not subject to competitive procurement or for which the county receives no responsive bid.

PROCEDURES TO FOLLOW

If the County has complied with the competitive bid process (Texas Local Government Code §262.023) for an item exceeding \$100,000 and no responsive bids were received, the Purchasing Department shall use the following procedures to satisfy the needs of the county.

1. The same specifications that were used in the initial formal bid process will generally be used to obtain quotes from vendors known to provide the needed goods or services.
2. Three (3) written price quotes for the item(s) and/or service(s) to be procured shall be obtained. If obtaining quotes from three (3) vendors is not possible, due to lack of competition or vendor interest, Purchasing Department will proceed to obtain as many quotes as possible.
3. The lowest and best quote shall be determined in the same manner as defined in the formal bid process for which no bids were received.

4. The requesting department shall include its recommendation of the lowest and best quote to the Purchasing Department. Purchasing Department will then review the quotes, terms and conditions, and requesting department recommendations. After review, Purchasing Department shall place the purchase of the requested item and any related agreement documents on the Commissioners Court agenda for discussion, consideration and approval.
5. Purchasing will then issue a letter notifying the vendor of the approval and any related documents. Vendor will then coordinate with requesting department to provide item(s) and/or service(s).

SECTION 6: ELECTRONIC BIDDING

ELECTRONIC BIDDING PLATFORM

Pursuant to Texas Local Government Code 262.0235, "Procedures Adopted by County Purchasing Agents for Electronic Bids or Proposals", Lubbock County adopts the following rules to ensure the identification, security, and confidentiality of electronic bids or proposals.

All documents uploaded into the electronic bidding platform as part of electronic bid/proposal submission remain inaccessible to Lubbock County until defined bid/proposal closing date and time.

1. Data transmission occurs through a 256-bit SSL encrypted connection. The data is stored in an encrypted state upon arriving on the server.
2. Authorized Purchasing Department personnel will have a unique log-in username and password.
3. Bids/proposals will be identified by a bid/proposal number assigned for that project from the Purchasing Department.
4. Access to the system by authorized users will be logged and tracked in order to record when a user has accessed the system.
5. All vendor data is sealed until bid/proposal closing date and time. Vendors will continue to have access until closing date and time.
6. Only the Director of Purchasing, or the agent's designee may open a bid/proposal at the closing date and time.

SECTION 7: MISCELLANEOUS PROVISIONS

PREVAILING WAGE DETERMINATION FOR PUBLIC WORKS REQUIREMENT

For a public work requirement awarded by Lubbock County, the county shall determine the general prevailing rate of per diem wages in the locality in which the work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by using the prevailing wage rate as determined by the United States Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments.

CONSIDERATION OF SAFETY RECORD

“Texas Local Government Code Section 271.0275 and 262.0275 states:

In determining who is a responsible bidder, the governmental entity may take into account the safety record of the bidder, of the firm, corporation, partnership, or institution represented by the bidder, or of anyone acting for such a firm, corporation, partnership, or institution if:

- 1. the governing body of the governmental entity has adopted a written definition and criteria for accurately determining the safety record of a bidder;*
- 2. the governing body has given notice to prospective bidders in the bid specifications that the safety record of a bidder may be considered in determining the responsibility of the bidder; and*
- 3. the determinations are not arbitrary and capricious.”*

SAFETY RECORD QUESTIONNAIRE: Offeror must submit the “Safety Record Questionnaire”. This criterion is also more subjectively evaluated, and the formula is as follows: (Points = Score). Each evaluator assigns points based upon the responses the offeror provided in their “Safety Record Questionnaire” and the Contractors Experience Modification Ratio (EMR). Contractors with an EMR greater than 1.0, as well as those Contractors not submitting EMRs, will receive zero points for this portion of the selection criteria. The County may consider any incidence involving worker safety or safety of Lubbock residents, be it related or caused by environmental, mechanical, operational, supervision or any other cause or factor under the contractor’s control. Evaluators base their rating primarily upon how well you document previous offenses with the date of the offense, location where the offense occurred, type of offense, final disposition of the offense, and any penalty assessed as well as the EMR.

LOCAL PREFERENCE

Before the County may award a bid to a nonresident bidder, the nonresident bidders must be lower than the lowest bid submitted by a responsible Texas bidder by the same margin or amount that a Texas bidder would be required to underbid the nonresident bidder in the nonresident bidders’ home state. Lubbock County may, at its discretion, apply any local bidder preferences as allowed by Texas law.

BONDING REQUIREMENTS

There are three common forms of surety bonds used in the procurement process. They are the bid, performance and payment bonds. There should be a need or statute that would justify the need for bonds as the use of bonds could restrict competition, raise the cost and could delay the award. Each bond requirement will be detailed in the solicitation documents. Section 262.032 of Texas Local Government code details bond requirements outside of Texas Government Code Chapter 2253.

BID BONDS

A guarantee that promises the bid will not be withdrawn prior to contract award.

- Bid bonds will not be required for construction contracts that are less than \$100,000.
- Normally it is five percent (5%) of the highest amount bid and is in the form of a financial guarantee provided by a surety; however, it can be cashiers or certified checks payable to Lubbock County.

- Bond of successful bidder is retained until the contract is executed and any necessary payment/performance bonds are submitted and accepted.
- If the successful bidder refuses to execute the contract or submit proper payment and performance bonds, then the bid bond is “called” for the difference between their bid and that of the next low responsive responsible bidder, up to the penal amount of five percent (5%) of the bond.

PERFORMANCE BONDS

BEFORE starting work, vendors for ALL contracts over \$100,000 for construction, repair, or alteration of a public work, or prosecution or completion of any public work, must submit a performance bond that is:

- Payable to Lubbock County, Texas
- For the full amount of the contract
- Conditioned on faithful performance of the work in accordance with the specifications, plans and contract documents
- Solely for the protection of Lubbock County, Texas
- Executed by a corporate surety/sureties in accordance with the Insurance Code
- In a formal document approved by the Commissioners Court

Any performance bond that is furnished by a contractor in attempted compliance with the requirements of Texas Government Code, Ch. 2253, will be construed as in conformity with that chapter in relation to rights created limitations on the bond, and remedies provided.

PAYMENT BONDS

BEFORE starting work, vendors for ALL contracts over \$25,000 for construction, repair, or alteration of public work, or prosecution or completion of any public work, must submit a payment bond that is:

- Solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractors or a subcontractor to supply labor or material for public work
- Payable to Lubbock County, Texas
- For the full amount of the contract
- Executed by a corporate surety/sureties in accordance with the Insurance Code
- In a formal document approved by the Commissioners Court

Payment bonds must be effective from commencement of performance until the end of the fourth month after all items of work for the project are completed unless releases are obtained from all subcontractors and material men. Any payment bond that is furnished by a contractor in attempted compliance with the requirements of Texas Government Code, Ch. 2253, will be construed as in conformity with that chapter in relation to rights created, limitations on the bond, and remedies provided.

INSURANCE

Following is example requirements and language for Lubbock County bids/proposals: Subject to change per requirement.

Vendor shall take out, pay for and maintain at all times during the prosecution of the work under the contract, the following forms of insurance, in carriers acceptable to and approved by Lubbock County. Amounts are subject to change per requirement.

Workers' Compensation/Employer's Liability

Worker's Compensation

- statutory

Employer's Liability

- \$500,000

Commercial General Liability:

Bodily Injury/Personal injury/Property Damage

- \$1,000,000 per occurrence/\$2,000,000 aggregate

Auto Liability:

Combined Single Liability (CSL)

- \$500,000 per occurrence

Lubbock County reserves the right to review the insurance requirements of this section during the effective period of the contract and to require adjustment of insurance coverage and their limits when deemed necessary and prudent by Lubbock County based upon changes in statutory law, court decisions, or the claims history of the industry as well as the Vendor.

Required Provisions:

1. Proof of Carriage of Insurance – All Certificates of Insurance will be required in duplicate and filed with the Lubbock County Director of Purchasing prior to work commencing.
2. All Certificates shall provide Lubbock County with an unconditional thirty (30) days' written notice in case of cancellation or any major change.
3. As to all applicable coverage, policies shall name Lubbock County and its officers, employees, and elected representatives as an additional insured.
4. All copies of the Certificates of Insurance shall reference the project name and solicitation number for which the insurance is being supplied.
5. Vendor agrees to waive subrogation against Lubbock County, its officers, employees, and elected representatives for injuries, including death, property damage, or any other loss to the extent the loss, if any, is covered by the proceeds of insurance.
6. If applicable, the Vendor is responsible for making sure any subcontractor performing work under this agreement has the required insurance coverage(s) and supplies Lubbock County with the proper documents verifying the coverage.

Following is example language and requirements for Professional Service proposals.

Within ten (10) days after the Effective Date of an Agreement, vendor shall furnish, at its sole cost and expense, the following minimum insurance coverage. Such insurance is a condition precedent to commencement of any services under this Agreement. Vendor shall, in the stated ten (10) day period, furnish to Lubbock County verification of the insurance coverage in the type and amount required herein, meeting all conditions of the Agreement, by an insurance company acceptable to Lubbock County and authorized to do

business in the State of Texas. Such insurance shall show Lubbock County as the certificate holder (general liability insurance). Coverage dates shall be inclusive of the term of the Agreement and any and all renewal periods or extensions, if any.

1. Vendor shall provide and maintain Professional Liability Insurance protecting the interest of the County and vendor within an amount of not less than One Million and 00/100 Dollars (\$1,000,000.00) single limit, with certificates evidencing such coverage to be provided to Lubbock County prior to the commencement of any services.
2. Vendor shall indemnify Lubbock County for damages resulting from defects, errors or omissions and shall secure, pay for and maintain in force during the term of the Agreement and thereafter for an additional five (5) years from the date the Project is accepted as completed.
3. Certificates of Insurance. Before commencing the Professional Services under this Agreement, the vendor shall deliver to Lubbock County, Certificates of Insurance satisfactory to Lubbock County, or, as and when the County may direct, copies of the actual insurance policies from each insurance company evidencing that insurance as required by this Section is in force, stating policy numbers, dates of expiration, and limits of liability therein.

All copies of policies and Certificates of Insurance submitted to Lubbock County shall be in form and content acceptable to Lubbock County.

SECTION 8: COOPERATIVE PURCHASING

STATUORY AUTHORITY

The Texas Local Government Code 271, Subchapter D State Cooperation in Local Purchasing Programs, Subchapter F, Cooperative Purchasing Program, Subchapter G, Purchases from Federal Schedule Sources of Supply allows local governments to purchase goods and services under these subchapters which satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and services.

BACKGROUND

The State of Texas has three kinds of purchasing programs that permit local governments to purchase goods and services. The Texas Comptroller Statewide Procurement Division (SPD) oversees the Texas SmartBuy and the Texas Multiple Award Schedule (**TXMAS**). The Department of Information Resources manages the third state purchasing program which allows local agencies to purchase technology directly from the Department of Information Resources (**DIR**).

TEXAS MULTIPLE AWARD SCHEDULES

The Texas Government Code Section 2155.502 authorizes the Texas Multiple Award Schedules. The County, using a schedule of multiple awards contracts, may purchase goods and services. The schedule of the multiple awards is gathered from the General Services Administration (GSA) Federal Supply Service contracts. By using the TXMAS contracts, Lubbock County can take advantage of the most favored customer pricing. On special

occasions, Lubbock County may negotiate a lower price for the cost of goods and services offered under a scheduled contract.

DEPARTMENT OF INFORMATION RESOURCES (DIR)

The Texas Government Code, Chapter 791 authorizes the Department of Information Resources (DIR). By using this statutory authority, the County Technology Department may procure IT products and services through the DIR's Shared Technology Services or buy directly from vendors through their Cooperative Contracts.

For purchases of IT-related equipment and services, Lubbock County uses services through the State Department of Information Resources (DIR) and from its contracted vendors. **All purchases of IT related equipment and services including software, peripherals, flash drives and cables must be purchased by the Department of Information Technology Services.** If an item is questionable, reach out to IT for applicability.

FEDERAL SUPPLY SCHEDULES

The Texas Local Government Code Section 271.103 affirms that local governments that purchase goods and services from the Federal Supply schedules of the United States General Services Administration to the extent allowed by federal law satisfies the requirement of the local government to seek competitive bids for the purchase of goods and services.

Local Governments can buy commercial IT, law enforcement, security-related products and services, public health and disaster purchasing. Also available is equipment for counter-drug, homeland security, and emergency response activities through the 1122 program.

OTHER COOPERATIVES

The Lubbock County Purchasing Department holds membership in several other Cooperative Purchasing Programs.

Among them are: (not all inclusive)

- Buyboard
- TXShare
- Sourcewell
- Workquest
- HCDE – Harris County Department of Education (Choice Partners)
- HGAC – Houston Galveston Area Council
- Education Service Centers
 - TIPS Region 8 Pittsburg
 - TEXBUY Region 16 Amarillo
 - Region 17 Lubbock
 - Region 18 Midland
 - Allied States Region 19 El Paso
 - PACE Region 20 San Antonio

INTER-LOCAL COOPERATIVE AGREEMENT

BACKGROUND AND STATUTORY AUTHORITY – Lubbock County has several interlocal agreements.

- The Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, allows Lubbock County to contract directly with other local governments to increase the value and efficiency of the Lubbock County Purchasing Department.
- The Texas Government Code, Section 791.025 (c) declares that local governments that purchase goods and services through the Interlocal Cooperation Act complies with the requirement of the local government to seek competitive bids for the purchase of goods and services.

REVERSE AUCTIONS

Under the Texas Government Code, Chapter 2155, the Director of Purchasing may use reverse auction procedures to purchase goods and services. Reverse Auction is defined as follows:

- “a real-time bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.”

SECTION 9: DISCRETIONARY EXEMPTIONS

EMERGENCY PURCHASES

Emergency purchases are authorized in extremely limited circumstances (LGC 262.024):

1. in the event of public calamity for the benefit of the County citizens or to protect public property;
2. in order to protect the public health or safety of County residents; or
3. when made necessary by unforeseen damage to public property.

Depending upon the time of the emergency and type of purchase necessary, one of the following procedures should be followed:

1. After hours emergency -- in such instances the department head or elected official, or authorized representative, must take the necessary action to obtain the needed goods or services and contact the Purchasing Department in writing as soon as possible with notice of such purchase. Commissioners Court must grant an exemption from bidding of all emergency purchases over \$100,000.
2. Emergency during working hours -- If the purchase is less than \$100,000, approval from Director of Purchasing/designee is required by issuance of a purchase order prior to purchase. Commissioners Court must grant an exemption from bidding of all emergency purchases over \$100,000.

Emergency purchases of goods or services should not exceed the scope or duration of the emergency.

DISCRETIONARY EXEMPTIONS: PURCHASING ACT

(a) A contract for the purchase of any of the following items is exempt from the requirement established by Section 262.024 if the Commissioners Court by order grants the exemption:

1. An item that must be purchased in a case of public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the county
2. An item necessary to preserve or protect the public health or safety of the residents of the county
3. An item necessary because of unforeseen damage to public property
4. A personal or professional service
5. Any individual work performed and paid for by the day, as the work progresses, provided that no individual is compensated under this subsection for more than 20 working days in any three-month period
6. Any land or right-of-way
7. An item that can be obtained from only one source, including
 - A. Items for which competition is precluded because of the existence of patents, copyrights, secret processes or monopolies
 - B. Films, manuscripts or books
 - C. Electric power, gas, water and other utility services; and
 - D. Captive replacement parts or components for equipment
8. An item of food
9. Person property sold
 - A. At an auction by a state licensed auctioneer
 - B. At a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code; or
 - C. By a political subdivision of this state, a state agency of this state or an entity of the federal government
10. Any work performed under a contract for community and economic development made by a county under Section 381.004; or
11. Vehicle and equipment repairs

(b) The renewal or extension of a lease or of an equipment maintenance agreement is exempt from the requirement established by Section 262.023 if the commissioners court by order grants the exemption and if:

1. The lease or agreement has gone through the competitive bidding procedure within the preceding year
2. The renewal or extension does not exceed one year
3. The renewal or extension is the first renewal or extension of the lease agreement.

(c) If an item exempted under Subsection (a)(7) is purchased, the Commissioners Court, after accepting a signed statement from the county official who makes purchases for the county as to the existence of only one source, must enter in its minutes a statement to that effect.

(d) The exemption granted under Subsection (a)(8) of this section shall apply only to the sealed competitive bidding requirements on food purchases. Counties shall solicit at least three bids for purchases of food items by telephone or written quotation at intervals specified by the Commissioners Court. Counties shall award food purchase contracts to the responsible bidder who submits the lowest and best bid or shall reject all bids and repeat the bidding process, as provided

by this subsection. The purchasing officer taking telephone or written bids under this subsection shall maintain, on a form approved by the Commissioners Court, a record of all bids solicited and the vendors contacted. This record shall be kept in the purchasing office for a period of at least one year or until audited by the county auditor.

POLICY

The Director of Purchasing will approve all exemption orders up to \$100,000. For purchases that exceed \$100,000, the Director of Purchasing will request the exemption order from the Commissioners Court.

EXEMPTION PROCEDURE

The User Department's Director must submit a written memo/e-mail to the Director of Purchasing requesting an exemption to the competitive procurement process. The written memo must state the reason for the exemption (e.g. emergency; sole source; etc.). The memo/e-mail must be specific and state details as to the reason for the exemption request and state why exemption should be granted. The memo/e-mail should also contain the following:

- Name of vendor
- Goods and services covered by the order
- Expected maximum cost
- Other important programmatic information that justifies the exemption
- Sole Source exemption must contain a signed written statement from the vendor that their product or service is the only one on the market.

PROCUREMENT OF PROFESSIONAL SERVICES

BACKGROUND AND STATUTORY AUTHORITY

The Texas Professional Services Procurement Act (Chapter 2254 of the Texas Government Code) ensures that certain professional services are awarded based on demonstrated competence and qualifications, rather than on competitive pricing. This ensures Lubbock County receives the highest quality professional services and considers technical knowledge and specialized knowledge.

"Professional services" means services:

- A) Within the scope of the practice, as defined by state law, of:
 - i) Accounting
 - ii) Architecture
 - iii) Landscape architecture
 - iv) Land surveying
 - v) Medicine
 - vi) Optometry
 - vii) Professional engineering
 - viii) Real estate appraising

- ix) Professional nursing; or
- x) Forensic science;

B) Provided in connection with the professional employment or practice of a person who is licensed or registered as:

- i) A certified public accountant
- ii) An architect
- iii) A landscape architect
- iv) A land surveyor
- v) A physician, including a surgeon
- vi) An optometrist
- vii) A professional engineer
- viii) A state certified or state licensed real estate appraiser
- ix) A registered nurse; or
- x) A forensic analyst or forensic science expert; or

C) Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Chapter 1053, Occupations Code.

REQUEST FOR QUALIFICATIONS (RFQ)

The user department forwards a recommendation memo/e-mail to the Director of Purchasing when the services of a professional are required. The memo must identify the following:

- Range of work
- Qualification and experience requirements
- Deliverables and project description
- Time frames
- Budgeted amount and budget line items
- Suggested professionals

The Director of Purchasing then decides about initiating a formal RFQ or an informal procurement process based on:

- Information listed on the memo
- Applicable state laws
- All relevant facts

SECTION 10: CONSTRUCTION PROCUREMENT

Construction procurement is consistent with other procurement procedures in this manual and with pertinent statutes along with Chapter 2269 of the Texas Government Code as it applies to contracting and delivery procedures for construction projects. The Director of Purchasing supervises all construction procurements. All competitive bids are accomplished by the following process:

A memo/e-mail submitted to the Director of Purchasing by the user department serves as the initial notification that a competitive bid is needed. The user department or outside professional vendor develops the plans and technical specifications, when applicable. An electronic copy of the technical specifications is submitted with the memo to assist in the development of the project manual. The Purchasing Department reviews the specifications for compliance with the Purchasing Act.

NOTE: Purchasing prints the document when there is only a project manual and no plans.

The user department must provide the Purchasing Department with at least ten (10) business days to develop the ITB, circulate it for the appropriate reviews. During this time, the Purchasing Department works with the user department to develop a procurement schedule detailing the milestones of the solicitation, including dates and times for the release of solicitation, pre-bid conference and bid opening. The Purchasing Department assigns an ITB number to the project at this time if it has not already been assigned.

The Purchasing Department publishes the advertisement for bid, which must include the following:

- Description of Work
- Location at which the bidding documents, plans, specifications, or other data may be examined without charge by all potential bidders.
 - The location at which plans and specifications may be obtained and the amount of the deposit required
- Time and place for submitting bids and time and place of bid opening
- The method of payment. If payment is by certificate of obligation, the advertisement must state either
 - That the bidder must accept certificates, or
 - That the bidder must elect to accept certificates or assign them to a financial institution with which county has made an arrangement.

If the contract is to be awarded on a unit price basis, the notice must also include the approximate quantities of the goods and services needed that are to be bid on and the quantities must be based on the best available information.

Notice of a proposed purchase must be published at least once a week in a newspaper of general circulation in the County, with the first day of publication occurring before the 14th day before the date of the bid opening. To ensure bidders (proposers) have sufficient time to complete and return ITB's, Purchasing Department generally advertises for up to 30 days, depending on the requirement. If necessary, advertising time can be extended or decreased but must be at least 15 days.

Commissioners Court by order may require the consideration of the safety record of the bidder, of the firm, corporation, partnership, or institution represented by the bidder, or of anyone acting for such a firm, corporation, partnership, or institution. If the ITB states that the safety record may be considered in determining the responsibility of the bidder and includes the Safety Record Questionnaire in the ITB, County takes into account the bidder's safety record in determining the responsible bidder. The safety record includes compliance with requirements for the safety of the environment. In relation to the safety record, bidder includes not only the bidder; but also the firm, corporation, partnership or institution represented by the bidder; or anyone acting for such a firm corporation, partnership or institution.

Other considerations:

- Bid Bonds
- Performance and Payment Bonds
- Wage Determination (Davis-Bacon)
- Payments

SECTION 11: SALE OR LEASE OF REAL PROPERTY THROUGH SEALED-BID

The sale or lease of real property through sealed bid is addressed in the Local Government Code Section 263.007 and states that:

- The Commissioners Court may adopt the procedure by which the County may sell or lease through a sealed-bid or sealed-proposal procedure any real property, including space in a building owned by the County.
- The procedure must include a requirement that the County publish before a sale or lease is made, a notice of its intent to sell or lease as appropriate, the real property. The notice must include the following:
 - Be published in a newspaper of general circulation in the county the Commissioners Court represents.
 - Be published in a newspaper of general circulation in the county where the real property is located.
 - Be published on two dates, with the date of the second publication occurring before the 14th day before the date of the award of the sale or lease is made.
 - Include the description of the real property, including its location.
 - Include a description of the procedure by which sealed bids or sealed proposals for the sale or lease may be submitted.
- Before selling property under this section, the Commissioners Court shall:
 - Obtain an appraisal of the property's fair market value.
 - Determine a minimum bid amount, based on the appraisal.
- Under the procedure, the Commissioners Court may reject any and all bids submitted.

SECTION 12: APPROVAL OF SPENDING BY CERTAIN COUNTY AND PRECINCT OFFICERS

DEFINITION

Section 130.908 of the Texas Local Government Code states:

If an incumbent county or precinct officer is not renominated or is not reelected to the county or precinct office of a county, during the time following the date the results of the official canvass of the primary or election returns are announced, the commissioners court must approve any expenditure by the incumbent county or precinct officer who was not renominated or reelected that is over an amount set by the commissioners court.

AMOUNT

The amount set for this purpose is any expenditure in the amount of \$2,000.00 or more.

COUNTY OFFICERS

County or precinct officers who shall comply with this policy and state statute are:

County Judge
County Commissioners
Constable
County Sheriff
County Treasurer
Justice of the Peace
County Tax Assessor Collector
County Clerk
District Clerk
County Court at Law Judge
District Judge
District Attorney

SEPARATE BILLS

Expenditures are not to be split into separate invoices in amounts below \$2,000.00 to avoid this policy.

DELAYED BILLS

Expenditures are not to be held or delayed in presentation for payment to avoid this statute and policy.

PRE-APPROVAL

Bills and invoices incurred in an amount of \$2,000.00 or more must be pre-approved by Commissioners Court or they will not be paid. Any financial obligation incurred by an outgoing county or precinct officer in the amount of \$2,000.00 or more not pre-approved will become the personal responsibility of the outgoing county or precinct officer who incurred this expenditure. All such expenditures in an amount of \$2,000.00 or more will be pre-approved by the Commissioners Court prior to incurring the bill, debt or financial obligation.

ELECTION

The election referred to in this policy shall mean the general election unless there is not an opponent in the general election. Where the incumbent loses the primary election and cannot run in the general election then the incumbent must comply with this policy from the date of the primary election. If the incumbent decides not to run for reelection, then the election will be the primary election.

COMPLIANCE VERIFICATION

The non-renominated or non-reelected county or precinct officer will provide all documents requested by the County Treasurer or County Auditor to ensure compliance with this policy and statute.

SECTION 13: PROCUREMENT PROCEDURES FOR USE WITH FEDERAL FUNDS

DEPARTMENT RESPONSIBILITY

- Each Lubbock County Department using Federal funds to obtain goods and/or services will do so in compliance with Federal grant guidelines, Federal regulations and 2 CFR part 200
- Lubbock County Departments, awarded Federal grants, will ensure that if subcontractors are hired, they also will obtain goods and services in compliance with Federal regulations
- Anytime Federal funds are to be used; the requisition should include in the general notes: Federal Funds Used
- All federally funded products will be inventoried

§200.318 GENERAL PROCUREMENT STANDARDS

- a) Lubbock County will use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, modified to conform to applicable Federal law and the standards identified in this part.
- b) Lubbock County will maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- c) Conflicts of Interest: No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of Lubbock County may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, unsolicited items of nominal value may be accepted. A violation of this section will result in disciplinary action up to and including termination of employment.
- d) Lubbock County seeks to avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economic approach.
- e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, Lubbock County participates in state and local

intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

- f) Lubbock County encourages the use of Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs
- g) Lubbock County uses value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.
- h) Lubbock County must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- i) Lubbock County will maintain sufficient records to detail the history of procurement. These records will include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- j) (1) Lubbock County may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a non-Federal entity is the sum of:
 - i. The actual cost of materials; and
 - ii. Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, Lubbock County must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.
- k) Lubbock County alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve Lubbock County of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of Lubbock County unless the matter is primarily a federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

§200.319 COMPETITION

- a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals are excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:
1. Placing unreasonable requirements on firms in order for them to qualify to do business;
 2. Requiring unnecessary experience and excessive bonding;
 3. Noncompetitive pricing practices between firms or between affiliated companies;
 4. Noncompetitive contracts to consultants that are on retainer contracts;
 5. Organizational conflicts of interest;
 6. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
 7. Any arbitrary action in the procurement process.
- b) Lubbock County conducts procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- c) Lubbock County will ensure that all solicitations:
1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
 2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

THE BUY AMERICAN PROVISION:

THE BUY AMERICAN PROVISION (Required in all formal, informal solicitations and contracts for food products in response to School Nutrition Programs)

As a participant of the School Nutrition Programs, the County will consider only applicable products that comply with the requirements of the “Buy American” Act.

The Buy American Provision: Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 requires institutions participating in the School Nutrition Programs in the contiguous United States to purchase, to the maximum extent practicable, domestic commodities or products for the use in meals served under the programs.

Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 (Public Law 105-336) added a provision, Section 12(n) to the NSLA (42 USC 1760(n)), requires school food authorities (SFAs) to purchase, to the maximum extent practicable, domestic commodity or product. A domestic commodity or product is defined as one that is either produced in the U.S. or is processed in the U.S. substantially using agricultural commodities that are produced in the U.S. as provided in 7 CFR 210.21(d).

“Substantial” means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically.

Lubbock County requires vendors to provide documentation that product specification submitted for bid to be in compliance with the Buy American provision.

Any Bidder intending to provide products produced or grown in a foreign country must include such information on their bid submission. Failure to include such information in their bid submission may result in a non-responsive bid.

Lubbock County will monitor contractor performance as required in 2 CFR Part 200.318(b), formerly in 7 CFR Part 3016.36(b)(2), to ensure that contractor(s) perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. This will be accomplished by ensuring the product label designates the United States, or its territories, as the country of origin.

Noncompliance with the Buy American provision from a contractor could result in product rejection at the vendor’s expense and/or contract termination. Exceptions to the Buy American Provision should be used as a last resort and must be approved by the County.

To be considered for an exception, a request must be submitted in writing to the County a minimum of 10 days in advance of delivery.

Two situations exist to warrant waivers to permit foreign food purchases:

- i. The product is not produced or manufactured in the US in sufficient and reasonable available quantities of satisfactory quality
- ii. Competitive bids reveal the costs of a US product is significantly higher than the foreign product

DEBARMENT AND SUSPENSION EXECUTIVE ORDERS 12549 AND 12689:

In an effort to provide assurance to the Federal Government that the State of Texas and its sub-recipients comply with Federal Executive Order 12549 and 12689, 2 CFR part 200, (“Sub-awards to debarred and suspended parties”), and the Texas Uniform Grant Management Standards (UGMS), requires a debarment status check of all vendors before contracting with or making any purchases with funds from any federal grant.

Prior to procuring or entering into a contract for grant-funded goods or services, the sub-recipient must check debarment status of the vendor using the System for Award Management (SAM) and document that verification has occurred. This policy applies to the procurement of all goods or services regardless of unit price or quantity.

The County Purchasing Department shall verify the debarment status of all vendors prior to utilizing any Federal Grant Funds, by using SAM.gov.

The following language will be incorporated in each solicitation.

DEBARMENT:

Proposer certifies that at the time of submission of its proposal, Proposer was not on the federal government’s list of suspended, ineligible, or debarred contractors and that Proposer has not been placed on this list between the time of its proposal submission and the time of execution of the Contract. If Proposer is placed on this list during the term of the Contract, Proposer shall notify the Lubbock County Director of Purchasing. False certification or failure to notify may result in termination of the Contract for default.

Lubbock County must ensure that all prequalified lists of people, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, Lubbock County does not preclude potential bidders from qualifying during the solicitation period.

§200.320 PROCUREMENT METHODS

Lubbock County may use any of the following methods of procurement.

- a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. To the extent practicable, Lubbock County must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if Lubbock County considers the price to be reasonable.
- b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.

1. In order for sealed bidding to be feasible, the following conditions should be present:
 - i. A complete, adequate, and realistic specification or purchase description is available;
 - ii. Two or more responsible bidders are willing and able to compete effectively for the business; and
 - iii. The procurement lends itself to a firm-fixed price contract and the selection of the successful bidder can be made principally based on price.
2. If sealed bids are used, the following requirements apply:
 - i. Bids must be solicited from an adequate number of known suppliers, providing them with sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
 - ii. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services for the bidder to properly respond;
 - iii. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
 - iv. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - v. Any or all bids may be rejected if there is a sound documented reason.

d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
2. Proposals must be solicited from an adequate number of qualified sources;
3. Lubbock County must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
4. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
5. Lubbock County may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only

be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

- e) [Reserved]
- f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 1. The item is available only from a single source;
 2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 3. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from Lubbock County; or
 4. After solicitation of several sources, competition is determined inadequate.

§200.321 CONTRACTING WITH SMALL BUSINESSES, MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, VETERAN-OWNED BUSINESSES, AND LABOR SURPLUS AREA FIRMS

- a) Lubbock County must take all necessary affirmative steps to ensure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- b) Affirmative steps must include:
 1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
 6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

§ 200.322 DOMESTIC PREFERENCES FOR PROCUREMENTS

- (a) The recipient or subrecipient should, to the greatest extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The

requirements of this section must be included in all subawards, contracts, and purchase orders under Federal awards.

(b) For purposes of this section:

(1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

(c) Federal agencies providing Federal financial assistance for infrastructure projects must implement the Buy America preferences set forth in 2 CFR part 184.

§200.323 PROCUREMENT OF RECOVERED MATERIALS

Lubbock County and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

§200.324 CONTRACT COST AND PRICE

- a) Lubbock County must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the procurement situation, but as a starting point, Lubbock County must make independent estimates before receiving bids or proposals.
- b) Lubbock County must negotiate profit as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for Lubbock County under Subpart E—Cost Principles of this part. Lubbock County may reference its own cost principles that comply with the Federal cost principles.

- d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

§200.325 FEDERAL AWARDING AGENCY OR PASS-THROUGH ENTITY REVIEW

- a) Lubbock County must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if Lubbock County desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
- b) Lubbock County must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
 - 1. Lubbock County's procurement procedures or operation fails to comply with the procurement standards in this part;
 - 2. The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - 3. The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
 - 4. The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
 - 5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- c) Lubbock County is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.
 - 1. Lubbock County may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;
 - 2. Lubbock County may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from Lubbock County that it is complying with these standards. Lubbock County must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

§200.326 BONDING REQUIREMENTS

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of Lubbock County provided that the Federal awarding agency or pass-through entity has decided that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- b) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- c) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

§200.327 CONTRACT PROVISIONS

Lubbock County's contracts for procurements using federal grant funds contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

SECTION 14: COUNTY-OWNED ASSETS

The purpose of this Fixed Asset section is to establish a standardized framework for the responsible stewardship, accountability, and oversight of all assets owned by Lubbock County. As a public entity, the County is entrusted with taxpayer-funded resources, and it is our obligation to manage these assets efficiently, transparently, and in compliance with all applicable laws, regulations, and internal controls. For additional information on county property, refer to Lubbock County Employee Handbook, Section 10.00, County Property.

The Purchasing Department along with the Auditor’s Office has the responsibility of maintaining an asset management system that records transactions pertaining to the acquisition, improvement, inventory, reporting, and final disposition of fixed assets. These records are summarized and submitted to the County Auditor’s Office in inclusion in the County’s Annual Comprehensive Financial Report (ACFR).

This procedural outlines the principles, responsibilities, and procedures for the lifecycle management of County assets—from acquisition and tracking to maintenance, transfer, and final disposal. It is designed to ensure that assets are accurately recorded, properly safeguarded, and effectively utilized in support of County operations and services.

Each Elected/Appointed Official and Department Head is responsible for the custody and care of county property assigned to their respective department. County property may be used only for County purposes.

Each Elected/Appointed Official and Department Head is responsible for ensuring that assets are tracked and secured in a manner that is most likely to prevent theft, loss, damage or misuse of assets. Care should be taken to ensure all necessary precautions are taken so that assets are secured.

County Departments have the responsibility to conduct annual verifications of assets including but not limited to vehicles, machinery and equipment to ensure proper maintenance and management of assets. In compliance with Texas LGC 262.011 (i), on July 1st, the Purchasing Director shall file with the County Auditor and each of the members of the board that appoints the Purchasing Director an inventory of all the property on hand.

The Purchasing Department may “spot check” or conduct a full inventory of any County Department and recommend changes.

This following section has been structured as a comprehensive reference for the Purchasing Department to establish standardized procedures for the acquisition, management, safeguarding, inventory, and disposal of all County-owned fixed and capital assets. This procedural applies to all County departments, agencies, offices, and personnel involved in the acquisition, use, tracking, or disposal of assets. It is intended to provide clear guidance on the following:

- A. Classification and types of County-owned assets
- B. Defined responsibilities of the Purchasing Department, individual County departments, Elected/Appointed Officials/Department Heads, and designated points of contact
- C. Established procedures for the receipt, tagging, and documentation of assets
- D. Protocols for the inventory, maintenance and safeguarding of County-owned assets
- E. Approved methods for the disposition, transfer and retirement of assets

This procedural incorporates standardized guidelines to ensure accurate accounting and tracking of all assets assigned to each County department.

All County employees are inherently responsible for the care and protection of County-owned assets under their control. This responsibility includes ensuring proper usage, routine maintenance, and implementing reasonable safeguards to prevent asset loss, damage, or theft.

Items determined to be sellable will be distributed into lots and sold via online auction. The determination of an item's sell-ability rests with the Purchasing Department and Commissioners Court.

Items determined by the Purchasing Department as not sellable will be destroyed in accordance with the procedures listed in the next paragraph below.

Any department wanting to obtain excess property from other governmental entities shall contact Lubbock County Purchasing Department prior to obtaining any property.

The following items will be destroyed by whatever means are necessary, including, but not limited to, burning, melting, cutting, crushing, shredding, etc. to render the item(s) useless for the purpose it was originally intended. The department in possession of these items is responsible for the proper destruction and disposal

as well as the methodology used. The Purchasing Department requires prior notification when the following items are to be destroyed. The notification shall include method of disposal, location and date and time.

- a) Law enforcement uniforms
- b) Electronic hard drives removed from equipment that will be sold or donated
- c) Law enforcement body armor that has reached the end of its useful life
- d) Weapons, body cameras, tasers, cameras and radios
- e) Abandoned inmate clothing, inmate bedding items, or items of personal hygiene
- f) Any items that could transmit, carry, or contain communicable or hazardous organisms or diseases

CONTROLLED PROPERTY

Each Elected/Appointed Official and Department Head shall maintain control over property not defined under non-capital or capital assets yet considered high risk items. High risk items include, but are not limited to, electronics, tools, and computer peripherals. Internal procedures, including physical inventories, should be established by each Elected/Appointed Official or Department Head to track such items.

INVENTORY ARRANGEMENTS

Prior to an Elected/Appointed Official or Department Head resignation, retirement or removal from his or her county employment, arrangements must be made with the Purchasing Department for an equipment inventory audit. The Purchasing Department will make note of any discrepancies between actual property located and the department's current inventory. The Elected/Appointed Official or Department Head will be personally accountable to the Court for all missing items. The Elected/Appointed Official or Department Head is responsible for turning the items over to the Purchasing Department.

IDENTIFYING AN ASSET

CAPITAL ASSETS

- Includes all tangible, software, non-expendable, moveable assets having a useful life of more than one year and an individual value over \$5,000.
- Any Improvement made after the original purchase; the unit cost must exceed \$5,000 to be added as an improvement to an existing asset otherwise non-capital must be used.
- This includes all items purchased, constructed, or donated, and may be either tangible (e.g., land, buildings, building improvements, vehicles, infrastructure, machinery, and equipment), or intangible (e.g., software). All capital assets are reportable and subject to depreciation.
- 6 series object account number distinguishes capital assets in the Requisition process and is denoted on Purchase Orders.
- Software licenses including renewals and subscriptions will be recorded as advised by the Auditor's office.

NON-CAPITAL ASSETS

- These assets have a value of \$1,000-\$4,999.
- 5 series object account number distinguishes non-capital assets in the Requisition process and is denoted on Purchase Orders.

- Any improvement with a unit cost under \$5,000 to an asset, should be paid from a 5 series account & will not be added to the value of the asset, i.e. sights, weapon optics, grill guards, decked systems, vehicle emergency and warning lights, etc.
- Software licenses including renewals and subscriptions regardless of cost will be recorded using 523000 - Software as advised by the Auditor's office.

For assets procured through federal funds, all items are inventoried regardless of dollar amount. State and Federal funded assets are managed in the same manner as County assets.

If a grant agreement requires an asset to be accounted for as equipment but does not meet the capital asset thresholds, then the asset must be accounted for as a non-capital asset.

REQUISITIONS

During the creation of a requisition for purchase order, inventoriable items are flagged in Munis under Optional Details as Fixed Asset.

When using Federal funds for procurement, reference 'FEDERAL FUNDS' under the general notes.

RECEIVING PROCEDURE

Notification:

- Department notifies the Fixed Asset Specialist upon receipt of assets.
- The department must provide the Purchasing Department with a serial number, VIN, or unique identifying number, if applicable.
- All associated documentation (e.g., invoice, packing slip, etc.) must be submitted to the Fixed Asset Specialist.

Invoicing and Documentation:

- Once PO Receiving has been keyed by the department, an automated e-mail is sent from Munis entitled Capital Asset Invoiced to the Fixed Asset Specialist and Administrative personnel. The e-mail lists the Purchase Order number and the line-item number the PO receiving record was keyed against.

Asset Creation:

- The asset is assigned a unique asset number in Munis, with the attached appropriate documentation and unique identification criteria (serial number/VIN) attached.
- Location, department, and end user (if applicable) are documented in Munis.
- Department is determined by the funds used for the procurement.
- Prior to placing the asset in service, the Fixed Asset Specialist must verify serial number/VIN, properly tag, document receipt of asset and obtain pictures as deemed necessary.

To ensure proper tagging of technology assets, ALL purchased technology assets must be delivered to and received by the Information Technology Services (ITS) department. ITS will coordinate with the Purchasing department or Fixed Asset Specialist for asset tagging.

Asset tags may not be removed from County-owned property.

For vehicles and insurable equipment: Upon creation of assets, the Fixed Asset Specialist notifies the Assistant Auditors to add to Capital Assets and Insurance list. E-mail includes – asset number, description, serial number/VIN, department, purchase order number, and unit cost.

PROJECTS

- Items can be **grouped** if they are capital in nature and are easily identifiable as **one project**.
- Capital accounts are used and are capitalized & depreciated.
- Additional purchases for projects are recorded as improvements to the project.
- Any professional service tied to a specific project must use a 6 series account as advised by the Auditor's office.

SOFTWARE

- Record **original** purchase of perpetual licenses as advised by the Auditor's office.
- Subscriptions/renewals will be recorded as advised by the Auditor's office

IMPROVEMENTS

- Additional component parts to existing capital asset.
- If individual cost > \$5,000.00 **improve** existing assets.
- If individual cost < \$5,000.00, created as a **unique** asset and linked to parent asset (not capitalized or depreciated) such as grill guards, decked systems, vehicle emergency and warning lights, optics, weapon accessories, etc.

TRANSFER PROCEDURE

Texas Local Government Code §262.011

(j) To prevent unnecessary purchases, the county purchasing agent, with the approval of the Commissioners Court, shall transfer county supplies, materials, and equipment from a subdivision, department, officer, or employee of the county that are not needed or used to another subdivision, department, officer, or employee requiring the supplies or materials or the use of the equipment. The county purchasing agent shall furnish to the county auditor a list of transferred supplies, materials, and equipment.

Procedure:

- Assets are offered to other county departments, if in good condition. An Inventory Receipt Form is required for any disposals or transfers of inventoriable county property.
- Departments must complete an Inventory Receipt Form (electronic or hard copy) and submit it to the Fixed Asset Specialist when transferring inventoriable items across departments.
- The Inventory Receipt Form serves as written documentation of the asset transaction
 - It is the responsibility of the transferring department to assure that the department receiving the property immediately acknowledges receipt of the property. Until the receiving department acknowledges receipt by signing the transfer form, the property shall remain on the inventory of the transferring department.

- After Commissioners Court approval, notice is sent to the Assistant Auditors of transfer by the Fixed Asset Specialist.
- Assets are updated in database through Adjustments and Retirements along with uploaded supporting documents for transfers of property.

DISPOSITION PROCEDURE

Texas Local Government Code §263.152

a) The Commissioners Court of a county may:

1. Periodically sell the county's surplus or salvage property by competitive bid or auction, except that competitive bidding or an auction is not necessary if the purchaser is another county or a political subdivision within the county that is selling the surplus or salvage property
2. Offer the property as a trade-in for new property of the same general type if the commissioners court considers that action to be in the best interests of the county
3. Order any of the property to be destroyed or otherwise disposed of as worthless if the commissioners court undertakes to sell that property under Subdivision (1) and is unable to do so because no bids are made
4. Dispose of the property by donating it to a civic or charitable organization located in the county if the commissioners court determines that: (A) undertaking to sell the property under Subdivision (1) would likely result in no bids or a bid price that is less than the county's expenses required for the bid process; (B) the donation serves a public purpose.

Salvage items are identified as items routinely discarded as waste that because of use, time, accident or other cause do not have value for the purpose for which they were originally intended.

Surplus items is property that is not considered salvage items; not currently needed by owner; that possess some usefulness for the purpose for which they were intended.

- Trade-ins are added to court agenda and require Commissioners Court action and Inventory Receipt Form.
- Upon Commissioners Court approval, assets are sold through online public auction held by licensed auctioneer.
- If asset receives no bid, it may be donated or disposed of, per Local Government Code §263.152(a)(3).

Technology assets will be moved by the Information Technology Services department and prepared for auction or disposal after the originating department completes the Inventory Receipt form. Grant related assets require approval from the Grant Administrator prior to disposal.

For vehicles and insurable equipment: Once sale has been finalized, Fixed Asset Specialist completes TXDMV Transfer Notification (Form VTR-346) and notifies the Assistant Auditors to remove them from Capital Assets and Insurance list. E-mail includes – asset number, description, SN/VIN, and department.

AUCTION PROCESS

Date and time of auction will be determined by the Purchasing department. County departments submitting items for auction must allow for adequate time for processing and Commissioners Court approval before items are auctioned. Late submissions may be held until the next auction.

County departments are required to submit the following to the Fixed Asset Specialist for auction consideration and processing.

- 1) Applicable auction worksheet
 - a) Misc. Item Worksheet
 - b) Trailer Worksheet
 - c) Vehicle & Equipment Worksheet

Forms that are not completed in their entirety will be returned to the submitting department for completion.

- 2) Digital photos of the item
 - a) For vehicles, exterior and interior photos are required.
 - b) County markings and license plates on any vehicle or equipment must be removed prior to photos being taken.

- 3) Vehicle or equipment license plate(s)

County departments are required to furnish worksheets and photos electronically to the Fixed Asset Specialist via e-mail, Express Files or MS OneDrive. Any worksheets or photos submitted in paper format will be returned to the department to submit to the Purchasing Department electronically.

If property is to be relocated to the County warehouse, the submitting department may need to coordinate with Facilities Maintenance for the relocation of property. The submitting department is required to separate out their items into lots with the assigned auction lot number affixed for clear identification.

NOTICE

Texas Local Government Code §263.153

The Commissioners Court shall publish notice of a sale of surplus or salvage property in at least one newspaper of general circulation in the county. The notice must be published on or after the 30th day but before the 10th day before the date of the sale.

PROCEDURE

The Fixed Asset Specialist will prepare a list of all items going to auction for Commissioners Court approval. The list will include auction lot number, department, item description, condition – damages/remarks and location.

- Upon Commissioners Court approval, the Fixed Asset Specialist will send notice of online auction to the newspaper of general circulation in the County.
- The Fixed Asset Specialist will notify each department designee via e-mail of the auction opening, closing and inspection dates and times. The e-mail will also include a list of the department's items with their assigned auction lot numbers.

- The Fixed Asset Specialist submits auction packet to the auctioneer for opening.
- Submitting departments are responsible for making auction items available for viewing on the designated inspection dates and times.
- If the department's contact changes from the worksheet designation, they are required to notify the Purchasing Department immediately so that the auction page can be updated with the appropriate location contact name and phone number.

AUCTION CLOSING

The Fixed Asset Specialist will e-mail each department location contact their signature sheet for their item(s). The sheet will include the lot number, item description, bidder signature & date fields. The awarded bidder or the designee referenced on the Authorization of Release form are required to sign & date the signature sheet at the time of pick-up. Signature sheets are to be returned to the Purchasing Department upon completion.

- If an item receives no bids, the submitting department will be notified and advised of the disposal process by the Fixed Asset Specialist.
- The Fixed Asset Specialist will forward each department contact the awarded bidder's paid receipt for their items.
- The department's location contact is required to verify the identity of the individual picking up the items using the auctioneer's paid receipt and the individual's Driver's License or state issued ID. Auction items are only released to the bidder listed on the paid receipt or the designee listed on the Authorization of Release form. **NO EXCEPTIONS.**
- All Authorization of Release forms must be sent to the Fixed Asset Specialist for review and approval. The form will be furnished to the applicable department location contacts by the Fixed Asset Specialist.
- One-Time extensions are only granted by the Purchasing Department. **NO EXCEPTIONS.** The Bidder **MUST** contact the Purchasing Department **PRIOR** to the final removal date to make alternate arrangements. Lubbock County Purchasing Department, at their sole discretion, will allow the Bidder an appropriate amount of additional time to remove the merchandise via one time extension **ONLY.** After the final removal date, fees will apply.
- Removal assessment fees are collected by the Purchasing Department. **NO EXCEPTIONS.**
- Submitting department must furnish the completed & signed Inventory Receipt form for all auctioned County assets to the Fixed Asset Specialist once property has been released.

ADMINISTRATIVE END PROCESS

- The auctioneer will issue a check made payable to Lubbock County for the net proceeds.
 - The Fixed Asset Specialist will process the check through the Treasurer's office for deposit.
 - The Fixed Asset Specialist will furnish an auction packet to the Auditor's office for processing when issuance of purchase order is required for the payment out of auction proceeds for grant funded offices, or as related to seized or awarded property.
- The Fixed Asset Specialist will notify the Assistant Auditors of the sale of capital assets and request the removal from insurance.
- The Fixed Asset Specialist will key the disposal of any capital and/or fixed assets into the financial system. The auction paid receipt is attached for supporting documentation. Once the disposal has been posted by the Purchasing Department, it will be removed from the submitting department's inventory.

PROCEEDS

Unless otherwise provided by law, the Commissioners Court shall deposit the proceeds of the sale of surplus or salvage property to the appropriate disposal account.

INVENTORY MAINTENANCE (ANNUAL INVENTORY)

AUTHORITY

Texas Local Government Code §262.011

(i) On July 1 of each year, the county purchasing agent shall file with the county auditor and each of the members of the board that appoints the county purchasing agent an inventory of all the property on hand and belonging to the county and each subdivision, officer, and employee of the county. The county auditor should carefully examine the inventory and make an accounting for all property purchased or previously inventoried and not appearing in the inventory.

PROCEDURES

- 1) Fixed Asset Specialist sends countywide annual inventory to each department which includes assigned Fixed Asset Inventory list and Annual Inventory Worksheet.
- 2) Department designee diligently accounts for each item on department inventory. Documenting any corrections, deletions, or additions on the inventory worksheet.
- 3) Fixed Asset Specialist makes any necessary changes and updates to the inventory database.
- 4) Purchasing has implemented supplementary documents that are intended to serve as internal controls in order to ensure reliability within the department and support edits to the databases such as additions, transfers and disposals:
 - a) New Asset Checklist
 - b) Asset Transfer Checklist
 - c) Asset Disposal Checklist
- 5) Missing Items:
 - a) The Department Head must report, in writing, any lost property immediately to the Director of Purchasing.
 - b) If department requests an item to be deleted from inventory, while unable to account for whereabouts, due diligence must be documented and furnished to the Purchasing Department on department letterhead signed by the Department Head.
 - c) Post Purchasing Department approval, status flag is updated from active to “missing”.
- 6) Stolen Items:
 - a) The Department Head must report, in writing, any stolen property immediately to the Director of Purchasing or designee.
 - b) Stolen property must be reported to the proper law enforcement agency, and a copy of the police report must be provided to the Director of Purchasing.
 - c) Post Purchasing Department approval, status flag is updated from active to “stolen”.
- 7) Fixed Asset Specialist exports current inventory list for all county departments and submits it to the Commissioners Court & Auditor on July 1st of each year.

FIREARM DISPOSITION

- 1) Purchase of Firearm by Honorably Retired Peace Officer Texas Government Code §614.051
 - a) An individual may purchase a firearm from a governmental entity if:
 - 1) Individual was a peace officer commissioned by the entity
 - 2) Individual was honorably retired from the individual's commission by the entity
 - 3) Firearm was previously issued to the individual by the entity; and
 - 4) The firearm is not a prohibited weapon under §46.05, Texas Penal Code
 - b) An individual may purchase only one firearm from a governmental entity under this section
 - c) Purchasing Department requires:
 - 1) Signed memo from department director or designee requesting transfer:
 - (a) Asset Number
 - (b) Serial Number
 - (c) Officer's full name
 - (d) Description
 - (e) TX Gov. Code notation
 - 2) A quote showing the replacement cost, per Texas Government Code §614.053
 - 3) Treasurer's receipt showing payment of firearm
 - 4) Inventory Receipt – officer to sign as receiving entity
- 2) Purchase of Firearm by Surviving Spouse, Child, or Parent of Deceased Peace Officer Texas Government Code §614.052
 - a) An individual listed under Subsection (b) may purchase a firearm from a governmental entity if:
 - 1) The firearm had been previously issued by the entity to a peace officer commissioned by the entity who died while commissioned, without regard to whether the officer died while discharging the official duties; and
 - 2) The firearm is not a prohibited weapon under Section 46.05, Penal Code.
 - b) Individuals who may purchase the firearm under Subsection (a) are, in order of precedence:
 - 1) The surviving spouse of the deceased peace officer
 - 2) A child of the deceased peace officer; and
 - 3) A parent of the deceased peace officer

Historically, the Sheriff's Office has been the intermediary for the deceased Peace Officer and the Purchasing Department. Working on behalf of the family to acquire the items and provide an Inventory Receipt Form.

- c) Purchasing Department requires:
 - 1) Signed memo from department director or designee, requesting transfer:
 - (a) Asset Number
 - (b) Serial Number
 - (c) Officer's full name
 - (d) Description
 - (e) TX Gov. Code notation
 - 2) Inventory Receipt Form – family to sign as receiving entity

Purchase Price of Firearm
Texas Government Code §614.053

A governmental entity shall establish the amount, which may not exceed fair market value, for which a firearm may be purchased under this subchapter.