



**PROCUREMENT POLICY
AND PROCEDURES MANUAL**

February 17, 2015

CITY OF LAKEWAY INRODUCTION

It is the policy of the City of Lakeway that purchases using public funds shall be conducted on the basis of delivering the best economic value to the City. This program is intended to promote the best interest of the citizens of the City of Lakeway, Texas. The Purchasing Policies and Procedures Manual outlines a system for conducting city procurements in a legal, fair, and ethical manner.

The City of Lakeway intends to maintain a cost effective procurement system conforming to good management practices. Success in this effort will be best achieved with the mutual cooperation of each City department and all vendors. The Finance Department will provide cooperative assistance that is efficient and effective in obtaining supplies and services needed. This manual is a compilation of administrative regulations, applicable laws, and sound management practices. Adherence to these rules and regulations is necessary to comply with Texas State laws and to meet the goals of the policy.

The procurement process takes time and proper planning to be successful. In order to accomplish timely procurement of products and services at the least cost to the City, advanced preparation of information is essential to assure that the process is orderly and lawful.

Legal and organizational changes as well as data processing improvements will bring about policy and procedure changes. Revisions will be issued that reflect these changes in order to keep this manual current.

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CITY OF LAKEWAY
Procurement Policy

The following are the general procurement policies (other than construction) for the City of Lakeway.

- 1.1 Purchases through \$2,999.99 – no quotes are required, though efforts must be made to obtain the best value purchase for the City. Purchases greater than \$1,000.00 must have a purchase order.
- 1.2 Purchases of \$3,000.00 to \$10,000.00 – Obtain no less than three (3) quotes (verbal or written), at least two (2) of which must be from HUBs if available (see 1.6 below). Quotes and contact documentation shall be attached to the Quote Form along with all other supporting documentation before the Purchase Order is released. The Finance Department will obtain all quotes with assistance from the requesting Department and maintain all supporting documentation.
- 1.3 Purchases or contracts of \$10,000.01 to \$34,999.99 – Obtain no less than three (3) written quotes, at least two (2) of which shall be from HUBs if available (see 1.6 below). The Request for Quotation (RFQ) form will be used to provide the offerors with identical written specifications. The Finance Department will write all specifications, obtain all quotes with assistance from the requesting Department, and maintain all supporting documentation. Specifications, quotes and contact documentation shall be attached to the Quote Form along with all other supporting documentation before the Purchase Order is released.
- 1.4 Purchases or contracts of \$35,000.00 or more must be accomplished through the formal invitation to bid, request for proposal process, or the statement of qualifications process. Development of the required written specifications of statements or work will be a joint venture between Finance and the requesting Department. The Finance Department will create all documentation, advertise, distribute invitations to bid, request for proposals or statement of qualifications, receive and open the responses, tabulate responses and evaluate and select the successful offeror(s). The Finance Department will develop an award recommendation for the City Council. It is the responsibility of the Finance Department to place the item on the agenda and to obtain awards from the City Council.
- 1.5 Section 2254.002(2)(A) lists certain professional services that municipalities may NOT award a contract for services on the basis of competitive bids but shall make the selection and award: (1) on the basis of demonstrated competence and qualifications to perform the services and (2) for a fair and reasonable price. Professional services that are not specifically mentioned in Chapter 2254 will be subject to the same procedures that have been noted in 1.1 through 1.4 and 1.6, unless approved by Council as a professional service for exemption.
- 1.6 Historically Underutilized Businesses – In making an expenditure of \$3,000.00 or more and less than \$50,000.00, Chapter 252.0215 of the Local Government Code and Chapter 2161 of the Texas Government Code requires contacting at least two historically underutilized businesses (HUBs) registered for the available commodity or service. This list is available from the Centralized Master Bidders List (CMBL) on the State of Texas Comptroller of Public Accounts (CPA) website <http://www2.cpa.state.tx.us/cmb/hubonly.html>. If the list fails to identify a HUB in Travis County, the City is exempt from this requirement. For assistance in identifying a HUB, please contact the Finance Department.
- 1.7 Sole Source Procurement - Items possessing unique characteristics or properties and sole source products or services do not require competitive bids if approval is granted by the Finance Department. Purchase of an item or service under this exception is permitted only with the written approval of the Finance Department or other official delegated that authority based upon documentation of: 1.) the unique characteristics of the product or service, and 2.) the unavailability of similar products or services of equal value, utility and merit. The Finance Department shall document, in writing, using the Sole Source Procurement Form the process in all cases in which bidding is not applicable or approval given for a purchase under this policy.

- 1.8 Conflict of Interest Disclosures – Chapter 176.006 of the Local Government Code states that a person (or their agent) who enters or seeks to enter into a contract with the City for the sale or purchase of real property, goods or services, and has a business relationship with the City must file a Conflict of Interest Questionnaire if they: 1.) have an employment or other business relationship with an officer of the City or an officer’s family member and receive taxable income from employment or other business relationship with the person that exceeds \$2,500 in a 12 month period or 2.) have given an officer of the City or an officer’s family member one or more gifts with the aggregate value of more than \$250 in 12 month period. Conflict of Interest Questionnaires must be filed with the City Secretary and posted on the City’s website.
- 1.9 For any expenditures involving Federal or State Funded grants, work with the Finance Department for all procurements. All awarded vendors must be verified with the federal Excluded Parties List System. The Finance Department will assist with this requirement.
- 1.10 The City shall, at all times, follow the requirements of the Local Government Code as amended.
- 1.11 Splitting or making separate, component or sequential purchases that will create an aggregate total of more than \$50,000.00 or that would circumvent the above dollar values is not permitted. This language is set out in Section 252.062 of the Local Government Code, which also indicates that “*An offense under this section is a Class B misdemeanor.*”
- 1.12 This City is currently a member of several purchasing cooperatives. These cooperatives have already performed the bidding procedure so that the legal requirements have been satisfied. The Finance Department can assist in locating a vendor within a cooperative.
- 1.13 The City enters into many contracts and similar documents. The following are the authority levels and procedures for signing and executing contracts and other written obligations of the City:
 - a. An obligation over \$10,000 and/or presented to City Council will be signed by the City Manager with prior review of the applicable Department Director and the Finance Director.
 - b. An obligation between \$3,000 and \$9,999 will be signed by the Deputy City Manager with prior review of the applicable Department Director and the Finance Director.
 - c. An obligation under \$3,000 will be signed by the applicable Department Director and the Finance Director.
- 1.14 The City’s expenditure of public funds is subject to constitutional restrictions. The Texas Constitution is replete with provisions that prohibit the lending of public credit to private institutions and individuals, specifically Article III, Section 52 (a). The Constitution does not, however, invalidate an expenditure which incidentally benefits a private interest if it is made for the direct accomplishment of a legitimate public purpose.

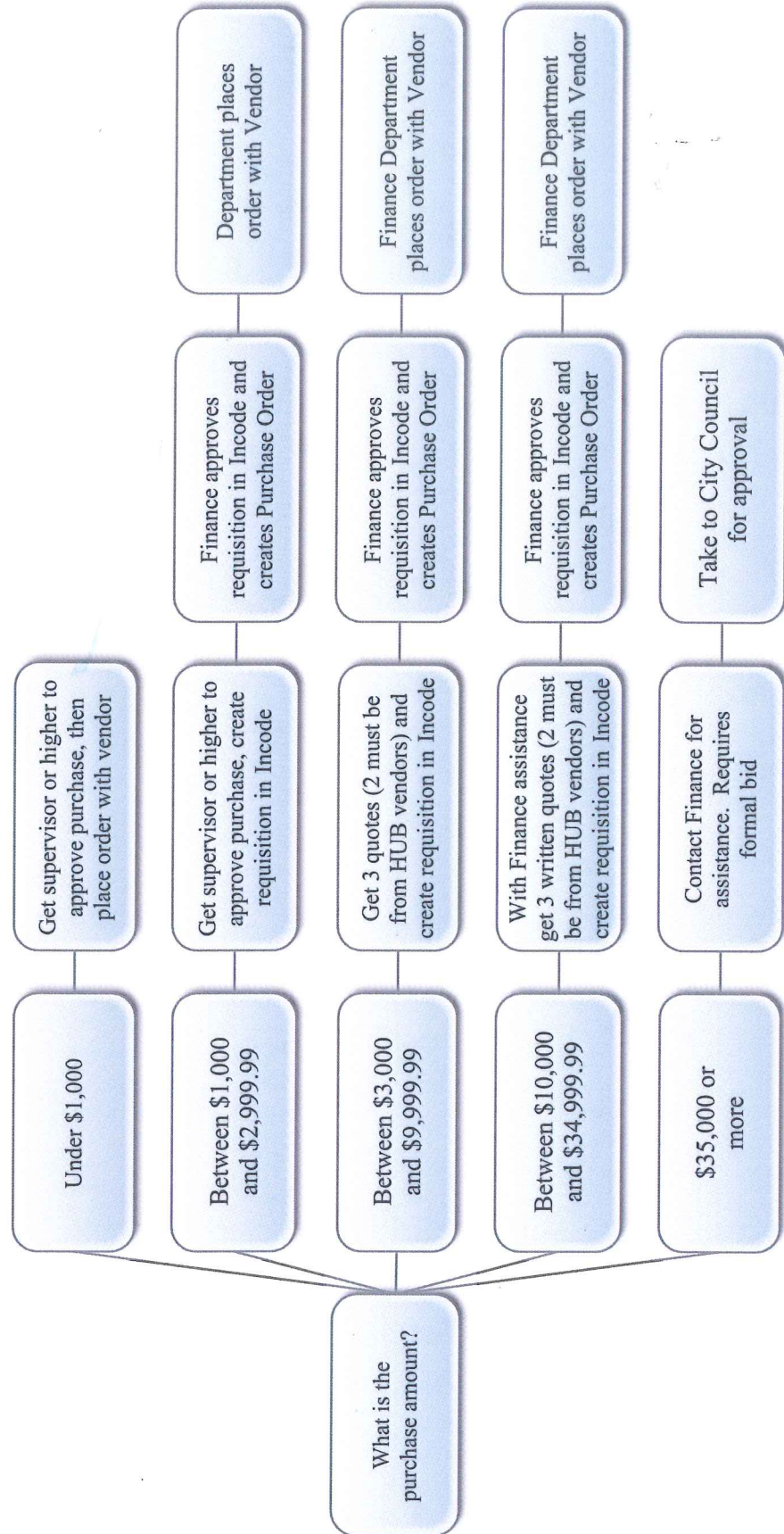
In accordance with the constitutional restrictions, generally, prepayment of expenditures is not authorized for the purchase of supplies, materials, equipment, or services. The following may be exempted:

- a. Payments made to federal and state agencies or local governments;
- b. Lease payments;
- c. Subscriptions;
- d. Memberships;
- e. Rental fees;
- f. Travel in accordance with the city’s policy;
- g. Professional service agreements;
- h. Caterers not to exceed 50%;
- i. Deposits to hold a reservation not to exceed 50%;
- j. Fireworks not to exceed 50%;
- k. Annual maintenance agreements; and
- l. Registration fees.

If there is no practical alternative, and it is in the best interest of the City, a prepayment may be made to a contractor or vendor for supplies, materials, or equipment only if paid invoices are provided to the Finance Department by the contractor and the contractor purchased items are on site.



Purchasing Decision Tree



City of Lakeway Purchase Order Procedures

Purchase Orders are required whenever a purchase to be made is expected to exceed \$1,000.00.

Exception: If the request is for a renewable contract, renewable maintenance agreement or renewable membership. In those cases, the invoice can be submitted to the Finance Department for payment with the proper account number and approving initials on the document. (Also included are ongoing necessary expenses, such as utilities.)

For all other requests for payment that exceed \$1,000.00, the following steps should be taken:

1. Once a need is determined to purchase goods or services that exceed \$1,000.00, a Purchase Requisition should be initiated.
 - a. Authorized individuals that have access to INCODE may enter the request within the accounting system and print out the requisition document. The Department Head initials and forwards the paperwork to the Finance Department to the attention of the Assistant Finance Director.
 - b. If this is a new vendor with the City of Lakeway, a W-9 form should be completed by the vendor and sent to the Finance Department to set up in the accounts payable system.
2. Upon receipt of the initialed Purchase Requisition:
 - a. The Assistant Finance Director will verify that funds are available for that purchase.
 - b. The Assistant Finance Director will issue a Purchase Order and submit to the Finance Director for final approval.
 - c. The approved Purchase Order will be held in the Finance Department by the Accounting Specialist or by the requesting Department if they so choose.
 - d. The Accounting Specialist will then notify the originating department that the Purchase Order is ready.
3. The requesting department will then place an order for the goods/services.
4. At the time of receipt of goods/services, the Purchase Order will be signed by the requesting Department Head, certifying the delivery and authorizing the Finance Department to make payment along with the delivery receipt, invoice or any other paperwork provided at the time of delivery such as a receiving document, bill of lading, etc.
5. Upon signing of the Purchase Order and receipt of the final documentation from the vendor, payment will be made.

Once the Purchase Order has been issued, that amount of money will show as an encumbered amount and will be included on the monthly financial statement.

In the event that delivery will be made in the next fiscal year, the dollar amounts approved on the Purchase Order will be encumbered for payment in the next year. Purchase Orders will not be carried over at fiscal year-end. A new Purchase Order will need to be obtained for unfinished projects or goods yet received.



REQUEST FOR QUOTATION (RFQ)

REQUESTER INFORMATION				
Department:		Date of the RFQ	RFQ #	
Contact Name:			RFQ Closing Date	
Telephone #:				
Fax#:				
E-mail:				
Delivery Address:				
Item No.	Quantity	Unit of Measurement	Goods and Services Description	Total Cost
VENDOR INFORMATION				
Vendor Name:		Expected Delivery Date	Quotation #	
Telephone #:			Quotation Date	
Fax#:				
E-mail:				
Vendor Address:				

1. Vendor's response to the RFQ must be sent to the original requestor at the City. Vendor may attach a quotation to this form or may enter prices directly on this form.
2. The quantity specified above is provided as a best estimate only. The City reserves the right to order the quantity that it requires.
3. Prices are quoted in US dollars.
4. Sales tax is NOT applicable and should NOT be included in the quoted prices.
5. Terms of payment shall be Net 30 days from the receipt of the Vendor's invoice by the City.
6. Vendor's proposal shall be valid for sixty (60) days from the date of Vendor's submission
7. Price may or may not be the determining factor in the Vendor selection process. The award may be made to the Vendor (s) whose proposal(s) are determined to be of the highest value in terms of quality and price.
8. The City reserves the right to request the Vendor to demonstrate that adequate skills, equipment and resources are available for performance of the services.
9. The City reserves the right to request any additional information that it deems necessary in order to make a decision on any proposal.
10. The City reserves the right to reject any or all proposals after evaluation.
11. Vendor who submits a proposal to the City for the RFQ must be licensed and certified as required by the laws of the City and State.
12. Any proposal not supported by the information requested in the RFQ, or not complying with the RFQ requirements, may not be considered.

SOLE SOURCE DOCUMENT

SOLE SOURCE: The product or service is unique and the vendor, to the best of the requestor's knowledge and belief, based on thorough research of the requester, is the only vendor able to furnish the product or service.

UNIQUE: The product or service is one of a kind, with no comparable products or services.

See sole source purchasing requirements on reverse of this document.

1. Description of purchase: Provide vendor name, manufacturer, model number, and/or generic description identifying the item(s) or service(s).

2. Purpose: Provide a brief description of the intended application(s) of the item(s) or service(s).

3a. Justifications: Describe all the property performance functions unique to the vendor, the product, or service.

3b. State reasons why other vendors, products, or services, competing in this market do not meet your needs and/or specifications.

4. Efforts to identify other Vendors: Describe all the property performance functions unique to the vendor, the product, or service.

5. Will the purchase limit the ability of other vendors to compete on future purchases such as supplies, upgrades, or replacements? No

Yes - explain

6. In addition to the completion and submission of this sole source purchase justification form, one or more of the following additional documents may be required: a) product brochure that identifies technical specifications; b) federal grant documentation that shows a particular piece of equipment was required in order to comply with grant; c) RFP's that demonstrate a bid process was completed to establish a standard; d) documentation from a prior order that establishes compatibility requirements.

The undersigned states that he/she has prepared the following documentation based on the policy as outlined on the backside of this document and that the facts and data set forth are complete and accurate to the best of the undersigned's knowledge and belief, and certifies that he/she has no actual or potential conflict of interest in this purchase.

Requester Signature _____ Date _____
 Requester Name: _____ Requester Dept: _____

For Purchasing Use Only

Approved _____

Rejected _____

Date _____

Please print this form.

Route this form to:
Finance Department
Phone (512) 314-7512

1. Purchases made from discount contracts under a cooperative and items possessing unique characteristics or properties or sole source products or services, do not require competitive bids if approval is granted according to this policy. Purchase of an item or service under this exception is permitted only with the written approval of the Finance Department or other official delegated that authority based upon documentation of:
 - a. The unique characteristics of the product or service, and
 - b. Unavailability of similar products or services of equal value, utility and merit.

The Finance Department shall document in writing the process in all cases in which the lowest bid is not accepted or approval given for a purchase under this policy. All required documentation shall be retained according to governing records retention policies.

a. Definitions

"Sole source" means that the product or service is unique and the vendor, to the best of the requestor's knowledge and belief, based on the thorough research of the requester, is the only vendor able to furnish the product or service.

"Sole source brand" means that only a particular brand is acceptable for a particular reason, although the required brand may be available from more than one source. Something can be a "sole source brand" and still not be a sole source purchase if more than one dealer can provide competitive quotes.

A "unique" product or service is one of a kind, with no comparable products or services.

b. Documentation of a sole source item may include:

1. Uniqueness. The good or service being obtained can only be requested from one manufacturer and no other manufactures make or provide comparable products or services that will meet system or institution needs.
2. Technical Specifications. A highly technical piece of equipment can be deemed "sole source" if the technical aspects of the piece of equipment are required or necessary for the work or research and no other manufacturer can provide those required technical specifications in a similar or comparable piece of equipment.
3. Standards. If standards have been developed in an effort to streamline system or institution processes, meet departmental needs, or reduce costs, then this could be acceptable sole source purchase justification. However, development of standards usually involves detailed RFP proposals and supporting documentation. An example of a standard would be the purchase of Dell computers. There also can be furniture standards. However, although a specific manufacturer can be requested or even required if an item is not obtainable directly from the manufacturer, it is not a sole source purchase since multiple dealers can submit competitive bids.
4. Compatibility. A piece of equipment can be a sole source purchase due to its compatibility with existing equipment. For example, if a department has ten Hon chairs for a conference room and one requires replacement, it is appropriate to purchase a matching item for the replacement. If ordered directly from the manufacturer it would be a sole source purchase. If the item is not available from the manufacturer but only through various dealers of that manufacturer, then the sole source brand would still require competitive bids.

c. Final determination as to what may be classified as "sole source" shall be at the discretion of the Finance Department. Documentation attached to the sole source purchase request must be complete and specific, including technical specifications, if applicable, demonstrating the requesting department's efforts in researching the required goods and services and comparable alternatives. In addition to the sole source purchase justification form, one or more of the following supporting documents may be required:

1. Product brochure that identifies technical specifications;
2. Federal grant or sponsored agreement documentation that shows a particular piece of equipment was required in order to comply with the grant;
3. RFP's that demonstrate a bid process was completed to establish a standard;
4. Documentation from a prior order that establishes compatibility requirements.

d. The Finance Department is responsible for enforcing this policy and shall be required to obtain adequate documentation when such documentation is absent from the purchase requisition. Requesting departments shall provide all necessary supporting documentation as requested by the Finance Department and requests without adequate documentation may not be processed.

e. Sole source requests based on personal preference, cost or price, perceived quality, vendor performance, delivery time, trade-in allowances or no cost options or accessories or other special packages or deals are not permitted; rather, these items may be considered in evaluating bids or proposals.

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with local government entity	
<p>This questionnaire is being filed in accordance with Chapter 176 of the Local Government Code by a person doing business with the governmental entity.</p> <p>By law this questionnaire must be filed with the records administrator of the local government not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.</p> <p>A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this Section is a Class C misdemeanor.</p>	<p>CITY USE ONLY</p> <p>Date Received</p>
	<p>1</p> <p>Name of person doing business with the local governmental entity.</p>
<p>2</p> <p><input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire</p> <p>(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than September 1 of the year which activity described in Section 176.006(a), Local Government Code, is pending and not later than the 7th business day after the date originally filed questionnaire becomes incomplete or inaccurate).</p>	
<p>3</p> <p>Describe each affiliation or business relationship with an employee or contractor of the local governmental entity who makes recommendations to a local government officer of the local governmental entity with respect to expenditure of money.</p>	
<p>4</p> <p>Describe each affiliation or business relationship with a person who is a local government officer and who appoints or employs a local government officer of the local governmental entity that is the subject of this questionnaire.</p>	

CONFLICT OF INTEREST QUESTIONNAIRE (continued) For vendor or other person doing business with local government entity	
5	<p>Name of local government officer with whom filer has affiliation or business relationship. (Complete this section only if the answer to A, B, or C is YES.)</p> <p>This section, item 5 including subparts A, B, C, and D, must be completed for each officer with whom the filer has an affiliation or a business relationship. Attach additional pages to this Form CIQ as necessary.</p> <p>A. Is the local government officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?</p> <p style="padding-left: 40px;">___ Yes ___ No</p> <p>B. Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the local government officer named in this section AND the taxable income is not from the local governmental entity?</p> <p style="padding-left: 40px;">___ Yes ___ No</p> <p>C. Is the filer of this questionnaire affiliated with a corporation or other business entity that the local government officer serves as an officer or director, or holds ownership of 10 percent or more?</p> <p style="padding-left: 40px;">___ Yes ___ No</p> <p>D. Describe each affiliation or business relationship.</p>
6	<p>Describe any other affiliation or business relationship that might cause a conflict of interest.</p>
7	<p>_____</p> <p>Signature of person doing business with the governmental entity _____</p> <p style="text-align: right;">Date</p>