

SOUTHERN GEORGIA REGIONAL COMMISSION PROCUREMENT PROCEDURES

The purpose of procurement procedures is to establish guidelines governing the purchase of supplies, equipment, contractual services, and other items by the Southern Georgia Regional Commission (RC). These procedures are designed to ensure that the RC's funds are expended in accordance with sound business practices, have sufficient documentation and approval, and that expenditures meet the requirements of federal, state, and local funding agencies. The RC will follow the guidelines established by 2 CFR 200.318-326 as part of these procurement procedures.

These procurement procedures are not intended to restrict or eliminate competition. All procurement transactions, regardless of whether by sealed bids or by negotiation and without regard to dollar value, shall be conducted in a manner that provides maximum open and free competition. All purchases, regardless of program, will be guided by these procedures and in accordance with applicable agency regulations.

Affirmative action steps will be taken to assure that small and minority businesses and women's business enterprises are used when possible. Affirmative steps will include placing qualified small and minority businesses and women's business enterprises on solicitation lists and assuring that they are solicited whenever they are potential sources.

DISADVANTAGED BUSINESS ENTERPRISE

It is the policy of the RC that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, shall have the equal opportunity to participate in the performance of the RC's contracts which are funded, either wholly or partially, with federal funds from U.S. Department of Transportation financial assistance programs. RC staff is responsible for compliance with this policy within his/her department and will use his/her best efforts to carry out the policy in the solicitation and award of departmental contracts to the fullest extent possible consistent with the efficient operation of the department's work. The formal DBE Policy is contained in a separate document.

METHODS OF PROCUREMENT

Procurement procedures will not be applied to purchases of items or services if:

- The cost of a single item or service is \$500 or less,
- The purchase is made through online government surplus auctions (www.govdeals.com), or
- The purchase is made from state-approved vendors where a state agency has already satisfied procurement requirements.

For all other purchases, the RC will utilize one of the following methods of procurement:

Micro-purchase – A micro-purchase is the acquisition of supplies and services, the aggregate dollar amount of which does not exceed the micro-purchase threshold set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions). (As of July 2015, the micro-purchase threshold is \$3,000.) To the extent practicable, micro purchases will be distributed equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the RC considers the price to be reasonable. For purchases of routine supplies, price quotations may be obtained periodically to ensure the RC is receiving the best price available.

Small purchase – A small purchase is a relatively simple and informal procurement method to secure services, supplies, or other property that does not cost more than the Simplified Acquisition Threshold set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions) and in accordance with 41 U.S.C. 1908. (As of July 2015, the Simplified Acquisition Threshold amount is \$150,000.) If small purchase procedures are used, price or rate quotations shall be obtained from three qualified sources. Quotations may be obtained via phone, Internet or catalog.

When price quotations are required, a Comparable Price Documentation Form must be attached to the Requisition Form. This form includes a description of the item(s), the quantity, the vendors contacted, the date the quotes were received, the amounts quoted, any pertinent information regarding the quotes, the vendor selected, and the reason for the selection.

Sealed bid (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 to all the material terms and conditions of the invitation for bids, is the lowest in price. If sealed bids are used, the following requirements apply:

- The invitation for bids will be advertised as a public notice in the local newspaper and also submitted as a news release in other area newspapers. The RC will notify in writing known suppliers, providing them sufficient time prior to the date set for opening the bids;
- The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;
- All bids will be publicly opened at the time and place prescribed in the invitation for bids;
- 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 shall be considered in determining which bid is lowest; and
- The RC may reject any and all bids, if there is a sound documented reason. Reasons for rejection include but are not limited to:

- All bids are over available funds.
- Funds are no longer available.
- Bids do not meet specifications.

Competitive proposal – The RC will use the competitive proposal method when more than one source will submit an offer, and/or when program specs are too broad to compare bids solely on the basis of cost/price. If this method is used, the following requirements apply:

- Requests for proposals (RFP) will be publicized as a public notice in the local newspaper and submitted to other area newspapers as a news release. Any response to publicized requests for proposals shall be honored to the maximum extent practical;
- The RFP will identify all evaluation factors and their relative importance;
- Proposals will be solicited from bidders' list, and other appropriate sources;
- On the proposals received, evaluations will be conducted by appropriate staff, council members, and/or individuals with expertise/knowledge pertinent to the procured service; and
- Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered. As a result, the proposal with the lowest cost may not be awarded the contract.

Noncompetitive proposal – Noncompetitive proposal procurement is through solicitation of a proposal from only one source. Procurement by noncompetitive proposal may be used only when the award of a contract is not feasible under small or micro purchase procedures, sealed bids, or competitive proposals and one of the following circumstances applies:

- The item is available only from a single source;
- The need for the item or service is immediate;
- The awarding agency authorizes noncompetitive proposals; or
- After solicitation of a number of sources, competition is determined inadequate.

The need for noncompetitive procurement will be documented in writing and attached to the Requisition Form or contract, whichever is applicable.

VENDORS

For purposes of this section, vendors will include suppliers, consultants, contractors, and subcontractors. Awards will be made only to responsible suppliers and contractors who possess the potential ability to perform successfully. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

All vendors providing supplies, equipment, or services to the RC shall be reputable firms or individuals having the demonstrated capacity to produce or provide supplies, equipment, and/or services within a reasonable amount of time. All new vendors must furnish a W-9 to the RC prior to receipt of payment.

Vendors shall be subject to disqualification if they are found to misrepresent quality, quantity, or price of supplies, equipment, services, or items delivered. Vendors will also be disqualified if time limits established for the purchases are exceeded.

DEBARMENT AND SUSPENSION

Consistent with federal regulations, RC staff will take necessary steps to ensure that its contractors are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the transaction/contract.

CERTIFICATION REGARDING FEDERAL LOBBYING

Consistent with Public Law 101-121, Section 319 (31 U.S.C. 1352) RC staff will require contractors whose awards exceed \$100,000 to provide certification regarding compliance with lobbying restrictions.

PURCHASING PROCEDURES

Initiating a Purchase – Any staff member may initiate a purchase. A purchase is initiated by completing a standard Requisition Form, listing the supplies, equipment, services, or other item requested, quantity, cost, vendor name, and justification for purchase.

Purchases must have a Requisition Form signed by the originating staff person and approved by the Program Director and the Executive Director or designee. However, in the following exceptions, a Requisition Form may be processed with the signature of the originating staff person and the approval and signature of the Program Director only.

- The requisition total is \$250 or less or
- The cost will be reimbursed to the RC from a source other than the RC's program funding. Example: Expenditures for client items in the Money Follows the Person (MFP) program.

Employee travel related items such as registration, lodging, parking, and airfare will not require a Requisition Form. Instead, an Authorization for Out of Area Travel Form signed by the originating staff person and approved by the Program Director and the Executive Director or designee is required. The Authorization for Out of Area Travel Form will list anticipated costs and requested method of payment for each cost (RC credit card, RC check, or reimbursement). If a registration payment by check is required, an original and one copy of the registration form must be attached to the

Authorization for Out of Area Travel Form, and the notes on the form must indicate the date by which the check must be received by the registrar.

A Requisition Form is not required for recurring monthly bills such as utility bills, telephone bills, building payment, and payment of items under a contract.

Purchase Orders – Purchases of supplies and equipment will be made by submission of a purchase order to the vendor, unless not required by the vendor.

Purchase orders are prepared in triplicate by the designated staff person only after an approved Requisition Form has been received. The original purchase order will be given to the initiating staff member to submit to the vendor as authorization for the purchase. The first copy will be filed sequentially and the file maintained by RC administrative staff. The second copy, along with the Requisition Form and any other documentation, will be filed in the outstanding purchase order file until an invoice is received.

Other Purchases – Purchases of gas for the RC vehicles are made on the RC gas cards. These cards are provided with each vehicle. Gas purchases will be logged in the vehicle's car book at the time of purchase. Reimbursement for cash purchases of gas will only be made when the gas card is not accepted. In these instances, receipts must be kept and request for reimbursement may be made on a Requisition Form.

ACQUISITION AND DISPOSITION OF PROPERTY

The acquisition and disposal of property is a necessary component of conducting business for the RC. Any purchase or disposition of a single piece of property where the value exceeds \$1,000 must be approved by the Executive Director or his/her designee. In addition, any purchase or disposition of a single piece of property where the value exceeds \$25,000 must be approved by the Executive Committee of the Council. This policy pertains to both real and personal property. All acquisitions and dispositions of property, regardless of program, will be guided by this policy and in accordance with applicable agency regulations.

PROCUREMENT PROTEST PROCEDURES

Any party registering a protest pertaining to the issuance of a contract or award under these procurement procedures must do so in writing within ten (10) calendar days from the date of issuance of the contract or award.

Any dispute concerning a question of fact arising either from a consultant or subrecipient selection decision, or under a consultant or subgrant contract, once executed, shall be decided by the RC Executive Director who, after advisory consultation with all appropriate RC officials shall promptly reduce such decision concerning the question of fact to writing and mail, or otherwise furnish a copy thereof,

to the disputing party. The Executive Director shall concurrently fully advise the disputing party, in writing, of the provisions outlined herein below concerning the disputing party's right to appeal the decision to the appropriate committee.

The decision of the Executive Director shall be final and conclusive unless, within ten (10) calendar days of receipt of such copy, the disputing party mails or otherwise furnishes a written appeal concerning the question of fact to the Executive Director, who shall arrange a formal hearing within thirty (30) calendar days after receipt of the appeal, before the appropriate committee. Both the disputing party and the appropriate Program Director shall be notified no less than five (5) calendar days in advance of the hearing and shall have the right to present witnesses and give evidence concerning the question of fact at such time. Within thirty (30) calendar days after the hearing, the Chair of the appropriate committee shall direct the committee to make a decision concerning the question of fact in writing to the disputing party and to the Executive Director.

STANDARDS OF CONDUCT

No employee, officer, agent, or council member of the RC shall participate in the selection, award, or administration of a contract if he/she has a real or apparent conflict of interest. Such a conflict of interest would arise when (1) the employee, officer, agent, or council member, (2) any member of his/her immediate family, (3) his/her partner, or (4) an organization which employs, or is about to employ, any of the parties indicated above, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The RC's officers, employees, agents, or council members will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts, other than items of nominal intrinsic value.

Violation of the standards of conduct may result in disciplinary action up to and including termination/dismissal.