

212 POLICY: Procurement Plan and Code of Conduct

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Approval: BOFC

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Revision # 1

212.1 PURPOSE AND SCOPE

The Orcas Island Fire & Rescue recognizes the importance of:

- a. maximizing the use of resources;
- b. the need for sound business practices in spending public money;
- c. the requirement of complying with state and federal laws governing purchasing;
- d. the importance of standardized purchasing regulations; and
- e. the need for clear documentation.

212.2 PROCUREMENT USING FEDERAL FUNDS

212.2.1 Goods and Services

When federal funds are used for the procurement of goods (furniture, supplies, equipment), or services:

- a. Informal Procurement - Micro Purchases of \$40,000.00 or less do not require a Formal Competitive Bid. However, OIFR must consider price to be reasonable, and, to the extent practical. Documentation will be maintained on how price is considered reasonable. [2 CFR 200.320(a)(1)]
- b. Informal Procurement - Small Purchases between \$40,000.00 and \$75,000.00 must be procured using price or rate quotations from three or more qualified sources. [2 CFR 200.320(a)(2)]
- c. Formal Procurement – Formal Purchases of \$75,000.00 or more must be publicly solicited using sealed bids or requests for proposals. [2 CFR 200.320(b)]
 1. Steps will be taken to assure that minority businesses, women’s business enterprises and labor surplus firms are used when possible. [2 CFR 200.321]
 2. Geographic preference may not be used. – Sending wording to included here
 3. Perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. This includes making independent estimates before receiving bids or proposals. [2 CFR 200.324(a)]

212.2.2 Noncompetitive Procurement

Noncompetitive procurement may only be used when one of the following five circumstances applies [2 CFR 200.320(c)]:

- a. The item is only available from a single source (aka Sole Source);
- b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

- c. The awarding agency (e.g., OSPI) authorizes a noncompetitive proposal in response to a written request from Orcas Island Fire & Rescue; or
- d. After solicitation of a number of sources, competition is determined inadequate.
- e. Acquiring property or services that do not exceed the micro purchase threshold.

The sponsor OIFR must maintain documentation supporting the applicable circumstance for noncompetitive proposals.

212.2.3 Suspension and Debarment

Before entering into federally funded vendor contracts for goods and services and any subcontract award, OIFR will ensure the vendor is not suspended or debarred from participating in federal assistance programs by checking the SAM.gov Website, documenting the results having one other administrator review. [2 CFR 200.214]

212.2.4 Code of Conduct/Conflict of Interest

No employee, officer or agent may participate in the selection, award or administration of a contract supported by federal funds if he or she has a real or apparent conflict of interest. Such a conflict would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No employee, officer or agent of the OIFR may solicit or accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts. Violation of these standards may result in disciplinary action including, but not limited to, suspension, dismissal, or removal. [2 CFR 200.318(c)(1)]

212.3 PROCEDURES – FORMAL SEALED BIDS

Orcas Island Fire and Rescue will establish bidding and contract awarding procedures consistent with state and federal law.

The following procedures will be in effect for purchasing through the bidding process:

- a. Formal bids will be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection, and any interested member of the public may attend the bid opening. It will be the bidder's sole responsibility to see that his/her bid is delivered to the OIFR prior to the time set for opening of bids. Any bid received after the time set for opening the bids will be returned to the bidder unopened and will receive no consideration by the OIFR;
- b. Formal bid tabulations may be presented to the OIFR for study purposes;
- c. Formal bid awards will be made by the OIFR.
- d. Brand names and manufacturers' catalog numbers used in specifications are for the purpose of identification and to establish a standard of quality. Bids on equal items may be considered providing the bidder specifies brand and model and furnishes descriptive literature. The acceptance of alternative "equal" items will be conditioned on the OIFR inspection and testing after receipt. If not found to be equal, the items will be returned at the seller's expense and the contract canceled.

- e. The OIFR will reserve the right to reject any or all bids, waive any formalities and/or irregularities and cancel the solicitation, if a reason exists.
- f. Contracts will be awarded to the responsive and responsible vendors who possess the ability to perform successfully under the terms and conditions of the proposed procurement.

212.4 PROCEDURES – FORMAL REQUEST FOR PROPOSALS

The following procedures will be in effect for purchasing through the proposal process:

- a. Requests for proposals will be evaluated based on price and other factors considered. Evaluation factors will be included in the solicitation, with price being the primary factor.
- b. Proposal tabulations may be presented to the OIFR for study purposes.
- c. Formal proposal awards will be made by the OIFR.
- d. Brand names and manufacturers' catalog numbers used in specifications are for the purpose of identification and to establish a standard of quality. Proposals on equal items may be considered providing the proposer specifies brand and model and furnishes descriptive literature. The acceptance of alternative "equal" items will be conditioned on the OIFR inspection and testing after receipt. If not found to be equal, the items will be returned at the seller's expense and the contract canceled.
- e. The OIFR will reserve the right to reject any or all proposals, waive any formalities and/or irregularities and cancel the solicitation, if a reason exists.
- f. Contracts will be awarded to the responsive and responsible vendors who possess the ability to perform successfully under the terms and conditions of the proposed procurement.

212.5 LEGAL REFERENCES

[CFR 200.318](#) and [7 CFR 226.22](#)