



PIMA COUNTY, ARIZONA
BOARD OF SUPERVISORS POLICY

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Purpose

The purpose of this document is to define Pima County's Policy regarding the acquisition of materials and general non-professional services estimated to cost less than \$5,000.00 annually, authorized to be procured by the administering department pursuant to Pima County Procurement Code Sections 11.12.040 Small Purchases, or otherwise exempt from competitive selection requirements as authorized by Title 11 – County Procurement Code or Board of Supervisors Policy.

This Policy is not intended to subvert or waive the County's obligation for prudent expenditures of public funds in compliance with the Procurement Code, the Board Policies and Administrative and Procurement Procedures. Departments should, wherever possible, seek competitive pricing on purchases made pursuant to this policy.

The Procurement Department is the Central Procurement Authority for Pima County. Should questions or issues arise regarding the appropriate procurement method to be used, employees shall consult with the Procurement Department to clarify and acquire concurrence *prior* to making the procurement or purchase transaction.

Definitions

Emergency Purchase: A purchase to address any threat to the public health, welfare, property or safety. Such purchases may include performing a limited competition solicitation or waiver of normal procurement practices as the situation may dictate in order to meet the County's emergency need.

Limited Competition: A shortened procurement process authorized by the County Administrator that is conducted with a limited selection of vendors to address any situation which makes compliance with normal purchasing procedures impracticable or contrary to the public interest.

Materials and General Non-Professional Services: Refers to tangible commodity items or routine services that do not fall under the definitions of "professional" in Board Policies D29.1 or D29.6.

Payment Request: A method to pay for materials and general non-professional services, submitted on a Payment Request (PR) document through the County enterprise business system.

P-Card: A method to purchase and pay for materials and general non-professional services in conformance with the P-Card procedure.

Procurement (Procured): The process utilized to identify and select the best vendor or supplier to provide the required materials or services.

Purchase: Authorization (Order) given to a vendor or supplier to provide procured materials or services.

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Small Business Enterprise (SBE): A Local Certified Small Business vendor as defined in Board of Supervisor Policy D29.8.

Small Purchase: Purchases of materials and general non-professional services estimated annually to cost less than \$5,000.

Utilities: Regulated businesses authorized to operate in a franchise area to deliver basic public services such as electricity, natural gas, telecommunications, water and others, which normally cannot be competed.

Policy

The following procurements are excluded from this Policy:

- Procurements for architectural/engineering services or construction services shall be conducted in accordance with ARS Title 34 and Board of Supervisors Policy D29.1.
- Procurement of general professional services shall be conducted in accordance with ARS 11-254 and Board of Supervisors Policy D29.6.
- Procurements of medical and health related professional services shall be conducted in accordance with ARS 11-251 (60) and 11-291, and Board of Supervisors Policy D29.7.

Administering departments must utilize in-house services or obtain advance written approval for purchases where required by Administrative Procedures (AP 3-15: Printing, AP 3-24: Computer Equipment & Software, AP-22-1: Business Travel, AP 49-5: Vehicle Purchases, and AP 51-4: Furniture) prior to the application of this policy.

A. Departmental Procurement Authority:

Procurements as authorized by this policy may be conducted by the administering department only under the following conditions:

1. Materials and general non-professional services of amounts less than \$5,000;
2. Purchases exempt from competition and dollar limitation listed in Section C of this policy; and
3. Where the Procurement Director has given the Department written delegated authority to perform such activities.

Departments shall contact at least one SBE vendor, if available and practicable, for eligible materials and general non-professional service procurements over \$1,000.

When making these procurements, departments should always be alert to possible liability issues, especially involving the procurement of services. Types of services with potential liability may include legal or other specialized consulting services for pending or anticipated litigation, real property acquisitions, leases, management or sale, and other services which may pose financial,

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tort, or other risk exposure to County. These potential liability services, regardless of value, are best procured utilizing standard County contract forms to provide appropriate protections. If there is any doubt or concern related to liability issues, guidance should be acquired from Pima County Attorney's Office, Finance and Risk Management, and/or Procurement prior to proceeding with the acquisition.

B. Competitive Solicitation Requirement:

Pima County Procurement Code Section 11.12 establishes that the preferred method of selection for all County Procurements is through competitive bids or proposals defined by the Procurement Code, Board of Supervisor Policies, and Administrative and Procurement Procedures.

A competitive solicitation is required when there will be reasonably anticipated or recurring requirements for the same or similar materials or general non-professional services, within a rolling twelve month period, that exceed an estimated aggregate cost of \$5,000.00.

The Procurement Department shall regularly review small purchases made pursuant to this Policy for conformance. Where feasible, the Procurement Department shall incorporate reoccurring small purchases into competitive contracts or master agreements when in the best interests of the County. When such purchases are identified, administering departments shall cooperate with the Procurement department in establishing specifications and annual usage estimates for the development of a competitive solicitation or amendment to an existing contract or master agreement.

Competitive solicitations for materials or general non-professional services above \$5,000.00 shall be conducted by the Procurement Department, except where the Procurement Director has given the Department written delegated authority to perform such activities. Delegated departments are expected to conduct their procurements in accordance with Board Policy and Procurement Procedures.

C. Purchases Exempt from Competition and Dollar Limitation

The following materials and services are exempted from the competitive procurement process and limitation of dollar amount and may be procured and purchased by administering departments pursuant to this Policy. A contract is generally not required for these purchases, but may be used at the discretion of the procuring/purchasing department, subject to the requirements of BOS Policy D 29.4.

1. Court related and legal expenses related to a specific or potential court action, such as attorneys, expert witnesses, investigators, etc., as follows:
 - (a) Payment of ancillary services, including but not limited to expert witnesses, investigators, etc., of a court-appointed attorney, whether or not the attorney has entered into a contract, which (i) the appointed attorney has certified to County as necessary for the representation that the attorney has been appointed to and (ii) the Appointing Authority or designee, has approved as a facially appropriate expenditure; or

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- (b) Payment of court related and legal expenses of an attorney whom the court has appointed in a matter that the attorney has not contracted to perform for County; or
- (c) Payment of the court related ancillary expenses when the Court enters an order for payment by County in a privately-retained case.

2. Postage.
3. Utility bills, and utility installation, connections, and relocations performed by the utility provider.
4. Medical expenses related to care of a specific patient, such as hospitalization, physician, laboratory fees, etc.
5. Travel, subject to Administrative Procedure 22-1: Business Travel limitations.
6. Educational and training expenses incurred by Pima County for events provided by outside companies including registration fees, course fees, and testing materials. Does not apply to training courses that are specifically designed for Pima County. Board Policy D29.6 shall be followed to procure those services.
7. Fees and Dues.
8. Books, publications and subscriptions. Excludes software or music license subscriptions and books to be provided for public use by the Library District.
9. Promotional advertising paid directly to television, radio, billboard, magazine, and/or newspaper companies. Excludes Legal and Classified Advertising, and promotional or advertising items, such as pencils, pens, notepads, key rings, etc.
10. Real estate services, such as those related to land titles, appraisals, real property acquisitions, relocation, or property management which do not require a contract to be executed under Arizona Revised Statutes Titles 11, 28, or 48.
11. Emergency Purchases: A limited competition emergency purchase or waiver of normal procurement practices may be made under the following conditions and in those situations where an emergency has been declared by the Board of Supervisors, or with the County Administrator's prior written approval, as defined in Pima County Code Title 11.12.060:
 - a. In the event of an absolute emergency requiring immediate action to protect the public health, welfare, property, or safety, departments may purchase the minimum materials or services necessary to resolve the emergency.
 - b. In the event emergency response is required because of a disaster, i.e., fire, flood, accidents, etc., all necessary action is authorized.
 - c. Emergency procurement shall be limited to those materials or services necessary to satisfy the emergency need.

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- d. Documentation of the purchase of such emergency materials or services must be submitted to the Procurement Director for approval, along with a written justification for the action taken, memo from the County Administrator, or Board Resolution number.

D. Payment of Purchases related to this policy

A Purchasing Card (PCard), or Payment Request (PR) (except for business travel), is authorized for payment of purchases identified in this Policy **except** where an annual requirements master agreement or contract exists for the required materials or services. PCard payments that are non-conforming to this policy will be subject to the PCard Procedure review criteria. Payment Requests that appear to be non-conforming to this policy shall be submitted by Finance to the Procurement Director for review and approval to pay. Payment Requests that are not approved will be returned to the Department that incurred the payment obligation.

Enforcement

As defined by Board Policy D29.9 “Pima County Department Purchase Responsibility”, all County Department Heads are responsible for the training, supervision and management of their respective staff to assure full compliance with this policy.

Effective Date: June 1, 2011
Revised: December 6, 2011