

POLK COUNTY, TEXAS  
PURCHASING POLICY and PROCEDURES

The County Auditor is charged with the responsibility of insuring that all purchases are made in accordance with Federal, State and local laws as well as verifying that each purchase is in-line with the approved and adopted Polk County Budget. Each department head is responsible for maintaining the integrity of his/her department budget and planning the day to day affairs of the department. One of the most important functions of the department head is to maintain adequate supplies and materials for the efficient operation of the department. LGC 112.001 & 112.006.

All purchases and/or services must be routed through the County Auditor's office. LGC 113.901 requires all Counties use a purchase order requisitioning system.

**Purchases for personal use/benefit utilizing Polk County assets or resources are strictly prohibited and such misuse is a prosecutable offense under the Texas Penal Code.**

Before a purchase is made or services are performed the county official or representative requesting the purchase or services, must provide a purchase order number, obtained from the Auditor's office, to each vendor. The purchase order number must appear legibly on all vendor invoices and/or statements in order to note that the vendor had authority to accept the order or to start work and bill the county. EMPHASIS: this process must be completed prior to any order or commitment on behalf of the county. Items received without prior approval have a possibility of not being approved and the department head/county official could be responsible for payment of that item.

1. All purchases must be for a quantity suitable to the purpose and at the least possible expense to Polk County.
2. Purchases over \$50,000 will have to bid unless the item can be obtained through a purchasing cooperative or from a state contract. If these methods are not useful, then specifications will need to be written and approved by Commissioners' Court. Then advertisement of the specifications must be according to Local Government Code 262.025. Once bids are opened, they must be awarded by Commissioners Court.
3. In the event that an emergency purchase needs to be made the following procedures should be followed:
  - a) The purchase should only be made to keep buildings, machinery and vehicles in proper and safe operating condition when the safety or idleness would result in expense to Polk County.
  - b) The purchase may be made for extreme emergency cases involving public health and welfare.
  - c) These purchases are subject to approval by Commissioners' Court; Texas LGC 111.070.
4. County capital projects under \$50,000 will be under the direction of the appropriate department head/elected official. All county capital projects over \$50,000 will be under the direction of the County Judge unless the Commissioners' Court, by order, appoints someone else to be responsible for the project.
5. Purchase Orders will not be issued for goods/services that do not have a budget balance. If funds are not available, the department head/elected official should complete a budget

amendment for transfer of funds from other appropriations or additional funds to the Commissioners' Court.

6. If a purchase requires a trade-in, such as an automobile, office machines, or other equipment, the department head/elected official should request approval of the trade-in from Commissioners' Court prior to the purchase of the new asset. The County Auditor's Office should be sent copies of the trade-in agreement along with trade-ins' county identification number.
7. All lease/purchase agreements must be approved by Commissioners' Court and signed by the County Judge unless the Commissioners' Court authorized someone else to sign the agreement. All lease/purchase agreements must contain the "government clause" authorizing the return of the equipment if the Commissioners' Court does not appropriate funds for the lease/purchase in a future year. Failure to comply with this provision will result in the department head/elected official becoming liable for any losses sustained by Polk County.
8. County employees wishing to purchase items for personal use from vendors doing business with Polk County should set up their own account with the vendors and not use Polk County's account. Polk County is exempt from state sales taxes; however county employees are not exempt. In addition, Polk County receives government discounts; however county employees are not eligible for these discounts.

Polk County pays bills after the Commissioners' Court approval at the regular term meeting which currently is the second and fourth Tuesday of each month. Only bills received in the County Auditor's Office before noon the Wednesday prior to the regular term meeting will be considered for payment at that meeting.

The only exceptions are the following:

1. Recurring expenses pre-approved by Commissioners Court Order.
2. Payments established on a recurring basis as required by approved contract.

#### POLK COUNTY DEBARMENT POLICY

It shall be the Policy of Polk County that all Departments/Offices shall comply with this Debarment Policy in an effort to provide assurance to the Federal Government that Polk County complies (a) with Federal Executive Order 12549, 44 CFR §13.35 ("Sub-awards to debarred and suspended parties"), and the Texas Uniform Grant Management System (UGMS), (b) with the Texas Department of Public Safety/Texas Homeland Security-State Administrative Agency who requires all recipients to verify the debarment status of all vendors before contracting with or making any purchases with federal grant funds.

All Debarment verifications shall be conducted by reviewing the Excluded Parties Listing Systems (EPLS). The Excluded Parties Listing Systems ("EPLS") is an electronic database of parties excluded from federal procurement and non-procurement programs and is located at <https://www.sam.gov>. The EPLS identifies those parties excluded throughout the U.S. Government (unless otherwise noted) from receiving Federal contracts or certain subcontracts

and from certain types of Federal financial and nonfinancial assistance and benefits based upon statutory or administrative debarments.

#### RESPONSIBILITY OF COUNTYWIDE DEPARTMENTS/OFFICES:

Polk County shall award all contracts and purchases through procurement processes or through non-procurement process to responsible vendors that have not been excluded under the EPLS.

All Departments/Offices of Polk County shall verify the debarment status of a vendor by using the EPLS prior to procuring or entering into contract(s) for any goods/services regardless whether it is a unit price or quantity. The Department/Office shall document that verification and retain such record in accordance with the County's Retention Policy.

In cases of non-procurement processes, the Department/Office shall verify if the vendor has been excluded when placing the order (purchase order, etc.) in order to insure that the selected vendor is NOT on the EPLS System before the purchase is made or the "contract" start date.

Furthermore, because vendors are being removed and new ones added on a daily basis, all Departments/Offices shall be required to verify the vendor for exclusion before issuing a new purchase order, blanket purchase order, contract or single time purchase. If verification has been performed prior to entering into multiple invoice or multiple billing period contracts, such as a yearly wireless phone subscription, then verification is not required prior to making each payment to the vendor. However, verification should be performed prior to extending a contract, renegotiating a contract, or entering into a new contract.

If any Department/Office end user does not verify EPLS and the vendor was on the exclusion list, all other County Department/Offices may be disallowed of any federal funding in the future. Thus, if needed, a Department/Office may notify the Purchasing Department to conduct the search before placing the order.

#### VERIFICATION PROCESS:

In verifying the status of debarment exclusion the Department/Office shall:

1. Go to the EPLS web-site. The internet address is <http://sam.gov>.
2. Government employees (Department/Office) must create a SAM user account with their government email address. Log in before searching in order to see FOUO (for official use only) information and those registrants who selected to opt out of the public search.
3. Select "Search Record":
4. You can enter a DUNS number, CAGE code or Business Name to search for the entities that you are interested in reviewing. You can also enter exclusion search terms to search for exclusion records. Once a search has returned results, use the filters provided to narrow results.
  - a. If the vendor is not found to be debarred, a copy of the screen print indicating the vendor is not debarred at the time of the procurement should be included with the paperwork for that purchase and retained with the procurement records for audit and monitoring purposes.

- b. If the search finds a match, more research is required to rule out the possibility of a "false hit."
- Is the name an exact match?
  - Is the name very close?
  - Is the vendor you are searching for located in the same general area as the name returned in the search?
  - If the match appears to be valid, print the page
- c. If the vendor is debarred, the County shall not do business with this vendor.

#### EMERGENCY PURCHASES

From time to time, the County Judge may declare a Disaster Declaration because of a disaster, such as a hurricane. In those emergency circumstances the implementation of the County's debarment policy is suspended during this emergency period but no longer than sixty (60) days.

On FEMA grants, FEMA may honor this suspension. However other Federal Agencies may not honor any suspension of the County's Debarment Policy.

#### CONSEQUENCES

In order to continue receiving Federal funds either directly or through a pass through state funding, the department/Office shall follow this Debarment policy. Failure to follow may result in forfeiting of federal funds in future countywide grant applications. Implementation of this Debarment Policy is County wide.

#### **ADDENDUM #1 PURCHASING AND PROCUREMENT FOR COMMUNITY DEVELOPMENT**

- A. Polk County is responsible for administering and implementing the Community Development Block Grant Program.**
- B. Grants associated with the Community Development Block Grant Program must be approved by Commissioners' Court and must adhere to Polk County's Purchasing Policy and Procedures. The County Judge is required to provide approval to initiate any activity regarding Community Development Block Grants funds.**
- C. In addition to following Polk County and Texas Local Government Code guidelines, all projects through the Community Development Block Grant Program will follow federal procurement standards in 2 CFR 200.317 to 200.326 and will include Environmental Reviews and Davis Bacon Wage Requirements.**