
ARTICLE 2 - PROCUREMENT ROLES AND RESPONSIBILITIES

County procurements must be authorized and supported by available and budgeted funds. Responsibilities to ensure that these and other procurement criteria are delegated and satisfied are defined in this Article 2.

2.1 THE BOARD OF COUNTY COMMISSIONERS

1. **Authority.** The Board of County Commissioners (the “BOCC”) is authorized to make all contracts necessary to exercise the County’s corporate and administrative powers and to establish policies and procedures regarding entering into such contracts.¹ Through its policies and procedures, the BOCC may, as it does here, set forth standards by which to delegate its power to bind the County.² Specifically, the BOCC authorizes the following:
 - a. The BOCC retains sole authority to enter into contracts on behalf of the County when the contract requirement is \$25,000 or more.
 - b. Internal County Departments (“Departments”) are authorized to procure (that is, solicit and enter into contracts for) goods or services with a contract requirement of up to \$25,000 when the expenditure is authorized in an approved budget and the Simplified Purchase standards defined in § 3.3 are followed.
 - c. Elected Officials who have adopted this Code are authorized to procure goods or services with a contract requirement of up to \$25,000 when the expenditure is authorized in an approved budget and the Simplified Purchase standards defined in § 3.3 are followed.
2. **Contract Approval.** BOCC approval is required prior to:
 - a. Award of any Standard Purchase contract, defined in § 3.1, for the purchase of goods or services with a contract requirement of \$25,000 or more;
 - b. Award of any contract amendment or change order, discussed in § 6.5(1), that causes a Simplified Purchase contract to exceed the up-to \$25,000 authority limit delegated to Department Heads and Elected Officials; and
 - c. Award of any contract amendment or change order, discussed in § 6.5(2), that causes a Standard Purchase contract to exceed the original contract amount by twenty-five percent (25%) or more.

¹ Colo. Rev. Stat. §§ 30-11-101 and 30-11-103.

² Colo. Rev. Stat. § 30-11-107(aa).

3. **Quarterly Reporting.** In addition to the Standard Purchase approvals that shall be brought to the BOCC for consideration and approval prior to award, the Chief Procurement Officer shall provide a quarterly report to the BOCC of relevant procurement activities. The contents of this report will be determined by the BOCC but may include such categories as: all open solicitations, a list of all Vendors with more than one open contract with the County, all open Sole Source contracts, all open Emergency contracts, and all Simplified Purchases made within the preceding quarter, and all changes to contracts that meet the criteria set forth in § 6.5(3).

2.2 CHIEF PROCUREMENT OFFICER

1. **Authority.** As of July 1, 2012, the Procurement Department operates as a department under the direct management of the County Manager and is administered by the position of the Chief Procurement Officer and staffed with the Contracts Manager and Purchasing Agent(s).
 - a. The Procurement Department shall have the authority required to meet all of the procurement and contract management duties and responsibilities identified and implied in this Code.
 - b. All authority and discretion assigned to the Chief Procurement Officer in this Code shall be exercised in collaboration with and subject to the review and approval of the County Manager and, where appropriate, the County Attorney.
2. **Duties and Responsibilities.** Through the Chief Procurement Officer, in addition to specific duties identified in this Code, the Procurement Department shall:
 - a. Determine, with BOCC approval, the County's procurement policies and for defining and enforcing the processes and practices required to implement those policies;
 - b. Ensure that the County Manager and County Attorney are timely notified of all procurement-related matters requiring their approval, knowledge, input, or handling as defined throughout this Code;
 - c. Ensure that an adequate number of Qualified Vendors are solicited to compete for both Standard and Simplified Purchases;
 - d. Maintain an open and competitive environment to ensure that all potential buyers and sellers have access to County business and that all procurement actions are conducted fairly and impartially in the best interest of the County;
 - e. Conduct all Standard Purchase competitive solicitations on behalf of the County through contract award and issuance of a notice to proceed;
 - f. Assign Purchase Order Numbers to all Standard and Simplified Purchases properly submitted as Purchase Requisitions by Departments or Elected Officials;

- g. Administer the disposal of all surplus County property in accordance with § 3.9;
 - h. Receive and ensure proper handling of all requests for waivers of these Code provisions, all solicitation protests, and all contract claims, and, in collaboration with the County Manager, make any requisite determinations about adherence to this Code;
 - i. Provide quarterly procurement activity reports to the BOCC in accordance with § 2.1(3);
 - j. Ensure that all County procurements remain in compliance with applicable law;
 - k. Provide assistance to any Department, Elected Official, employee, vendor or member of the public on any procurement-related matter; and
 - l. Comply with the duties and responsibilities that apply to all County employees, as defined in §2.6(2).
3. **Contracts Manager.** The Procurement Department includes the position of Contracts Manager, through which the Department shall:
- a. Manage and facilitate the appropriate use of the contract forms and required clauses approved by the County Attorney; and
 - b. Manage compliance with the County's required terms and conditions in all Standard and Simplified Purchase contracts from notice to proceed to contract closure, including the timely receipt of appropriate certificates of insurance.

2.3 COUNTY MANAGER

1. **Authority.** The County Manager shall have the authority required to meet all of the procurement duties and responsibilities identified and implied in this Code and to:
 - a. Exercise the contract signature authority delegated to any Department when the Department Head is unavailable to do so.
2. **Duties and Responsibilities.** In addition to any specific duties identified elsewhere in this Code, the County Manager shall:
 - a. Remain familiar with the requirements of this Code and not allow any exceptions to be made to it without proper approvals and documentation;
 - b. Serve as or designate an appropriate individual to serve as the principal County Representative on all contracts entered into without a specific Department or Elected Official designation;

- c. Review and approve all Sole Source Justifications prior to award; and
- d. Comply with the duties and responsibilities that apply to all County employees, as defined in §2.6(2).

2.4 DEPARTMENT HEADS

1. **Authority.** Each Department Head is authorized to:
 - a. Procure goods or services with a contract requirement of up to \$25,000 when the expenditure is authorized in an approved budget and the Simplified Purchase standards defined in § 3.3 or Small Purchase standards defined in § 3.4 are followed.
 - b. Initiate the procurement of all Standard Purchases as defined in § 3.1.
2. **Duties and Responsibilities.** In addition to any specific duties identified elsewhere in this Code, each Department Head shall:
 - a. Remain familiar with the requirements of this Code and not knowingly allow any exceptions to be made to it without proper approvals and documentation;
 - b. Ensure that all County employees under his or her supervision involved in making purchases on behalf of the Department are familiar with and follow the requirements of this Code;
 - c. Include in the Department's annual budget preparation process all existing, renewing, and anticipated contracts in excess of \$10,000 to be required or requested in the applicable budget year;
 - d. Define the technical specifications and scopes of work necessary to meet the Department's requirements for all purchases in excess of \$10,000;
 - e. Adhere to the payment processing standards established in Article 3 and the Finance Department's Policies and Procedures;
 - f. Identify the appropriate standard by which the Department will demonstrate objective fairness, cost reasonableness and best use of public funds for Small Purchases, as defined in §3.4(1)(d);
 - g. Serve as the principal County Representative, or designate an appropriate County Representative, to be identified in each contract entered into through the Department; and
 - h. Comply with the duties and responsibilities that apply to all County employees, as defined in §2.6(2).

2.5 ELECTED OFFICIALS

1. **Authority.** Each Elected Official who chooses to adopt this Code is authorized to:
 - a. Procure goods or services with an contract requirement of up to \$25,000 when the expenditure is authorized in an approved budget and the Simplified Purchase standards defined in § 3.3 or Small Purchase standards defined in § 3.4 are followed.
 - b. Initiate the procurement of all Standard Purchases as defined in § 3.1.
2. **Duties and Responsibilities.** In addition to any specific duties identified elsewhere in this Code, each Elected Official shall:
 - a. Remain familiar with the requirements of this Code and not knowingly allow any exceptions to be made to it without proper approvals and documentation;
 - b. Ensure that all County employees under his or her supervision involved in making purchases on behalf of the Elected Official are familiar with and follow the requirements of this Code;
 - c. Include in the Official's annual budget preparation process all existing, renewing and anticipated contracts in excess of \$10,000 to be required or requested in the applicable budget year;
 - d. Define the technical specifications and scopes of work necessary to meet the Elected Official's requirements for all purchases in excess of \$10,000;
 - e. Adhere to the payment processing standards established in Article 3 and the Finance Department's Policies and Procedures;
 - f. Identify the appropriate standard by which the Official will demonstrate objective fairness, cost reasonableness and best use of public funds for Small Purchases, as defined in §3.4(1)(d); and
 - g. Serve as the principal County Representative, or designate an appropriate County Representative, to be identified in each contract entered into through the Office.

2.6 COUNTY EMPLOYEES

1. **Authority.** Each County employee is authorized to exercise the authority delegated by his or her Department Head or Elected Official.
2. **Duties and Responsibilities.** Public employment is a reflection of public trust. All County employees, including all Department Heads, Elected Officials, the County Manager and the

County Attorney shall comply with all legal and ethical standards applicable to public procurement, as defined in greater detail in Article 8, to ensure public trust and shall:

- a. Perform their responsibilities impartially so as to ensure fair, competitive access to County procurement by all potential buyers and sellers;
- b. Conduct themselves in a manner that fosters public confidence in the integrity of the County's procurement practices;
- c. Avoid or disclose all conflicts of interest that would arise if an employee participated, directly or indirectly, in a procurement in which the employee, an immediate family member, or business in which the employee or a family member has a current or potential financial interest is involved; and
- d. Refuse any gratuity, kick-back or offer of employment in connection with, or having the opportunity to influence the outcome of, any decision, approval, disapproval, recommendation or preparation of any procurement or contract award.

2.7 COUNTY ATTORNEY

In addition to the authority and duties and responsibilities of a Department Head, the County Attorney is responsible for the preparation of all contract forms and required terms and conditions in accordance with applicable law, for advising the County Manager as requested, for assisting the Chief Procurement Officer and Contracts Manager on all legal issues, and for providing legal representation in all procurement protests and claims as described in Article 7.