

HOUSING AUTHORITY OF YAMHILL COUNTY

PROCUREMENT POLICY

OBJECTIVE:

This Procurement Policy is established to ensure that purchases will be made using sound management principles. When specific funding source requires more restrictive thresholds, those will apply. Procurement procedures conform to applicable State, local, and Federal statutes.

CONTRACT ADMINISTRATION:

The Executive Director or his/her authorized agent shall act as Contract Administrator and for contracts governed by ORS Chapter 279A, 279B and 279C shall act as the Contracting officer for contracts below the sum of \$100,000.00 (for all other contracts the Board shall act as the Contracting Officer), and shall review all proposed procurements. The Executive Director, the specific Director responsible for the items or services being procured, and the member of the accounting staff posting any procurement payment, shall monitor all purchases.

PROCUREMENT:

This Policy is designed to describe purchases in the following methods:

1. **Small Purchases Under \$25,000**
2. **Informal Bid Purchases from 25,000 to \$100,000**
3. **Competitive Proposals – Purchases Over \$100,000**
4. **Non-competitive, Single Source Purchases**
5. **Capital Improvement Purchases Subject to Applicable State Procurement Laws**

METHODS OF PROCUREMENT:

Procurement through an existing federal, State, or approved Association contract that resulted from a competitive process substantially similar to HAYC procurement procedures will satisfy the three informal bid sources or other competitive procurement requirement for the purposes of this policy.

1. **Small Purchases under \$25,000** - For small purchases below \$25,000 only one quotation need be solicited if the price received is considered reasonable. Where practicable, such purchases should be distributed among qualified sources, which may include auctions, State, or interagency pools. Purchases will be approved by the Contract Administrator. Purchases under \$100 may be made from the Petty Cash Fund and shall be supported by receipts.
2. **Informal Bid – purchases \$25,000 - \$100,000.** Informal Bids will be solicited orally; by telephone, e-mail, fax, or in writing. Requests for informal bids should be made to no less than three qualified sources. Purchases will be approved by the Contract Administrator. Qualifications-based procurement should be used for professional services, including architectural and engineering (A/E) services; property developmental services such as appraisers etc.; and auditors, whereby competitors'

qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. Professional Services may be considered small purchases if the amount is less than \$25,000.

3. **Competitive Proposals: purchases over \$100,000** Services, supplies or other property exceeding, \$100,000. This method requires solicitations by Request for Proposal (RFP) or Invitation to Bid, where there is an adequate method of evaluating technical proposals.

- A. The proposals shall be evaluated only on the criteria stated in the RFP or Invitation to Bid.
- B. For RFP proposals, unless there is no need for negotiations with any of the offerors, negotiations shall be conducted with offerors who submit proposals determined to have a reasonable chance of being selected for award, based on evaluation against the technical and price factors as specified in the RFP. Such offerors shall be accorded fair and equal treatment with respect to any opportunity for negotiation and revision of proposals. The purpose of negotiations shall be to seek clarifications and advise offerors of the deficiencies in both the technical and price aspects of their proposals so as to assure full understanding of and conformance to the solicitation requirements.
- C. No offeror shall be provided information about any other offeror's proposal, and no offeror shall be assisted in bringing its proposal up to the level of any other proposal.
- D. Offerors shall not be directed to reduce their proposed prices to a specific amount in order to be considered for award.
- E. A common deadline shall be established for receipt of proposal revisions based on negotiations.
- F. After evaluation of RFP proposal revisions, if any, the contract shall be awarded to the responsible firm whose qualifications, price, and other factors considered, are the most advantageous to the Housing Authority.

4. **Noncompetitive, Single Source, or Emergency:** Procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Procurement through an existing federal, State or approved Association intergovernmental or association cooperative procurement contract, is not considered "single source" for the purposes of this section of the policy.

- A. Procurement by noncompetitive proposals shall be used only when the award is unfeasible under small purchase procedures, informal bid, or competitive procurement, competitive proposals, and one of the following circumstances applies:
 - i. The item is available only from a single source;
 - ii. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
 - iii. The funding agency (HUD, State of Oregon, etc.) authorizes noncompetitive proposals; or

- iv. After solicitation of a number of sources, competition is determined inadequate.

B. The Housing Authority will be required to submit the proposed procurement to the Board for pre-award review in accordance with this Policy.

5. Capital Improvement Projects subject to Oregon Procurement Statutes:

Procurements for capital improvements that are subject to State of Oregon governmental procurement rules shall comply with the applicable statutes and regulations pertaining thereto. The Board adopts the Oregon Attorney General's Model Public Contracting Rules to govern the procedures applicable to such procurements.

BOARD APPROVAL:

Pre-award approval by the Board of Commissioners is required for any procurement in excess of \$100,000 or when non-competitive, single source purchases are proposed in excess of \$100,000.

ADDITIONAL PROCUREMENT STANDARDS:

No employee, officer, or agent of the Housing Authority of Yamhill County shall participate in selection or in the award or administration of a contract, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the participant is:

1. The employee, Board member, or agent
2. Any member of his/her immediate family,
3. His or her partner, or
4. An organization that employs or is about to employ any of the above, or has a financial interest in the firm selected for award. The Housing Authority Board, employees, or agents will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. Where the financial interest or gift of an unsolicited item is less than \$25, no conflict will be identified. Violations of these standards and the Employee Handbook section, Conflicts of Interest (Including Moonlighting) are subject to discipline up to and including dismissal.

Proposed procurement will be reviewed by the Contract Administrator or a designee who shall ensure that procurement requirements are subject to an annual planning process to ensure efficient and economical purchasing and the purchase of unnecessary or duplicate items is avoided.

Consideration will be given to breaking out procurement to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. Awards will be made only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, ability to provide performance security, warranty terms, time of performance and financial and technical resources.

The Housing Authority will maintain records sufficient to detail the significant history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Time and material type contracts will be used only when no other contract is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.

COMPETITION:

Except for Single Source or emergency contracts approved by the Board, all procurement transactions will be conducted in a manner providing full and open competition, and shall not:

1. Place unreasonable requirements on firms in order for them to qualify;
2. Require unnecessary experience and excessive bonding;
3. Allow noncompetitive pricing practices between firms or between affiliated companies;
4. Allow organizational conflict of interest;

PREFERENCES:

The Housing Authority will take steps to ensure that procurements follow requirements to encourage the participation of minority firms, women's business enterprises, small business firms, etc., and to work with those firms by assisting with the requirements of public contracting, where applicable. All federally funded contracts are subject to the Employment, Training, and Contracting Opportunities for Low-Income Persons, Section 3 of the Housing and Urban Development Act of 1968, and preference will be given to Section 3 contractors and suppliers.

CONTRACTOR QUALIFICATIONS AND DUTIES:

Procurement will be conducted only with responsible contractors, i.e., those who have the technical and financial competence to perform and who have a satisfactory record of integrity. Before awarding a contract, the Housing Authority shall review the proposed contractor's ability to perform the contract successfully, considering factors such as the contractor's integrity, compliance with public policy, record of past performance, and financial and technical resources. If a prospective contractor who is the low bidder or lowest cost proposer is found to be non-responsible and is disqualified, a written determination of non-responsibility shall be prepared and included in the contract file, and the prospective contractor shall be advised of the reasons for the determination. In appropriate circumstances the Board or the Contracting Administrator or Contracting Officer may elect to undertake a pre-qualification process with regard to significant capital improvement contracts prior to issuing an Invitation to Bid.

Contracts shall not be awarded to debarred, suspended, or ineligible contractors.

BONDING REQUIREMENTS:

For construction, facility improvement, equipment contracts or subcontracts exceeding \$100,000 the Housing Authority's contract will normally require, as a minimum: a bid bond or certified check equal to 5% of the bid price and a performance bond and a payment bond on the part of the contractor for 100% of the contract price. The Board may waive bonding requirements in appropriate circumstances. Bonding requirement

waiver will be on a case-by-case basis, with documented Board approval recorded in the Board Meeting Minutes.

CONTRACT PROVISIONS FOR CONTRACTS GREATER THAN \$125,000, AND FOR CONTRACTS SUBJECT TO PUBLIC CONTRACTING STATUTES:

Housing Authority contracts will include provisions for: Contract changes, remedies, changed conditions, time extensions, access and records retention, suspension of work and required applicable public contracting terms and conditions.

REPEAL OF PRIOR PROCUREMENT POLICIES:

All prior procurement policies approved by the Board are hereby repealed and shall remain effective only for contracts approved prior to the date of approval of this Procurement Policy by the Board of Commissioners.

Policy Dated: August 25, 2020

Approved by the Board of Commissioners on August 25, 2020.