

Utah County Procurement Policy



Table of Contents

- 1 Overview 4
 - 1.1 Applicability/Scope 4
 - 1.2 Purpose 4
 - 1.3 Legal Authority 4
 - 1.4 Purchasing Agent 4
 - 1.5 Delegated Purchasing Authority 4
 - 1.6 Compliance with Policy 4
- 2 Acquisition of Goods and Services 5
 - 2.1 Purchase Types 5
 - 2.1.1 Goods, Equipment, Supplies, and Materials (Not Connected with Public Works Projects) . 5
 - 2.1.2 Services 5
 - 2.1.3 Subscriptions and Equipment Leases..... 6
 - 2.1.4 Construction/Public Works Project Defined 6
 - 2.2 Purchase Requisition..... 6
 - 2.3 Purchase Requisition Approval Process (Procurement Authority) 6
 - 2.4 Competitive Purchasing Requirements 7
 - 2.4.1 Waiving the Requirement for a Contract..... 7
 - 2.4.2 Cumulative Purchase Thresholds 7
 - 2.4.3 County-Wide Purchasing..... 8
 - 2.4.4 Purchases Funded by Federal Awards, Grants, or Other Outside Funding Sources 8
 - 2.5 Purchase Order 8
 - 2.5.1 Purchase Order Modifications 8
 - 2.6 Purchasing Card (P-Card) 8
 - 2.6.1 P-Card Access 9
 - 2.6.2 P-Card Spending Authorization..... 9
 - 2.6.3 Eligible Purchases..... 9
 - 2.6.4 Ineligible Purchases..... 9
 - 2.6.5 P-Card Responsibility 9
 - 2.7 Prohibited Purchases and Practices..... 9
- 3 Competitive Procurement Process 10
 - 3.1 Specifications 10
 - 3.2 Developing Specifications 10
 - 3.3 Quotes..... 10
 - 3.4 Invitation to Bid (ITB) 11
 - 3.5 Request for Proposal (RFP) 11
 - 3.6 Request for Qualifications (RFQ)..... 12
 - 3.7 Public Notice 12
 - 3.8 Pre-Opening Modification or Withdrawal of Bids or Proposals 12

3.9	Late Submission of Bids/Proposals, Withdrawals or Modifications	12
3.10	Mistakes Discovered After Opening of Bids and Proposals	12
3.10.1	Mistakes in Bids	12
3.10.2	Mistakes in Proposals.....	13
3.11	Evaluation Process	13
3.11.1	Evaluation Committee	13
3.11.2	Method of Award.....	14
3.11.3	Lowest Responsible and Responsive Bid	14
3.11.4	Best Value	14
3.11.5	Most Highly Qualified.....	14
3.11.6	Evaluation Criteria.....	15
3.11.7	Local Preference.....	15
3.12	Protest Procedures	15
4	Exceptions to Standard Purchasing Requirements.....	15
4.1	Cooperative Purchasing Exception	15
4.2	Use of Other Competitive Procurements	15
4.3	Exemptions from Competitive Source Selection	15
4.4	Sole Source/Single Source Exception.....	16
4.5	Emergency Purchase Exception	17
5	Vendor Registration	17
6	Receiving	18
6.1	Receipt of Purchases.....	18
6.1.1	Incomplete/Defective Orders	18
6.2	Delivery Address	18
7	Purchasing Ethics	18
7.1	Standard of Conduct	18
7.2	Vendor Relationships	18
7.3	Conflicts of Interest.....	19
7.3.1	Disclosure by Employees.....	19
7.3.2	Disclosure by Elected Officials	19
7.3.3	Remedies.....	19
7.4	Vendor Ethics Requirements	19
7.4.1	Remedies.....	19
7.5	Prohibited Practices and Actions	20
7.6	Purchasing for Personal Use	20
7.7	Unethical Use of Confidential Information	20
8	Definitions.....	21

1 Overview

1.1 Applicability/Scope

The purpose of this Procurement Policy is to assist employees with understanding processes, requirements, and regulations for purchases on behalf of Utah County Government (the County). These policies relate to all purchasing of goods and services made by the County, its employees, officials, and other representatives acting on behalf of the County. This Procurement Policy is compliant with Utah Procurement Code.

1.2 Purpose

Procurement policies and procedures have been established to achieve the following objectives:

- i. Establish authority and responsibility for purchasing activities conducted on behalf of the County and ensure compliance with all applicable laws, regulations, and standards;
- ii. Standardize procedures to promote organizational efficiency;
- iii. Foster a collaborative approach to purchasing that provides support for County staff, departments, and other officials in providing services to the community;
- iv. Promote strong County purchasing values of ethics and transparency to maintain the public's trust;
- v. Encourage fair and open competition.

1.3 Legal Authority

Procurement Authority is the power either to (1) award, or to approve the award of, legally binding procurement agreements (contracts or Purchase Orders) or (2) enter into purchasing transactions using a County-issued procurement card (P-card) on behalf of the County.

1.4 Purchasing Agent

The responsibility for all purchases made by the County is held by the Purchasing Agent. The Purchasing Agent may take any action of a procurement nature to advance the economic well-being and efficient operation of the County so long as that action is not in conflict with the Utah County Procurement Policy. The Purchasing Agent shall create any necessary administrative procurement rules, regulations, and procedures necessary for the efficient operation of the procurement function. When there is a question regarding the interpretation of any part of this Procurement Policy, the Purchasing Agent shall make the final determination, in accordance with State and County codes and policies.

1.5 Delegated Purchasing Authority

As authorized by this Procurement Policy, the Board of County Commissioners has delegated procurement authority for certain purchases to individual departments, as identified in Section 2.3 of this Policy.

1.6 Compliance with Policy

Failure to follow this Procurement Policy may result in disciplinary action, loss of purchasing privileges, and personal liability for purchases.

2 Acquisition of Goods and Services

All County purchases must use one of the following processes to acquire goods and services:

- P-Card (Procurement Card)
- Purchase Requisition/Order
- Authorized petty cash purchases

Depending on specific requirements of each purchase, the County may also be required to use a separate contract or issue a Request for Proposal (RFP), Request for Qualifications (RFQ), or Invitation to Bid (ITB) prior to award of contract or issuance of a Purchase Order.

For small-dollar or recurring purchases, the County encourages the use of a County-issued P-Card (refer to Section 2.6 of this Policy for additional P-Card guidelines). For all other purchases, and for purchase types outlined in Section 2.1, departments must use the Purchase Requisition/Order process defined in Sections 2.2 – 2.5.

Purchase Type	Dollar Threshold	Types of Purchase
Purchase Requisition	\$0 – Unlimited	<ul style="list-style-type: none"> • Goods, Equipment, Supplies, Materials • Services • Subscriptions, Equipment Leases • Construction/Public Works Project
P-Card	Less than or equal to \$10,000*	<ul style="list-style-type: none"> • Goods, Equipment, Supplies, and Materials (Not Connected with a Construction/Public Works Project) • Services • Subscriptions

**Exceptions to the P-card limits may be made by the Purchasing Agent on a case-by-case basis.*

2.1 Purchase Types

2.1.1 Goods, Equipment, Supplies, and Materials (Not Connected with Public Works Projects)

This includes purchasing goods, equipment, supplies, or materials where the County makes a one-time payment. However, if purchase is directly connected to construction, alteration, repairs, or improvements, other than ordinary maintenance, it is considered to be part of a Construction/Public Works Project and is subject to public projects contracting requirements in Section 2.1.4.

Purchases of computers or computer-related equipment require approval from the Information Systems Department. Purchases of furniture and telecommunications equipment or telecommunications-related equipment require approval from the Public Works Department.

2.1.2 Services

Services include any professional service. Certain professional services may require licensing or certification by state agencies, such as accounting, legal, or medical services, and it is incumbent upon the Purchase Requestor/Approver to ensure the Vendor is compliant with all licensing and certification requirements.

2.1.3 Subscriptions and Equipment Leases

Subscriptions and equipment leases require regular recurring payments or require the County to commit resources or complete defined responsibilities. Subscriptions and leases may have unique accounting requirements to track the purchase.

2.1.4 Construction/Public Works Project Defined

The process of using County or contract labor to build, alter, repair, improve, or demolish any structure, building, road, trail, park, or public improvement.

2.2 Purchase Requisition

A Purchase Requisition is an internal electronic form created in the County's financial system that:

- i. Initiates an order by one or more departments;
- ii. Is initiated by a Purchase Requestor, which is defined as any County employee with appropriate security permission and authority from their department to initiate a purchase;
- iii. Provides a check of available funding and encumbers County budget;
- iv. Identifies the requested purchase, and
- v. Identifies the specific funds (account codes) that will be used to pay for the order.

With the exception of P-card purchases within approved thresholds, Purchase Requisitions will be used to request all County purchases. All Purchase Requisitions will be entered into the financial system by the Purchase Requestor in advance of the purchase to facilitate necessary approvals and encumbrances.

2.3 Purchase Requisition Approval Process (Procurement Authority)

Purchase Requisitions will follow the standard approval process below to comply with approved levels of Procurement Authority. Completion of the requisition approval process demonstrates that all necessary approvals have been obtained based on the individual Purchase Requisition Amount. If the approver is not available, the absent approver or Purchasing Agent can designate an authorized approver. Thresholds include freight (always FOB Destination), handling, and setup cost, and are exclusive of trade-ins. Purchase amounts represent cumulative purchasing threshold defined in Section 2.4.1.

Level	Purchase Amount*	Approver
1	Less than or equal to \$10,000	<ul style="list-style-type: none">• Division Manager or Department Head Designee
2	Less than or equal to \$50,000	<ul style="list-style-type: none">• Department Head• Purchasing
3	Less than or equal to \$100,000	<ul style="list-style-type: none">• Department Head• County Administrator• Purchasing
4	Over \$100,000	<ul style="list-style-type: none">• Department Head• County Administrator• Purchasing• Commission*

* Purchase orders issued under an existing County contract will not require additional Commissioner approval.

2.4 Competitive Purchasing Requirements

Unless otherwise exempted by this Procurement Policy, the County will use a competitive process as defined below for purchases meeting the following criteria:

Purchase Type	Informal Threshold	Informal Method	Formal Threshold	Formal Method	Required Contract Documents
Goods, Equipment, Supplies, Materials	More than or equal to \$10,000	3 Quotes	More than or equal to \$50,000	ITB	Purchase Order
Services	Less than \$100,000	N/A	More than or equal to \$100,000	RFP/RFQ	Contract (if over \$10,000) and Purchase Order
Subscriptions, Equipment Leases	Less than \$50,000	N/A	More than or equal to \$50,000	RFP	Contract (if over \$10,000) and Purchase Order
Construction/ Public Works Projects	Less than \$100,000	N/A	More than or equal to \$100,000	ITB/RFP/RFQ	Contract and Purchase Order

For purchases under the informal threshold amount, the Purchasing Agent may elect to use a competitive purchasing method, which may include an evaluation by the department to determine the best value for the County.

2.4.1 Waiving the Requirement for a Contract

The requirement to obtain a contract for purchases may be waived if recommended by the Purchasing Agent and the Utah County Attorney's Office.

2.4.2 Cumulative Purchase Thresholds

The Purchasing Agent will monitor individual transactions against cumulative totals for the entire County. Departments may not issue multiple Purchase Orders or contracts to avoid purchase approval thresholds or competitive purchase requirements.

All dollar thresholds are per fiscal year for one or more similar items, or like items, or for items used in conjunction with one another (across the entire County) that would reasonably be planned or expected when the original purchase was submitted. The dollar thresholds will also be monitored for total contract value, even if the County is not the direct payor of the goods or services.

For multi-year contracts:

- i. For the purchase of goods, the dollar thresholds determining formal or informal bid competition requirements shall apply to the per-year cost and shall consider the highest one-year cost during a County fiscal year.
 - o For example, a two-year contract for materials with a cost of \$25,000 in year 1 and \$30,000 in year 2 would require 3 quotes, while a cost of \$25,000 in year 1 and \$60,000 in year 2 would require an ITB, since the highest year exceeds \$50,000.

- ii. For services, the dollar thresholds shall apply to the total multi-year cost of the Agreement, including optional term extensions.
 - o For example, a three-year contract for services with a cost of \$25,000 per year would not require a formal competitive process, however if the cost is \$35,000 per year, it would require a formal competitive process (RFP or RFQ), since the total exceeds \$100,000.

2.4.3 County-Wide Purchasing

Where possible, the Purchasing Agent will work to identify opportunities where multiple departments can combine purchases of the same item(s) to take advantage of economies of scale.

2.4.4 Purchases Funded by Federal Awards, Grants, or Other Outside Funding Sources

Purchases involving federal awards, grants, and other funding sources from grantors or donors may have their own procurement requirements. Some grants may require additional terms and conditions or competitive purchasing requirements. Similarly, in the event of a disaster, federal reimbursement requirements may require a competitive process not typically necessary under the County's standard process. It is the Purchase Requestor's responsibility to understand all requirements of the federal award, grant, or other funding source to receive reimbursement and avoid any audit findings. In the event of a conflict between the County's policies and any regulation required by external funding, the County is required to meet requirements for both or where that is not possible, follow the most restrictive policy.

2.5 Purchase Order

A Purchase Order is the official document used to commit the County for a purchase transaction with a vendor. The Purchase Order identifies terms and conditions of the order, confirms that the County has sufficient budget for the purchase, and allows the County to clearly and explicitly communicate intentions to the approved vendor. Information on the purchase order may include, but is not limited to, price, performance, description of the requested item, delivery schedule, transportation mode, terms and conditions, and all other requirements pertinent to the purchase and its execution by the vendor.

A vendor's acceptance of a Purchase Order constitutes a legally binding agreement. Purchase Orders shall be issued by the Purchasing Agent or designee after all required procedures for selection are met.

2.5.1 Purchase Order Modifications

Departments that require a change to an existing Purchase Order must submit a change request through the financial system. Unless specifically authorized on a specific Purchase Order or contract, the standard County tolerance for Purchase Order modification is \$1,000 or 10%, whichever is less. Change requests that increase the total amount of the Purchase Order beyond the standard acceptable tolerance level must be approved using the process defined in Section 2.3 for the revised total of the Purchase Order.

2.6 Purchasing Card (P-Card)

P-Cards are designed to provide an alternative, convenient, and efficient method for eligible purchasers to buy directly from suppliers within pre-approved authority levels and spending limits. P-Cards are not intended to be used to avoid or bypass purchasing policies, and all County purchasing policies apply to all P-Card transactions regardless of an individual Cardholder's card limits.

2.6.1 P-Card Access

P-Cards will be issued to Cardholders, (County employees, officials, or others representing the County) with permission from the employee's department head and the Purchasing Agent.

2.6.2 P-Card Spending Authorization

Cardholders shall be authorized to use their P-Card on eligible expenditures up to a single transaction limit, a daily transaction limit, and monthly limit. The single transaction limit is the total dollar value of any one single transaction and the daily transaction limit is the total of all transactions made to the card in a single day. The monthly limit identifies the cumulative total for a single month defined by the County's billing period.

2.6.3 Eligible Purchases

All County purchases through a P-Card must follow County policy. The County prefers that small-dollar purchases within a Cardholders single transaction limit be made with the P-Card to reduce transaction volume, and to maximize the revenue share earned from the P-card provider.

Eligible purchases include:

- i. Goods, Equipment, Supplies, and Materials to support ongoing County operations;
- ii. Goods, Equipment, Supplies, and Materials to support maintenance, repairs, and operations of County assets;
- iii. Purchases related to employee travel;
- iv. Purchases covered by the Policy for Food and Gifts for County Business.

2.6.4 Ineligible Purchases

The following purchases are not eligible for use on a P-Card:

- i. Purchase over the single transaction limit for Cardholder without specific approval from the Purchasing Agent;
- ii. Split purchases where two individual transactions for the same (or similar) purchase exceed the single transaction limit;
- iii. All Construction/Public Works Project purchases, as defined in Section 2.1.4;
- iv. Purchase of capital assets (assets that cost more than \$5,000 and have a useful life of more than one year);
- v. Purchase by a department of goods that County policy requires to be purchased by the Information Services Department or the Public Works Department per Section 2.1.1, unless specifically authorized by those departments.

2.6.5 P-Card Responsibility

Appropriate use of the P-Card results in a Utah County liability, not a personal liability of the Cardholder. However, in the event of unauthorized use of the P-Card, the Cardholder may be required to reimburse the County for ineligible purchases and/or face additional discipline, per the County's P-Card Policy.

2.7 Prohibited Purchases and Practices

The following purchases are prohibited:

- i. Prepayments and down payments, unless authorized by statute or contract;

- ii. Purchases that violate Federal, State, or local laws or County ordinances, resolutions, rules, or policies;
- iii. Items and services for personal or non-official use.

3 Competitive Procurement Process

For purchases exceeding the County’s threshold for competitive procurement, departments will work with the Purchasing Agent to coordinate the appropriate informal or formal competitive solicitation process.

3.1 Specifications

Specifications provide a precise description of the physical characteristics, quality, or desired outcomes of a purchase, which a supplier must be able to produce or deliver to be considered responsive and responsible for award of a contract. There are two types of specifications—design and performance.

- i. A design specification establishes the characteristics a commodity must possess, including details of how the commodity will be manufactured; engineering plans, drawings, or blueprints may be included. The design specification states in prescriptive terms what the potential offeror must provide to the buyer. The objective of a design specification is to meet a custom or unique requirement.
- ii. A performance specification describes the desired outcome or intended use of a commodity and how the commodity will perform (e.g., number of items, distance to travel, time required). Performance metrics are essential to define acceptance testing and successful achievement of outcomes. A performance specification may utilize a functional description to define the task or desired result of the purchase.

3.2 Developing Specifications

As part of a bid, RFP, ITB, or RFQ process, the County shall develop specifications to include the following standards:

- i. Promote open competition,
- ii. Avoid suggestions of bias,
- iii. Identify minimum requirements or acceptable commercial standards,
- iv. Clearly convey to potential offerors and other relevant stakeholders the application or intended use of the good or service,
- v. Identify acceptance criteria including the use of performance metrics for assessing the achievement of performance outcomes.

3.3 Quotes

Purchase Type	Informal Threshold	Informal Method	Formal Threshold	Formal Method
Goods, Equipment, Supplies, Materials	More than or equal to \$10,000	3 Quotes	More than or equal to \$50,000	ITB

For purchases that require Quotes, the Purchase Requester must obtain and document at least three (3) Quotes. When obtaining Quotes from vendors:

- i. Provide all vendors with the same information to assure Quotes are for equal and comparable items.
- ii. All Quotes should be documented in writing and included with the Purchase Requisition. Responses must contain, at a minimum, the following:
 - a. Contact Date
 - b. Description of goods, equipment, or services.
 - c. Unit price
 - d. Name of vendor and their contact.
 - e. If using a Procurement approved contract, quote must reference contract number.
- ii. If a vendor does not respond to a request for a quote, the Purchase Requestor must document the request if the request is to be counted as a request for a quote.

3.4 Invitation to Bid (ITB)

Purchase Type	Informal Threshold	Informal Method	Formal Threshold	Formal Method
Goods, Equipment, Supplies, Materials	More than or equal to \$10,000	3 Quotes	More than or equal to \$50,000	ITB

An Invitation to Bid (ITB) procurement method may be chosen when requirements are known and the award is based primarily on price, which can include total cost of ownership. To be eligible for recommendation of award, a bid must be a Responsive Bid and the bidder must be a Responsible Bidder.

3.5 Request for Proposal (RFP)

Purchase Type	Informal Threshold	Informal Method	Formal Threshold	Formal Method
Services	Less than \$100,000	N/A	More than or equal to \$100,000	RFP
Subscriptions, Equipment Leases	Less than \$50,000	N/A	More than or equal to \$50,000	RFP

A Request for Proposals (RFP) is a solicitation document issued through a competitive procurement method. An RFP is used when the requirements are not clearly known, are qualitative rather than quantitative, or when the County is looking for a solution to a problem. An RFP tends to be utilized for technical and complex procurements as proposers are encouraged to offer creative solutions that are customized to the County’s need. A key characteristic of an RFP is the evaluation of proposals using pre-established criteria to select a proposer(s) for contract award. When an RFP is used to solicit a proposal, a proposer is selected based on a combination of price and non-price evaluation criteria.

3.6 Request for Qualifications (RFQ)

Purchase Type	Informal Threshold	Informal Method	Formal Threshold	Formal Method
Services	Less than \$100,000	N/A	More than or equal to \$100,000	RFQ

A Request for Qualifications (RFQ) uses a "qualifications-based selection." Prospective vendors submit qualifications to the County. The County then assesses the expertise of the competing firms based on qualifications that may include knowledge, skill, experience, and other project specific factors, rather than fees to identify the most highly qualified firm. Once selected, the County negotiates the final project scope and fee. If the County and most highly qualified firm cannot reach an agreement on project scope, schedule, and budget, the County then negotiates with the next most highly qualified firm.

3.7 Public Notice

To allow fair and transparent competition public solicitation notices shall be posted for a minimum of seven (7) calendar days before the deadline for submission of a solicitation response in one or more of the following: A newspaper of general circulation, a newspaper of local circulation in the area pertinent to the procurement, industry media, a government publication designed for giving public notice; or on an online platform for posting a public procurement notice generally available to a wide audience of potential bidders. State or federally funded projects may have additional requirements.

It is the responsibility of a person seeking information provided by a notice published under this section to seek out, find, and respond to the notice.

3.8 Pre-Opening Modification or Withdrawal of Bids or Proposals

Bids or proposals may be modified or withdrawn if the modification or withdrawal is made in writing prior to the bid or proposal deadline for submission.

3.9 Late Submission of Bids/Proposals, Withdrawals or Modifications

Any bid/proposal, withdrawal, or modification received after the due date and time set in the solicitation is late. No late bid/proposal, late withdrawal, or late modification will be considered unless received before contract award, and the late delivery of the bid/proposal, withdrawal, or modification is indisputably not due to the bidder's fault or negligence. The Purchasing Agent, in consultation with the Utah County Attorney's Office, shall determine whether to accept a late bid/proposal, late withdrawal, or late modification. All documents relating to the late bid, late withdrawal, or late modification shall be made a part of the appropriate procurement file.

3.10 Mistakes Discovered After Opening of Bids and Proposals

3.10.1 Mistakes in Bids

If a mistake is attributable to an error in judgment, the bid may not be corrected. Bid correction or withdrawal by reason of an inadvertent, nonjudgmental mistake is permissible, but at the discretion of the Purchasing Agent and to the extent it is not contrary to the interest of the County or the fair treatment of the other bidders.

When it appears from a review of the bid that a mistake has been made, the bidder should be requested to confirm the bid. Situations in which confirmation should be requested include obvious, apparent errors on the face of the bid or a bid unreasonably lower than the other bids submitted. If the bidder alleges a mistake, the bid may be corrected if the mistake is discovered before award is made and the mistake is a minor informality. Minor informalities are matters of form rather than substance evident from the bid document, or insignificant mistakes that can be waived or corrected without prejudice to other bidders; that is, the effect on price, quantity, quality, delivery, or contractual conditions is not significant. The Purchasing Agent may waive such informalities.

The Purchasing Agent shall approve or deny, in writing, a bidder's request to correct or withdraw a bid.

Mistakes shall not be corrected after award of a contract.

3.10.2 Mistakes in Proposals

When it appears from a review of the proposal before award that a mistake has been made, the offeror should be asked to confirm the proposal. If the offeror alleges a mistake, the proposal may be corrected or withdrawn during any discussions that are held.

Once discussions are commenced with any offeror or after best and final offers are requested, any offeror may freely correct any mistake by modifying or withdrawing the proposal until the time and date set for receipt of best and final offers.

Minor informalities shall be treated the same as they are treated under competitive sealed bidding.

If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected, and the correct offer considered only if:

- i. The mistake and the correct offer are clearly evident on the face of the proposal, in which event the proposal may not be withdrawn.
- ii. If the mistake is not clearly evident on the face of the proposal, but the offeror submits proof that clearly and convincingly demonstrates both the existence of a mistake and the correct offer, and such correction would not be contrary to the fair and equal treatment of other offerors.

Mistakes shall not be corrected after award of the contract.

3.11 Evaluation Process

3.11.1 Evaluation Committee

For formal Request for Proposal processes defined in this section, the County shall use an Evaluation Committee to review vendor submissions and recommend award of contract. The Purchasing Agent, in coordination with the issuing department, shall identify an evaluation committee that may include, but is not limited to, representatives from the user department/division, any other department/division(s) involved, or any other individual(s) with specialized expertise. The Evaluation Committee may include individuals with relevant knowledge or expertise who are not County employees.

If at any time during the competitive procurement process an individual is aware of a conflict of interest, real or potential, he or she should notify the Purchasing Agent immediately. Please see section 7.3 for more information on conflicts of interest.

3.11.2 Method of Award

Competitive solicitations shall be awarded based on the following:

- i. Quotes: Lowest Responsible and Responsive Bid
- ii. ITB: Lowest Responsible and Responsive Bid
- iii. RFP: Best Value Ranking
- iv. RFQ: Most Highly Qualified Ranking

3.11.3 Lowest Responsible and Responsive Bid

The lowest responsible and responsive bid shall be selected. The Purchasing Agent, in coordination with the requesting department, shall determine that the bidder meets all bid specifications (responsive), and that the bidder is responsible by considering the following:

- i. The ability, capacity, and skill of the bidder, including adequacy of physical facilities and financial resources, to perform the contract within the specified time and production requirements;
- ii. The bidder's record of performance on previous contracts;
- iii. The character, integrity, experience, and reputation of the bidder, including compliance with laws and ordinances relating to the contract;
- iv. The bidder's ability to provide future maintenance and service for the use of the subject of the contract;
- v. The number and scope of conditions attached to the bid or quotation;
- vi. Impacts on business continuity and service delivery for the County;
- vii. The total contract cost and complete life cycle costs for the item(s) purchased.

In determining the lowest bid, the County may consider factors beyond initial fees and include total contract cost, potential for price changes, and complete life-cycle costs for item purchased.

3.11.4 Best Value

An Evaluation Committee shall determine the proposal response that demonstrates best value for the County. Best value is a technique in a competitive solicitation process which emphasizes value over price and permits the evaluation of criteria such as qualifications, experience, and performance data to determine the best overall value to the agency. When determining best value, the County shall define specific evaluation criteria for each solicitation that address the major success factors and risks for the purchase/project.

3.11.5 Most Highly Qualified

The Evaluation Committee shall determine one firm as the most highly qualified. Most highly qualified should be evaluated based on evaluation criteria identified prior to release of the RFQ and be defined to represent specific success factors of the purchase.

The County may select more than one qualified firm if the County intends to award contracts to multiple firms.

3.11.6 Evaluation Criteria

Prior to the issuance for competitive solicitations, the evaluation criteria shall be defined unique to each solicitation in conjunction with the operating department and Procurement. Evaluation criteria should identify appropriate priority, weighting, or ranking to reflect success factors and risks, including financial, technical, past performance, and other metrics identified by the procurement team. The criteria shall be published with the RFP.

3.11.7 Local Preference

All purchases should consider Local Providers for the purchasing decision. Competitive solicitations may identify evaluation criteria to define local preference. For an RFP or RFQ, local preference criteria shall account for a maximum of 10% of committee scoring. For bids or for an ITB, the County may factor in a maximum of 10% of the total bid for Local Providers when determining the lowest bid.

3.12 Protest Procedures

In the event that a bidder or offeror believes that they were not given a fair analysis of their bid or offer, the County allows any responsive and responsible bidder or offeror to file a formal protest. Protests must be submitted in writing to the Purchasing Agent no later than ten (10) calendar days after the award announcement or decision to award, whichever occurs first. The written protest shall include the basis for the protest and the relief sought. The Purchasing Agent, in consultation with the County Attorney's Office, shall issue a decision in writing within ten calendar days stating the reasons for the action taken.

4 Exceptions to Standard Purchasing Requirements

4.1 Cooperative Purchasing Exception

The County may elect to award a contract by using a Cooperative Purchasing process as a substitute for the competitive purchasing process with approval from the Purchasing Agent. To qualify for Cooperative Purchasing, the price for the item to be purchased from a third-party must have been previously established by the Federal Government, State of Utah, another municipal or county government, or eligible cooperative government purchasing program. The Purchasing Agent shall maintain a list of eligible cooperative government purchasing programs that meet the needs and requirements of the County.

4.2 Use of Other Competitive Procurements

The Purchasing Agent may utilize the competitive purchasing processes of other government entities as the basis for the County's source selection, if the entity's solicitation process meets the standards of the County, the scope of the entity's procurement was substantially similar to the needs of the County, and the process upon which the procurement relied occurred within the last two years.

4.3 Exemptions from Competitive Source Selection

The Purchasing Agent may exempt purchases from all or a portion of normal procurement procedures when to do so is in the best interest of the County, such as when the Purchasing Agent determines that the potential cost of preparing, soliciting, and evaluating competitive bids or proposals is expected to exceed the benefits normally associated with such solicitations. The Purchasing Agent may exempt the

following purchases from all or a portion of the rules or may require other actions to further the economic interest of Utah County:

- i. **Utah State Contracts.** Items available under Utah state contracts;
- ii. **Other Governmental Entity and Group Purchasing Organization Contracts.** Procurement items available under another governmental entity, association of governments, or a group purchasing organization contract that have gone through a competitive source selection process comparable to Utah County's, minor deviations from other entity's contractual terms allowed to meet Utah County project-specific requirements;
- iii. **Expert Witnesses.** Expert witnesses to provide testimony in litigation;
- iv. **Educational Materials.** The purchase of books, media, subscriptions, magazines, trade journals, reference works, periodicals, examinations materials, and similar articles of an educational or instructional nature. This exemption does not apply to right-to-use software or right-to-use licenses that some providers may describe as a software subscription;
- v. **Elections.** Goods, materials, supplies and services utilized by the county clerk for the purpose of performing his/her duties with regards to elections;
- vi. **Care of Inmates.** Goods, materials, supplies and services utilized by the county sheriff for the purpose of providing individuals committed to jail with necessary food, clothing, bedding and medical care;
- vii. **Utah County Event Entertainment and Attractions.** Source selection of entertainment, attractions, booth vendors, and sponsors for Utah County Government public events;
- viii. **Advertisements.** Radio, newspapers, magazines, professional organizations, trade shows, social media, television, and any other related media;
- ix. **Services and Facilities for County Sponsored Events.** Hotels, motels, restaurants and similar facilities or venues for County sponsored events;
- x. **Training and Conferences.** Courses, seminars, speakers, conferences, and other meetings where there is little or no choice of venue, or where a specific course is desired to meet County needs;
- xi. **Utilities;**
- xii. **Bulk Fuel;**
- xiii. **Used vehicles or equipment.** When purchasing used vehicles or equipment, alternative procurement methods may be used, such as auctions or direct negotiation with vendors.

4.4 Sole Source/Single Source Exception

The County provides exceptions to the competitive purchasing requirements for Sole Source and Single Source opportunities.

- i. Sole Source is defined as a non-competitive method of procurement used when only one supplier possesses the unique ability or capability to meet the particular requirements of the entity or when only one supplier is practicably available.
- ii. Single Source is defined as the County's strategic decision to purchase product/services from one vendor based on past competitive solicitation (e.g., using a single manufacturer of equipment that would allow the County to standardize), even though other competitive sources may be available.

A Sole/Single source purchase may be approved if one or more of the following conditions exist:

- i. Standardization or compatibility to existing County standard or to existing equipment, inventory, systems, data, programs, or service;
- ii. Where a sole supplier's item is needed for trial use or testing;
- iii. Market analysis determines only one supplier is available to meet County needs;
- iv. Licensed or patented product with only one dealer (and the license or patent is paramount to the procurement);
- v. Only one authorized service provider for current County asset exists;
- vi. Unique design and no alternatives exist;
- vii. Total cost of issuing a solicitation would exceed the benefit to the County, and, based on the determination by the Purchasing Agent, issuing a solicitation is unlikely to yield a better value for the County.

Approval authority for Single/Sole source purchases:

Tier	Purchase Price	Approval and Process
1	Less than or equal to \$100,000	<ul style="list-style-type: none"> • Purchasing Agent
2	Over \$100,000	<ul style="list-style-type: none"> • Purchasing Agent • At least two County Commissioners • Public notice for at least three days

4.5 Emergency Purchase Exception

In emergency situations, should it be necessary to obtain supplies, repair parts, or secure services before there is time to solicit quotations, the Purchasing Agent or County Administrator may authorize the County to enter into a contract for the goods or services. Emergency purchases shall be defined as purchases of supplies, equipment, or services necessary to continue a County operation that is in jeopardy, to protect public safety, or to protect public property.

At the conclusion of the immediate emergency situation, the Purchase Requestor shall provide written documentation to the Purchasing Agent, and the purchase shall be recorded appropriately in the County's financial system.

The Purchasing Agent may also delegate emergency purchasing authority up to specified amounts to specific individuals or department heads.

5 Vendor Registration

A vendor list will be maintained by the Purchasing Agent and include all vendors who have been approved for business with the County. The list will be a combination of vendors and contractors who have expressed interest in doing current and future business with the County and have met minimum contracting requirements for insurance, licensing/certification, and other requirements defined by the County.

6 Receiving

6.1 Receipt of Purchases

Departments will be responsible for recording receipt of purchased goods and services. The County will utilize a two-way matching process to ensure that Purchase Orders match invoices. By approval of any invoice, departments acknowledge receipt of the purchase and are responsible for verifying purchase accuracy, completion, and quality.

6.1.1 Incomplete/Defective Orders

- i. If the goods shipped do not comply with the Purchase Order, the department shall contact the vendor and request the vendor to bring the purchase into compliance.
- ii. If the vendor fails to do so within a reasonable time, the department will notify the Purchasing Agent. The County's Purchasing Agent will notify the vendor of the breach of contract and pursue remedies available based on the contract terms and conditions.

6.2 Delivery Address

Purchases must only be shipped to official Utah County Government addresses or other approved destinations. Purchases may not be shipped to any employee residence. Exceptions may be made on a case-by-case basis when approved by the Purchasing Agent.

7 Purchasing Ethics

7.1 Standard of Conduct

Every employee or official engaging in purchasing activities on behalf of the County is required to comply with the following standards of conduct:

- i. Only authorized purchases must be used to conduct County business within predetermined budgets and under appropriate purchasing authority.
- ii. Purchasing actions of employees must be impartial and fair.
- iii. Public employment must not be used for personal gain.
- iv. County employees must not solicit, accept, or agree to accept any gratuity for themselves, their families, or others that could result in personal gain affecting their impartiality toward decision-making on the job.
- v. Public employees must identify and eliminate participation of any individual in operational situations where a conflict of interest may be involved.

7.2 Vendor Relationships

To maintain a fair process that supports competition, employees and other officials engaged in purchasing activities shall:

- i. Safeguard the procurement process from political or outside influence;
- ii. Refrain from showing favoritism or being influenced by suppliers through the acceptance of gifts, gratuities, loans, or favors;

- iii. Refrain from requiring suppliers to pay to be included on an approved or preferred supplier list; and
- iv. Refrain from requesting donations of goods or services to the public entity.

7.3 Conflicts of Interest

It shall be a violation of this Section for any employee to participate directly or indirectly in a procurement transaction, including participating in the evaluation of a competitive procurement, when the employee has an ownership, employment, prospective employment, or family/personal interest pertaining to the procurement.

7.3.1 Disclosure by Employees

Upon discovery of an actual or potential conflict of interest, an employee, or any individual representing the County, shall promptly notify the Purchasing Agent to disclose the conflict in writing and withdraw from further participation in the transaction.

7.3.2 Disclosure by Elected Officials

Upon discovery of an actual or potential conflict of interest, an Elected Official shall promptly notify the Purchasing Agent to disclose the conflict in writing and shall withdraw from participation in the decision making or approval process.

7.3.3 Remedies

In addition to existing administrative and legal remedies for breach of ethical standards or violations of policy/law, any improper actions or omissions may result in disciplinary action up to and including termination of employment.

7.4 Vendor Ethics Requirements

The County stipulates certain ethical requirements for vendors participating in procurement transactions, including:

- i. No contractor, prospective contractor, or subcontractor shall confer upon any public employee having official responsibility for a procurement transaction any payment, loan, subscription, advance, deposit of money or services, present or promised.
- ii. All contractors, prospective contractors, and subcontractors shall inform the County of any personal interest of any public official with respect to any County procurement.
- iii. No contractor, prospective contractor, or subcontractor shall give, demand, or receive from any suppliers, subcontractors, or competitors any bribe or kickback or anything of value in return for participation in a procurement transaction or agreeing not to compete in a transaction.

7.4.1 Remedies

Any attempt by a contractor, prospective contractor, or subcontractor to improperly influence a public official, employee, or former employee may result in disciplinary action, up to and including, debarment or suspension from all County contracts.

7.5 Prohibited Practices and Actions

The following practices are specifically prohibited in performing purchasing activities on behalf of the County:

- i. Having a financial or personal beneficial interest (directly or indirectly) in any contract or Purchase Order for supplies, equipment, services, or projects furnished to the County;
- ii. Accepting or receiving (directly or indirectly) from any person, firm, or corporation to whom any contract or Purchase Order may be awarded (by rebate, gift, or otherwise) any money, anything of value in excess of \$50, or any promise, obligation, or contract for future reward or compensation. Inexpensive advertising items bearing the name of the firm (such as pens, pencils, paper weights, or calendars) or items offered to all attendees of an event (e.g., snacks or meals at a conference) are not considered articles of value or gifts in relation to this policy;
- iii. Using information available to officials and employees, solely because of their County position, for personal profit, gain, or advantage;
- iv. Directly or indirectly furnishing services or information not available to all prospective bidders to any person or firm bidding on, or who may reasonably be expected to bid on, a contract with the County;
- v. Providing confidential information to persons to whom issuance of such information has not been authorized;
- vi. Using a position or status in the County to solicit (directly or indirectly) business of any kind; or to purchase products at special discounts or upon special concessions for personal or private use from any person or firm who sells or solicits sales to the County;
- vii. Serving the interests of any organization (either as an officer, employee, member of the board of directors, or in any capacity for consideration) which transacts or attempts to transact business with the County for profit when such employee holds a County position of review or control—even though remote—over such business transactions.

7.6 Purchasing for Personal Use

County employees shall not use their official capacity or County time to negotiate or make personal purchases for themselves or others. Employees must act purely in the best interest of the public at all times and avoid the introduction of personal factors. County employees shall not use County accounts to purchase personal items that would not otherwise be available to the public. This includes using County accounts to purchase personal items tax free, even if the items are paid for by the employee.

7.7 Unethical Use of Confidential Information

County employees are frequently made privy to confidential information in the course of their duties, and the prohibition against the misuse of confidential information is just as fundamental to ethical purchasing as it is to any other sphere of government. It shall be unethical for any employee, or former employee, knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

8 Definitions

Approved Vendor: A vendor who has been approved by the Purchasing Agent to do business with the county. By definition, vendors agree to County terms and conditions.

Cardholder: A county employee who has been authorized by their department head to make authorized purchases on behalf of Utah County Government. Cardholder is responsible for all charges on their card.

Construction/Public Works Project – as defined in Section 2.1.4: The process of using County or contract labor to build, alter, repair, improve, or demolish any structure, building, road, trail, park or public improvement.

Cooperative Procurement (Purchasing): 1. The action taken when two or more entities combine their requirements to obtain the advantages of volume purchases, including administrative savings and other benefits. 2. A variety of arrangements, whereby two or more public procurement entities purchase from the same supplier or multiple suppliers using a single Invitation to Bid (ITB) or Request for Proposals (RFP). Cooperative procurement efforts may result in contracts that other entities may “piggyback.”

Inter-local agreement: An agreement made between government entities in which one entity agrees to deliver goods or services to the other, or to cooperate with or contribute to one another's efforts.

Invitation to Bid (ITB) – as defined in Section 3.4: A procurement method used to solicit competitive sealed bid responses, sometimes called formal bids, when price is the basis for award.

Local Provider: An approved local vendor that procurement may give a small preference to in solicitation requests within a defined geographic area. Preference and criteria are stated up front in solicitation request. May not use if Federal Funding is involved.

Purchase Requisition: A document created by a requestor authorizing the commencement of a purchasing transaction; typically, will include a description of the need and other information relative to the transaction. May be submitted in hard copy or via eProcurement software.

Purchasing Card (P-Card): A payment method used to empower an entity's internal clients to buy directly from suppliers within pre-approved authority levels and spending limits. May also be used as a method of payment by Accounts Payable.

Quote: An informal purchasing process that solicits pricing information from several sources.

Qualified Bidder: A supplier with the integrity and reliability as well as the financial and technical capacity to perform the requirements of the solicitation and subsequent contract. See also: Approved Vendor, Responsible Bidder/Proposer/Offeror

Request for Proposal (RFP) – as defined in Section 3.5: The document used to solicit proposals from potential providers (proposers) for goods and services. Price is usually not a primary evaluation factor. An RFP provides for the negotiation of all terms, including price, prior to contract award. May include a provision for the negotiation of best and final offers. May be a single-step or multistep process.

Request for Qualifications (RFQ) – as defined in Section 3.6: A document that is issued by a procurement entity to obtain statements of qualifications to gauge potential competition in the marketplace, or to select qualified vendors with which the County will enter into contract negotiations.

Responsible Bidder/Proposer/Offeror: A supplier with the integrity and reliability, as well as the financial and technical capacity to perform the requirements of the solicitation and subsequent contract. See also: Qualified Bidder.

Responsive Bid/Proposal/Offer: A bid, proposal, or offer that fully conforms in all material respects to the solicitation and all of its requirements, including all form and substance.

Non-Responsive (Bid): A response to a solicitation that does not conform to the mandatory or essential requirements contained in the solicitation.

Utah Procurement Code: State of Utah code that governs Procurement in the State of Utah. Code is found in Title 63G General Government chapter 6a Utah Procurement Code. If county Procurement code/policy is silent on a topic, State code applies.