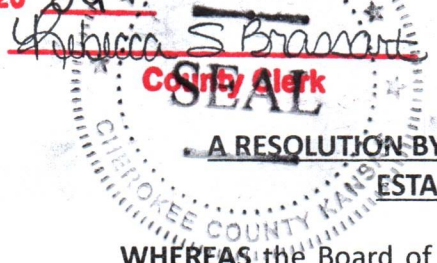


Entered in Transfer Record in
my office this
day of May
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RESOLUTION NO. 10-2024

**A RESOLUTION BY THE CHEROKEE COUNTY, KANSAS BOARD OF COMMISSIONERS
ESTABLISHING A COUNTY-WIDE PROCUREMENT POLICY**

WHEREAS the Board of Cherokee County Commissioners is authorized at any meeting to: (1) make such orders concerning the property belonging to the County as they may deem expedient, including establishing regulations, by resolution, as to the use of such property and to prescribe penalties for violations thereof; (2) examine and settle all accounts of the receipts and expenses of the County, and to examine and settle and allow all accounts chargeable against the county; (3) purchase sites for and to build and keep in repair County buildings, and cause the same to be insured in the name of the county treasurer for the benefit of the County; and (4) to perform such other duties as are or may be prescribed by law. K.S.A. 19-212.

WHEREAS the Board of County Commissioners, all County Department Heads, Elected Officials, and Employees are charged with being responsible stewards of public funds and property. As such, a procurement policy is necessary to provide transparency and accountability for the expenditure of all public funds.

WHEREAS the Board of County Commissioners recognizes local businesses and individuals are essential to the County's Economy. As such, all reasonable efforts should be made to purchase property and services from local businesses and individual when practicable.

NOW THEREFORE the Cherokee County Board of Commissioners hereby resolves:

Section 1 – Definitions. The following terms, as used herein, shall be defined as stated below. The definition for each term shall apply to any form of the defined term used in this Policy.

- (a) **Board.** As used herein, "the Board" means the Cherokee County, Kansas Board of County Commissioners.
- (b) **Contract.** As used herein, "Contract" means any agreement, written or oral, to procure Property or Service from a Vendor, including, but not limited to, purchase contracts, leases, lease/purchase agreements, and rental agreements.
- (c) **Cost.** As used herein, "Cost" means the Value of Property or Service provided to any individual, business, or government entity to procure Property or Services from a Vendor.
- (d) **County.** As used herein, "County" means Cherokee County, Kansas.
- (e) **County Employee.** As used herein, "County Employee" means any person employed by Cherokee County, Kansas in any office or department, including Elected Officials.

- (f) **Department Head.** As used herein, "Department Head" means the County Employee principally responsible for each County department or elected office. For elected offices, the Department Head is the Elected Official. For non-elected County Departments, the Department Head is the County Employee appointed by the Board of County Commissioners to supervise the respective Department.
- (g) **Lease.** An agreement with a Vendor to provide Property and/or Service to the County for a specified period of time in return for periodic payments.
- (h) **Local Vendor.** As used herein, "Local Vendor" means any business, individual, or government entity with a physical presence in Cherokee County, Kansas.
- (i) **Procure.** As used herein, "Procure" means to obtain, by purchase, trade, lease, lease/purchase, or rental, any Property or Service.
- (j) **Property.** As used herein, "Property" means any tangible or intangible property, including currency.
- (k) **Service.** As used herein, "Service" means any act performed in exchange for Property, or Service.
- (l) **Value.** As used herein, "Value" means the fair market value of the applicable Property or Service.

Section 2 – Procurement Policies. The following provisions apply to all procurements involving the expenditure of County funds or exchange of County Property or Services.

- (a) **Less Than \$1,500.** Department Heads may procure Property or Services costing less than \$1,500 at the discretion of the applicable Department Head, provided the expenditure is with the Department's approved budget.
- (b) **\$1,500 to \$5,000.** Department heads may procure Property or Services costing \$1,500 or more, but less than \$5,000 at the discretion of the applicable Department head, subject to the following provisions:
 - (1) The Department Head shall obtain not less than 2 Price Quotes from reputable and comparable Vendors. The Department Head shall retain records of such Price Quotes for a period of not less than two years. Upon request, the Department head shall provide such records to the Board for review.
 - (2) The Department Head shall procure Property or Services from Local Vendors when available. When comparing price quotes, Department Heads shall apply the Local Vendor Preference provisions of this Policy.

(3) The Department Head may consider factors beyond the Price Quote for all procurements. Such factors include, but shall not be limited to:

- i. The nature and quality of Property or Services previously provided by a Vendor;
- ii. The existence or absence of a long-term working or business relationship between the County and the Vendor;
- iii. The Vendor's reputation regarding quality of Goods or Services to be provided.

(c) **\$5,000 or More.** Department Heads may procure Property or Services costing \$5,000 or more only after complying with the Sealed Bid provisions of this Policy.

Section 3 – Sealed Bid Process. When a sealed bid is required prior to procurement, such bids shall be solicited, received, opened, and accepted or rejected as follows:

(a) **Request for Bid.**

(1) Prior to soliciting any bid, the applicable Department Head shall prepare a proposed Request for Bid containing the following:

- i. A general description of the Property or Service to be procured.
- ii. Any applicable specification of the Property or Service to be procured, including, but not limited to, year, make, model, terms of procurement (i.e. purchase, lease, rent, etc.), financing terms, and vendor qualifications.
- iii. The process for submitting bids in response to the solicitation; and
- iv. The deadline for submitting bids.

No bid shall be solicited without consulting the Board.

(b) **Solicitation.** Within the discretion of the Board, after consulting the applicable Department Head, sealed bids may be solicited as follows:

(1) **Publication.** The County Clerk shall cause the Request for Bid to be published on the official County website, in any newspaper, magazine, periodical, newsletter, or similar publication.

- (2) **Direct Solicitation.** The Request for Bid may be provided directly to any Vendor known to the Board or applicable Department Head capable of providing the Property or Services to be procured.
- (c) **Receiving Bids.** All bids submitted in response to a Request for Bid shall be delivered to the County Clerk prior to the deadline stated in the Request for Bid. Such bids shall be submitted in a sealed envelope or packaging.
- (d) **Opening Bids.** Sealed bids properly submitted to the County Clerk shall be presented to the Board at the first regular meeting of the Board following the deadline stated in the Request for Bids. At such meeting, the Board shall open and read all bids in public session.
- (e) **Rejecting Bids.** The Board, and Elected Officials reserve the right to reject any bid for any reason, including, but not limited to:
 - (1) Failure to meet bid specifications;
 - (2) Prior experience with the bidding Vendor;
 - (3) Lack of experience or qualification of the bidding Vendor;
- (f) **Determining Winning Bid.** The winning bid shall be selected based on the totality of the bid, including cost, Vendor qualifications and experience, Local Vendor preference, existing or prior dealings with a Vendor, and any other factor relevant to the procurement.
 - (1) **Non-elected Department Heads.** In the event a bid is solicited by a non-elected Department Head, the winning bid shall be selected by the Board, following consultation with the Department Head.
 - (2) **Elected Department Heads.** In the event a bid is solicited by an Elected Official, the winning bid shall be selected by the Elected Official, following consultation with the Board.
 - (3) **No Winning Bid.** The Board and Department Heads reserve the right to not select a winning bid if, in the opinion of the Board or the Department Head, no bid submitted serves the best interest of the County.
- (g) **Waiver.** The Board may waive the sealed bid requirement for any procurement when the Board determines soliciting bids is not practicable or does not serve the interest of the County.

Section 4 – General Provisions

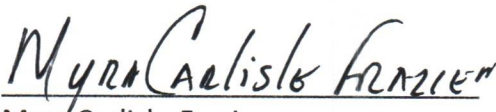
- (a) **Calculating Cost.** The following provisions apply to determining the cost to procure Property or Services pursuant to any contract, lease, lease/purchase, or rental agreement.
 - (1) For Contracts with a fixed term of days, weeks, months, or years, the Cost shall be the aggregate of all costs to be paid to the Vendor over such term.
 - (2) For Contracts absent a fixed term of days, weeks, months, or years, the Cost shall be the aggregate of all cost to be paid to the Vendor over a 12-month period.
- (b) **Local Vendor Preference.** When considering any procurement, preference shall be given to Local Vendors. A 10% price advantage shall be given to all local vendors for all procurements.
- (c) **Emergency Procurements.** A Department Head may make a procurement without obtaining a price quote or complying with the sealed bid provisions of this Policy when, in the opinion of the Department Head, such procurement is imminently necessary to ensure the continuing operations of the Department or such procurement is necessary to protect other County property or personnel. The Department Head shall notify the Board of any emergency procurement as soon as reasonably practicable.
- (d) **Subordinate Employee Procurements.** Department Heads may direct any subordinate employee to procure property or services on behalf of the Department. The Department Head is responsible for ensuring the subordinate employee complies with the provisions of this Policy.
- (e) **Purpose and Scope.** This Policy shall apply to all procurements, unless specifically exempted. This Policy is intended to provide transparency and accountability in the County procurement process. This Policy is not intended to create any claim or right of action on behalf of any Vendor or third party.
- (f) **Employment.** This Policy shall not apply to hiring new employees.
- (g) **Auction.** When a Department Head seeks to procure Property costing \$1,500 or more and such Property is available at a public or private auction, the Department Head shall consult the Board regarding the bidding parameter for the Property. The Department head shall provide comparable cost estimates for the Property to be procured. After consulting the Department Head, the Board shall set bid parameters as the Board deems appropriate for the procurement.

- (h) **Grant Funds.** When a procurement is to be made with grant funds, any procurement procedure established as a condition to receipt of such funds shall be controlling only to the extent it is inconsistent with this Policy.
- (i) **Enforcement.** Failure by any County Employee to comply with the provisions of this Policy will subject such employee to disciplinary action by the Board or the Department Head.
- (j) **Prior Policy.** This Policy supersedes any prior policy regarding County procurements and any prior policy, or provision of any policy, contrary to this Policy is hereby repealed.

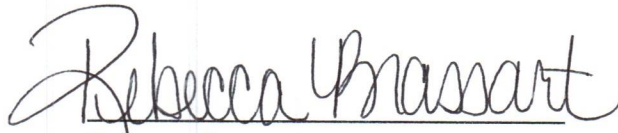
BE IT RESOLVED this 6th day of May 2024 by the Cherokee County Board of Commissioners.

Approved:

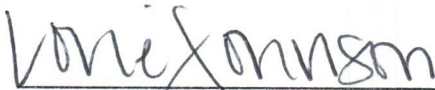
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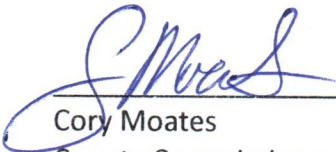
Myra Carlisle-Frazier
County Commissioner



Rebecca Brassart
County Clerk



Lorie Johnson
County Commissioner



Cory Moates
County Commissioner