

**Converse County  
Procurement Policy  
and Procedures**

Adopted by the Board of County Commissioners  
Effective: May 15, 2018.

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## **Definitions:**

*“Asset or Fixed (Capital) Asset”* means one item valued at \$5,000 or more and a useful life of more than one year.

*“Board”* means the current Board of Converse County Commissioners.

*“Capital Expenditure”* means an expenditure of or greater than \$3,500.

*“Change Order”* means a written authorization provided by a vendor requesting approval of a change from the original plans, specifications, or other contract documents, as well as a change in the cost.”

*“Conflict of Interest”* means any situation in which financial or other personal considerations may compromise or appear to compromise (1) an employee’s business judgment; (2) delivery of services; or (3) ability for an employee to do his or her job. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employer or for a relative as a result of business dealings. For the purpose of this policy, a relative shall be defined as spouse, child, parent, grandparent, grandchild, sister or brother, including step and in-law relations.

*“County”* means Converse County, its employees, elected officials, all offices and departments, and joint powers’ boards.

*“Inventory or Inventory Asset”* means an asset with an acquisition cost of up to \$3,500 and a useful life of more than one year.

## **Offices, Agencies, Departments and Boards/Commissions/Committees**

Any new department, agency, board, commission, etc., created by the County would be bound by this policy at the time of formation.

### **County Elected Offices and Departments**

- Board of County Commissioners
- Assessor
- Attorney
- Clerk
- Clerk of District Court
- Coroner
- Sheriff
- Treasurer
- Courthouse Maintenance
- Emergency Management
- Health
- Information Systems (a/k/a Information Technology)
- Special Projects
- Surveyor
- Road & Bridge

**Joint State & County Departments:**

- Public Health
- UW Extension

**County Appointed Boards/Commissions/Committees**

This policy applies to the following Boards only if purchasing, selling, moving, or disposing of county-owned property, or applying and securing County sponsored grants.

**Joint Town & County:**

- Converse County Joint Justice Center (Douglas - Converse County)
- CCJPB – Fire Suppression Authority
- CCJPB – E-911

## **SECTION 1: PURCHASING GOODS & SERVICES**

### **Section 1.1. Obtaining Bids**

The objective of this policy is to provide the citizens of Converse County with the best value for products and services acquired by their government.

Converse County does not have a central purchasing department; therefore, each office or department manages its own procurement of goods and services that have been approved through adoption of the budget. The purchase of any product or service with grant funding may not be applicable to this policy. If the grant agreement calls for other requirements, those would supersede this policy.

Purchases at or above \$3,500.00, shall be purchased through either informal or formal competitive bidding processes open to all qualified vendors.

- An *informal* bidding process may be used at the discretion of the purchasing entity by soliciting a minimum of two bids which may be by written invitation or by telephone, facsimile, or e-mail inquiry.
- A *formal* bidding process must be used for products or services valued above \$20,000.00. Invitations to bid must include, but not be limited to, a brief scope of work, date and time deadline for submission of bid, criteria for selection and a contact name and phone number.

In the event of an unanticipated or emergency circumstance where repairs must be made immediately, such purchases or contracts may be made based on availability of a qualified provider.

For any reason whatsoever and at its sole discretion, the Board may elect to waive the bidding process, either informal or formal, for purchases of goods and services and contract services if it feels that this is in the best interest of the County. Justification to waive the bidding process shall be submitted in writing to the Board by the Department Head or Elected Official.

Intentionally splitting a purchase to circumvent this procurement policy is strictly prohibited.

## **SECTION 2: PURCHASING GOODS & SERVICES**

### **Section 2.1. Purchasing Goods**

Purchase of products that include recycled contents or energy efficient characteristics is encouraged. Local government is a large consumer of goods and can both demonstrate leadership and have a positive effect on markets for recycled or energy efficient products.

Products valued at or greater than \$3,500.00 each shall be budgeted as a capital expenditure in the annual budget, and shall be purchased through an informal or formal competitive bidding process, unless otherwise specifically approved by the Board. Any capital expenditure that is not included in the annual budget must be approved by the Board. Bids for non-budgeted capital expenditures may be solicited prior to approval, with the express understanding that acquisition will depend on the Board's approval.

### **Section 2.2. Solicitation of bids**

Solicitation of competitive bids is required per Section 1, except where there is a volume purchase discount, or where there is a sole source for the product. Specifications shall include, but not be limited to: budgeted cost, required delivery, warranty, standards for service and availability of parts, and other pertinent requirements. To request a waiver on the competitive bid process, the Department Head or Elected Official shall submit written documentation outlining the reasoning.

When appropriate, Converse County will require professionals in a particular field to prepare specifications for bidding. Examples include architectural or engineering design work for construction activities. Vendors may be pre-qualified if it is determined that a specified service or product is required. Prequalification shall not be used to exclude vendors unless their services or products do not meet the expectation of Converse County's needs.

### **Section 2.3. Evaluation of bids**

A documented evaluation of bids shall be maintained in the office or department records for a period of one year. If the purchase is made with grant funds, the retention schedule for that grant shall be used. Commission Only: Evaluation criteria should include demonstrated understanding of scope of project, qualifications to perform service, cost basis (lump sum, cost-plus on time/material, guaranteed maximum, or other), references of provider and years in business, ability to meet time requirements, adequate insurance (verified with insurance required in bid specification), bonding capability if applicable and terms of payment.

Pursuant to **Wyoming Statute §16-6-101 to 16-6-107** a five percent preferential shall be given to Wyoming contractors, if applicable.

Converse County reserves the right to accept or reject any or all bids, to negotiate any items in the best interest of the County, and to accept the bid deemed to be in its best interest. If payment terms include multiple payments, scheduling of these payments are the responsibility of the Elected Official or Department Head making the purchase and must be turned in to the County Clerk's Office by the accounts payable deadline.

Converse County does not use purchase orders. Vendors requiring a purchase order number shall be provided the name of the Elected Official or Department Head, and the budget account/line item number. If payment terms include multiple payments, scheduling of these payments are the responsibility of the Elected Official or Department Head making the purchase and must be turned in to the County Clerk according to the accounts payable schedule.

Converse County reserves the right to accept or reject any or all bids, to negotiate any items in the best interest of the County, and to accept the bid deemed to be in its best interest.

### **Section 2.4. Change Orders**

Costs that exceed the original contract amount of an asset costing \$25,000.00 or greater must be approved in writing by the Board through the change order process (see definitions on page 2). This approval should only come after review by the County Attorney's Office or designated attorney at the time.

## **SECTION 3. CONTRACTING SERVICES**

All contracts and agreements, that commit Converse County to more than \$5,000.00 in payment, shall be brought before the Board after review by the County Attorney and the applicable Elected Official or department head.

All professional, construction, or other services with an estimated cost in of or in excess of \$5,000.00 shall be specifically budgeted as a separate project item.

Projects may be included within an office's or department's budget if unique to that respective office or department; or within the Courthouse Maintenance, or applicable building budget, if performed for the benefit of several offices or department or for the benefit of the entire County.

Contracts for services, other than professional services, with an estimated cost of or in excess of \$5,000.00, shall be contracted through a competitive bidding process, either informal or formal, unless otherwise specifically approved by the Board.

## **SECTION 4. CONTRACT APPROVAL**

All contracts and leases that legally bind Converse County must be reviewed as to form and content by the County Attorney's Office prior to the Board's regular meeting. The Board must have an opportunity to review and approve such documents at their regularly scheduled meeting.

Contracts for products and services must contain the following provisions: scope of services or product to be acquired – Engagement of Services, term of contract (if for services), total cost or compensation, payment terms, contact name, address, and phone number for each party, and any other applicable legal provisions.

The County's standard Contract for Services shall be used as a basis for drafting contract language (a copy may be obtained from the County Attorney's Office). Copies of all fully executed contracts shall be provided to the County Clerk.

## **SECTION 5. CONFLICTS OF INTEREST**

Converse County prohibits its employees from engaging in any activity or practice, which conflicts with the interests of the County or its customers. Examples of conflicts of interests, which should always be avoided, are set forth below.

If any employee or a member of his immediate family has a financial interest in a firm, which does business with the County, and the interest is sufficient to affect the employee's decisions or actions, the employee must not represent the County in such transactions.

No employee shall accept personal gifts from any person or firm doing or seeking to do business with the County under any circumstances from which it might reasonably be inferred that the purpose of the gift is to influence the employee in the conduct of the County business with the donor. Such gifts should be returned with a note of explanation. However, employees are not prohibited from accepting novelties such as pens, pencils, and calendars, or other gifts of nominal value when the circumstances clearly show that the gifts are offered for reasons of personal esteem and affection.

No employee shall directly or indirectly, give, offer, or promise anything of value to any representative of any financial institution or any other business in connection with any transaction or business that the County may have with such financial institution or business.

In the course of performing their duties, employees may receive information about the County which, if known to the public, might affect the decisions of a reasonable investor to buy, sell, or hold land or other securities that may either grow or diminish in value depending on the decisions made by the County. Employees are prohibited from misusing such material inside information, prior to public disclosure, for their own personal gain or the gain of their immediate family members, or friends.

It is impossible to describe all of the situations, which may arise involving conflicts of interest. When any employee has a question concerning a possible conflict of interest, it is expected that he will request advice from his department head.

## **SECTION 6. CAPITAL (FIXED) ASSETS AND INVENTORY ASSETS**

### **Section 6.1. Inventory**

All property meeting the requirements (including donations and gifts) as a fixed asset or an inventory

asset shall be itemized, numbered, and controlled on an Asset Inventory File maintained by the County Clerk. Inventory assets shall include “sensitive” items such as: firearms and radios. The inventory shall be audited annually by each department for accuracy and compliance with the following policies. On or before April 1<sup>st</sup> of each year, the County Clerk will provide each office, department, board, or other governmental entity with a current inventory, to be verified, corrected, and returned to the County Clerk within 30 days of receipt.

## **Section 6.2. Disposal of Assets**

Assets that have been entered on the County’s Asset Inventory File and other County property, may be sold at fair market value and, if not, shall be turned into the Maintenance Department for appropriate disposition. Each item to be disposed of must be reported to the County Clerk on the Asset Form (Attachment “B”) to (1) update the asset inventory file (fixed asset schedule) with deletion of an asset, and (2) manage the disposal process in conjunction with the County’s Building/Grounds Manager. Assets shall be disposed of in a responsible manner.

# **GRANT ADMINISTRATION**

Converse County does not have a centralized grants department; therefore, it is the responsibility of each Department obtaining a grant to be familiar with all grant documents and requirements.

## **1. Grant Development, Application, and Approval –**

- a. Board Approval – The point at which Board approval is required is determined by the requirements of the grant program. If the grant must be submitted by “an individual authorized by the legislative body”, then Board approval is required prior to submitting the application. If such approval is not specifically required by the written terms of the grant, then the department head may, at his or her discretion, approve grant applications. In this case, a copy of the application shall be provided to the Board. Upon approval of all grants, a copy of the agreement shall also be furnished to the Board. Electronic copies are preferable.
- b. Matching Funds – Grants that require cash matches must be identified within the existing budget to provide the match, or a budget adjustment will be required. Depending on the nature of the grant, there may also be some policy implications that will need to be discussed with the Board. (For example: will the grant establish a level of service that cannot be sustained once the grant funds are depleted?)
- c. Grant Budgets – Grants require the submission of revenue and expenditure budgets.

## **2. Grant Program Implementation –**

- a. Notification and Acceptance of Award – Official notification of a grant award is typically sent by a funding agency to the Department and/or other official designated in the original grant proposal. However, the authorization to actually spend grant funds is derived from the Board through the approval of a grant budget and shall be a component of the County’s adopted operating budget.
- b. Establishment of Accounts – The Department that obtained the grant will provide the Treasurer’s and the Clerk’s offices with information needed to establish revenue and expense accounts for the project.
- c. Purchasing Guidelines – All Converse County purchasing and procurement policies and guidelines apply to the expenditure of grant funds. The use of grant funds does not exempt any purchase from normal purchasing requirements.

## **3. Financial and Budgetary Compliance –**



- a. Monitoring Grant Funds – Departments shall use some internal mechanism (such as a spreadsheet) to monitor grant revenues, expenditures and budgetary compliance. All financial information will also be maintained in the County’s finance software at some level. The finance software is considered to be Converse County’s “official” accounting system. Ultimately, the information in this system is what will be audited.
- b. Fiscal Years – Occasionally, the fiscal year for the granting agency will not coincide with the County’s fiscal year. This may require adjustments to the internal budget accounts and interim financial reports, as well as special handling during fiscal year-end close.
- c. Grant Budgets – In no case will the Department be authorized to exceed the total budget authority provided by the grant without the express written permission of the Board. If grant funds have not been totally expended by fiscal year-end, it is the responsibility of the Department to identify those funds that will be carried forward to the new fiscal year and to confirm the amounts of such carry-forwards.
- d. Capital Assets – Converse County is responsible for maintaining an inventory of assets purchased with grant monies. The County is accountable for them and must make them physically available for inspection during any audit.

The Department overseeing the grant will coordinate with the granting agency the acquisition or disposal of grant funded fixed assets. The Clerk’s Office will be notified via the fixed asset removal form so the asset can be removed from the listing.

4. Record Keeping –

- a. Record Keeping Requirements – Grant record-keeping requirements may vary substantially from one granting agency to another. Consequently, a clear understanding of these grant requirements at the beginning of the grant process is vital. The Department will maintain copies of all grant draw requests and approved grant agreements (including budgets). The Department shall prepare audit paperwork for all grants under their control.

**Uniform Guidance Compliance Supplement**

**General Information**

**Board Policies.** All Departments shall comply with policies of Converse County that have been separately reviewed and approved by the Board of Commissioners.

**Activities Allowed / Not Allowed and Allowable Costs/Cost Principles**

The requirements for allowable costs/cost principles are contained in the Federal awarding agency regulations, terms and conditions or the award.

In order to ensure compliance with these requirements, Converse County has implemented the following policies and procedures:

- 1. All grant expenditures will be in compliance with the Uniform Guidance Sub Part E, State law, County Government policy and the provisions of the grant award agreement. Grant funds will only be used for expenditures that are considered reasonable and necessary for the administration of the program.
- 2. Grant expenditures will be approved and coded by the Department head or designee when the bill or invoice is received. The Department shall submit the approved invoices for processing to the Clerk’s Office.
- 3. An indirect cost rate will only be charged to the grant to the extent that it was specifically approved through the grant budget/agreement.

## **Cash Management**

To ensure compliance with these requirements, Converse County has implemented the following policies and procedures:

1. Most of the County's grants are awarded on a reimbursement basis. As such, program costs will be expended and disbursed prior to requesting reimbursement from the grantor agency. If Federal grant funds are received first, care will be taken to minimize the time elapsing between receipt of Federal funds and disbursement.
2. Cash draws will be initiated by the Department who will determine the appropriate draw amount.
3. Supporting documentation will be retained for audit purposes.

## **Eligibility**

Source of Governing Requirements – The requirements for eligibility are contained in the Federal awarding agency regulations and the terms and conditions of the award.

**Additional Policies and Procedures.** The following policies and procedures will also be applied, to the extent that they do not conflict with or contradict the existing Board policies.

1. Federal grants will only benefit those individuals and/or groups of participants that are deemed to be eligible.

## **Equipment and Real Property Management**

Source of Governing Requirements – The requirements for equipment are contained in the Federal awarding agency regulations and the terms and conditions of the award.

### **Additional Policies and Procedures.**

In order to ensure compliance with these requirements, Converse County has implemented the following policies and procedures:

1. All equipment will be used in the program for which it was acquired or, when appropriate, other Federal programs.
2. When required, purchases of equipment will be pre-approved by the grantor or pass-through agency. The Department will be responsible for ensuring that equipment purchases have been previously approved, if required, and will retain evidence of this approval.
3. Property/Equipment records will be maintained and a physical inventory shall be taken annually.
4. When assets with a current per unit fair market value of \$5,000 or more are no longer needed for a Federal program, the Department shall make a request in writing for guidance to the grantor (Federal) agency as to what to do with the property/equipment prior to sale or relocation. The County shall abide with the requirements set out in §200.311 and §200.313 of the Uniform Guidance Compliance Supplement. If a sale will take place, proper procedures shall be used to provide for competition to the extent practical and result in the highest possible return.

## **Match Requirements**

Source of Governing Requirements – matching requirements are contained in the Uniform Guidance, program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

In order to ensure compliance with these requirements, the County has implemented the following policies and procedures:

1. Compliance with matching, level of effort, and earmarking requirements will be the responsibility of Department.
2. Written documentation will be maintained to support compliance with matching and any other requirements.

### **Period of Performance**

Source of Governing Requirements – The requirements for period of performance of Federal funds are contained in the Uniform Guidance, program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

In order to ensure compliance with these requirements, Converse County has implemented the following policies and procedures:

1. Costs will be charged to an award only if the obligation was incurred during the funding period.
2. All obligations will be liquidated no later than 90 days after the end of the funding period (or as specified by program legislation).

### **Procurement, Suspension and Debarment**

Source of Governing Requirements – The requirements for procurement are contained in the Uniform Guidance, program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

The requirements for suspension and debarment are contained OMB guidance in 2 CFR part 180, which implements Executive Orders 12549 and 12689, Debarment and Suspension; Federal agency regulations in 2 CFR implementing the OMB guidance; the Uniform Guidance; program legislation; Federal awarding agency regulations; and the terms and conditions of the award.

1. Purchasing and procurement related to Federal grants will be subject to the general policies and procedures of the County. (Refer to pages 1-7 County Procurement Policy.)
2. Contract files will document the procurement, including the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis of contract price.
3. Procurement will provide for full and open competition.
4. 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 can neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. If the financial interest is not substantial or the gift is an unsolicited item of nominal value, no further action will be taken. However, disciplinary actions will be applied for violations of such standards.
5. The County will avoid acquisition of unnecessary or duplicative items.
6. The Government is prohibited from contracting with or making sub-awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred.

7. Executed contracts and signed quarterly vendor transaction history reports will be retained and filed by the Department.

## **Reporting**

Source of Governing Requirements – Reporting requirements are contained in the following documents:

Uniform Guidance, Performance reporting, 2 CFR section 215, Performance reporting, 2 CFR section 215.51, program legislation, ARRA (and the previously listed OMB documents and future additional OMB guidance documents that may be issued), the Transparency Act, implementing requirements in 2 CFR part 170 and the FAR, and previously listed OMB guidance documents, Federal awarding agency regulations, and the terms and conditions of the award.

In order to ensure compliance with reporting requirements, Converse County has implemented the following policies and procedures:

1. Reports will be submitted as required by the Department along with any documentation necessary to support the data in the report.
2. Preparation of reports will be the responsibility of Department.

## **Sub-recipient Monitoring**

Source of Governing Requirements – The requirements for sub-recipient monitoring are contained in 31 USC 7502(f)(2)(B) (Single Audit Act Amendments of 1996 (Pub. L. No. 104-156)), Uniform Guidance, program legislation, 2 CFR parts 25 and 170, and 48 CFR parts 4, 42, and 52 Federal awarding agency regulations, and the terms and conditions of the award.

The Department will review and oversee sub-recipient activity and obtain a copy of their single audit. Other oversight processes and procedures will be established on a case-by-case basis, dependent on grant requirements and the level of activity of the sub-recipient.

## **Special Tests and Provisions**

Source of Governing Requirements – The laws, regulations, and the provisions of contract or grant agreements pertaining to the program will apply.

This policy shall be effective May 15, 2018.