

BRAZORIA COUNTY PURCHASING DEPARTMENT



VENDORS HANDBOOK

09/07/04

INTRODUCTION

This booklet has been compiled by the Brazoria County Purchasing Department for the use of prospective vendors. It explains the methods and procedures used to procure goods and services for Brazoria County.

If you sell a commodity or service, you can do business with Brazoria County. We are always seeking new sources and welcome you to participate.

Brazoria County procurement procedures are based on the County Procurement Act and other laws passed by our State Legislature. Purchases are made through a comprehensive system of specifications and competitive bidding. Those sources meeting specifications, complying with contractual provisions, conforming to all terms and conditions, having the capacity to deliver and extending the most favorable and best bids shall receive contract awards.

Purchasing statutes do not allow the exclusion of a vendor from bid participation based on geographic location. The Brazoria County Purchasing Department subscribes to the idea of "Buying Brazoria County First", whenever permissible and in the best interest of the county. We believe that Brazoria County vendors can provide the competitive edge required in today's market.

Our objective is to acquire goods and services at the right price, at the right time, for Brazoria County while providing responsible bidders a fair and equal opportunity to compete for County Business.

Should you have any questions, please feel free to contact the Brazoria County Purchasing Department.

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COUNTY PROCUREMENT LAWS

Texas has procurement laws modeled on the American Bar Associations (ABA) Model Procurement Code for State and Local Governments. Most counties, including Brazoria, have adopted procurement policies and procedures modeled on the Texas State Comptroller's Model Procurement Code.

Since procurement activities result in legal contracts, every procurement action is a legal action. County procurement activities are governed by common and case law, by the Uniform Commercial Code, by the County Purchasing Act, other state and federal laws, and the rules and procedures of the County Purchasing Agent and Commissioners' Court.

COUNTY PURCHASING ACT

The County Purchasing Act provides a general legal and procedural framework that emphasizes price (rather than total cost and value), openness, control and accountability, rather than efficiency. It is the duty of the County's chief procurement official to review and to recommend periodic modifications for improvements that will enhance the efficiency and effectiveness of the procurement function.

AUTHORIZED SIGNATURES

In Texas counties there are usually ONLY TWO (2) entities that have the authority to sign Procurement documents: the Commissioners' Court, as a voting body only, and the County Purchasing Agent. The Commissioners' Court must approve all contracts exceeding the statutory limit of \$25,000 and the Purchasing Agent must approve all contracts under the statutory limit. Program officials do not have procurement authority unless specifically authorized by Commissioners' Court under authority of the County Purchasing Act or other government code.

Vendors should ensure that authorized signatures are obtained on any contracts and that a valid purchase order is issued by the County Purchasing Department for the expenditure of County funds. All Contracts should be reviewed by the County Purchasing Department and are subject to the approval of Brazoria County.

PURCHASING STATUTES AND PRACTICES

Purchases by the Brazoria County Purchasing Department represent expenditures of public funds governed by various state laws. The County Purchasing Agent shall make County purchases in accordance with Local Government Code 262.

State statutes prohibit the purchase of any item or service under the statutory limit by anyone other than the County Purchasing Agent or employees directly under his supervision. Purchases and contracts over the statutory limit are required by law to be made on competitive bid and awarded by Commissioners' Court. Vendors should be aware that Brazoria County shall not be responsible for payment of orders placed without a valid purchase order number issued by the County Purchasing Department. Vendors are cautioned to ascertain the authority of orders placed by anyone other than Purchasing Department employees. Orders not placed by proper authority will not be paid for from County funds.

The County Purchasing Agent may authorize using departments to issue "P.O. Release Orders" to vendors against established contracts or blanket purchase orders.

Vendors should be aware that no County employee has the authority to request a purchase of supplies, materials equipment or services from County funds for his/her own personal use.

County Purchases shall not be made after-the-fact. Vendors are advised to obtain a purchase order prior to the County's receipt of goods and/or services.

County Purchases of goods and services shall be made within the following guidelines:

- purchases under \$5,000 will receive competitive verbal quotes when deemed economically appropriate and as in the County's best interest to do so;
- purchases between \$5,000 and \$14,999 will receive competitive verbal quotes;
- purchases between \$15,000 and \$24,999 will receive competitive informal written quotes;
- purchases \$25,000 and over will be handled through a formal competitive sealed solicitation process and shall be handled by the Contracts Section; and
- purchases \$25,000 and over will be awarded by Commissioners' Court based on results of the competitive sealed solicitation process.

BIDDER'S MAILING LIST

A list of prospective bidders is maintained by the Brazoria County Purchasing Department. Vendors may submit their information by completing a Vendor Data Sheet. When filling out the Vendor Data Sheet, please follow all instructions carefully and submit your completed form to the address shown on the application.

It is the Vendor's responsibility to keep the application in a current status, and you should notify the Purchasing Department whenever any change occurs in the products or services you supply, company address, ownership, or status as a prospective bidder.

Placement on the mailing list is no guarantee of solicitation. Brazoria County reserves the right to use only a portion of the applicants on file, or rotate names of bidders whenever the list is excessive or the estimated dollar value of the contemplated purchase does not warrant solicitation of the entire list.

Applicants may be removed from the mailing list for cause. The following reasons include some, but not all, causes for removal:

- failure to adhere to County Purchasing Policy;
- failure to respond to three (3) consecutive bid invitations;
- failure to perform as agree;
- collusion with other bidders;
- failure to provide required surety;
- conviction of fraud or other felony offense;
- termination of a contract for default or breach;

- any violation of responsible business practices;
- knowingly giving false information on the Vendor Data Sheet; and
- any act which causes the appearance of a conflict of interest.

Failure to respond to any Invitation for Bid is defined as a lack of response when invited to bid. Bidders may be removed from the Mailing List if no response is received from three (3) consecutive solicitations; however, any bidder may be retained on the mailing list by simply responding with a "NO BID", and asking to be retained on the list for future solicitations. The Brazoria County Purchasing Department reserves the right to update and validate the Mailing List from time to time and may require renewal of Vendor Data Sheets on file.

ETHICAL CODE

Brazoria County Purchasing personnel subscribe to and support ethical and moral conduct. Acceptance of gifts or gratuities of any kind is prohibited by governmental purchasing ethics as well as State and Federal statutes. County officials and employees are strictly prohibited from accepting or soliciting money, property, service, or other items of value by way of gift, favor, loan, or otherwise, which employee or official knows, or should know, is being offered or given in the process of:

- requesting goods or services;
- receiving or accepting goods or services;
- influencing the discharge of official duties;
- purchasing, approving, or awarding of contracts; and
- processing invoices, payments, or other correspondence.

Nothing in this handbook shall prohibit any Brazoria County official or employee from accepting anything of value by way of gift or loan when such gift or loan is not prohibited by statute, and, is accepted on behalf of Brazoria County. Such gifts shall then become the exclusive property of Brazoria County and shall be included in Inventory or other accountable property records in the same manner as other property acquired through normal purchase procedures.

TAXES

Purchases by the Brazoria County Purchasing Department represent expenditures of public funds governed by various state laws. Most purchases are exempt from Federal, State, and Local Taxes.

METHODS OF PURCHASING

Brazoria County uses four basic methods of purchasing:

1. Formal sealed Competitive Bids or Requests for Proposals for purchases of \$25,000 and above.
2. Informal Requests for Written Quotations for purchases between \$15,000 and \$24,999.
3. Verbal or Fax Quotations for purchases under \$15,000.
4. Purchases using Intergovernmental Agreements for all values.

Formal Sealed Competitive Bids Invitations to Bids (ITB's) and Requests for Proposals (RFP's) are required when the total monetary expenditure is \$25,000 or above and are similar in that they are both formal procedures conducted under direction from the Brazoria County Commissioners' Court. Both methods require placing of a Legal Notice in the newspaper(s). Sealed Competitive Bids are opened in public. RFP's are typically not opened publicly, as they are kept secret during the process of negotiations, with details being made public after contract award.

Purchases between \$5,000 and \$25,000 are generally done within the Purchasing Department using Faxes or Written Requests for Quotations. Purchases under \$5,000 are generally done using verbal or Fax quotations. **Though a sealed bid technique is not used in these methods, most purchases nonetheless are made on a competitive basis.** Vendors will be given only one chance to quote on a particular item, so give it your best shot the first time. A Purchase Order Number will be given to the selected vendor(s) by a Brazoria County Purchasing Department employee at time of order.

GIVE US YOUR BEST AND FINAL PRICE WHEN CONTACTED BY A BUYER FROM THE BRAZORIA COUNTY PURCHASING DEPARTMENT. OUR SELECTION OF VENDOR WILL BE BASED UPON THIS QUOTED PRICE. WE DO NOT REVEAL ANY VENDOR'S PRICE TO OTHER VENDORS UNTIL AFTER THE PURCHASE ORDER IS ISSUED.

Procurement Laws do not allow the Purchasing Department to exercise geographic preference or otherwise provide favoritism to a vendor based on the vendor's location.

In certain circumstances, Commissioners' Court may consider vendor location for bids over the statutory limit.

SUBMISSION OF BIDS

Unless otherwise noted, Bids and Proposals must be received in the Office of the County Purchasing Agent on or before the exact time and date designated in the Invitation for Bid or Request for Proposal. It is the bidder's sole responsibility to ensure that his/her bid is in a sealed and properly identified envelope and is delivered to the County Purchasing Agent's Office, 111 E. Locust Street, Bldg. A-29, Suite 100, Angleton, Texas 77515, by the designated time and date. Bids and/or Proposals received beyond the set time will be disqualified, regardless of the reason or circumstances related to its late delivery.

Unless otherwise noted, Bids and/or Proposals are opened at 2:00 p.m. in the Purchasing Department Conference Room, Courthouse Annex, 451 N. Velasco, Suite 100, Angleton, Texas (County Courthouse), on the date noted on the solicitation. They are subsequently tabulated and evaluated by the Purchasing Department and the user department. If feasible, the County Purchasing Agent will present the Commissioners' Court with the resulting evaluation one (1) to two (2) weeks after the opening.

CONTRACT AWARDS

Upon award of bid by Commissioners' Court, the Purchasing Department will give written notification to the successful bidder(s) and awarded amount(s). A Brazoria County Purchase Order will be issued by the Purchasing Department upon execution of all contract documents.

DELIVERIES

All purchases are normally made F.O.B. destination, inside delivery, unless otherwise specifically stated. Brazoria County accepts title to goods upon satisfactory delivery at the delivery point shown on each contract or purchase order; therefore, it is imperative that all deliveries be made to the exact address as shown on purchase instruments. Vendors are cautioned to ascertain the full name and title of county employees receiving deliveries.

INVOICES AND PAYMENTS

Invoices for payment against a Purchase Order must be mailed to the invoicing address noted on the Purchase Order. Vendor is advised that sending invoices to the Purchasing Department may delay payment.

Invoices shall indicate the Purchase Order number and the Bid/Contract number, when applicable. Invoices shall be itemized in accordance with the purchase order. Transportation charges, if any, shall be listed separately. A copy of the Bill of Lading and the Freight Waybill, when applicable, should be attached to the invoice. Any invoice lacking Purchase Order numbers or other required information may be rejected and returned to the vendor.

Brazoria County's obligation is payable only and solely from funds available for the purpose of this purchase. Lack of funds shall render the order null and void to the extent funds are not available and any delivered but unpaid goods will be returned to Seller by the County.

Unless contrary to State statute, Vendors shall not include Federal Excise, State or City Sales Tax. Brazoria County is a tax-exempt governmental entity.

SURPLUS OR SALVAGE PROPERTY

Scrap metals, used equipment, obsolete materials and unclaimed personal property may be sold by the Purchasing Department. Sales may be by public auction or by sealed bid to the highest bidder. Periodic sales are made following a Public Notice published in at least one newspaper of general circulation in the County.