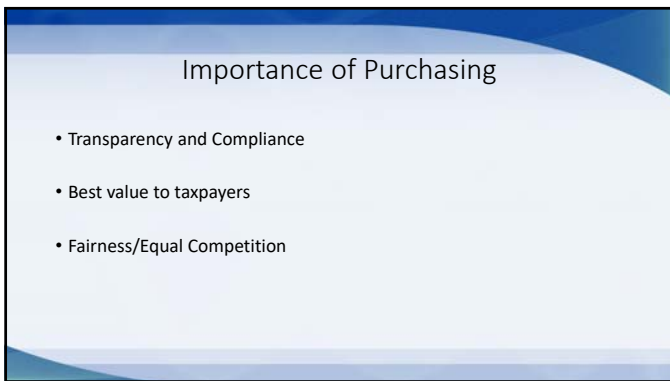


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Statutes Pertaining to Purchasing

- Local Government Code:
 - 262
 - Subchapter A – General Provisions
 - Subchapter B – Purchasing Agents
 - Subchapter C – Competitive Bidding in General
 - 271 – Cooperative Purchasing
- Government Code:
 - 2254 – Professional Services
 - 2269 – Construction Projects



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Local Government Code – Chapter 262

- Subchapter C – Competitive Bidding
 - 262.0225
 - (a) – Provide all bidders with the opportunity to bid on the same items on equal terms and have bids judged according to the same standards as set forth in the specifications.
 - (b) – receive bids and proposals in a fair and confidential manner
 - (c) – a county may receive bid/proposal through electronic transmission, but shall accept any bid/proposal submitted in hard-copy form.
 - 262.023
 - Competitive Requirements
 - (a) – Sealed bids or proposals for expenditures over \$50,000
 - (c) – Component, Separate, Sequential

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LGC 262.023 (c)

- Component – purchases of the component parts of an item that in normal purchasing practices would be purchased in one purchase
- Separate – purchases, made separately, of items that in normal purchasing practices would be purchased in one purchase
- Sequential – purchases, made over a period, of items that in normal purchasing practices would be purchased in one purchase.

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• 262.024 – Discretionary Exemptions (IF granted by Commissioners Court) exempt from competitive bidding

- (1) In case of public calamity
- (2) Necessary to preserve or protect public property
- (3) Unforeseen damage to public property
- (4) Personal or Professional services
- (7) Sole Source
- (8) An item of food
- Etc.

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Professional Services

- Clearly defined in GC 2254.002(2)
 - Most common: architect, engineer, medicine
- Must still be granted by commissioners court
- Do not have to be exempted
 - Can be procured through RFSQ

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Sole Source

- Items only available through one source
 - Patents, Copyrights, Trade Secrets
 - Books
 - Utilities
 - Captive Replacement Parts
- Obtain official (notarized) letter from vendor stating sole source
- Research (don't just take their word)
- Draft letter and present to commissioners court for exemption

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Purchasing Policy

LGC 262.0245 –adopt procedures for competitive procurement, to the extent practicable under the circumstances, for purchase of an item not subject to competitive procurement

- Aids in streamlining purchasing
- Clearly describes process for purchases under \$50,000
- Travel
- Appliances
- Quoting

• Elaborate, collaborate, and borrow if you do not have and decide to write

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Bids and Proposals

- Required for purchases ≥ \$50,000
- No “component” purchasing
- Not covered under discretionary exemptions (LGC 262.024), current contracts, interlocals, or cooperatives.
- Confidential submissions

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Bids

- Well defined scope of services or product description
- Formal Bid request issued in accordance with corresponding Statute
- Publicly opened, price read aloud, becomes public information after award
- Awarded to lowest and best valid/compliant submission
 - Exception - Road Materials

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Proposals

- When it is impractical to prepare detailed specifications
- May or may not include pricing
- Publicly opened, becomes public information after award
- Evaluated by predetermined criteria set in solicitation
- Award to lowest and best evaluated offer resulting from negotiations
 - Not necessarily lowest price

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Purchasing “Made Easy”

- Cooperatives – Platforms that competitively procure contracts for goods and services in compliance with Texas local and state procurement requirements. (LGC 271)



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- Texas Local Government Statewide Purchasing Cooperative
 - <http://www.buyboard.com>
- Department of Information Resources (DIR)
 - <http://www.dir.state.tx.us>
- Houston-Galveston Area Council of Governments (H-GAC)
 - <http://www.hgacbuy.com>
- OMNIA Partners
 - <https://www.omniapartners.com>
- The Interlocal Purchasing System
 - <https://www.tips-usa.com>
- Sourcewell
 - <https://www.sourcewell-mn.gov/>

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Purchasing "Made Easy" cont.

- Interlocal Agreements – An agreement with another local government or state agency (GC 791) for purchase of goods/services through their competitive procurement.
- State Comptroller – A county may participate by adopting a resolution requesting allowance of participation. (LGC 271)



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Purchase Orders

- Checks and balances
- Purchasing "Control"/Workflow
- Upfront budget check
- Tracking of purchases

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County Purchasing Card (credit card)

- Card available through Comptrollers office
 - May be competitively procured
- Follows same competitive procurement processes
 - Budget check
 - Pricing
 - Approval
 - Purchase

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Questions?

Nathan Craddock
County Auditor
Tom Green County
325-659-6521
nathan.Craddock@co.tom-green.tx.us
