

North Central Regional Planning Commission Procurement Policies and Procedures

The North Central Regional Planning Commission (NCRPC) serves a membership composed of multiple counties and cities along with a variety of federal and state agencies on a contract basis. The NCRPC has further developed its own organizational programs, accessing federal, state, and non-governmental organizations (NGO) resources to finance these initiatives.

Such activity exposes it to a variety of rules and regulations governing the various funding resources involved. To ensure compliance with known rules and regulations plus instill consistency in its procurement procedures, the NCRPC has developed and adopted the following policies and procedures. This has been done after reviewing K.S.A 79-3739 which lays out current legislative mandate; the “Procurement Policies and Procedures Manual” for the State of Kansas (last updated: November 2023); and 2 CFR §200.318-§200.320 (Federal Register, Vol. 88, No. 223). The NCRPC will thus comply with the appropriate procurement rules and regulations governing any program for which it is administratively responsible.

NCRPC Procurement Policies and Procedures are subject to annual review and modification to ensure their continuing compliance with the sources as updated. Such a review is the responsibility of the Staff Procurement Committee following discussions with each of the internal Program Directors. All changes are to be publicly posted by March 31st of each year.

Definitions:

Bidding Procedures:

Invitation for Bid (IFB): A solicitation in which the terms, conditions, and specifications for the good or service being sought are described. Responses are not subject to negotiation. Can be awarded as a contract or purchase order.

Request for Proposal (RFP): A solicitation in which it is not advantageous to set forth the actual, detailed requirements at the time of solicitation and responses are subject to negotiation. Price must be a factor in the award but not the sole factor.

Request for Quotation (RFQ): A quote for one-time, single purchase of goods or services. Non-negotiable. Can only be awarded as a Purchase Order. Can be awarded to multiple Bidders.

Sole Source: An acquisition where, after a search, only one supplier is determined to be reasonably available for the required product, service, or construction item.

Shared or Joint Procurement: Quotes or proposals that are the product of joint procurement initiatives involving federal, state or local governments, as well as non-governmental entities, shall be acceptable provided such action falls under intergovernmental or inter-entity agreements that define the nature of the relationship, the products or services being procured, and the procurement process being followed. All final purchases stemming from such arrangements can be awarded as a contract or purchase order.

Purchase Categories:

Micro Purchase: Acquisition of supplies or services, the aggregate amount of which over the course of one (1) year does not exceed \$5,000.

Small Purchase: Acquisition of supplies or services valued between \$5,000 to \$25,000. Such an acquisition generally involves a one-time event.

Medium Purchase: Acquisition of supplies or services valued between \$25,000 to \$50,000. Such an acquisition generally involves a one-time event.

Large Purchase: Acquisition of supplies or services valued at over \$50,000. Such an acquisition generally involves a one-time event.

Negotiated Procurement Process: A procurement process based upon the concept of “best value” which enables the NCRPC to consider factors in the evaluation of bid responses beyond cost, including Vendor qualifications, past performance, and service delivery methodology. RFPs fall into this category.

Non-negotiated Procurement Process: A procurement process by which sealed bids are received and are awarded to the lowest responsive and responsible Bidder meeting specifications without negotiations. Price is the primary determinant. IFBs and RFQs fall into this category.

Conflict of Interest / Non-Disclosure Agreement:

All employees shall adhere to the following standards for conduct in the procurement of goods and services by the Commission:

1. No employee shall solicit or accept gratuities, favors or anything of monetary value from either contractors or potential contractors of the NCRPC.
2. No employee shall restrict the free and open competition by contractors or potential contractors in the procurement of goods and services through conflict of interest, discriminatory or non-competitive practices or other methods, which may restrict or eliminate competition or otherwise restrain trade.
3. No NCRPC director or employee shall be substantially involved in the preparation or creation of, or signatory to contracts with, any business a NCRPC director or employee may be employed by or in which any member of the director’s or employee’s immediate family may have a substantial interest. All such transactions shall comply with the following scenarios:
 - a. ARM’S LENGTH transactions are transactions consummated through deals made between independent and unrelated persons. They are competitive, straight forward, involving no favoritism or irregularity, providing the NCRPC and the seller an opportunity to freely act, each seeking his own best economic interest and agreeing upon a mutually acceptable price.
 - b. All costs or expenses from transactions between persons or businesses, which are related or associated with NCRPC personnel, shall be examined for reasonableness and appropriateness. Such associations include but are not limited to:
 - i. Family;

- ii. Ownership of a business by an NCRPC employee;
- iii. Members of the NCRPC Board of Directors, conducting business with the NCRPC; and
- iv. When the transactions are found to be NON-ARM'S LENGTH as defined above, the goods and services charged will be limited to the amount that would be allowable as the normal cost of ownership.

4. All bids and contracts signed with the NCRPC shall have the following disclaimer:

"The undersigned bidder/contractor hereby declares the only parties interested in this proposal are named herein; that this proposal is made without collusion with any other person, firm or corporation and that no employee, officer or agent of the North Central Regional Planning Commission is directly or indirectly financially interested in this bid/contract."

5. Any employee who purposely violates the spirit and intent of this statement shall be disciplined according to the personnel policies of the NCRPC.

All of the above is addressed by the Non-Disclosure – Conflict of Interest Agreement (NDA) signed by NCRPC directors and employees involved in bid and RFP evaluations. A conflict of interest exists when the director/employee or any member of their immediate family, or an organization which employs or is about to employ a director/employee and any member of their immediate family, has a financial or other interest in the Bidder submitting the response to the RFP, RFQ, or IFB.

Methods of Procurement:

Informal procurement methods. When the value of the procurement for property or services does not exceed \$5,000, formal procurement methods are not required. Under such circumstances, the NCRPC will use the following process(es) for procurement of property or services.

- **Micro-purchases —**

- The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold of \$5,000.
- Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase (credit or debit) cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.

Non-negotiated procurement methods. When the value of the procurement for property or services exceeds \$5,000, one or two formal procurement methods will be used – Invitation for Bid (IFB) or Request for Quotations (RFQ). Such 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.

Request for Quotations: RFQs are used for one-time purchases, typically goods, above the stated dollar amount while IFBs are used for multiple, recurring needs involving goods or services or any combination thereof.

There are three (3) procurement classes for RFQs, these being:

- *Small Purchases* –
 - \$5,000 to \$25,000, each instance
 - Public notice posted on a public bulletin board (e.g., NCRPC website)
 - Minimum of three (3) days public advertising
 - Awards made after three (3) or more bids are received
 - Quotes via telephone, FAX, or email are acceptable; sealed bids optional
 - Selection based on price alone; not negotiable.
 - Awarded as Purchase Order
- *Medium Purchases* –
 - \$25,000 to \$50,000, each instance
 - Public notice posted on a public bulletin board (e.g., NCRPC website)
 - Minimum of three (3) days public advertising
 - Awards made following receipt of sealed bids
 - Selection based on price alone; not negotiable.
 - Awarded as Purchase Order
- *Large Purchases* –
 - \$50,000 or more, each instance
 - Public notice posted in the *Kansas Register* and on NCRPC website.
 - Minimum of ten (10) days public advertising
 - Selection based on price alone; not negotiable.
 - Awarded as Purchase Order

Invitation for Bids: IFBs are used to establish an agreement for multiple, recurring needs or goods, services, or a combination of goods and services for a given period.

- \$50,000 or more in the aggregate per vendor
- Public notice posted in the *Kansas Register* and NCRPC website.
- Minimum of twenty-one (21) days public advertising
- Awarded as a Contract or Purchase Order

Bid Documentation: For sealed (RFQ or IFB) bidding to be feasible, the following conditions should be present:

- A complete, adequate, and realistic specification or purchase description has been developed.
- Two or more responsible bidders are willing and able to compete effectively for the business.
- The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on price alone.

In all cases if non-negotiated sealed bids (quotes) are used, the following requirements apply:

- Bids must be solicited from an adequate number of qualified sources.
- Bids, which will include any specifications and pertinent attachments, must define the items or services for the bidder to properly respond.

- Bids must be publicly advertised.
 - Sufficient response time based on the nature of the bid must be provided prior to the date set for opening the bids.
- All bids will be publicly opened at the time and place described in the bid documents.
- 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 available.
- Any or all bids may be rejected if there is a sound documented reason.

Negotiated procurement methods: Requests for Proposals (RFP) is a procurement method in which either a fixed price or cost-reimbursement type contract is awarded. RFPs are generally used when conditions are not appropriate for the use of sealed bids (quotes). They are awarded in accordance with the following requirements.

- RFPs must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical.
- There must be a written method for conducting technical evaluations of the proposals received and making selections.
- Contracts must be awarded to the responsible vendor whose proposal is most advantageous to the NCRPC project, with price and other factors considered.
- The NCRPC may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby provider's qualifications are evaluated, and the most qualified provider 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.

Noncompetitive procurement. There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

- The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold as detailed above.
- The item is available only from a single source.
- The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation.
- The Federal, State, or NGO awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the NCRPC. (If only NCRPC funds are involved, the written request must be submitted to the NCRPC Board for approval.)
- Or, after solicitation of multiple sources and repetitive contact with those sources, competition or vendor interest is determined inadequate and the awarding agency or pass-through entity agrees, in writing, with that conclusion.

In all cases of noncompetitive procurement in excess of \$50,000, the NCRPC Executive Board will be notified of the decision.

Shared or Joint Procurement: The NCRPC reserves the right to enter into intergovernmental or inter-entity agreements to jointly procure commonly used goods and services when deemed appropriate. These agreements will outline the nature of the partnership, specify the goods or services being acquired, and detail the procurement procedures followed by the lead agency. A copy of the agreement, along with documentation of the procurement actions taken, will be sufficient to meet competition required in accordance with federal and state procurement policy provided all elements of the cooperative venture are otherwise in compliance with federal and state procurement regulations.