



**PIMA COUNTY, ARIZONA
BOARD OF SUPERVISORS POLICY**

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I. Mission Statement

The Pima County Procurement Department, acting as the central public purchasing authority for Pima County, shall endeavor as its primary mandate to conserve public funds and conduct the procurement process in a fair, open, competitive, and ethical manner, within the provisions of applicable Arizona Revised Statutes and the County Procurement Code, in the best interest of Pima County.

II. Purpose

The purpose of this Policy is:

- A. To provide guidelines and clarification for implementation of the Procurement Code and to assure all procurements are carried out within the mandates of Arizona law and the County Code.
- B. To permit and give direction to the continued development of procurement procedures and practices.
- C. To make as consistent as possible the procurement practices of various Pima County departments.
- D. To provide for increased public confidence in the practices followed in public procurement.
- E. To identify and provide direction on County Procurement rules, including State law, Pima County Code, Board of Supervisors Policies and Procurement procedures regarding:
 - Authority and Responsibility of the Procurement Director;
 - Competitive Procurement and Recommendations for Award;
 - Conditions for Emergency, Limited Competition and No Substitute/Sole Source procurements;
 - Acceptance of Gifts and Rebates from Vendors
 - Conflict of Interest
 - Handling of Confidential or Proprietary Vendor Information
 - Development of Specifications and application of Sustainability initiatives; and
 - Vendor relations, including Small & Local Businesses.
- F. To promote cooperative, interactive, interdepartmental relations that assure the timely and cost-effective acquisition of supplies, equipment and services.
- G. To assure the highest level of ethical conduct in all business transactions.

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III. Applicability

- A. This Policy applies to all procurements initiated after the effective date of its adoption by the Board of Supervisors.
- B. This Policy applies to every expenditure of public funds for procurement, including, but not limited to, assistance monies, grant monies or other monies funneled through Pima County or any agency of Pima County. Nothing in this Policy or in procedures promulgated under this Policy shall prevent any Pima County agency or department from complying with the terms and conditions of any grant, gift, bequest or cooperative agreement.
- C. This Policy shall apply to all Pima County personnel associated in any way with the requisitioning or acquisition of any supplies, equipment or services.

IV. Authority of the Procurement Director

- A. The Procurement Director shall have authority to:
 - 1. Exercise authority set forth in the Procurement Code.
 - 2. Promulgate procurement procedures, covering procurement practices and requirements consistent with Arizona Revised Statutes, the Procurement Code and the Board of Supervisors Policies.
 - 3. Make sourcing decisions and awards on all procurements with a value of \$250,000 or less per year for a maximum contract term of 5 years.
 - 4. Dispose of surplus personal property pursuant to A.R.S. §11-251(9) and (56). Surplus equipment and materials that have little or no value or are unauctionable items shall be made available to local charitable organizations at no charge. Items which are determined to have sufficient value shall be saved for use by various County departments, auctioned, or otherwise disposed of as deemed appropriate by the Procurement Director.
 - 5. Make determinations of contractor responsibility.
 - 6. Terminate for Convenience or Cause contracts executed by the Procurement Director.
- B. Except as herein provided, no person shall purchase or make any contract within the scope of this policy other than through the Procurement Department and any purchase order or contract made contrary to the provisions hereof shall not be approved by Pima County.

V. Responsibility of the Procurement Director

The Procurement Director shall:

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- A. Report directly to the County Administrator.
- B. Develop and implement procedures that assure compliance with the Pima County Procurement Code, Board Policies, and with the relevant provisions of the Arizona Revised Statutes.
- C. Serve as Procurement Agent for Pima County.
- D. Where cost-effective, centralize procurement of all supplies, equipment, and services for all Pima County departments.
- E. Prepare, advertise, and issue solicitations, including through use of electronic documents and systems, and insure that the selection process is in compliance with this policy, procedures, the Procurement Code, and Arizona Revised Statutes.
- F. Facilitate the development of specifications for annual contracts for materials, supplies, equipment and contractual services.
- G. Evaluate solicitation responses and make recommendations for an award to the Board of Supervisors, as required.
- H. Issue procurement and purchasing agreement documents, including electronic documents, such as master agreements, purchase orders and contracts for materials and services pursuant to procedures set forth in Board Policy D 29.4.
- I. Review all Pima County contracts and either sign or prepare for Board of Supervisors' approval according to authorized value pursuant to Board Policy D 29.4.
- J.. Maintain a centralized contract file and retrieval system for all Pima County contracts.
- K. Maintain a vendor file and encourage and assist vendors in competing for Pima County business.
- L. Coordinate the disposal of Pima County's surplus and obsolete materials and equipment.
- M. Review all purchases that do not conform to the Board of Supervisors' policy, and either approve or deny the purchase.
- N. Ensure that:
 1. The needed quantity of supplies, equipment and service are procured in the most advantageous manner for Pima County, subject to funding limitations.
 2. Full and open competition is encouraged on all purchases.
 3. All applicable policies, procedures, rules, laws and regulations are complied with.

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4. Current developments in the purchasing profession, benefits of research on products, new products, market trends, trade associations and technical societies are utilized to assist Pima County in maintaining a more efficient and cost-effective system of purchasing.
5. The Procurement Department is responsive to the needs of the various departments.

VI. Competitive Procurement

The Pima County Procurement Department shall insure that a competitive environment exists for all Procurements. The following shall apply:

- A. All applicable policies, procedures, rules, laws and the Procurement Code shall be followed in all solicitation activities.
- B. Responses shall be opened in accordance with the Procurement Code by the Procurement Director or the delegated representative.
- C. The Procurement Director shall tabulate and analyze the responses received in answer to the solicitation, and in conjunction with the requisitioning department, shall verify that the responses meet specifications.

VII. Recommendations for Award

The Procurement Director shall prepare and post notice of recommendations for award on all formally advertised solicitations.

- A. If the requesting department finds the low bid or highest scoring proposal is acceptable, the Procurement Director shall prepare a notice recommendation for award to the low bid or highest scoring proposal.
- B. Except for procurements conducted under Title 34 of the Arizona Revised Statutes, if the requesting department finds the low bid or highest scoring proposal unacceptable, it will submit justification for award to other than low bid or highest scoring proposal to the Procurement Director. The Procurement Director will convene a meeting with representatives of the requesting department, the County Attorney's Office, and the cognizant buyer to review the bid evaluation and prepare a notice of recommendation for award based upon:
 - 1) Conformance to specifications,
 - 2) Intended use,
 - 3) Best interest of Pima County,
 - 4) Legal considerations,
 - 5) Procedural requirements, and
 - 6) Ethical considerations.

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- C. The Procurement Director may award all solicitations for amounts of \$250,000 or less per year. Bid awards more than \$250,000 per year shall be made by official action of the Board of Supervisors.
- D. The Clerk of the Board shall notify the Procurement Department of such Board action.

VIII. Emergency Procurement

Emergency procurement shall be conducted in accordance with the Procurement Code Section 11.12.060.

IX. No Substitute Procurements

- A. When the needs of a department can only be met by a particular product or service, the department shall submit justification in writing to the Procurement Director that a "no substitute procurement" is required. Such justification shall include a full and detailed explanation as to why no other make, model, etc., will satisfy the needs of the County.
- B. Upon approval by the Procurement Director, the buyer will proceed to seek maximum competition for the item in accordance with normal procurement procedure.
- C. Examples of no substitute procurement include, but are not limited to:
 - 1. Replacement parts or accessories for a specific piece of equipment.
 - 2. Specific chemicals or compounds to obtain a desired result or to sustain a warranty on specific equipment.
 - 3. Color, composition and other attributes must be an exact match to existing installations.
- D. This provision does not apply to procurements governed by A.R.S. Title 34.

X. Sole Source Procurement

A sole source contract may be awarded for materials or services without competition in accordance with the Procurement Code Sections 11.12.050. This provision does not apply to construction governed by A.R.S. Title 34.

XI. County Attorney Approval of Contracts

Contracts shall be approved as to form by the County Attorney before being submitted to the Contractor or the Board of Supervisors for approval per Board Policy D 29.4.

XII. Gifts and Rebates

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- A. All officers and employees of the County are expressly prohibited from accepting any gift, rebate, money or remuneration of any kind from any person, firm, company or corporation to which any purchase order or contract is or may be awarded.
- B. Gifts received are to be returned to the suppliers immediately with a letter explaining Pima County's policy.
- C. This prohibition does not apply to minor promotional items such as calendars, pens, paperweights, etc., which have little or no value.

XIII. Conflict of Interest

- A. Per ARS § 38-501 *et. seq.*, any Pima County officer or employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, service or decision of Pima County shall make the interest known in the County's official records; and shall refrain from any participation in any capacity in the contract sale, purchase, service, or decision.
- B. Any officer or employee who has, or whose relative has a substantial interest in any contract, sale, purchase, service or decision of Pima County shall:
 - 1. Pursuant to County department procedures, make known that interest in the file maintained by the Clerk of the Board, and/or the Finance Department; and
 - 2. Refrain from voting or participating in any manner in the contract, sale, purchase, service or decision.
- C. Notwithstanding compliance with these requirements, an employee or employee's relative with a substantial interest may not supply equipment, materials, supplies or services to Pima County unless pursuant to an award or contract let after public competitive bidding in compliance with the Pima County Procurement Code, Board of Supervisors Polices, and Procurement Procedures.
- D. Matters of determination regarding substantial interest shall be determined in consultation with the Pima County Attorney's office, the County Administrator, the Procurement Director, Finance/Risk Management and the Department Head.

XIV. Specifications: Supplies, Equipment and Services

- A. Specifications for supplies, equipment, materials, supplies and services shall be as generic as possible to encourage maximum competition on all Pima County procurements.
 - 1. All specifications shall describe Pima County's requirements in a manner that does not unnecessarily exclude a material, service or construction item. Notwithstanding this requirement, County Departments, when applicable, shall incorporate the objectives of BOS Resolution 2007-84 into any set of specifications for the procurement of supplies, equipment and services.

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2. Proprietary specifications shall not be used unless the Procurement Director determines that such specifications are required by demonstrable technological justification and that it is not practicable or advantageous to use a less restrictive specification. Past success in the material's performance, traditional purchasing practices, or inconvenience of preparing specifications do not justify the use of proprietary specifications.
- B. To the extent practicable, Pima County shall use accepted commercial specifications and shall procure standard commercial materials.
 - C. Specifications must reflect the product which will reasonably perform the required function. Specifications should be stated in terms of minimum acceptable or acceptable ranges wherever possible. Absolutes are to be avoided unless they are essential. Excessive specifications are not in the best interest of the County.

To the extent practicable, specifications shall be developed in a manner that optimizes the achievement of the sustainability initiatives in Resolution No. 2007-84.

- D. Sustainable Community Preference.

Procurement solicitations utilizing qualitative criteria to evaluate proposals shall include criteria, with a weighting of not more than 5% of the total possible score, that recognize and consider the relative magnitude by which each proposal advances the sustainability initiatives of Resolution No. 2007-84. The evaluation and scoring of proposals for this criteria shall give relative preference to the proposal that best optimizes achievement of the initiatives as determined by the evaluation committee. The evaluation may include and not be limited to: (1) the resource extraction and manufacturing processes utilized; (2) distance and type of transportation required; (3) life-cycle costs; (4) amount of waste generated; (5) the recyclable content of the product, the product's capacity to be recycled or reused, and the product and packaging "take-back" policies of the manufacturer or distributor; (6) energy and water efficiency; and (7) socioeconomic benefits to Pima County which may include preference to firms that are located within Pima County.

XV. Small Business Enterprises (SBE) Participation

It is the policy of the Pima County Procurement Department to promote participation by Small Business Enterprises in County contracts.

- A. The Procurement Department shall develop and implement procedures that assure compliance with the County SBE Ordinance, Title 20 Pima County Code.
- B. The Procurement Department will advise all vendors and contractors of the County SBE Ordinance and the corresponding rules and procedures.

XVI. Withdrawal or Modification of Bids/Proposals

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A bidder/respondent may withdraw or modify its bid/proposal only in accordance with the County Procurement Code Section 11.12.010 G.

XVII. Business Opportunities for Pima County Vendors

It shall be the goal of the Procurement Department to afford opportunities to Pima County vendors in a manner consistent with the purpose of this Policy and the Procurement Objectives in Section XIX.

The following shall apply:

- A. Where a bid evaluation results in a tie bid, the recommendation shall be in favor of a Pima County vendor.
- B. The Procurement Department shall provide information to enhance vendors' knowledge pertaining to Pima County procurement practices.
- C. The Procurement Department will use its affiliation with regional commissions and business groups in developing new approaches to helping businesses gain entry to the Pima County procurement process.
- D. The Procurement Department shall maintain a vendor database and vendors shall be afforded an opportunity to submit their vendor information for inclusion in the vendor database.

XVIII. Public Information

Pursuant to A.R.S. § 39-121 et. seq., and A.R.S. §§§ 34-603(H), 604(H) in the case of construction or Architectural and Engineering services procured under Title 34, Chapter 6, all information submitted in response to a solicitation shall be deemed to be public information and shall be made available to the public in accordance with the County Procurement Code, except that to the extent the vendor designates and the Procurement Director concurs, trade secrets or other proprietary data shall be regarded as confidential. The disclosure of information received in a procurement conducted under Chapter 6 of A.R.S. Title 34 shall be governed by the above cited sections of that Chapter.

If the Procurement Director does *not* concur that the information constitutes trade secret or proprietary data, the information is subject to immediate release pursuant to A.R.S. § 39-121 et. seq. unless otherwise provided in the solicitation or contract.

If the Procurement Director *concurs* that the information reasonably constitutes trade secret or proprietary information, the following procedures shall apply:

Any records submitted in response to a solicitation that VENDOR believes constitute proprietary, trade secret or otherwise confidential information must be appropriately and prominently marked as CONFIDENTIAL by VENDOR **prior** to submittal.

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Notwithstanding the above provisions, in the event records marked CONFIDENTIAL are requested for public release pursuant to A.R.S. §39-121 et seq., COUNTY shall release records marked CONFIDENTIAL ten (10) business days after the date of notice to VENDOR of the request for release, unless VENDOR has, within the ten day period, secured a protective order, injunctive relief or other appropriate order from a court of competent jurisdiction, enjoining the release of the records. For the purposes of this paragraph, the day of the request for release shall not be counted in the time calculation. VENDOR shall be notified of any request for such release on the same day of the request or as soon thereafter as practicable.

COUNTY shall not, under any circumstances, be responsible for securing a protective order or other relief enjoining the release of records marked CONFIDENTIAL, nor shall COUNTY be in any way financially responsible for any costs with securing such an order.

XIX. Vendor Relations

It is a primary purchasing responsibility to cultivate and maintain good vendor relations. This policy is adopted as a guide to the development of these relations.

The Procurement Department will:

- A. Promote fairness and integrity in all business dealings.
- B. Provide all vendors with an opportunity for a full, fair and courteous hearing on any subject that is justified by the nature of their product or service.
- C. Insure that all competition will be kept open and fair without favoritism.
- D. Not knowingly take advantage of a vendor error.
- E. Assure that strict truthfulness is observed in all transactions with vendors.
- F. Request a quote from a vendor only when the buyer reasonably expects to consider the quote at final determination.
- G. Conduct activities in such a manner that every Vendor will value Pima County business and will make every effort to return maximum ultimate value for every dollar received.

XX. Procurement Objectives

The Procurement Department will develop and administer a competent Procurement system through the following:

- A. Select and employ personnel that are appropriate for the respective procurement activities and promote development through training, professional organizations and educational opportunities.

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- B. Through competition, acquire the best possible price considering quality, quantity, safety, delivery, service, and other factors.
- C. Conduct a Procurement program that will achieve maximum benefit and minimize the cost.
- D. Improve service to Pima County through communications with departments on purchasing matters and vendor relations.
- E. Cooperate with all departments and assist wherever possible in effective improvements that will lower the cost of purchasing items or services.
- F. Promote standardization of supplies and equipment specifications of all types, wherever practicable.
- G. Provide support and assistance, wherever practicable, to all governmental entities to reduce costs and improve service.
- H. Avoid any practice that will detract from the good reputation of Pima County.

Effective Date: April 1, 2011