



Bastrop County Purchasing Manual

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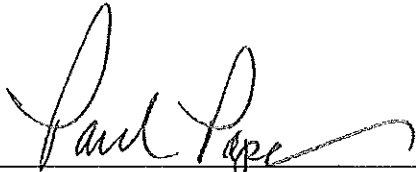
Introduction

This manual contains the authorized procedures for purchasing by County elected officials, department heads and employees. The Bastrop County Commissioners Court approves these procedures, and only the Commissioners Court shall approve changes in the contents of this manual.

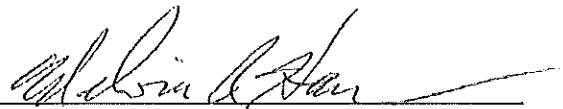
County purchasing procedures are governed by Texas statutes; and these statutes, including interpretations of them made by Texas courts, are the ultimate authority on the validity of purchasing procedures. Because the procedures described in this manual are based on state law, this manual, in many instances, contains language taken directly from statutes, and paraphrases of and broad generalizations about Texas statutory law have been included where appropriate to assist in applying the law in routine situations. This manual cannot address every situation; and when an unusual situation occurs or a difficult legal or factual problem arises, the exact statutory language must be reviewed and analyzed. In every situation, the final authority for county purchasing procedures is the law itself.

This manual is for the use of Bastrop County elected officials, department heads and employees and is designed to assist them in complying with the laws governing county purchasing procedures.

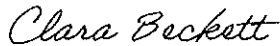
This Purchasing Manual has been revised to reflect changes in Federal, State and Local purchasing policies and procedures. This revised edition was approved by Bastrop County Commissioner's Court on September 28, 2020.



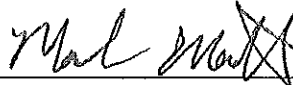
Paul Pape, County Judge



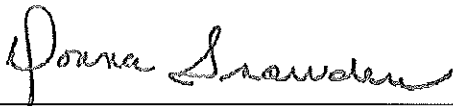
Mel Hamner, Precinct 1 Commissioner



Clara Beckett, Precinct 2 Commissioner



Mark Meuth, Precinct 3 Commissioner



Donna Snowden, Precinct 4 Commissioner

Statement of General Policy

It is the policy of Bastrop County that all purchasing shall be conducted strictly on the basis of economic and business merit. This policy is intended to protect the interest of the taxpaying citizens of Bastrop County.

It is important to remember that county purchasing operates in full view of the public. In order to assure an open purchasing process and economy in purchasing, the Commissioners Court has determined that competitive bidding will be used as much as possible in the purchase of goods and services for the County.

Bastrop County intends to maintain a cost effective purchasing system conforming to good management practices. To be successful, the system must be backed by proper attitudes and cooperation of not only every department head and official, but also every supervisor and employee of Bastrop County. The establishment and maintenance of a good purchasing system is possible only through cooperative effort.

The responsibility of purchasing ultimately rests with the Commissioners Court. The Purchaser, as an agent of the Commissioners Court, aids in the purchasing process but is subject to the Court's direction as to specifications and on items to be contracted or purchased.

The purchasing process is not instantaneous. Time is required to complete the steps required by State law. In order to accomplish timely purchasing of products and services at the least cost to Bastrop County, all departments must cooperate fully. Prior planning and the timely submission of requisitions are essential to expedite the purchasing process and to assure that the process is orderly and lawful.

I have read and agree to follow and adhere to all policies and procedures set forth in this Bastrop County Purchasing Manual.

Signature: _____

Date: _____

Title: _____

I. Purchasing Authority and General Guidelines

The Purchasing Department is responsible for making all purchases of supplies, materials, equipment, services and for repairs to County owned property, except in cases where competitive bids are required by law. All competitively bid contracts are made by and through the Commissioners Court and signed by the County Judge. Such purchases made on competitive bids shall be supervised by the Purchasing Agent in accordance with the purchasing Statutes (Local Government Code, Chapter 262.011). Based on circumstances, competitive bidding is generally required on all purchases or repair contracts for \$50,000 or more.

General guidelines for purchasing and utilization of this manual are as follows:

- A. Determine whether the county is required to make the purchase by competitive bidding. Unless a bid contract for the goods or services already exists, the items required to be purchased through competitive bidding will be purchased as described in Section V. Questions regarding the necessity of competitive bidding should be answered by the Purchasing Department.
- B. Other Purchases - Special procedures are available for and applicable to the purchase of particular goods and services, summarized as follows:
 1. Unbudgeted Capital Expenditures - purchases not authorized in a Department's budget and must be authorized through a budget amendment presented by the Auditor's Office to the Commissioners Court. (See Section V, A)
 2. Blanket Purchase Orders - acquisition of goods or services on an "as needed" basis may be authorized in appropriate instances by a blanket purchase order. (See Section V, B)
 3. High Technology - as an alternative to competitive bidding, in the case of high technology items. Competitive proposals from vendors may be solicited by the county when, in the judgment of the Commissioners Court, this procedure is preferable. (See Section V, C)
 4. Professional and Personal Services - Professional and Personal Services are exempted from competitive bidding if the Bastrop County Commissioner's Court grants an order of exemption (LGC Sec.262.024). The following is a list of State law defined Professional Services (GC Sec. 2254.002 (2)):
 - accounting;
 - architecture;
 - landscape architecture;
 - land surveying;
 - medicine;
 - optometry;
 - professional engineering;
 - real estate appraising; or
 - professional nursing;

A governmental entity may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award:

- a) on the basis of demonstrated competence and qualifications to perform the services; and

b) for a fair and reasonable price.

The professional fees under the contract may not exceed any maximum provided by law. (See Section V, D).

5. Emergency Purchases - items otherwise required to be competitively bid may be exempt from the competitive bidding process by the Commissioners Court if (1) a prompt purchase is required, due to a public calamity, to meet a necessity of the citizens or preserve public property, (2) the purchase is necessary to preserve the public health or safety of a county residents, or (3) the purchase is required due to unforeseen damage to public property. (See Section V, E)
6. Work in Progress - this may be exempted by the Commissioners Court and paid for, as it is performed.
7. Land and Right-of Way Acquisition - this may be exempted by the Commissioners Court from competitive bidding.
8. Sole Source Items - an item available from only one source may be purchased without competitive bidding, with a sole source resolution upon the approval of the Commissioners Court (See Section V, F).
9. Cooperative Purchasing Groups – Commissioners Court may approve the purchase of goods or services by adopting an inter-local agreement with a cooperative purchasing group such as TASB Buy Board and H-GAC or by inter-local agreement with another public entity.
10. Current procedure adopted by Commissioners Court states that Purchase Orders shall be obtained for purchases of any one item over \$500.00 or any aggregate total purchase over \$5000.00 except when the purchases are for contracted goods or services.
11. Duplicative or Unnecessary Purchases - To prevent unnecessary purchases, the Bastrop County Purchasing Department shall recommend the transfer of County goods that are not needed or used, from one department or employee, to another department or employee requiring the goods or the use of the goods. The Purchasing Agent shall furnish the Auditor a list of transferred goods. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach. A review of all bid documents will be made to assure no duplication of activities or services occurs.

II. Requisitions

A. Necessity of Requisition:

A requisition should be presented for all purchases (Art. 1661, V.T.C.S.). The purpose is twofold: (1) to inform the Purchasing Department of the needs of the requesting department; and (2) to identify correctly and clearly the material requested and the funding codes from which the payment will be made. Requisitions should include the vendor(s) or be prepared well in advance to enable the Purchasing Department to find a vendor. The requisition shall be made using the Bastrop County Helpdesk portal on each employees desktop or laptop computer. The ticket requesting a purchase or a quote will then be routed to the appropriate department head or elected official for approval. In the case that it is not feasible to present a requisition, a signed, dated and coded quote may be presented as stated in the following paragraphs.

B. Preparation of Requisition:

Use a separate requisition for each class of items. Requisition forms are available from the Bastrop County Help Desk portal. The requesting employee must sign in to the Bastrop County Help Desk portal with the

username and password provided to them by Bastrop County I.T. After signing in the requesting employee will select the Purchasing icon from the list of services in the "Request Type" field. The requesting employee will then need to choose from a list of options that include: Accident/Incident, Bid Request, Fixed Asset Update, Purchase Request and Quote Request. After selecting the desired type of service the requesting employee will fill in all necessary fields and click submit. The purchase request will be sent to the Elected Official or Department Head for approval before it is submitted to the Purchasing Department. Any items requested that are I.T. related will be sent to the I.T. Director for approval before the request is sent to the Purchasing Department. The Elected Official or department head must submit a list of employees who are authorized to complete requisitions. The Purchasing Department will maintain a list of authorized personnel with the authority to make purchases. The exception to the requisition process is when a bid is approved by the court; items under that bid can be purchased directly by the employee. For instance the office supplies contract has been approved by the court and there is an assigned employee in each department who can purchase on line or by fax. The same goes for purchases of road materials or other items for which bids have been approved by the court. The Purchasing Office is always available to answer questions regarding requisitions.

A requisition must contain the following information for proper processing (See Exhibit A to this Manual).

1. **Department & Date:** Give the name of the Department; date the requisition is forwarded to Purchasing and the date on which the item is needed.
2. **Vendor.** (a) If the item acquired is under an existing bid contract, or through a cooperative purchasing group, the vendor awarded the contract must be identified. (b) If the item is not under contract, please designate the vendor: a recommendation of vendors that you have worked with is appreciated or refer to the Purchasing Department for vendors whose products have been used previously and found to be satisfactory.
3. **Quantity Required.** State the number required. In addition to the number, where needed also provide the unit measure such as "dozen", "gallon", "each", etc.
4. **Description and Specifications.** Describe the item needed clearly. Provide size, color, type, grade, etc. Departments must also provide detailed and technical specifications when needed. When necessary, write descriptive information on a separate sheet and attach the sheet to the requisition or *attach a quote from the vendor.*
5. **Estimated Cost.** (a) If the item is covered by a bid contract, insert the contract price on a per unit basis. (b) If not subject to an existing contract, provide an estimated price on a quote from the vendor.
6. **Fund/Department Number and Budget Line Item.** Identify, according to the County budget, the fund/department number from the department making the purchase. Designate, according to the county budget, the department's budget line item against which the purchase should be charged.
7. **Certification.** The Department Head or authorized person must sign and forward this requisition to the Purchasing Department.

C. Office Supply Orders:

Office supplies are purchased via the Internet from the current contract. Contact the Purchasing Department for a Password and User ID for authorized users. Instruction on how to purchase via the Internet will be given to authorized personnel in each department.

Authorized personnel will place orders for office supplies through contracted online vendors. The Purchasing Department shall review and approve all orders before the orders are released to ship. Delivery will be made

to the Purchasing Department and then the purchasing staff will deliver the order. Copies of the packing slips are requested by the Treasurer's Office.

III. Purchase of Materials and Supplies

Materials and supplies not available from the current office supply contract or on contract to the County by means of bid or proposal should be purchased through the Purchasing Department. The Bastrop County Purchasing Agent is the only person that is allowed to open credit accounts in the name of Bastrop County. Any employee failing to adhere to the opening of credit account(s) policy, corrective actions will be taken up to and including termination.

This section of the procedure manual outlines the responsibilities of the county departments when making an acquisition through the Purchasing Department. It should be used as a guide to help departments do their part in purchasing.

A. The Purchasing Department's responsibilities:

1. Obtain information about the needs of the departments of the County;
2. Secure the product at the least cost to the County;
3. Know the sources for and availability of needed products; and
4. Aid and to cooperate with all departments of the County to meet their equipment and supply needs.

B. Requesting Departments' responsibilities:

1. Make requests early enough to allow sufficient time for the vendor to make delivery;
2. Supply detailed specifications of item requested;
3. Inform the Purchasing Department of all unusual demands;
4. Take no actions that might be viewed as obligating or committing the County to making a purchase from a specific vendor, except in an emergency; and
5. Make no commitments regarding commodities or services in the name of the County. Such commitments will be VOID unless they are made by the Purchasing Agent, the Commissioners Court, or other agents of the Commissioners Court.

C. Purchasing Procedures:

1. Capital Purchases - If the requisition is for the purchase of a capital item (\$5000.00 or more) one of the following alternative procedures should be followed:
 - a. If an unbudgeted capital expenditure, See II, a.
 - b. If a budgeted capital expenditure of is for more than \$5,000 but less than \$50,000.00 the item must be acquired through the Purchasing Department and the Purchasing Department must obtain three (3) written or phone quotes.
 - c. If the capital expenditure is budgeted and the item is \$50,000 or more, the capital expenditure must be competitively bid.
2. Requisition - complete a requisition as described in Section III, B, and forward a copy to the Purchasing Department.
3. Preparation of Purchase Order – Purchasing will enter the requisition into the computer system for preparation of a purchase order. If funds are unavailable, the Purchasing Department will return the requisition to the department. Unless the goods or services are already on contract, the user Department should obtain a minimum of three (3) written or phone quotations for purchase orders more than \$5,000.00 or less than \$50,000.00.
4. Placing Order - For purchases requiring delivery of items, Purchasing will send the original copy of the purchase order to the vendor (if required) and distribute copies as follows:
 - a. One copy to Purchasing to be retained with original requisition.

- b. One copy to be given to the Treasurer with invoice.

IV. Bidding Process and Procedures

A. Bid Procedures for Budgeted Item - Purchase over \$50,000:

1. Requesting Department's Responsibilities:

- a) Submit a requisition to the Purchasing Department far enough in advance of the desired purchase date to allow time for the formal bidding process;
- b) Be present at the meeting of the Commissioners Court during which the authorization for Purchaser to proceed with the process.

2. Purchasing Department's Responsibilities:

- a) Review bid specifications to determine adequacy in light of general requirements and to insure that they are not unduly restrictive.
- b) Prepare terms and conditions to attach to bid specifications.
- c) Prepare agenda request and notify the Department of agenda date.
- d) Following approval by Commissioners Court, post bid notice in the local newspaper and post on the bid specifications on the County's website.

B. General Bidding Information

In Accordance with 2 CFR §200.318 General procurement standards.

(a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this part.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c)(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also §200.213 Suspension and debarment.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j)(1) The non-Federal entity may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

In Accordance with 2 CFR §200.319 Competition.

(a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;

(2) Requiring unnecessary experience and excessive bonding;

(3) Noncompetitive pricing practices between firms or between affiliated companies;

(4) Noncompetitive contracts to consultants that are on retainer contracts;

(5) Organizational conflicts of interest;

(6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and

(7) Any arbitrary action in the procurement process.

(b) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or

proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

- (c) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:
 - (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
 - (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- (d) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

In Accordance with 2 CFR §200.320 Methods of procurement to be followed:

The non-Federal entity must use one of the following methods of procurement:

- (a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (2 CFR §200.67 Micro-purchase – as of September 21, 2020 the Micro-purchase threshold is \$10,000). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.
- (b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
- (c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.
 - (1) In order for sealed bidding to be feasible, the following conditions should be present:
 - (i) A complete, adequate, and realistic specification or purchase description is available;
 - (ii) Two or more responsible bidders are willing and able to compete effectively for the business; and
 - (iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
 - (2) If sealed bids are used, the following requirements apply:
 - (i) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
 - (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - (iii) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;

- (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - (v) Any or all bids may be rejected if there is a sound documented reason.
- (d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
- (1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - (2) Proposals must be solicited from an adequate number of qualified sources;
 - (3) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
 - (4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
 - (5) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
- (e) [Reserved]
- (f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
- (1) The item is available only from a single source;
 - (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
 - (4) After solicitation of a number of sources, competition is determined inadequate.

In Accordance with 2 CFR §200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

- (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- (b) Affirmative steps must include:
 - (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
 - (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

In Accordance with 2 CFR §200.322 Procurement of recovered materials:

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

In Accordance with 2 CFR §200.324 Federal awarding agency or pass-through entity review:

- (a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
- (b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
 - (1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;
 - (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
 - (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
 - (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- (c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.
 - (1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;
 - (2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

In Accordance with LGC 262.025 - The Purchaser will insure publication of the legally required notice for all competitively bid items or services in a newspaper of general circulation in the County once a week for two consecutive weeks.

In Accordance with LGC 262.028 - Competitive bidding can be let on either a lump sum or a unit price basis. If unit price bids are solicited, the needed quantities of each item should be estimated in the request

based on the best available information. The successful bidder's compensation, however, will be based on the actual quantities supplied, furnished or constructed.

C. Bid Opening:

Following receipt of bids by Purchasing Department, bids will be publicly opened by the Purchaser or his/her designee. All sealed bids will be opened on the assigned day at the designated time. Bids will be read aloud and recorded on a bid tabulation sheet. The Purchasing Department will furnish copies of the bids to requesting department. Requesting department may be present at the public bid opening.

D. Protest:

All protests regarding the bid, proposal or request for qualification solicitation process must be submitted in writing to the Bastrop County Purchasing Agent within five (5) business days following the opening of the bids, proposals or request for qualification. This includes all protests relating to advertising of public notices, deadlines, openings, and all other related procedures under the Texas Local Government Code 262, as well as any protests relating to alleged improprieties or ambiguities in the specifications. This language will be included in all procurements for construction and professionals services.

This limitation does not include protests relating to staff recommendations as to award of this bid. Protests relating to staff recommendations may be directed to the Bastrop County Purchasing Agent or the Bastrop County Judge within five (5) days of the staff recommendation of award to the Bastrop County Commissioner's Court. Unless otherwise provided by law, all staff recommendations will be made available for public review prior to consideration by the Bastrop County Commissioner's Court.

E. Bid Recommendations:

After examining copies of all the bids, the requesting Department and the Purchaser will decide on a recommendation for bid award in time prior to the deadline for Commissioners Court agenda. The Purchaser will verify recommendation to the lowest and best bid received.

In determining the lowest and best bid for a contract for the purchase of road construction material, the Commissioner's Court may consider the pickup and delivery locations of the bidders and the cost to the county of delivering or hauling the material to be purchased. The Commissioner's Court may award contracts for the purchase of road construction material to more than one bidder if each of the selected bidders submits the lowest and best bid for a particular location or type of material.

After decision of recommendations the Purchaser will obtain an agenda setting, notify the Department and forward the bid recommendation; along with a bid summary, to the Commissioners Court.

A contract may not be awarded to a bidder, who is not the lowest and best bidder meeting specifications unless, before the award, each lower bidder is notified by the Purchaser of the proposed award and offered an opportunity to appear before the Court and present evidence concerning the lower bidders responsibility.

F. Bid Award:

Bids will be awarded to the lowest and best responsible bidder. In addition to the price, the Commissioners Court will consider:

3. The quality of the product;
4. The availability of the product;
5. The adaptability of the product to the intended use; and
6. The ability, experience, efficiency, integrity, and financial responsibility of the bidder.

When the county receives only one bid, the bid may be accepted if the Commissioners Court determines the price is fair and reasonable. If the price is not fair and reasonable, the bid may be rejected. If the bid(s) is rejected the Court may instruct the purchaser to post for a re-bid.

If two or more responsible bidders submit identical bids, the bid award will be made by drawing lots or as directed by the County Judge.

If after the award the successful bidder fails to qualify for required bonds, or is otherwise unable to meet the requirements of the award, the Commissioner's Court may award the contract to the next bidder in order of ranking as lowest and best bid.

Bastrop County will strictly adhere to the Federal requirements set forth in 2 C.F.R. § 200.323. The requirements for Bastrop County are as follows:

1. The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold, including contract modifications (Cost or price analysis is required for all procurements exceeding the Simplified Acquisition Threshold. The Simplified Acquisition Threshold is currently set at \$250,000, but is subject to periodic revision). The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must develop an independent estimate before receiving bids or proposals (Must conduct an independent cost estimate in all situations regardless of dollar threshold. A variety of methods exist to meet this requirement. For example, an independent cost estimate can be conducted utilizing can be established through the use of market research that identifies the median price for a particular type of supply or service).
2. The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed (Cost analysis is generally performed for cost-reimbursement type contracts, Architecture & Engineering contracts, or professional services contracts, for example). To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for work (In other words, the more difficult or complex the required work is, the more likely a Non-Federal Entity can justify higher profits as fair and reasonable within the overall context of the procurement).
3. Costs or prices based on estimated costs for contracts under a Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under Subpart E—Cost Principles of this part (Cost principles deal with whether an expense is allowable, allocable and reasonable in nature. See, Subpart E – Part 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards). The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.
4. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used (These types of contracts are strictly prohibited. They are prohibited because there is no incentive for the contractor to keep its incurred costs low due to the associated percentage of profit earned on incurred costs. There is instead a reverse incentive for the contractor to continue to increase its incurred costs in order to increase its associated profit. In other words, the higher its incurred costs, the higher the contractor's profit will be. See, PDAT Procurement Field Manual, pp. 81-83 for further discussion of Cost Plus Percentage of Cost Contracts (CPPC)) (Emphasis added. These contracting methods must never be used.)

G. Bonds:

In Accordance with 2CFR §200.325 and GC 2253.021 - Bonding requirements:

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and

requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(1) GC 2253.021 - A governmental entity that makes a public work contract with a prime contractor shall require the contractor, before beginning the work, to execute to the governmental entity:

(i) a performance bond if the contract is in excess of \$100,000;

(2) The performance bond is:

(i) solely for the protection of the state or governmental entity awarding the public work contract;

(ii) in the amount of the contract; and

(iii) conditioned on the faithful performance of the work in accordance with the plans, specifications, and contract documents.

(3) A bond required by this section must be executed by a corporate surety in accordance with Section 1, Chapter 87, Acts of the 56th Legislature, Regular Session, 1959 (Article 7.19-1, Vernon's Texas Insurance Code).

(c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(1) GC 2253.021 - A governmental entity that makes a public work contract with a prime contractor shall require the contractor, before beginning the work, to execute to the governmental entity:

(i) a payment bond if:

- the contract is in excess of \$25,000, and the governmental entity is not a municipality or a joint board created under Subchapter D, Chapter 22, Transportation Code;

(2) The payment bond is:

(i) solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material; and

(ii) in the amount of the contract.

(iii) A bond required by this section must be executed by a corporate surety in accordance with Section 1, Chapter 87, Acts of the 56th Legislature, Regular Session, 1959 (Article 7.19-1, Vernon's Texas Insurance Code).

If it is required, the Purchaser will include the requirement for a bond or bonds in the bid advertisement.

Payment and Performance bonds must be effective from commencement of work until the satisfactory completion of the contracted work or for Payment bonds until the end of the fourth month after all work for the project is completed, unless releases are obtained from all subcontractors and materialmen. Any payment bond that is furnished by a contractor in attempted compliance with the requirements of Texas Government Code Chapter 2253 are construed as if it conforms with that chapter in relation to rights created, limitations on the bond, and remedies provided.

A bond required under this section must clearly and prominently display on the bond or on an attachment to the bond:

1) The name, mailing address, physical address, and telephone number, including the area code, of the surety company to which any notice of claim should be sent;

- 2) The toll-free telephone number maintained by the Texas Department of Insurance under Texas Insurance Code, Chapter 521, and a statement that the address of the surety company to which any notice of claim should be sent may be obtained from the Texas Department of Insurance by calling the toll-free telephone number.

The County may not require a contractor for any public work project to obtain a surety bond from any specific insurance or surety company, agent, or broker. Letters of Credit may not be substituted for any payment bonds related to a public work project if the cost of the project exceeds \$25,000. The contractor must provide payment and performance bonds within ten calendar days after receipt of the Notice-of-Award letter. These are reviewed by Purchasing, with originals being maintained in the Purchasing Office. Copies are provided to the user department upon request.

H. Contract Clauses:

In Accordance with 2 CFR §200.326 - Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards:

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

- (a) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- (b) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
- (c) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."
- (d) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- (e) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor

must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- (f) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
- (g) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- (h) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- (i) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- (j) See § 200.322 Procurement of recovered materials.

I. Acquisition of Item after Bid Award:

Following award of the bid contract by the Commissioners Court, the successful Vendor will be notified by Purchasing Department.

J. Change Order:

A change order may be required when it becomes necessary to make changes after performance of the contract has commenced. The Commissioners Court or their designee is authorized to approve increase or decreases to the original contract price of \$50,000 or less. The original contract price may not be increased by more than 25%. All change orders requiring increases or decreases to the contract price involving more than \$50,000 must be approved by the Commissioners Court. All decreases of 18% or more of the original contract price must have the written consent of the contractor. Any major alterations of the plans or specifications must be submitted to the Commissioners Court for approval.

V. Special Purchases

A. **Unbudgeted Capital Purchases:**

If the needed capital item was not included as part of the County Budget, the following procedures should be followed in order to obtain budgetary authorization:

1. The requesting department must fill out a requisition form, the requesting department shall include in the memo a cost estimate or quote justifying the need and a statement of whether there are available departmental funds that may be used for this purchase.
2. The requesting department must submit a description of the expenditure along with the cost to the County Auditor.
3. The Auditor will then present the request to the Court. The Commissioners Court will approve or decline the request. If approved, normal purchasing procedures apply. After the Commissioners Court has granted budget authorization, the item will be competitively bid if over \$50,000.

B. **Acquisition under a Blanket Purchase Order:**

A Blanket Purchase Order authorizes a County department to obtain up to a specified amount of material (services or supplies) on a continuing basis from a vendor. Such Purchase Orders are authorized only by the Purchasing Department in appropriate circumstances, e.g., obtaining parts for vehicle maintenance as needed. Any department foreseeing a definite and regular need for items not available routinely should consider contacting the Purchasing Department to investigate obtaining a Blanket Purchase Order for such items. Blanket Purchase Orders anticipated to exceed \$50,000 during the course of a year must be competitively bid, as described in Section V. Blanket Purchase Orders should not exceed budgeted funds for such purchases by the Department.

Procedures to acquire items under these contracts are as follows.

1. The department will pick-up or receive items during the course of an agreed on time period.
2. The department will retain receipts and/or delivery tickets for all items picked up or delivered during the month.
3. At the end of each month, the department will attach receipts/delivery tickets to the department's copy of the invoice and shall be delivered to the Treasurer for payment.

C. **Insurance and High Technology Items:**

1. All high technology items will be obtained through a proposal process or through purchasing cooperative group. All proposed purchases of IT equipment must be approved by the IT Department. All proposed communication purchases must be approved by the IT and/or the Office of Emergency Management.

“High Technology Item” means a service, equipment or good of a highly technical nature, including:

- a. data processing equipment and software and firmware used in conjunction with data processing equipment;
 - b. telecommunications, radio and microwave systems;
 - c. electronically distributed control systems, including building energy management systems; and
 - d. Technical services related to the above items.
2. DIR Catalogue Purchasing Program
 - a. The requesting department must clearly and accurately describe the goods/services to be purchased to county IT department;

- b. High Technology items may be purchased through the DIR system; and
- c. IT equipment exceeding \$50,000., at least 3 DIR catalogue vendors should be requested to provide a bid.

D. Professional and Personal Services:

1. Definition of Professional Services:

Professional services are services provided by or within the scope of services provided by licensed physicians, optometrists, architects, certified public accountants, and registered engineers. Professional services are procured through the Request for Proposal process. The selection of providers of professional services will be based on the competency of the firm or individuals-not on competitive bidding. Departments requiring professional services must review the experience and capabilities of the prospective service providers through proposals and interviews.

2. Definition of Personal Services:

Personal Services contracted to be performed by a specific person.

3. Procedure:

Solicitation of Proposals - After approval by the Commissioners Court, purchasing will send the RFP to potential professional service providers. Purchaser will order advertisement of the request. The service providers will submit proposals to the Purchasing Department. The Purchasing Department shall open proposals on the date specified in the request for proposals. Confidential and trade secret information, identified as such in the proposal, shall not be publicly disclosed, but the remainder of the proposal shall be open for public inspection following award of the contract.

4. Evaluation of the Proposals:

The Purchasing Department and submitting department along with a selection team may conduct further discussions and negotiations with responsible providers after the opening. All providers receive fair and equitable treatment with regard to such discussions and negotiations. The evaluation of each service provider will cover at least the following: The following items may be considered when choosing a successful provider. The items will be included and weighted in the request (RFP)- organization and personnel, and price and price break down or price range and cost schedule.

5. Recommendation:

After evaluation, purchasing will arrange an agenda date, notify the Department, and transmit the recommendation to the Commissioners Court. The Commissioners Court with the approval as-to-form from the District Attorney will award the contract. The County Judge must sign the contract.

E. Emergency Purchases:

Emergency purchases are authorized in extremely limited circumstances: (a) in the event of public calamity for the benefit of the county citizens or to protect public property; (b) in order to protect the public health or safety of county residents; or (c) when made necessary by unforeseen damage to public property. Depending upon the time of the emergency and type of purchase necessary, one of the following procedures should be followed:

- 1. After hour's emergency -- in such instances the department must take the necessary action to obtain the needed goods or services. If, however, the Department is aware that the purchase involves an expenditure of \$50,000 or more, a reasonable effort should be made to contact the County Judge to notify him or his designee that the emergency exists. The next working day the Department should contact Purchasing to present a requisition requesting a purchase order.
- 2. Emergency during working hours -- (a) If the purchase is for less than \$50,000 and budgeted funds are available, phone-in purchase order procedures may be utilized; (b) if the purchase is less than \$50,000 and funds are not available, approval of the County Auditor must be obtained by purchasing

prior to acquiring the item using the phone in purchase order procedure; or (c) if the purchase is in excess of \$50,000, purchasing must obtain approval of the 3 members of the Court for the purchase and then utilize phone in purchase order procedures.

F. Sole-Source Purchases:

An item valued in excess of \$50,000, which would otherwise be purchased by competitive bidding, may be purchased without the necessity of bidding if it is available from only one source. Typical items in this category include patented or copyrighted material, secret processes, natural monopolies, utility services, captive replacement parts or components for equipment, and films, manuscripts or books. Such items may be purchased from a sole source without competitive bidding only after the Purchaser, in writing, certifies the existence of only one source to the Commissioners Court and the Court enters a finding by means of a resolution of such in its minutes.

G. Equipment Maintenance:

Maintenance service on County owned equipment is arranged through the User Department. The Department requiring maintenance may contact purchasing for a purchase order. Vehicle and equipment repairs is exempted from competitive bidding by Texas Local Government Code Section 262.024 (11) and by an order of exemption granted by Bastrop County Commissioner’s Court on May 8, 2017.

H. Impracticality of Preparing Detailed Specifications:

If the purchaser determines that it is impractical to prepare detailed specifications for an item to support the award of a purchase contract, the purchaser shall notify Commissioners Court that it is impractical to prepare detailed specifications for an item to support the award of a purchase contract, Commissioners Court shall instruct the purchaser to follow purchasing procedures as prescribed in “Alternative Multistep Competitive Proposal”, Section 262.0295 of the Local Government Code.

VI. Receiving, Inspecting and Testing of Purchases

A. Receiving:

All orders and shipments will be received by the purchasing department and will be distributed to the requesting department by the purchasing staff after it has been determined if the received item needs Bastrop County inventory tags.

B. Inspecting and Testing:

It is the responsibility of each County department to see that all purchased items conform to the quantity, quality and specifications of the order. After delivery of the merchandise to the requesting department, the department must determine whether the goods are acceptable. If they are not, the Department must immediately notify the Purchasing Department of the reasons why the merchandise is not acceptable. The Purchasing Department will then require a replacement, cancel the order, or take other appropriate action to obtain correct merchandise from the vendor.

VII. County – Owned Supplies and Equipment – Fixed Assets

A. Fixed Asset Management:

The Purchasing Department Fixed Asset Division has the responsibility of maintaining an asset management system that records transactions pertaining to the acquisition, improvements, and final disposition of fixed assets. These records are summarized and submitted to the Bastrop County Auditor’s Office for inclusion in the County’s Financial Statements in March as well as an inventory of all property on hand by July 1st of each year.

Bastrop County currently maintains a Capital Asset Management System that consists of two parts: accounting and property management.

B. Definitions:

Fixed Assets is used to describe items that have a useful life of at least one year, and complies with the established threshold to be included in the County's Inventory System. Capital assets include all items purchased, constructed, or donated, and may be either intangible (e.g., easements, water rights, mineral rights), or tangible (e.g., land, buildings, building improvements, vehicles, machinery and equipment and – infrastructure). In addition to capital assets, the County maintains an inventory of minor controllable assets, with the exception of expendable supplies. For the purposes of this subchapter, the following words have these meanings:

1. **Capital Assets:** property that has a useful life greater than one year and a value greater than its asset class threshold as stated in the Capital Asset Guide or a value greater than \$5,000. Capital Assets are identified according to the guidelines set forth in the Financial Accounting Resource Guide (FAR). The requirements are as follows:
 - is tangible in substances and nature
 - has an estimated useful life of one (1) year or more
 - is physically separate and identifiable from other assets
 - has a dollar cost of \$5,000 or more and is controllable through a physical inventory
2. **Low Value Assets or Minor Controllable Assets:** property that must be inventoried and tracked because of liability, insurance, licensing or other factors but that does not qualify as a Capital Asset because its value is less than its asset class threshold as stated in the Capital Asset Guide and usually has a value between \$500 and \$4,999.99. Low Value or Minor Controllable Assets are assets that the County has designated to capture for internal control purposes. Those assets have a cost between \$500 and \$4999.99 and are included on the Inventory Asset Catalog Report.
3. **Expendable Supplies:** items with an acquisition cost of less than \$300. Types of items that are considered expendable supplies include: forms, pens, pencils, wastebaskets, staplers, stamps, pocket calculators, tires, batteries, spare parts, paint, bulbs, lamps, lumber, nails, tapes, cables, uniforms, shoes, boots, hats, badges, small tools, etc. The Bastrop County Purchasing Department Fixed Asset Division does not monitor expendable supplies. Inventory of these supplies remain the responsibility of the County departments using them.
4. **Audit:** A formal and independent examination of records to:
 - a. assess the system controls;
 - b. certify compliance with established policies and procedures and to
 - c. recommend changes in controls, policies and requirements.
5. **Auditor:** Appointed by the district judges and are tasked with the preparation and administration of accounting records for all County funds, assessing system controls, certifying compliance with policy and procedures and recommending changes to address system control needs and compliance with policy and procedures.
6. **Purchasing Department:** The Bastrop County Purchasing Agent and Department.
7. **Salvage Property:** County property other than items routinely discarded as waste because of use, time, accident or any other cause is so worn, damage or obsolete that it has no value for the purpose which it was originally intended.
8. **Surplus Property:** County property that is not salvage property, is not currently needed by its owner, is not required for the owner's foreseeable needs and possess some usefulness for the purpose for which it was intended.

9. **User Department:** The department from whose budget line item the purchased item or service is funded. The department includes all county offices, precinct office, their subdivisions and all district offices and their subdivisions.

C. Accounting:

Bastrop County accounts, records, and reports the ownership of capital assets in compliance with reporting requirements established by GASB Statement 34, the Generally Accepted Accounting Principles (GAAP), and the Texas Local Government Code (LGC). The information processed in the Fixed Asset Division that pertains to additions and deletions of capital assets is reported annually to the County Auditor's Office to be included in the Bastrop County's Annual Financial Statements.

D. Property Management:

Bastrop County Departments and the Fixed Asset Division have the responsibility to conduct annual verifications of machinery and equipment to ensure accountability of fixed assets.

The Fixed Asset Policy and Procedures Manual has been prepared to be used by Bastrop County Personnel as a reference to:

1. Initiate the procurement process.
2. Recognize and capitalize assets.
3. Follow the protocol for receiving and tagging assets.
4. Follow procedures for the inventory and safeguarding of assets.
5. To identify the accepted disposition methods of obsolete, broken, and no longer needed assets.

Included in the procedures manual are legal references, and the necessary forms and guidelines to account for all assets assigned to each individual County Department. County employees are inherently responsible for protecting County assets entrusted to them. This includes the proper care, maintenance, control, and reasonable safeguards to prevent loss, damage, or theft of such assets.

Bastrop County owns thousands of items classified as assets. These assets include vehicles, land, buildings, computer systems, weapons, road and bridge equipment, etc. Assets are classified as Capital Assets and Low Value Assets. Together, these assets represent millions of dollars. As public servants, Bastrop County employees are responsible for the care and custody of this large investment. Maintaining accountability for such a large and varied inventory is not an easy task. However, accountability is not only an inherent duty of County employees; it is also mandated by law. Every employee should assume a personal commitment to protect and account for all equipment assigned to him or her, regardless of its temporary assignment.

The process of providing the tools needed to accomplish Bastrop County's mission involves many people and County departments, from the end-user to financial, purchasing and asset personnel. Accountability for these assets involves an equally large number of people. All County employees should be responsible for and accountable to the taxpayers for this large investment in assets. With careful management of these assets, every tax dollar is stretched to its fullest and resources can be made available to afford more of the tools needed to accomplish the County's mission.

E. Fixed Asset Policy:

The Comprehensive Policy and Procedures for Asset Management are subject to certain guidelines as follows:

1. Assets that fit the definition of capital asset will be capitalized and subject to inventory control.
2. Assets with an inventory cost of \$500.00 or more will be assigned an asset number and a Bastrop County inventory tag will be placed on that item. In addition, all weapons regardless of cost are subject to inventory control.
3. Assets that have a depreciation schedule of more than one year but have a cost of less than \$500.00 will have a Bastrop County tag attached to them for identification purposes. These tags do not **NOT** have an assigned inventory number. They are for identification purposes only.

4. Donated and court awarded assets will be recorded at fair market value (FMV).

F. Responsibility Of The County Purchasing Agent:

The Texas Local Government Code (LGC), Chapter 262 designates the Purchasing Agent as the responsible party for several duties related to the acquisition and management of assets and indicates that:

All purchases of supplies, materials or equipment must be made through the Purchasing Agent (See Texas Local Government Code – Chapter 262.011). On July 1 of each year, the County Purchasing Agent shall file with the County Auditor and each of the members of the board that appoints the County Purchasing Agent an inventory of all the property on hand and belonging to the county and each subdivision, officer, and employee of the county. The County Auditor shall carefully examine the inventory and make an accounting for all property purchased or previously inventoried and not in the inventory (See Local Government Code Section 262.011 (i)).

G. Responsibility Of The Purchasing Department Fixed Asset Division:

1. Maintain a comprehensive Asset inventory and official property records for all land, buildings, improvements other than buildings, machinery, construction in progress, minor assets, weapons regardless of cost, infrastructure, equipment and vehicles (including leased properties), and forfeited assets awarded to the County.
2. Establish criteria to capture all assets that fall within the established thresholds.
3. Prepare comprehensive policies and procedures for accounting for capital assets and publish in a capital assets manual.
4. Establish criteria to capture information for non-capitalized but “controllable” equipment, such as weapons, bullet proof vests, electronic equipment, and other items with an acquisition or fair market value of more than \$500.00.
5. Ensure that all capital assets and other assets subject to inventory control that meet the established thresholds are currently recorded in the County’s Asset Management System.
6. Perform periodic physical inventories to keep track of county owned property including minor and “Controllable” assets.
7. Report all additions and deletions of capital assets incurred during the fiscal year to the County Auditor’s Office Accounting Division for inclusion in the Financial Statements.
8. Reconcile on an annual basis the General Ledger information with the County’s Inventory System.
9. Verify asset descriptions entered into the Inventory Module are clear and specific.
10. Place asset tags and identification tags on all assets that meet the threshold of requirement, for all Bastrop County departments and locations.
11. Provide training to departments on asset tracking and record keeping requirements for capital and minor equipment, including intangible assets.
12. Require that departments reconcile assets on hand with the capital asset and minor asset listing at least once a year and notify the results to the Fixed Asset Division.
13. Require that departments file an incident report with the police for lost or stolen assets and notify the Fixed Asset Division immediately for insurance purposes.

14. Present to Commissioners' Court a listing of lost and stolen assets for approval to remove the assets from the inventory listing at least once a year.
15. Require that departments prepare transfer forms or submit a ticket on the county Help Desk when transferring assets to another department and when declaring assets surplus or salvage.
16. Require that departments notify, by form or by submitting a ticket on the county Help Desk, the Fixed Asset Division when leasing or trading-in assets in order to ensure proper inventorying. Leased assets may need to be inventoried depending on the lease agreement.
17. Reconcile all donated assets listed on the Commissioners' Court agendas to the inventory system.
18. Establish records retention requirements for standardized forms

H. Responsibility Of County Officials/Department Heads:

Elected Officials, Appointed Officials and Department Heads are responsible for the care and custody of fixed assets assigned to their departments. To assist the official in complying with this responsibility, each official or department head should designate one or more employees within their department to coordinate verification receipt and tagging of new assets, verify inventories, and maintain control of fixed assets with the Asset Tracking Form FA.007.

The official or department head shall designate the representative(s) annually by October 15 of each year, but shall update and file the designation if a change occurs through termination or re-assignment of the designated individual(s). This is done by completing and submitting the Declaration of Representative Form FA.001.

Although the official or department head designates the representative(s) to assist with compliance requirements, the official or department head still remains responsible for an accurate accounting of all fixed assets assigned to his or her department. This responsibility cannot be delegated. Acceptance of the Bastrop County Fixed Asset Policy & Procedures Manual shall be acknowledged by a Department Official by signing, dating, and submitting the Fixed Asset Policy and Procedures Manual acknowledgment form FA.004 to the Bastrop County Purchasing Department/Fixed Asset Division upon receipt of this manual.

I. Responsibility Of The Designated Departmental Representative:

It is suggested that the staff member at the County's Departmental level who has responsibility for financial matters should assume the role of Fixed Asset Administrator, and become the Department's designated representative. As part of the administrative duties and responsibilities, the designated representative should from time to time conduct fixed asset reviews as follows:

1. Determine fixed assets needs, this is done at the departmental level.
2. Establish the use and location of the fixed assets within the organization structure.
3. Receive, inspect, store, and distribute the assets to the intended recipients within the department.
4. Ensure that vehicles and equipment are properly insured and safeguarded, once these items are received and accepted by the department. They are now the responsibility of the department.
5. Safeguard warranty information. Warranty documentation is often delivered with the item when it is received at the user department. The user department is responsible for maintaining appropriate warranty documentation in their department files. The Purchasing Department DOES NOT keep record of any warranty for any item purchased.
6. Document instances when assets need repairs or when items are returned to be replaced with a new one under warranty (Notify the fixed asset division whenever a replacement occurs, for proper

retagging and serial number updates).

7. Fill out a transfer form on the Bastrop County Help Desk ticketing system to dispose of or to transfer items that are no longer needed or no longer functional. Contact the Purchasing Department Fixed Asset Division for assistance.
8. Review the Fixed Asset Property Report received from the Fixed Asset Division and compare to their permanent file, note any discrepancies and return the report for proper corrections.
9. Verify the receipt of all assets purchased, donated, court-awarded and/or transferred from other County departments.

J. Tagging Of Assets:

A county asset number (tag) is issued by the Fixed Asset Division at the time a Purchase Order is authorized and it is delivered to the department that requested the equipment along with a confirmation form. Tagging of assets shall be done by the Fixed Asset Division once an ordered item is received at either the Bastrop County Purchasing Department or at the requesting Department's location. The asset shall be identified by serial number and description and a photo of the asset will be uploaded in the Bastrop County Fixed Asset Portal.

When practical, tag numbers are to be placed adjacent to the equipment manufacturer's I.D. plate. Otherwise, tags should be placed on a visible and accessible location such as the upper left or right hand corner of the item. If there is not sufficient space or the surface is not smooth or appropriate, the tag number may be placed away from heavy exposure, wear areas, or at a place which does not detract from the equipment's appearance and may be easily located during inventory. In some cases, engraving or marking the item with a marking tool may be applicable. Items which are considered non-tagable are: Software, dome cameras, network cards, computer parts, weapons, vehicles or equipment used in undercover operations. The tags for this particular kind of equipment must be kept in a folder, with the Designated Departmental Representative for review during audits or physical inventories. Documentation for such items should also be included to account for the current location.

After the tagging process is completed, the designated employee should sign and return the New Fixed Asset Inventory Tag Form FA.005 within 5 working days from the date the tags were received for proper update into the County's Inventory System.

K. Physical Inventory Conducted By Fixed Asset Division:

Under the direction of the Purchasing Agent, the Fixed Asset Administrator shall monitor, review and report inventories performed by the County departments. A physical count of Bastrop County's inventory is done annually in coordination with the Department's representative. Complete physical inventories are certified and maintained by the Bastrop County Purchasing Department Fixed Asset Division. An inventory certification of properly accounted for items is provided to the Elected official or department head at the end of the inventory after fixed asset staff conducts a physical verification based on 100 % or random inspection of the inventory. An annual fixed asset report detailing all Bastrop County fixed assets (Capital and Low Value Assets) must be completed and turned into the Bastrop County Auditor's Office by July 1st of each year.

L. Fixed Asset Audit By County Auditor:

Periodically the County Auditor will audit fixed asset records held in the Purchasing Department and audit actual equipment held by various departments within the county to determine the accuracy of inventory records.

M. Unscheduled Inventories:

If there is a change in elected official or department head during a fiscal year, the Purchasing Agent will be notified of the change with sufficient time for an inventory to be performed of the fixed assets of the

department. Upon completion of the final inventory, any discrepancies shall be reported to the Commissioners' Court for appropriate action. Upon receipt of the notification of discrepancies by a County department, the Fixed Asset Division will update the inventory records within a period of time not exceeding 10 working days.

N. Protection Of Property:

The protection of property is outlined in Section 31.11 (a) of the Penal Code of Texas (§ 31.11. Tampering With Identification Numbers). In accordance with this statute, a person commits an offense if he or she:

1. knowingly or intentionally removes, alters, or obliterates the serial number or other permanent identification marking on tangible personal property; or
2. possesses, sells, or offers for sale tangible personal property and:
 - a) the actor knows that the serial number or other permanent identification marking has been removed, altered, or obliterated; or
 - b) a reasonable person in the position of the actor would have known that the serial number or other permanent identification marking has been removed, altered, or obliterated.

O. County Vehicles Registration:

All County vehicles are subject to the process of registration, insurance, fuel card and emblems requirements during the acquisition, use, and disposition as follows:

The four basic forms delivered with each vehicle at the time of acquisition and required as part of the registration process are:

1. 130-U "Application for Texas Certificate of Title"
2. VTR-62-A "Application for Standard Texas Exempt License Plates"
3. Odometer Disclosure Statement, and
4. The Manufacturer's "Certificate of Origin for a Vehicle."

Regular Exempt License Plates are issued to the user department, once the registration process is complete. A copy of the Registration Receipt should be forwarded to the Fixed Asset Division in order for License Plate information to be included in the County's Inventory System. Unconventional type machinery owned by exempt agencies must be registered with exempt plates if they are used upon highways and streets of Texas. (One plate issued). Unconventional machinery – such as back hoe's, welding units, graders, etc., will be registered and titled. Use form VTR-62-A. Farm type machinery such as Ford or John Deere tractors can be registered and titled by using Form VTR-62-A and evidence of ownership.

Exception to License Plates: When tractors are not used on roadways, then an (SMV) Slow Moving Vehicle Sign should be used.

A new "Texas Certificate of Title" should be received by the user County department within 10 working days. This title should be delivered to the Fixed Asset Division, and copies should be kept in the user county department files.

Vehicles applying for Texas Exempt License Plates "must have printed on each side of the vehicle the name of the agency in letters that are at least two inches high or in an emblem that is at least 100 square inches in size, and of a color sufficiently different from the body of the vehicle to be clearly legible from a distance of 100 feet." (Refer to: Transportation Code § 502.2015). An exception to this requirement applies only to

vehicles used to perform the official duty of a law enforcement agency. All emblems should be removed as soon as a vehicle is declared surplus to be sold, junked, or salvaged. On September 1, 2017 the Texas Legislature enacted H.B. NO. 3223 which reads as follows:

SECTION 1. Section 272.006, Local Government Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) A political subdivision that sells or transfers a marked patrol car or other law enforcement motor vehicle to public in violation of the section is liable:

1. for damages proximately caused by the use of that vehicle during the commission of a crime; and
2. to this state for a civil penalty of \$1,000.

(e) The Attorney General may bring an action to recover the Civil penalty imposed under subsection (d) (2).

(f) Governmental immunity to suit and from liability is waived and abolished to the extent of the liability created by subsection (d).

SECTION 2. Subchapter C, chapter 728, Transportation Code, is amended by adding section 728.022 to read as follows:

Sec. 728.022. SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLE.

(a) A person may not sell or transfer a marked patrol car or other law enforcement motor vehicle to the public unless the person first removes any equipment or Insignia that could mislead a reasonable person to believe that the vehicle is a law enforcement motor vehicle, including any police light, siren, amber warning light, spotlight, grill light, antenna, emblem, outline of an emblem, or emergency vehicle equipment.

(b) A person may not sell or transfer a marked patrol car or other law enforcement motor vehicle to a security services contractor who is regulated by the Department of Public Safety and licensed under chapter 17:02, occupations code, unless each emblem or Insignia that identifies the vehicle as a law enforcement motor vehicle is removed before the sale or transfer.

(c) A person who sells or transfers a marked patrol car or other law enforcement motor vehicle to the public in violation of this section is liable:

1. for damages proximately caused by the use of that vehicle during the commission of a crime; and
2. to this state for civil penalty of \$1,000.

(d) The Attorney General may bring an action to recover the civil penalty imposed under subsection (c) (2).

SECTION 3. The changes in law made by this act apply only to a violation that occurs on or after the effective date of this act. A violation that occurs before the effective date of this act is governed by the law in effect on the date the violation occurred, and the former laws continued in effect for that purpose.

SECTION 4. This act takes effect September 1 2017.

P. Insurance:

All Bastrop County vehicles are required to have full coverage or minimum liability insurance at the moment of receiving the vehicle. A vehicle insurance notification must be submitted to the Bastrop County Purchasing Department immediately upon receipt of a new vehicle/heavy equipment. No vehicle/heavy equipment shall be operated on or off of a roadway until the Bastrop County Purchasing Department has proof of insurance coverage on said vehicle/heavy equipment.

Q. Fuel Cards:

A fuel credit card request to include, vehicle description, license plate number, and County Asset Number (Tag Number) must be submitted to Fuel Card Specialist for issuance of a Fuel Credit Card. (Refer to Fuel Card Policy) for proper use of the card.

R. Asset Internal Controls:

To maintain accountability at all times of the machinery and equipment assigned to County Departments, each department assigned representative should maintain a log book to record the location of the equipment within the Department. An initial inventory should be conducted to determine the current location of each item listed in the annual inventory report received from the Fixed Asset Division. During the inventory, it will be determined by the Department's assigned representative the room number, Department Division, Building Name, Floor, and employee name responsible of using and safeguarding the equipment. On instances when a piece of equipment such as a computer is removed from its permanent assigned location within the County

Department, such as for repairs by IT or by a contracted vendor, the information pertaining to the asset being removed from the premises should be documented in the log maintained by the designated staff member responsible for the management of the County property assigned to his department. The log information should contain the removal date, estimated return date, and the purpose for the temporary removal of the equipment. Since this is an internal control, each individual Department should develop their own log system that will include the condition, and the repairs history of the item(s).

S. Transfer Of Equipment From One Department To Another:

The Purchasing Agent has control over the transfer of equipment from one department to another, with the approval of the Commissioners' Court. (See Section 262.011 (i) – Local Government Code of Texas). A department does not have the authority to transfer equipment from one department to another, destroy, throw away, or discard equipment. A request to make a transfer or dispose of equipment shall be submitted to the Purchasing Department and with proper approval may then be transferred. After approval by the Purchasing Agent, the transfer of assets will take place, at which time both departments will sign the form. Otherwise, the department head is responsible for all equipment assigned to his/her department. County assets are required to be used for county purposes only. When equipment is taken off county premises for reasons other than transfers or final disposition, then a formal request and formal approval from the department head or designee must be obtained. This includes situations when assets are taken off-site for repairs. The temporary removal must be documented and a log should be maintained to indicate who accepted responsibility for the item being removed.

A fixed asset transfer occurs when a department agrees to give an asset to another department or a department transfers a fixed asset to a new location within the department.

A fixed asset transfer form shall be completed for each occurrence. The form must have all applicable signatures of the officials receiving and transferring out the assets, the date, description, serial number and permanent tag number of the items being transferred (Ref: Form FA.003). Once the transfer form is received at the Fixed Asset Division, the Bastrop County Inventory System should be updated within a period of 10 working days.

T. Transfers Of Surplus Or No Longer Needed Property:

The Fixed Asset Division in the county is under the general control of the Purchasing Agent who is assigned the authority by the Commissioners' Court to move surplus assets from one department to another and re-assign fixed assets as the need may arise.

The Purchasing Department Fixed Asset Division is responsible for warehousing all surplus, excess, or salvage items. Items no longer useful to the departments are stored by Purchasing at a Bastrop County facility for reuse by other departments or until sold. User departments can sometimes leverage scarce budget funds by requesting a transfer of surplus assets located within the County rather than purchasing new assets.

Departments must check with the Purchasing Department for a current list of surplus items.

No property is to be accepted by Purchasing Office staff without proper completion of the transfer information and appropriate signatures of the Bastrop County Fixed Asset Update Form FA.003. This form shall be completed through the Bastrop County Help Desk Portal. Departments play a key role in ensuring that all fixed assets that are disposed of or sent to surplus are properly reflected in the County's annual financial statements. The surplus form is used for fixed and non-fixed assets. If the item is a fixed asset, include the permanent tag number. The form is to be completed by the administrator (designated department representative) and signed by the Department Head, before being submitted to the Purchasing Department. For miscellaneous items such as confiscated items that have been Court-Awarded for disposition, abandoned and unclaimed items, and other items (not in inventory), the County departments submitting the transfer form should ensure that an ID#, Final Judgment number, and the fund account numbers are included in the Transfer Form.

U. Fixed Asset Dispositions:

Salvage and surplus property owned by the county may be disposed under the provisions of The Texas Local Government Code – (Chapter 263- Sections 263.151 through 263.158). A fixed asset disposal occurs when a department has a fixed asset that is no longer considered to be in working condition, is obsolete, scrapped or

dismantled. If a department no longer needs an asset and the asset is not being transferred to another department, the asset can be sent to surplus for disposition at public auction.

In addition to periodic dispositions during public auctions, capital assets may be written off in instances where they have been destroyed, stolen, lost, obsolete, or are damaged beyond repair. A list of such items must be presented to County Commissioners' Court for approval to be removed from the County's Inventory. Final disposition of no longer useful equipment and County owned real property can be identified in one of 13 disposition methods as outlined below.

1. Auctions
2. Competitive bids
3. Trade-ins
4. Donations
5. Returns
6. Discarded/Waste Property
7. Salvage
8. Missing Assets
9. Stolen Assets
10. Disposition by Destruction
11. Disposition of Abandoned and Unclaimed Property
12. Cannibalization
13. Disposition of County Owned Real State Property

The Purchasing Agent will periodically request that the Commissioners' Court declare property "surplus" or "salvage" for disposition at public auction or by Competitive Bids.

1. Auctions:

Once Commissioners' Court approval is received, the Purchasing Office shall coordinate the placement of the advertisement. LGC § 263.153 (a) specifies that: "The commissioners' court shall publish notice of a sale of surplus or salvage property in at least one newspaper of general circulation in the county; and (b) The notice must be published on or after the 30th day but before the 10th day before the date of the sale." The Fixed Asset Division supervises the auction to ensure that it meets statutory requirements and may reject offers in accordance with LGC 263.154 which states: "The commissioners' court or its designated representative conducting the sale may reject any offer to purchase surplus or salvage property if the court or representative finds the rejection to be in the best interest of the county." Once the auction is complete, the Purchasing Department-Fixed Asset Division keeps a record of each item or surplus or salvage or property sold and the sale price of each item as dictated by LGC 263.155. Auction proceeds are collected as required by LGC § 263.156 and deposited by the Treasurer in the County's General Fund or the appropriate Special Revenue Accounts established by the Purchasing Department and the County Auditor's Office Accounting Division for sales of equipment. The Surplus Auction Final Report should be delivered to the Accounting Division within 10 working days in order to distribute auction proceeds to proper general ledger accounts in a timely manner.

Surplus Procedures Prior to Auction

Before the sale of surplus equipment at public auction, all Bastrop County identifying information shall be removed by the County Department staff in charge of declaring the items as surplus for disposition. It includes and is not limited to remove all county asset tag #'s, County Emblems, Light Bars, Radios, and exempt license plates. Any electronic or digital media shall be erased of any information and it must be rendered inoperable and useless prior to disposal. For computer hard drives please contact the Purchasing Office who has an agreement with a destruction company that will supply a certificate of destruction for the unit(s). Prior to submittal of the transfer form, special attention should be given to indicate the funding source of the items being declared surplus for disposition. The funding information provided by the department should help expedite the timely completion of the Surplus Auction Final Report.

2. Competitive Bids:

The process for competitive bids is similar to that of auctions. The Purchasing Agent shall compile a list of items to be declared as "surplus" or "salvage" and request Commissioners' Court approval of the items

for disposal. Once approval is received, the purchasing department places the advertisement. The Purchasing Agent supervises the competitive bidding process and again, may reject offers, if it is in the best interest of the County. Competitive bids are received as identified in the advertisement, opened, read and the best bid accepted.

3. Trade-Ins:

A trade-in can be defined as exchanging an existing asset as part of an agreement to acquire a new asset. Commissioners' Court of a county may: "Offer the property as a trade-in for new property of the same general type if the Commissioners' Court considers that action to be in the best interest of the county. (See Texas LGC § 263.152 (a) (2)) If the trade-in option is used, then a request for trade-in must be presented to county commissioners' court for approval. Trade-In allowance documentation must be provided by the vendor and included as part of the agenda package. Trade-In allowance information must be included in the P.O. by the Purchase Order Administrators. Trade-In value, if any should be included in an asset's cost. Example: Purchase cost + trade-in value of old asset = total cost of asset. After obtaining a trade-in allowance from a vendor, the department submitting a requisition should ensure that the County asset #, description and trade-in allowance of the old item are entered as a caption and clearly printed in the Purchase Order under the description of the new item being acquired.

4. Donations:

The Commissioners' Court: "May dispose of the property by donating it to a civic or charitable organization located in the county if the Commissioners' Court determines that trying to sell the property would result in no bids received or the bid price is less than the county's bidding related expenses; the donation serves a public purpose; or the organization provides the county with adequate consideration related to transportation or disposal expenses related to the property." (See Texas LGC Ch. 263.152 (a) (4)).

5. Returns:

If it is determined that the equipment is defective and needs to be returned, a credit memorandum or refund check must be sent to the County Auditor's Office for acceptance and to deposit the refund in the original budget account. A copy of the documentation must be forwarded to the attention of the Fixed Asset Division so that the asset records in the County's Inventory System can be updated to reflect the return of the asset. The asset number, serial number and description of the item must be included otherwise the item will remain in the department's inventory.

6. Discarded/Waste Property:

Discarded waste means property which is incapable of performing its intended function, and has no value for any other purpose. These materials are of no value to the county other than through recycling or disposal. (See Texas LGC § 263.152 (a) (3)).

7. Salvage:

"Salvage property – means personal property, other than items routinely discarded as waste that because of use, time, accident, or any other cause is so worn, damaged, or obsolete that it has no value for the purpose for which it was originally intended" (See Texas LGC § 263.151.1).

8. Missing Assets:

The user department shall contact the Fixed Asset Division when an item is identified as "missing" and the department cannot prove that theft occurred. Assets identified as "missing" shall not be immediately removed from the inventory listing, but shall be retained until a thorough search can be made to determine that the asset is not located elsewhere in the county. The user department is required to make a thorough and adequate search for the missing item and document steps taken to locate the asset. After the initial physical inventory certification is provided to a County Department, Items not located during subsequent inventories will be subject to a timeframe before allowing any removal of assets from inventory. To allow sufficient time to find non-located equipment, "missing" assets will be retained on the inventory list for a

minimum of one year. The responsible department is required to make a thorough and adequate search for all missing items. After three successive inventories in which a missing item is not located, the responsible Elected/Appointed Official or Department Head shall provide a memo to the Purchasing Agent and the Commissioners' Court outlining the circumstances surrounding the missing item.
Stolen Assets, Scrap Metal, Disposition by Destruction.

9. Stolen Assets:

The elected/appointed official or department head shall report stolen items from their department immediately to the Bastrop County Sheriff's Office and the Bastrop County Purchasing Department. The user department shall send a copy of the incident report to the Fixed Asset Administrator. The Purchasing Department will process all insurance claims for stolen items and any refunds from the County's insurance company shall be put back into the departments budgeted funds. Use Fixed Asset Update Form FA.003.

10. Disposition by Destruction:

Items that may constitute a liability to the county, such as weapons, bullet proof vests, law enforcement uniforms, emergency light bars, badges, computer hard drives, and items that are so worn, obsolete, broken, and no longer useful for their intended use, shall be presented to County Commissioners' Court to be approved for destruction. (Please indicate County asset number, description, serial number, and reason for the listed items to be destroyed).

11. Abandoned and Unclaimed Property:

Abandoned and Unclaimed property seized by a peace officer is temporarily held and disposed of at auction with the proceeds deposited in the County Treasury as outlined in article 18.17 of the Code of Criminal Procedure.

12. Cannibalization:

In general, assets should not be cannibalized for parts unless it is in the best interest of Bastrop County to do so because a need exists for the cannibalized parts or will exist within the near future. All parts which have a common use shall be considered recoverable and candidates for cannibalization. Examples of such items include: motors, chains, gears, and subassemblies commonly sold as reconditioned or rebuilt parts. After all useful parts of the cannibalized asset have been used the asset must then be transferred to Surplus for disposal. The user department shall indicate in the "remarks" column of the Bastrop County Asset Transfer Form whether or not an item has been cannibalized and the component(s) that have been removed. This assists the Fixed Asset Administrator in appropriately noting the condition of an asset when it is sold at auction or in determining whether or not it can be removed from the department's inventory.

13. Real Estate Properties Disposition:

Real property owned by the County shall be disposed of in accordance with the Texas LGC Chapters 253.001, 253.008, 272.001, 263.001, 263.007, or 263.008 as applicable.
A request to place the property for sale should be presented to County Commissioners' Court for review and approval. After the review, County Commissioners' Court may make a final determination on the proposed sale.

V. Conclusion:

While no set of procedures or policies can address all circumstances, this manual has been prepared to serve as a guideline and reference for questions related to the management of County fixed assets. It is not the purpose of this manual to cause hardship to any person, but to provide for a better understanding of the importance of fixed asset responsibilities and controls. Any issue not specifically addressed by this manual should be directed to the Bastrop County Purchasing Agent prior to any action being taken by the department. All furniture, equipment and machinery must be used for county business only. The law is very specific concerning the use of the public property. The purpose of this manual is to make everyone aware of

these laws and to help prevent misuse of county-owned property. The protection of property is outlined in Section 31.11 (a) of the Penal Code of Texas. By establishing standards for property control, the job of controlling and managing county property will be made easier for all concerned.

W. List Of Fixed Asset Forms

Copies of these forms are available in electronic fillable format, and can be delivered via e-mail.

<u>FORM No</u>	<u>DESCRIPTION</u>
FA.001.....	Declaration of Representative Form
FA.002.....	Inventory Completion Form
FA.003.....	Fixed Asset Update Form
FA.004.....	FA Procedures Manual Acknowledgement Form
FA.005.....	New Fixed Asset Inventory Tag Form
FA.006.....	FY Inventory Notification Form
FA.007.....	Asset Tracking Form
FA.008.....	Auction Asset Form
FA.009.....	Donation Form

VIII. Legal Basis for Purchasing

A. Govt. Code Chapter 2254 -- Professional Services Procurement Act:

Counties may not bid contracts for professional services. These contracts instead must be awarded on the basis of “demonstrated competence and qualification for the type of professional services to be performed.” Fees must be “fair and reasonable,” consistent with and not in excess of published recommended practices and fees of applicable professional organizations, and not in excess of any maximums specified by State law. “Professional services” includes services within the scope of the practice of: accounting, architecture, optometry, professional engineering; this includes services performed by any licensed architect, optometrist, physician, surgeon, certified public accountant or registered professional engineer in connection with his or her professional employment or practice. Purchasing may be requested by the court to post a request for qualifications for professional services.

B. Code Chapter 271, Subchapter D - Purchase under State Contract:

A local government may participate in the purchasing program of the commission, including participation in purchases that use the reverse auction procedure, as defined by Section 2155.062(d), Government Code, by filing with the commission a resolution adopted by the governing body of the local government requesting that the local government be allowed to participate on a voluntary basis, and to the extent the commission deems feasible, and stating that the local government will:

1. Designate an official to act for the local government in all matters relating to the program, including the purchase of items from the vendor under any contract, and that the governing body will direct the decisions of the representative;
2. be responsible for: submitting requisitions to the commission under any contract or electronically sending purchase orders directly to vendors, or complying with commission procedures governing a reverse auction purchase, and electronically sending to the commission reports on actual purchases made under this paragraph that provide the information and are sent at the times required by the commission;

3. Be responsible for making payment directly to the vendor; and
4. Be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

A local government that purchases an item under a state contract or under a reverse auction procedure, as defined by Section 2155.062(d), Government Code, sponsored by the commission satisfies any state law requiring the local government to seek competitive bids for the purchase of the item.

C. Code Chapter 271, Subchapter 7 – Cooperative Purchasing Program:

A local government may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state. A local government that purchases goods or services under this subchapter (271.102) satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services.

D. Code Chapter 171 - Conflict of Interest:

Ownership of certain property or business interests may require that a Bastrop County Elected official, appointed official, paid employee or unpaid volunteer refrain from participation in votes or decisions and/or refrain from certain acts if the vote, decision or act involves the business interests or property owned by that Bastrop County Elected official, appointed official, paid employee or unpaid volunteer or by a person related to he or she within the second degree of consanguinity or affinity (Spouse, Child, Stepson, Stepdaughter, Parent, stepmother, stepfather, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandchild, sister, brother or grand-parent).

A person is deemed to have a substantial interest in a business entity if: Ownership of ten per cent (10%) or more of voting stock or shares of the business entity, or ownership of \$2,500 or more of the fair market value of the business entity; or

Proceeds received from the business entity exceed ten per cent (10%) of the person's gross income for the prior year.

A person is deemed to have a substantial interest in real property if the interest, whether involving equitable or legal ownership, has a fair market value equal to or exceeding \$2,500. A local public official is deemed to have a substantial interest in the business entity or in land if a person related to the official within the second degree by consanguinity or affinity has a substantial interest in said business entity or land as defined above.

Bastrop County elected officials, appointed officials, paid employees or unpaid volunteers shall avoid any activity that would create an indirect or apparent conflict between their personal interests and the interest of Bastrop County. Conflicts exist in any relationship where the County's best interest may be different from the elected official, appointed official, paid employee or unpaid volunteer's best interests or the best interest of someone associated with him/her. Conflicts of interest (indirect or apparent) include an elected official, appointed official, paid employee or unpaid volunteer participating in any way in any procurement in which:

- (1) The Elected official, appointed official, paid employee or unpaid volunteer or any member of his/her family has a financial interest in the results of the County procurement process;
- (2) A business or organization in which the Elected official, appointed official, paid employee or unpaid volunteer, or any member of the his/her family, has a financial interest in the results of the County procurement process; or
- (3) Any other person, business, or organization with whom the Elected official, appointed official, paid employee or unpaid volunteer or a member of his/her family is negotiating for or has an arrangement concerning prospective employment.

If a conflict of interest (indirect or apparent) exists, the Elected official, appointed official, paid employee or unpaid volunteer shall notify the Purchasing Agent in writing and remove himself or herself from the County

procurement process. The elected official, appointed official, paid employee or unpaid volunteer must then abstain from participation in any matter involving or between the county and the business in which he has the substantial interest. In particular, this includes abstention from votes or other decisions regarding the business entity, if it is reasonably foreseeable that action taken on the matter would or might confer an economic benefit on the business. He/she shall not act as surety for the business if it has work, business or contracts with the county. An official may not knowingly act as a surety on any official bond required of an officer of the county. A violation of any of these is a crime (CLASS A misdemeanor).

The County Commissioners Court may, however, contract for services or personal property with a business entity in which a member of the court has a substantial interest if the business entity (1) is the only business entity which can provide the needed service or property within the jurisdiction of the Commissioners Court, and (2) bids on the contract.

The Commissioners Court must take a separate vote on any budget item that is specifically concerned with a contract involving a business entity in which a member of the Court has a substantial interest. The Commissioner having the substantial interest may not participate in that separate vote; he may, however, vote on the final budget if: (1) he has otherwise complied with the requirements of Chapter 171, some of which are indicated above, and (2) the matter regarding the business entity with which the member is concerned by virtue of his substantial interest has been resolved. (Formerly article 988b)

If a public employee or official (Elected or Appointed) fails to adhere to the conflict of interest policy, corrective actions will be taken up to and including termination.

E. Code Chapter 262, Subchapter A - County Contracting Agent:

The Commissioners Court may at its discretion appoint an agent with authority to contract on behalf of the county for (1) erecting or repairing county buildings; (2) supervising same; or (3) any other purpose authorized by law. Any contract or other act of such an agent that is properly executed on behalf of the county and is within the agent's authority is binding on the county for all purposes. (Formerly article 1580)

F. Code Chapter 262, Subchapter B - County Purchaser:

A board composed of the judges of the district courts in a county and the county judge, by majority vote, may appoint a suitable person to act as the county purchaser. The purchaser's term of office is two (2) years. A \$5,000.00 performance bond is required of the agent. If appointed, the county purchaser should purchase supplies; materials and equipment required or used by the county, except purchases and contracts that are required to be obtained by competitive bid. The Purchaser also supervises all purchases made by competitive bid.

The Agent has a number of other duties that are specifically set out in Chapter 262, Sub.ch. B. e.g., the County Purchaser may cooperate, by means of an inter-local agreement with another County, City or ISD purchaser to purchase items in volume. The County Purchaser is responsible for filing with the County Auditor, the Commissioners Court an inventory of all county property on hand and belonging to the county.

In order to prevent unnecessary purchases, the county purchaser shall transfer any county supplies, materials and equipment from any department not needing them to another department requiring them. Upon so doing, the purchaser shall furnish the departments with a form to sign to transfer such item.

The County Purchaser may have assistants. The agent and his/her assistants may have any help, equipment, supplies and/or traveling expenses that may be approved and considered advisable by the Commissioners Court.

G. Code Chapter 263, Subchapter D - Disposition of Salvage or Surplus Property:

Surplus property is property in excess of needs, but property that still has some usefulness. Salvage property is defined as property having no value for the purpose for which it was originally purchased.

Surplus or salvage property may be sold by competitive bid or may be auctioned. It also may be offered as a trade-in on new property of the same general type. If the Commissioners Court cannot sell or trade in the property, the property can be recycled, disposed or destroyed. (Formerly Act. 664-7).

H. Code Chapter 262, Subchapter C - County Purchasing Act (Competitive Bidding):
The legislative scheme contained in the newly codified Local Government Code continues the substance of (no repealed) Article 2368a-5, and became effective September 1, 1987. It is a comprehensive county purchasing statute. The statute includes:

1. Competitive bidding requirements, procedures and exemptions;
2. An alternative competitive request scheme and proposal procedure for high technology items (see section 262.030); and
3. Bond requirements for bidders.

The competitive bidding procedures must be strictly complied with except for certain specific exemptions enumerated in the statute. These include certain emergencies and cases involving sole suppliers. Failure to follow the bidding requirements of the act may subject the contract to injunction to prohibit its performance. See section 262.033.

All separate, sequential or component purchases of items ordered or purchased by the same officer or department from the same supplier in any attempt to avoid the bidding requirements are treated as parts of a single purchase or contract. 262.023(c). Any county officer or employee who knowingly or intentionally makes or authorizes separate, sequential or component purchases in avoidance of the competitive bidding requirements is guilty of a CLASS B misdemeanor. Automatic and immediate removal of the officer or employee from his county office or position results upon final conviction. 262.034(a). Intentional or knowing violation of the subchapter is a CLASS C misdemeanor.

IX. Section 3 Resolution

AN AMENDMENT TO A RESOLUTION OF THE COMMISSIONERS' COURT OF THE COUNTY OF BASTROP, TEXAS DATED APRIL 22, 2013 AUTHORIZING THE COUNTY JUDGE OR HIS DESIGNEE TO IMPLEMENT A SECTION 3 PROGRAM, WHICH TO THE GREATEST EXTENT FEASIBLE, WILL PROVIDE JOB TRAINING, EMPLOYMENT, AND CONTRACTING OPPORTUNITIES FOR SECTION 3 BUSINESSES OF THE AREA IN WHICH THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT {TXCDBG} PROGRAM/PROJECT IS BEING CARRIED OUT.

WHEREAS; Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), as amended, requires that Bastrop County ensure that training, employment and other economic opportunities generated by certain HUD financial assistance for housing and Community Development Programs shall, to the greatest extent feasible, be given to low- and very low- income persons, particularly those who are recipients of governmental assistance for housing, and to businesses that provide economic opportunities for these persons, and

WHEREAS; the County of Bastrop has been grant funded for various projects under the Texas Community Development Block Grant Program (CDBG), and

WHEREAS; the County of Bastrop is required to adopt a Section 3 Program as part of the requirements of the grant(s), and

WHEREAS; a Section 3 resident is defined as a public housing resident and/or a low to very-low income person who lives in an area where a CDBG assisted project is located, and

WHEREAS; a Section 3 business is defined as a business that has a Section 3 resident own at least 51 percent or more of the business or have at least 30 percent of the permanent, full-time employees of the business identified as Section 3 residents, and

WHEREAS; the County of Bastrop will strive to attain goals for compliance with Section 3 regulations;

NOW THEREFORE BE IT RESOLVED BY THE COMMISSIONERS' COURT OF BASTROP COUNTY, TEXAS:

- A. The COMMISSIONERS' COURT has reviewed and hereby agrees to Implement the following steps, which, to the greatest extent feasible, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the area in which the CDBG program/project is being carried out.
- B. The COMMISSIONERS' COURT hereby agrees to strive to attain goals for compliance with Section 3 regulations by increasing opportunities for employment and contracting with Section 3 residents and businesses where feasible.
- C. The COMMISSIONERS' COURT hereby agrees to assign duties related to implementation of this plan to the designated Section 504 and Equal Opportunity/Fair Housing Officer.
- D. The COMMISSIONERS COURT hereby delegates to the County Judge the authority to implement measures that comply with the Section 3 goals and to assign duties for carrying out these measures to County personnel and/or third party consultant(s).
- E. The COMMISSIONERS' COURT hereby agrees that the County will Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by CDBG grant awards through the use of: public notices; bidding advertisements and bid documents; local advertising media including public signage; and Including Section 3 clauses in all CDBG solicitations and contracts.
- F. The COMMISSIONERS' COURT hereby agrees to maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in CDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- G. The COMMISSIONERS' COURT hereby agrees to maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- H. The COMMISSIONERS' COURT hereby agrees to require that all Prime contractors and subcontractors on CDBG projects commit to this plan as part of their contract work; monitor the contractors' performance with respect to meeting Section 3 requirements, and require that they submit reports as may be required to the Bastrop County.

- I. The COMMISSIONERS' COURT hereby agrees to submit reports as required by the CDBG program regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of calendar year end which identify and quantify Section 3 businesses and employees.
- J. The COMMISSIONERS' COURT hereby agrees to maintain records for the CDBG program, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.
- K. The COMMISSIONERS COURT hereby orders that the following procedures will be implemented to assure compliance with the intent of this Resolution:
 1. The County Judge will appoint one or more county employees to coordinate the Section 3 responsibilities for compliance and monitoring of all Section 3 activities for CDBG Disaster Recovery Program funded projects. The County may also engage the services of third party consultants to assist.
 2. Preference shall be awarded to Section 3 Business Concerns according to the following system:
 - a) Where the Section 3 Covered Contract is to be awarded to the lowest responsible bidder, then to the extent permitted by applicable law, the contract, if awarded, shall be awarded to the qualified Section 3 Business Concern with the lowest bid, if it is reasonable and no more than 10 percent higher than the lowest bid from any qualified source. If no bid by a qualified Section 3 Business Concern is within 10 percent of the lowest bid from any qualified source, then any contract award shall be made to the source with the lowest bid.
 - b) Where the Section 3 Covered Contract is to be awarded based on factors in addition to price, a request for proposals shall be issued by developing the particulars of the solicitation, including a rating system for the assignment of points to evaluate the merits of each response. The solicitation shall identify all factors to be considered, including price or cost. The rating system shall provide for a range of 15 to 25 percent of the total number of available rating points to be set aside for the award to respondents who have demonstrated a commitment to meet Section 3 requirements set out below in Section 11 c. If an award is made, the contract shall be awarded to the responsible firm whose proposal provides the best value to the County, considering price and all other factors specified in the rating system.
 - c) In responding to a solicitation (Request for Bids, Request for Proposals, etc.) for a Section 3 covered contract, all contractors and subcontractors are required to comply with the Bastrop County Section 3 Plan. The contractor and the County will review the Section 3 Plan procedures and applicable forms that the contractor will use to report progress toward Section 3 goals. The Section 3 requirements also apply to contracts with consultants for a Section 3 covered contract.
 - d) All general contractors and/or sub-contractors shall set a goal that 30 percent of new hires will be Section 3 residents. Contractors should provide job opportunities for skilled and unskilled workers. All Contractors and Subcontractors will be required to post all new hire opportunities with the local Workforce Solutions Center, WorkinTexas.com, and Bastrop County.
 - e) Bastrop County will analyze and evaluate the contractor's compliance with requirements and obligations set forth in the contract. In the event that a review reveals a contractor has not complied with Section 3 requirements, the County will undertake efforts to help the contractor achieve compliance.
 - f) The contractor and or sub-contractor shall submit monthly reports regarding the status of each Section 3 participant. An annual report will also be requested from each contractor and/or subcontractor in connection to the performance of each project. This Annual Report will document the efforts and

success of all Section 3 participants and subcontractors working under the general contractor, in reaching the percentage goals for employment and business opportunities established in these policies.

- g) The contractor and/or subcontractor shall submit weekly- certified payroll reports to Bastrop County. This report shall be submitted weekly and clearly identify Section 3 Hires.
- h) Bastrop County or its consultant will conduct periodic site visits to the worksite. The Coordinator shall visibly notice each Section 3 hire on site. The general contractor will sign a monitoring form verifying that a Section 3 worker is present.
- i) Complaints regarding the County's Section 3 Program must be submitted in writing. All complaints must include the complainant's name, address, telephone number, and a brief narrative detailing the complaint, including but not limited to, the date of the alleged violation and the date the alleged violation was discovered. Complaints shall be filed within 30 calendar days after the complainant becomes aware of any alleged violation. Bastrop County will investigate every complaint. All parties involved will have the opportunity to submit testimony and/or evidence as may be available and relevant to the complaint, and a written determination will be issued within 30 days after the filing of the complaint. Filing a complaint does not terminate a contractor's Section 3 requirements. Contractors remain accountable for fulfilling the agreed upon Section 3 requirements.

THIS AMENDMENT TO THE ORIGINAL RESOLUTION WAS PASSED IN THE BASTROP COUNTY COMMISSIONER'S COURT ON JUNE 22, 2015.

APPENDIX A

BASTROP COUNTY FORMS:

- Emergency Purchase Requisition Form
- FA.001.....Declaration of Representative Form
- FA.002.....Inventory Completion Form
- FA.003.....Fixed Asset Update Form
- FA.004.....FA Procedures Manual Acknowledgement Form
- FA.005.....New Fixed Asset Inventory Tag Form
- FA.006.....FY Inventory Notification Form
- FA.007.....Asset Tracking Form
- FA.008.....Auction Asset Form
- FA.009.....Donation Form

Date of Order _____

P.O. # _____
To Be Entered by Purchasing

EMERGENCY
PURCHASE REQUISITION
Bastrop County Purchasing
803 Pine Street
Bastrop, Texas 78602

In response to major emergencies and disasters, the County Judge may issue a disaster declaration pursuant to Chapter 418 of the Government Code and the Executive Order of the Governor Relating to Emergency Management and invoke certain emergency powers to protect the public health and safety and preserve property. Also please check the chapter titled Emergency Purchases in the Bastrop County Purchasing Manual, and if at all possible, complete this form for emergency purchases.

Issued to - Name of Seller: _____ Ship To: _____

QUANTITY	DESCRIPTION AND SPECIFICATIONS	PRICE

Budget line item _____
Fund/Department/Object code

This order has been placed by _____

Title: _____

I hereby submit that the articles or services requested are necessary to conduct properly the EMERGENCY NEEDS of this department.

Signature of Official or designated person Title



BASTROP COUNTY PURCHASING OFFICE

801 PINE STREET, BASTROP, TEXAS 78602 • TEL: (512) 581-7110 • FAX: (512) 581-4228
EMAIL: TABITHA.PUCEK@CO.BASTROP.TX.US

DATE:

TO: BASTROP COUNTY PURCHASING DEPARTMENT
ATTENTION: FIXED ASSET DIVISION

FROM: Select Department

The employees designated below are hereby designated as my representative to handle and control fixed assets for my department. I understand that I am ultimately responsible for the care and accurate accounting for all fixed assets assigned to my department.

NAME	TITLE	OFFICE NO.	E-MAIL

Elected/Appointed Official or Department Head Signature

Date



**Bastrop County
2020 Inventory Completion Form**

Inventory Complete – All assets listed in the fixed asset report are correct and accounted for no changes are required.

Inventory Complete – Changes are required (Attach Fixed Asset Update Form **FA.003**)

Department Head Signature* _____ Date _____

*If you are electronically submitting this document, apply your electronic signature to this form by **typing your name** in the Department Head Signature field above and by **checking the Electronic Signature box below**. By doing so, you agree that your use of a key pad, mouse, or other device to apply your electronic signature constitutes your signature as if actually signed by you in writing and has the same force and effect as a signature affixed by hand.

Electronic Signature – Department Head

Send completed form to:
Purchasing Department Fixed Asset Division | Email: purchasing@co.bastrop.tx.us |
Office: (512) 581-7110 Fax: (512) 581-4228.



**BASTROP COUNTY
FIXED ASSET UPDATE FORM**

USE THIS FORM TO REPORT ALL ACTIVITY OF INVENTORIED ASSETS
(INCLUDING DISPOSALS, TRANSFERS, TRADE-INS, STOLEN, SOLD)

DEPARTMENT INFORMATION	
DATE _____	
DEPARTMENT NAME _____	DEPARTMENT # _____
INVENTORY ASSET 1	
INVENTORY TAG # _____	VIN/SERIAL # _____
DESCRIPTION _____	
<input type="checkbox"/> ADD ITEM TO COUNTY INVENTORY <input type="checkbox"/> DISPOSED <input type="checkbox"/> TRADE-IN <input type="checkbox"/> SOLD	<input type="checkbox"/> LOST <input type="checkbox"/> SURPLUSED <input checked="" type="checkbox"/> OTHER _____ <input type="checkbox"/> TRANSFER - FROM DEPARTMENT #: _____ TO DEPARTMENT #: _____
REASON FOR DISPOSAL (IF APPLICABLE) _____	
FOR TRANSFERS - RECEIVING DEPARTMENT HEAD SIGNATURE _____ DATE _____	
INVENTORY ASSET 2	
INVENTORY TAG # _____	VIN/SERIAL # _____
DESCRIPTION _____	
<input type="checkbox"/> ADD ITEM TO COUNTY INVENTORY <input type="checkbox"/> DISPOSED <input type="checkbox"/> TRADE-IN <input type="checkbox"/> SOLD	<input type="checkbox"/> LOST <input type="checkbox"/> SURPLUSED <input type="checkbox"/> OTHER _____ <input type="checkbox"/> TRANSFER - FROM DEPARTMENT #: _____ TO DEPARTMENT #: _____
REASON FOR DISPOSAL (IF APPLICABLE) _____	
FOR TRANSFERS - RECEIVING DEPARTMENT HEAD SIGNATURE _____ DATE _____	
INVENTORY ASSET 3	
INVENTORY TAG # _____	VIN/SERIAL # _____
DESCRIPTION _____	
<input type="checkbox"/> ADD ITEM TO COUNTY INVENTORY <input type="checkbox"/> DISPOSED <input type="checkbox"/> TRADE-IN <input type="checkbox"/> SOLD	<input type="checkbox"/> LOST <input type="checkbox"/> SURPLUSED <input type="checkbox"/> OTHER _____ <input type="checkbox"/> TRANSFER - FROM DEPARTMENT #: _____ TO DEPARTMENT #: _____
REASON FOR DISPOSAL (IF APPLICABLE) _____	
FOR TRANSFERS - RECEIVING DEPARTMENT HEAD SIGNATURE _____ DATE _____	
SIGNATURES	
DEPARTMENT HEAD _____	DATE _____
PURCHASING DEPARTMENT _____	DATE _____



BASTROP COUNTY PURCHASING OFFICE

801 PINE STREET, BASTROP, TEXAS 78602 • TEL: (512) 581-7110 • FAX: (512) 581-4228
EMAIL: TABITHA.PUCEK@CO.BASTROP.TX.US

Fixed Asset Policy and Procedures Manual

ACKNOWLEDGEMENT FORM

DATE:

TO: BASTROP COUNTY PURCHASING DEPARTMENT
ATTENTION: FIXED ASSET DIVISION

FROM:

I certify that I have obtained, read and understood the content of the Bastrop County Fixed Asset Policy and Procedures Manual as revised October 2018.

Designated Representative Signature

Date

Elected/Appointed Official or Department Head Signature

Date

<u>New FA Inventory Tag Form</u>	
General	
<i>Description:</i>	
<i>Fund/Dept:</i>	
<i>Class:</i>	
<i>Serial Number:</i>	
<i>Tag Number:</i>	
<i>Manufacturer:</i>	Turn In
<i>Model:</i>	
<i>Picture Added in Incode:</i> _____ YES _____ NO	
Location Information	
<i>Primary Location:</i>	Turn In
<i>Secondary Location:</i>	
Details	
<i>Method Of Acquisition:</i>	
<i>Date Acquired:</i>	
<i>Original Cost:</i>	
Purchase Details	
<i>Asset Control Code:</i>	
<i>Vendor ID/Name:</i>	
<i>Invoice Number:</i>	
<i>PO Number:</i>	
Depreciation – Details – General Ledger Details	
<i>Life [Months]:</i> <small>[Use Depreciation Spreadsheet]</small>	Percentage: Turn In %
<i>Accumulated Depreciation:</i> 960 - -	
Notes:	
	Ticket No.
<i>Name of Person Entering Tag:</i>	

New FA Inventory Tag Form

Send completed form to: Purchasing Department | Email: purchasing@co.bastrop.tx.us | Fax: (512) 581-4228.



BASTROP COUNTY PURCHASING OFFICE & FIXED ASSET DIVISION

803 PINE STREET, BASTROP, TEXAS 78602 • TEL: (512) 581-7110 • FAX: (512) 581-4228

RE: Bastrop County FY Inventory Notification Form

FIXED ASSET PHYSICAL INVENTORY

By statute, the Purchasing Agent is required to present an inventory listing of all Bastrop County fixed assets to the County Auditor by July 1 of each year in compliance with LGC 262.011. (i) To meet the statutory requirements, a physical inventory is conducted once each year of all capital and controllable assets.

Physical Inventory Conducted by Fixed Asset Division

Under the direction of the Purchasing Agent, the Fixed Asset Specialist shall monitor, review and report inventories performed by the County departments. A physical count of Bastrop County's inventory is done annually in coordination with the Department's representative. Complete physical inventories are certified and maintained by the Bastrop County Purchasing Department Fixed Asset Division. An inventory certification of properly accounted for items is provided to the Elected official or department head at the end of the inventory after fixed asset staff conducts a physical verification based on 100 % or random inspection of the inventory.

Annual Inventory at Department Level

On an annual basis the Fixed Asset Division will send (by June 30th) a Fixed Asset Property Report for the previous year end to the department's administrator or representative for review and confirmation. Each County Department will receive a computer printout of all equipment assigned to their department. Upon receipt of the report, the Department Head shall assign a member of their staff to look over and conduct a Physical Inventory with the Fixed Asset Division. After careful review if an item is missing, it is the responsibility of the department head to report the missing item and the circumstances involved then return the **Fixed Asset Update Form - FA.003**. If no discrepancies are noted, the administrator shall return the **Physical Inventory Completion Form - FA.002** to the attention of the fixed asset division attesting the accuracy of the report. The confirmation should be received at the Purchasing Department/Fixed Asset Division within 30 calendar days of receiving the **Bastrop County FY Inventory Notification Form FA.006** for proper updates to the County's Inventory System. Once compiled and completed by the Fixed Asset Division / Specialist, a copy will be sent to Bastrop County Purchasing Agent, Bastrop County Auditor Office, and Department Head.

- The Purchasing Department/Fixed Asset Division has no responsibility for missing or unaccounted items not having the necessary information that is included in the final report delivered to the County Auditor's Office/Accounting Division for final distribution of funds into the proper accounts. Proper distribution of funds benefit the County Departments transferring assets to surplus for disposition and are authorized to appropriate such funds.
- If you are electronically submitting this document, apply your electronic signature to this form by typing your name in the Department Head Signature field above and by checking the Electronic Signature box below. By doing so, you agree that your use of a key pad, mouse, or other device to apply your electronic signature constitutes your signature as if actually signed by you in writing and has the same force and effect as a signature affixed by hand.

Department Head Signature _____ Date _____

Fixed Asset Specialist Signature _____ Date _____

DEPARTMENT:



BASTROP COUNTY PURCHASING FIXED ASSET DIVISION

803 PINE STREET, BASTROP, TEXAS 78602 • TEL: (512) 581-7110 • FAX: (512) 581-4228
 EMAIL: PURCHASING@CO.BASTROP.TX.US EMAIL: TABITHA.PUCEK@CO.BASTROP.TX.US

Donation Form

Donor Information

BUSINESS NAME	NAME (LAST, FIRST, M.I.)
STREET ADDRESS	EMAIL
CITY, STATE, ZIP	PHONE
WEBSITE	ALTERNATE PHONE

Donation Description

CHECK ONE: <input type="checkbox"/> CASH <input type="checkbox"/> PRODUCT / ITEM <input type="checkbox"/> SERVICE <input type="checkbox"/> OTHER	
AMOUNT / DESCRIPTION	DATE
NOTES / SERIAL NUMBER / MODEL	

Department Head Signature: _____

Date: _____

DEPARTMENT

Contact Information

Bastrop County Purchasing Department
Fixed Asset Division
 803 Pine Street
 Bastrop, TX., 78602
www.co.bastrop.tx.us

Tabitha Pucek
 Fixed Asset Specialist
 Direct: (512) 332-7225
 Office: (512) 581-7110
 Email: tabitha.pucek@co.bastrop.tx.us