
ARTICLE 1 – INTRODUCTION AND GENERAL PROVISIONS

1.1 PURPOSE

Stewardship of public funds is a fundamental responsibility of county government. The public must have confidence that public funds are spent prudently and transparently on its behalf, with proper planning and evaluation, in a manner that is open and fair to all.

Under the direction of the Board of County Commissioners (“BOCC”), the Garfield County Procurement Code (this “Code”) sets forth the policies and procedures that earn that confidence by demonstrating awareness and adherence to applicable laws and a commitment to promote competition, maximize purchasing power, and ensure fair opportunity and equitable treatment of all who seek to do business with the County.

The purpose of this Code is to guide County personnel in fulfilling their obligations to the public, grantors, vendors, and contractors in the expenditure of public funds. The Code is a comprehensive reference manual for both County personnel and outside parties who have an interest in the County’s procurement and contracting processes. It is intended as a guide to good procurement practices and is to be used as a supplement to sound business judgment in procurement and contracting.

The policies set forth in this Code are intended to:

- Provide a combined centralized and decentralized procurement program encompassing nationally and regionally approved principles and practices;
- Be reviewed, thoughtfully and regularly, to ensure the utility of procurement statutes and to make periodic modifications and improvements that will enhance the efficiency and effectiveness of the procurement function;
- Promote and encourage ethical management and efficiency in the County procurement procedures.

The Garfield County Procurement Department presents this Code in accordance with the direction and approval of the BOCC to promote understanding by employees, vendors, contractors and the public regarding the procurement of goods and services on behalf of the County and with the expectation that it will be used to:

- Simplify, clarify and modernize the County’s procurement practices;
- Support consistent procurement procedures within all County departments;
- Bolster public confidence in public procurement procedures;
- Ensure the fair and equitable treatment of all persons dealing with the County procurement system;
- Provide increased economy in County procurement activities;
- Maximize the procurement value of County funds;
- Safeguard the high quality and integrity of the procurement system;

- Ensure that the expenditure of public funds complies with the terms and conditions of the funding source.

1.2 APPLICABILITY

This Code applies to all publicly funded expenditures entered into by and on behalf of the County for the purchase or lease of goods or services and to the disposal of County property purchased with public funds. All County employees acting as agents of the County for the purpose of procurement or disposal of goods and services shall adhere to these policies as part of their essential job functions.

The policies in this Code do not apply to intergovernmental agreements, memoranda of understanding, purchase, sale, or lease of real property, or grants awarded by the Board of County Commissioners.

In addition, this Code does not apply to any Elected Official or their Offices unless and until the Elected Official chooses to adopt it on behalf of the Office.

Nothing in this Code shall prevent the County from complying with the terms and conditions of any grant, gift, bequest, contract, or cooperative agreement that is otherwise consistent with the law. If any provision of this Code causes denial of state or federal monies that would otherwise be available to the County, or is inconsistent with requirements of state or federal law, that provision shall be suspended to the extent necessary to prevent denial of the monies or to eliminate the inconsistency with state or federal law.

1.3 EFFECTIVE DATE

This Code shall be effective on **October 1, 2012**. It does not retroactively affect any rights and remedies under existing contracts but, to the extent not inconsistent with the express terms of existing contracts, does apply to amendments and renewals of existing contracts.

1.4 INTRODUCTION TO PUBLIC PROCUREMENT

Procurement in the public sector is the process through which a government acquires goods and services. The terms "Procurement" and "Purchasing" are often used interchangeably. However, strictly speaking, "Purchasing" is only one of three stages of the public procurement cycle.

The three stages of public procurement are:

1. **Planning and Scheduling:** This stage includes defining the need, developing the means and methods to meet the need, including the method of source selection, assessing risks, and ensuring proper allocation of resources.
2. **Purchasing and Source Selection:** This stage represents the process through which qualified providers of goods and services are identified, solicited, evaluated, and ultimately

selected. The method of source selection, dictated by the amount of the expenditure, is determined in the Planning and Scheduling stage.

3. **Contract Formation and Administration:** This stage includes confirmation of expected performance measures, finalization of terms and conditions, and signature of authorized parties. This stage also includes post-award enforcement of the terms of the resulting contract, including payment of invoices and adherence to insurance, amendment and renewal requirements through contract completion.

The appropriate procurement process to be followed in any given circumstance is dependent upon a variety of factors. A conceptual framework for determining the appropriate process is summarized as follows:

1. The nature of the purchase dictates (a) whether public competition is required and (b) whether additional approvals are required; and
2. The amount to be spent dictates (a) who has the authority to make the purchase; (b) what kind of competitive solicitation is required; and (c) who has the authority to sign the contract; and
3. Every purchase and sale, regardless of type or amount, must be memorialized in a written document that identifies the rights and obligations of both the buyer and the seller.

This Code is presented in a manner that is intended to address each of these factors in a straightforward and practical way.

Article 1 explains why, when and how to use this Code.

Article 2 explains the roles and responsibilities of those involved in public procurement.

Article 3 explains how to select vendors and conduct County purchases.

Article 4 explains the key to every successful purchase: Specifications and Scopes of Work.

Article 5 explains the competitive solicitation processes and the requirements of each.

Article 6 explains the contract options that apply to every purchase, regardless of amount.

Article 7 explains the determination, protest, claims and dispute resolution processes.

Article 8 explains the legal and ethical obligations of every public employee.

1.5 DEFINITIONS AND USE

Capitalized words and phrases are defined in the Glossary of Terms attached as Appendix A to this Code. The words and phrases defined in the Glossary shall have the meanings set forth whenever they appear in this Code unless otherwise specifically stated.

1.6 GOOD FAITH REQUIREMENT

All parties involved in the solicitation, negotiation, performance or administration of County procurement actions shall act in good faith.

1.7 CODE OF ETHICS

As a political subdivision of the State of Colorado, anyone who makes purchases for the County is an agent of the County and is subject to Article XXIX of the Colorado Constitution concerning ethics in government. Compliance with this provision is also required by the County's Personnel Policies and Procedures Manual, effective November 1, 2009, Section II.M.

1.8 SUPPLEMENTARY GENERAL PRINCIPLES OF LAW

This Code reflects applicable state and local laws and regulations and provides a process that ensures competitive procurement and procedures that conform to applicable laws. Unless otherwise stated, the principles of law and equity, including the Uniform Commercial Code (UCC) and applicable legal authorities, shall supplement the provisions of this Code.

1.9 REFERENCES TO JOB TITLES

Job title references throughout this Code are provided for convenience only and are based upon titles as they exist on July 1, 2012. The roles and responsibilities set forth in the Code correspond to the job function rather than job title and do not change when a job title changes. Every effort shall be made to ensure compliance with this Code, regardless of job title, by substituting the new title or titles applicable to the job responsibilities at issue.

1.10 REVISIONS TO THE CODE

Only the BOCC may authorize revisions to the policies reflected in this Code, and all such revisions will be made by BOCC resolution. The Chief Procurement Officer, with the approval of the County Manager, is authorized to define and implement the procedures required to ensure consistent application and effective compliance with this Code, including updates to the Glossary of Terms.

1.11 PUBLIC ACCESS

Procurement information shall be a public record to the extent provided in the Colorado Open Records Act found at C.R.S. § 23-72-201.01 *et seq.*, as amended ("CORA") and shall be made available to the public in accordance with CORA and with the County's Open Record Policy.

1.12 SEVERABILITY

If any provision of this Code or its application to any person or circumstance is found to be invalid, such invalidity shall not affect the other provisions that can be given effect in its absence.

1.13 CONTACTS

Questions and comments about the application and implementation of this Code shall be directed to:

Chief Procurement Officer
Procurement Department
108 8th Street, Suite 403
Glenwood Springs, CO 81601
970-384-5012

Questions about a specific contract should be directed to:

Contracts Manager
Procurement Department
108 8th Street, Suite 403
Glenwood Springs, CO 81601
970-384-5018