



BOISE COUNTY

RESOLUTION 2023-01

A BOISE COUNTY RESOLUTION ADOPTING THE BOISE COUNTY PROCUREMENT POLICY & PROCEDURE MANUAL

WHEREAS, the Boise County Board of Commissioners have reviewed the Boise County Procurement Policy & Procedure Manual; and

WHEREAS, a diligent review and discussion of the policy, along with any additional forms, have been accomplished by the Boise County Clerk's and Prosecuting Attorney's Offices; and

WHEREAS, the Boise County Purchasing Policy, known as Addendum A of said policy, is being included as additional information needed for proper system documentation.

NOW THEREFORE BE IT RESOLVED, that the Board of Boise County Commissioners does hereby rescind Boise County Resolution #2018-03 (previous Purchasing Policy); and

IT IS FURTHER RESOLVED that the Boise County Board of Commissioners hereby acknowledge that Resolution #2023-01 known as the Procurement Policy & Procedure Manual, will be effective as of January 3rd, 2023.

APPROVED and ADOPTED in open session this 3rd day of January, 2023.


BOISE COUNTY BOARD OF COMMISSIONERS



STEVEN M. TWILEGAR, Chairman




CLAY S. TUCKER, Commissioner



RYAN T. STIRM, Commissioner



ATTEST:



Mary T. Prisco, Clerk to the Board

BOISE COUNTY PROCUREMENT POLICY & PROCEDURE MANUAL



Resolution 2023-01

TABLE OF CONTENTS

POLICY STATEMENT.....4

I. PURCHASING.....4

 A. PURCHASING POLICY.....4

 B. PURCHASING BID THRESHOLD MATRIX.....6

II. GOODS AND SERVICES BIDDING PROCEDURES.....7

 A. PURCHASES OF \$50,000 UP TO \$100,000 BID PROCEDURES.....7

 B. PURCHASES IN EXCESS OF \$100,000 BID PROCEDURES.....7

III. REQUEST FOR PROPOSAL REQUIREMENTS.....10

IV. REQUEST FOR INFORMATION.....10

V. EXPRESSION OF INTEREST.....10

**VI. QUALIFIED BASED SELECTION FOR DESIGN PROFESSIONALS.
CONSTRUCTION MANAGERS AND PROFESSIONAL LAND SURVEYORS 10**

 A. For Projects With Design Fees Over \$25,000.....11

 B. For Projects With Design Fees Under \$25,000.....11

 C. Criteria To Consider When Ranking Firms.....11

VII. VENDOR INFORMATION.....11

 A. Vendor Selection.....11

 B. Vendor Developing Procurement Specifications.....11

 C. Significant Idaho Economic Presence.....11

 D. Idaho Statewide Contracts.....11

 E. Vendor Relationships.....11

 F. Vendor Debriefings.....12

VIII. CONTRACTS.....12

 A. When A Contract Is Required.....12

 B. Contract.....12

 C. One Year Contracts.....12

IX. OTHER BIDDING INFORMATION.....13

 A. EXEMPTIONS (PURCHASES THAT DON'T REQUIRE BIDDING).....13

 1. Government Contracts.....13

 2. Cooperative Purchasing.....13

 3. Purchases Less than \$50,000.....13

 4. Personal/Professional Services.....13

 5. Procurement of Real Property.....13

 6. Procurement of Insurance.....13

 7. Participation in Joint Powers Agreements.....13

 8. Sole Source.....13

 9. Emergency Purchases.....14

 10. Software Maintenance, Support and Licensing of an Existing System or
 Platform.....14

 11. Repair of Heavy Equipment.....14

 12. Used Property, Equipment at Auction.....14

13. Procurement of Goods for Direct Resale.....	14
B. SPECIFICATIONS.....	16
1. Specification Functions.....	21
2. Specification Checklist.....	21
3. Brand Name or Equal Specification.....	22
4. Performance Specification.....	22
5. Design Specification.....	22
C. SCOPE OF WORK (SOW).....	22
1. Word Choice.....	23
D. PLAN HOLDERS LIST AND SUPPLIER REGISTRATION.....	23
E. TOTAL COST VS. INDIVIDUAL COST.....	23
F. BEST BUSINESS PRACTICE.....	23
X. OTHER PURCHASING POLICIES.....	23
A. PURCHASING CUT-OFF DATE.....	23
B. PURCHASING FROM AUCTIONS.....	24
C. FOB DESTINATION.....	24
1. Acceptance.....	24
D. RETENTION OF PURCHASING RECORDS.....	24
XI. PUBLIC RECORDS REQUESTS (PRR).....	24
XII. IDAHO SALES TAX EXEMPTION.....	24
XIII. PUBLIC WORKS PROJECT REPORTING.....	24
XIV. FIXED ASSETS.....	25
A. Surplus Equipment Exchange.....	25
B. Surplus Assets Valued Under \$250.....	25
C. Trade-In.....	25
XV. PROCUREMENT PROHIBITIONS.....	26
A. Ethics In Procurement.....	26
B. Prohibitions And Penalties.....	26
1. Accepting a Bribe.....	26
2. Bid Splitting.....	26
3. Conflict of interest.....	26
4. Gifts and Gratuities.....	27
5. Falsifying an Emergency to Avoid the Competitive Process.....	27
6. Prohibition against Contracts with Officers.....	27
XVI. PROCUREMENT WITH FEDERAL GRANT FUNDS.....	27
A. Suspension and Debarment Check.....	27
B. Uniform Guidance – 2 C F R part 200.....	28
C. Contract Provisions.....	28

Appendix Forms:

Printable Chart: Exemptions under Idaho Code 67-2803

POLICY STATEMENT

In every purchase that is made or contract that is let, the Board of Boise County Commissioners (BOCC) will make every effort to incorporate the following goals into its procurements:

- Oversee fair and equitable procurement processes
- Foster open competition
- Follow the letter of the law
- Obtain maximum value at competitive costs and maintain a high level of quality and performance

The Department Heads are the principal purchasing agents for their respective department of Boise County. Department Heads shall be responsible for the procurement of supplies, equipment, vehicles, services, and construction in accordance with Idaho Code, this policy and the direction of the BOCC, including Resolution 2018-03, Boise County Purchasing Policy. All bids, request for proposals, and other procurement methods, as outlined in this manual, shall be the responsibility of the Department Head and procurement staff.

Department Head

The Department Head shall serve as the principal public purchasing official for their respective department in Boise County. He or she shall be responsible for the procurement of goods, services, construction, and professional services in accordance with Idaho Code and following the guidelines below.

- Procure and supervise the procurement, of all goods and services, and public works needed by their department in Boise County.
- Provide service to their departments of Boise County in the areas of bid process, placement of orders, negotiation, and expediting delivery.
- Work with the Boise County Prosecuting Attorney, in the preparation and issuance of: invitations to bids (ITB), requests for proposals (RFP), requests for qualifications (RFQ), requests for information (RFI), and any addendums or corrections thereto.

I. PURCHASING

A. Purchasing Policy

It is the purpose of the purchasing policy and procedures to provide for a uniform and Systematic method of purchasing goods and services required by the County, and to advise employees of the purchasing requirements and limitations imposed by state law.

1. NOTE:

It is important to note that only the Board of Boise County Commissioners (BOCC) can bind the County treasury for expenditures. For this reason, it is imperative that all purchases have prior approval of the BOCC either through the budget or a reallocation request.

2. Appropriations Policy

It is the policy of Boise County that all purchases be appropriated in each department's budget. Any re-appropriation must be pre-approved by the BOCC before the purchase is made regardless of the amount. Exceptions to this policy include emergency purchases; however, emergency purchases must be justified and approved by the BOCC as soon as practicable.

B. Purchasing Bid Threshold Matrix

Good and Services (includes leases)		Public Works Construction	
\$0-\$49,999	Open market purchase – search market for purchase in best interests of tax-payer dollars.	\$0-\$49,999	Open market purchase – search market for purchase in best interest of taxpayer dollars. There is no requirement for a public works license.
\$50,000-\$100,000	Informal Bid Process; The BOCC handles the bid process. Written or electronic solicitation of three (3) bids is required from three (3) owner-designated vendors, preferably Idaho domiciled; must award to the lowest responsive bidder. If it is impossible or impractical to obtain three (3) bids, justification needs to be provided. At a BOCC Open Business Meeting, the three (3) bids are read into the record. The BOCC shall award to the lowest responsive bidder or reject all the bids and rebid.*	\$50,000-\$200,000	Informal Public Works Bid; The BOCC handles the bid process. Must solicit three (3) written bids and award to the lowest responsive bidder. Bids will be read into the record at a BOCC Open Business meeting. Public Works projects in excess of \$25,000 must have a written contract drafted by the PA's Office and approved by the BOCC at an Open Business Meeting.
Over \$100,000 *** This process can take two (2) months or more ***	Formal Sealed Bid Process: The BOCC handles the bid process. Notice of the bid opportunity is published two (2) times before the open meeting that is set to open sealed bids.	Over \$200,000 *** This process can take two (2) months or more ***	Formal Sealed Bid Process; Category A: All contractors must be licensed. Notice of the bid opportunity is published two (2) times before the open meeting that is set to open sealed bids. Category B: Pre-qualification required and then formal bid process. Contractors must be licensed. Notice of the bid opportunity is published two (2) times before the open meeting that is set to open sealed bids.

*Note: Purchases of the services of professional design contractors – i.e. architects, engineers, land surveyors etc., require a qualification-based selection process. Different criteria apply depending on the dollar amount. See Section VIII.

II. GOODS AND SERVICES BIDDING PROCEDURES

A. Goods and Services Purchases of \$50,000 up to \$100,000

For purchases of \$50,000 up to \$100,000, I.C. §67-2806(1), the BOCC needs to obtain At least three (3) informal bids, preferably from vendors with a "significant Idaho presence." The BOCC will administer the process for bids.

NOTE: All services must have a contract for the procurement.

NOTE: Design vendor purchases (i.e. architects, engineers, etc.) require a separate qualification-based selection process. See Section VIII.

NOTE: The thresholds and procedures addressed in this section also address personal property leases.

The following procedures must be followed when Boise County contemplates an expenditure to purchase or lease personal property or to procure services (other than those excluded in Idaho Code §67-2803 or design services described in Section VIII herein) valued at or in excess of \$50,000 but not to exceed \$100,000.

1. The solicitation for bids or request for quotes shall be supplied to at least 3 vendors by written means, either by electronic or physical delivery.
2. The solicitation shall describe the personal property or services to be purchased or leased in sufficient detail to allow a vendor to understand what Boise County seeks to procure.
3. The solicitation shall describe the following:
 - a. The electronic or physical delivery method(s) that the vendor must use to submit a bid;
 - b. The date and time by which a bid proposal must be received by the Boise County Clerk.
 - c. The reasonable time provided to respond to the solicitation, which shall not be less than three (3) business days (except in the event of an emergency).
4. Written objections to specifications or bid procedures must be received by the BOCC at least one (1) business day before the bid due date and time.
5. Bids will be delivered to the Boise County Clerk either by electronic or physical delivery and will be read into the record and awarded at a BOCC Open Business Meeting.

B. Bid Procedures – Goods and Services Purchases in Excess of \$100,000

Purchases and personal property leases in excess of \$100,000 require a formal bid process. Idaho Code §67-2806(2). This process requires legal notice published twice in the

"newspaper of record", (The Idaho World), two (2) weeks before a bid opening, and one (1) week apart. In certain circumstances, there is a pre-bid meeting which can be optional or mandatory. Questions can be asked from the pre-bid meeting by vendors. An addendum for any administrative changes and answers to bidder's questions will be sent out to all bidders that have signed in to pick up the bid and posted online with the original bid notice.

Sealed Bids must be delivered on time to the Clerk's Office. Late bids are not accepted. The sealed bids are opened at the BOCC Open Business Meeting and recorded in the record. The formal bid may have a bid bond required in the sum of 5% of the bidder's base bid.

The following procedures must be followed when Boise County contemplates an expenditure to purchase or lease personal property or to procure services (other than those excluded in Idaho Code §67-2803) valued in excess of \$100,000.

1. The purchase or lease shall be made pursuant to an open competitive sealed bid process and be made from the lowest responsive, qualified bidder complying with the bidding procedures.
2. The Invitation to Bid shall set a date, time and place for the opening of bids.
NOTE: All Boise County bids are to be submitted by the date and time specified in the Invitation to Bid, as published in the "newspaper of record" A time and date stamp is used to mark the bid when it is received. During the bid opening, the Commissioners will consider only those bids timely received by Boise County.
3. An Invitation to Bid shall be published two (2) times in the official newspaper of Boise County. The first notice shall be published at least two (2) weeks before the date for opening bids, and the second notice shall be published in the succeeding week, at least seven (7) days before the date that bids are scheduled to be opened.
4. The notice shall sufficiently describe the personal property and/or service to be procured.
5. Copies of specifications, bid forms, bidder's instructions, contract documents, and general and special instructions shall be made available upon request by any interested bidder.
6. Written objections to specifications or bidding procedures must be received by the Boise County Clerk, at least three (3) business days before the date and time upon which bids are scheduled to be opened.
7. If Boise County deems it to be in its best interest it may require the bidder to provide bid security, in an amount equal to at least 5% of the amount bid. If required, a bid shall not be considered unless one of the forms of bidder's security is enclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by Boise County. Boise County may require that the bid security be in one of the following forms:
 - a. Cash;
 - b. A cashier's check from a bank insured by the FDIC made payable to Boise County;
 - c. A certified check from a bank insured by the FDIC made payable to Boise County;
 - d. A bidder's bond executed by a qualified surety company, licensed in the State of Idaho, made payable to Boise County.

8. Any bid received by Boise County may not be withdrawn after the time set in the notice for the opening of bids.
9. When sealed bids have been received, they shall be opened in public at a designated place and time.
10. If the successful bidder fails to execute the contract, the amount of the bidder's security may be forfeited to Boise County at the sole discretion of the Commissioners and thereafter the proceeds may be deposited in a designated fund out of which the reasonable expenses for procuring substitute performance are paid.
Boise County may, on the refusal or failure of the successful bidder to execute the contract, award the contract to the next lowest qualified bidder. If the Commissioners award the bid to the next lowest qualified bidder, the amount of the lowest qualified bidder's security may be applied by Boise County to the difference between the lowest responsive bid and the next lowest responsive bid, and the surplus, if any, shall be returned to the lowest bidder if cash or certified check is used, or to the surety company on the bidder's bond if a bond is used, less reasonable administrative costs not to exceed 25% of the amount of the bidder's security.
11. If Boise County chooses to award a competitively bid contract involving the procurement of personal property or services to a bidder other than the apparent low bidder the political subdivision (the County) shall declare its reason or reasons on the record and shall communicate such reason or reasons in writing to all who have submitted a competing bid.
12. If a participating bidder objects to an award to other than the apparent low bidder, such bidder shall respond in writing to the notice from the political subdivision within seven (7) calendar days of the date of transmittal of the notice, setting forth in such response the express reason or reasons that the award decision of the governing board is in error. Thereafter staying performance of any procurement until after addressing the contentions raised by the objecting bidder. Boise County shall review its decision and determine whether to affirm its prior award, modify the award, or choose to re-bid, setting forth its reason or reasons therefor. After completion of the review process, Boise County may proceed as it deems to be in the public interest.
13. In its discretion, the Commissioners may reject all bids presented and re-bid, or the Commissioners may, after finding it to be a fact, pass a resolution declaring that the subject goods or services can be procured more economically on the open market.
14. If two (2) or more bids are the same and both are the lowest bids, the Commissioners may accept the one it chooses.

III. REQUEST FOR PROPOSAL REQUIREMENTS

A Request for Proposal (RFP) is a selection method that allows the vendors to provide a solution to a procurement consideration. The RFP evaluates certain criteria in the proposal as well as cost. Normally these criteria include:

1. Scope/Plan
2. References
3. Experience of Team
4. Experience of Firm

IV. REQUEST FOR INFORMATION

Request for Information (RFI) is used to gather information from vendors who provide certain goods or services. The information obtained through this solicitation may be used to develop specifications or scope of services for a future solicitation. This type of solicitation is useful when Boise County does not have a solid understanding of the product or service required, due to the complexity of the procurement. An RFI can be issued to survey the vendor community for help in determining available commodities, services, or emerging technologies.

V. EXPRESSION OF INTEREST

An Expression of Interest (EOI) is a solicitation method that is usually used to test the waters of the personal service market and can be used to shortlist potential vendors. This particular method is only used to find a vendor to contract with that falls under the procurement exemptions. This method is similar in scope to an RFI with the difference being an award of contract can be executed from an EOI and only information can be derived from an RFI.

VI. QUALIFICATION BASED SELECTION FOR DESIGN PROFESSIONALS, CONSTRUCTION MANAGERS AND PROFESSIONAL LAND SURVEYORS

Born out of the Brooks Act of 1972 Qualification Based Selection (QBS) became Mandatory in Idaho in 1998. QBS is a selection process based upon identifying the qualifications needed to perform the services and then ranking applicants based upon those qualifications. QBS is only used in selecting architects, engineers, landscape architects, land surveyors, or construction managers. (This process does not apply to professional service contracts, otherwise exempt when the service provider was previously awarded a contract for an associated or phased project.)

A. For projects with design fees anticipated to exceed \$25,000

- a. Establish and make available selection criteria and procedures.
- b. Develop RFP/RFQ and publish notice in the same manner as for public works construction projects.
- c. Select "best qualified" firms and rank in order of qualifications.
- d. Begin negotiation on the scope of work and fees with top-ranked firm.
- e. If Boise County cannot reach a mutual agreement, formally terminate negotiations and begin negotiation with the next firm on the list.
- f. When an agreement is reached, develop a contract.
- g. County may ask for firm rates and overhead multipliers but cannot use this information in the selection process.

B. For projects with design fees anticipated to cost \$25,000 or less

The County may use the guidelines set forth for projects over \$25,000, or may “establish its own guidelines for selection based upon demonstrated competence and qualifications to perform the type of services required.”

C. Criteria to Consider When Ranking Firms

1. Background and Experience
2. Experience on Similar Projects
3. Project understanding
4. Schedule – Can the firm meet timelines and milestones?
5. Roles of Individual Team Members
6. References
7. Licensing and Registration as appropriate

VII. VENDOR INFORMATION

A. Vendor Selection

Preference should be given to Idaho domiciled vendors; however, business can be done with most vendors provided they agree to the terms and conditions of Boise County. For most public works projects, contractors will be required to have a public works license.

B. Vendor Developing Procurement Specifications

It is a conflict of interest to have a vendor or contractor bid on a contract after assisting Boise County in the solicitation to bid on the same project. A vendor that helps develop procurement specifications, scope of work, or related solicitation documents, whether paid for their services or not, cannot submit a bid, proposal, or quote on the project they helped develop. Nor can they partner with another vendor to circumvent this policy.

C. Significant Idaho Economic Presence

It is the policy of Boise County to solicit quotes, ids, and request for proposals, from Vendors with a significant Idaho Economic Presence when possible.

D. Idaho Statewide Contracts

Using Idaho Statewide Contracts that are administered by the State of Idaho, Division of Purchasing, are not mandatory, However, using those vendors may be practical since the product or service they provide has already been competitively bid and the vendor has an Idaho economic presence. Research has already been done on their business practices and integrity.

E. Vendor Relationships

Developing and maintaining good relationships with our suppliers is important. Whenever a Vendor or Boise County fails to meet the requirements of a contract or order, the problem needs to be discussed and resolved to everyone’s satisfaction. This will help prevent future problems and maintain good working relations. Most minor problems can be worked out with a simple call or visit, but if not, please bring the matter to the attention of the Prosecuting Attorney’s Office for assistance in resolving disputes. The following are a few things to keep in mind when dealing with vendors.

- Maintain and practice, to the highest degree possible, business ethics, professional courtesy, and competence in all transactions.
- Avoid favoritism or being influenced by suppliers and do not accept gifts, gratuities, loans or favors.
- Adhere to and protect the supplier’s business and legal rights to confidentiality for trade secrets and other proprietary information.