**PURCHASING OF GOODS AND SERVICES POLICY**

**Purpose**

# The pu rpose of th is policy is to establ ish gu idel ines rega rd ing the pu rchasi ng of goods and non­ personal services, governed by State statue, pri ma ri ly ORS 279A and 279B, as mod ified and adopted by the Boa rd of Di rectors, \_

**Policy**

# is subject to the Model R ules adopted by the Attorney General u nder ORS 279A, 279B, a nd 279C, wh i ch i ncl u des Divisions 46, 47, 48, a nd 49 i n the Attorney General's

Pu bl ic Contracts Ma n ual for cont racti ng activities. Division 47 is applica ble to pu bl ic procu rement of goods and services contracts specifically.

1. **Competitive Quotes**

# Smal l Procu rements

When the actua l amou nt of the contract does not exceed $10,000. The Distri ct is exem pt from com petitive p rocu rement, pu rsua nt to ORS 279B.065: however the District sha ll, when practical, obtain competitive q uotes; less tha n $500, q uotes are not necessa ry.

* 1. Intermed iate Procu rements

When the actual a mou nt of the contract is more tha n $5,000, but not more tha n

$150,000, the District shall, at a mini m u m, obtain three (3) completive quotes based on written specifications. A written record of the sources of the q uotes or proposa ls received shal l be kept. If th ree quotes a re not avail a ble, a lesser n u m ber will suffice provided that a written record is made of the effort to obtain the quotes.

1. **Competitive Bids**

# When the actual Contract a mou nt exceeds $150,000, the Distri ct shall proceed with a forma l com petitive bid d ing proced u re, which i ncl u des bud get authority, developing specifications, advertisi ng, forma l bi d opening, bid an alysis and bi d award to the lowest res ponsi bl e bid der. Note: U pon compl etion of competitive procu rement proced u res, refer to Pol icy for Pu rchasi ng Aut hority proced u res.

1. **Special Procurements**

# The District's Boa rd of Directors, acti ng as the Local Contract Review Boa rd may exem pt certa i n contracts or classes of cont ract for procu rement of goods and services from

com petitive bidd i ng req u irements.

### Purchasing Through Government Agency Contracts (Cooperative Procurements ORS

**279A.205)**

Whenever feasible, the District may purchase from contracts available through governmental agencies, which includes, but is not limited to State, City, County, and Special Districts. Contracts between agencies utilizing an existing solicitation or current requirement requires that:

* 1. The original contract meets competitive procurement requirements.
  2. The original contract identifies the cooperative procurement group or each participating purchasing contracting agency and specifies the estimated contract requirements, and
  3. No material change is made in the terms, conditions or prices of the contract from the original contract.

### Procedures

1. **Obtaining Competitive Quotes** (for contracts under $150,000)
   1. Budget Authority - The item or contract contemplated for purchase must be funded in the current adopted budget (including transfers and supplemental budget adoptions).
   2. Specifications - Specifications must be developed and reflect all necessary attributes desired in the item being requested. It is important that specifications be written so as not to expressly or implicitly require any product of any particular manufacturer or seller.
   3. Public Notice - All rules related to public notice must be followed, and the bid must be advertised in a publication of general circulation.
   4. Obtaining Quotes - Quotes may be obtained by phone calls, mail,e-mail or faxing **written specifications** to specific vendors, or by advertising

that quotes are being sought. The objective of obtaining quotes is to obtain the desired product at the lowest cost to the District without incurring the cost

and time involved in the competitive bid process. The method of obtaining quotes is therefore determined by the situation. Whichever method of obtaining is selected, all efforts should be made to obtain a sufficient number of quotes, three to five in most cases, to encourage competition among vendors and to secure the lowest price for the District.

* 1. Documentation - All quotes must be clearly documented on the Request for Quote Worksheet. The rationale for the method of obtaining quotes must also be clearly explained in writing. If at least three quotes cannot be obtained, the effort to obtain the quotes must be included in the documentation.
  2. Bid Closing - A deadline for submission of bids will be set at least seven days after public notice has been given.
  3. Bid Opening - The bid opening will take place immediately after the deadline for submission of bids. The objective ofthe bid opening is to document the bids of each vendor and to determine the apparent low bidder who is responsive and responsible.
  4. Bid Analysis - The department requesting the purchase is responsible for evaluating the submitted bids in order to recommend the award of a contract to the Board of Directors.
  5. Bid Award - When the contract amount exceeds $150,000,only the Board of Directors has the authority to award a contract for goods or services.
  6. Notice of Intent - At least seven (7) days before the award of a public contract for

goods or services, the District shall post or provide to each bidder notice of the District's intent to award a contract.

**Goods & Non-Personal Services Procedures**

**Purchase Amount**

**Procedure**

No quotes or bids required



> $ 500 and

< $ 10,000 Informally Solicited Quotes

> $ 10,000

Up to

$150,000

Formally Solicited Quotes

* + 1. Written specifications required for quotes

2. Attempt to obtain at least 3 quotes

1. Document attempts and quotes
2. Board Approval when over $150,000

> $150,000 Competitive Bidding required

* 1. Board Approval

## Goods & Non-Personal Services Procedures Selection Procedure

|  |  |  |
| --- | --- | --- |
| Budget Authority | Develop Written Specifications | Board Approval to Advertise |
|  |  | Advertise |
| Less than | Less than | Bid Opening |
| $10,000 | $150,000 |  |
| Yes | Yes |  |
| Obtain Quotes Where Practical | Obtain Quotes | Bid Analysis |
| Award | Documentation | 7 day Notice of |
|  | of Quotes | Intent to Award |

Board Approval If Award is over

$150,000

Award

Board Approval to Award

Award

Note: Must advertise in a publication of general circulation or electronically if over $150,000 in accordance with OAR 137-047-0300.

## Purchasing of Goods or Services General Origin of Rules

The following table shows the statutory or other legal basis for each public contracting rule that are relevant to District operations:

|  |  |
| --- | --- |
| **Rule**  Definitions | **Origin**  137-047-0100 |
| Methods of Source Selection | 137-047-0250 |
| Competitive Sealed Bidding | 137-047-0255 |
| Multi-step Sealed Bids | 137-047-0257 |
| Competitive Sealed Bidding | 137-047-0260 |
| Procedures for Competitive Range and Multi-step | 137-047-0261 |
| Competitive Range, Discussions and Negotiations | 137-047-0262 |
| Multi-step Sealed Proposals | 137-047-0263 |
| Small Procurements | 137-047-0265 |
| Intermediate Procurements | 137-047-0270 |
| Sole Source Procurements | 137-047-0275 |
| Emergency Procurements | 137-047-0280 |
| Special Procurements | 137-047-0285 |
| Cooperative Procurements | 137-047-0290 |
| Public Notice | 137-047-0300 |
| Bids or Proposals are Offers | 137-047-0310 |
| Facsimile Bids and Proposals | 137-047-0320 |
| Electronic Procurement | 137-047-0330 |
| Offer Preparation | 137-047-0400 |
| Offer Submission | 137-047-0410 |
| Pre-Offer Conferences | 137-047-0420 |
| Addenda to Solicitation Documents | 137-047-0430 |
| Pre-Closing Modifications or Withdrawal of Offers | 137-047-0440 |
| Receipts, Opening, and Recording Offers | 137-047-0450 |
| Late Offers, Withdrawals and Modifications | 137-047-0460 |

|  |  |
| --- | --- |
| Mistakes | 137-047-0470 |
| Time for Agency Acceptance | 137-047-0480 |
| Extension of Time for Agency Acceptance | 137-047-0490 |

## Purchasing of Goods or Services

|  |  |
| --- | --- |
| **Rule**  Responsibility of Bidder or Prospers | **Origin**  137-047-0500 |
| Qualified List of Products | 137-047-0525 |
| Prequalification of Prospective Offers | 137-047-0550 |
| Debarment of Prospective Offer | 137-047-0575 |
| Offer Evaluation and Award | 137-047-0600 |
| Notice of Intent to Award | 137-047-0610 |
| Documentation of Award | 137-047-0620 |
| Availability of Award Decisions | 137-047-0630 |
| Rejection of Offer | 137-047-0640 |
| Rejection of all Offers | 137-047-0650 |
| Cancellation of Procurement or Solicitation | 137-047-0660 |
| Disposition of Offers | 137-047-0670 |
| Protests and Judicial Review of Special Procurements | 137-047-0700 |
| Protests and Judicial Review of Sole Source | 137-047-0710 |
| Protests and Judicial Review of Multi-Tier & Multi-Step | 137-047-0720 |
| Solicitations |  |
| Protests and Judicial Review of Solicitations | 137-047-0730 |
| Protests and Judicial Review of Contract Award | 137-047-0740 |
| Protests and Judicial Review of Qualified Products | 137-047-0745 |
| Judicial Review of Other Violations | 137-047-0750 |
| Review of Prequalification and Debarment Decisions | 137-047-0760 |
| Contract Amendments | 137-047-0800 |
| Termination of Price Agreements | 137-047-0810 |