



Jefferson County Purchasing Department

POLICIES and PROCEDURES MANUAL

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Judge John Stevens, Criminal District Court
Judge Kent Walston, 58th District Court
Judge Baylor Wortham, 136th District Court
Commissioner Cary Erickson, Pct. 2
Commissioner Everette "Bo" Alfred, Pct. 4

COUNTY COMMISSIONERS:

Commissioner Brandon Willis, Pct. 1
Commissioner Cary Erickson, Pct. 2
Commissioner Michael Sinegal Pct. 3
Commissioner Everette "Bo" Alfred, Pct. 4

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JEFFERSON COUNTY JUDGE

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EFFECTIVE: October 14, 2025

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Welcome to Jefferson County Purchasing

Purchasing is an essential County government business function. Purchasing activities, which are expenditures made to the private sector for the purchase of goods and services result in the second largest expenditure of taxpayer dollars. The largest expenditure is paid out in the form of employee wages, salaries, and benefits.

The integrity and efficiency of the County Purchasing process is a crucial component of its credibility. More public officials have been criticized for real or perceived conflicts of interest in the spending of public funds than for any other financial activity. Even with the knowledge of such potential criticism, public officials often misunderstand Purchasing's significant budgetary and public relations importance.

The mere perception of public officials misusing the Purchasing process for personal or political gain threatens the public's confidence in its government. Therefore, the Commissioners' Court, all public officials, and the Purchasing Agent must ensure a high standard of professional ethics in all personnel who participate in or who can influence those involved in making Purchasing decisions.

The relationship between the Purchasing Agent and Commissioners' Court is a unique one. On the one hand, the Purchasing Agent performs a customer service function for Commissioners' Court and is responsible for ensuring that all County offices have the goods and services they need to perform the essential functions of their missions. On the other hand, the Purchasing Agent performs an expenditure control function which is the responsibility of supervising the Commissioners' Court's contracting authority and ensuring compliance with the County Purchasing Act. This relationship lends credence to the notion that the Purchasing Agent be an independent officer of the County.

This manual is intended to provide elected officials and employees with a basic understanding of Purchasing activities, the County Purchasing Act, and the role of the Purchasing Agent. It also offers good business reasons for the centralization of the County Purchasing functions and offers professional Purchasing principles for Public Officials committed to improving government operations.

A circular seal of Jefferson County, Texas, is visible in the background. The seal features a star in the center and the words "JEFFERSON COUNTY TEXAS" around the perimeter. Overlaid on the seal is a handwritten signature in black ink that reads "Deborah Clark".

Deborah L. Clark, Purchasing Agent
Jefferson County, Texas

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SECTION 1: INTRODUCTION

A. PURPOSE

The purpose of this Policies and Procedures Manual is to serve as a source of instruction to all County Departments and Employees regarding the Purchasing Policies and Procedures of Jefferson County, Texas. The adoption of this Purchasing Manual and the approval of any subsequent revisions by Jefferson County Purchasing Board and Commissioners' Court shall authorize the policies and procedures contained herein for official use in County Business.

B. SCOPE

The scope of this manual includes all Departments under the jurisdiction of Commissioners' Court, as well as all purchasing transactions that are paid for directly from County Funds under the control of Commissioners' Court.

C. DISTRIBUTION

This manual will be distributed to all County Departments and to all County Employees involved in the purchasing process. The Purchasing Department shall be responsible for distributing copies of this manual to all appropriate parties.

SECTION 2: IMPLEMENTATION

The Purchasing Agent shall be responsible for implementing and enforcing the policies and procedures set forth in this manual.

- Each Elected Official/Department Head shall be responsible for implementing and enforcing these Policies and procedures within their respective agencies.
- The Purchasing Agent, as head of the Purchasing Department, shall exercise functional authority over the County Purchasing Process for the purpose of implementing and enforcing these policies and procedures on a countywide basis, as well as in the Purchasing Department for its role in the process.
- A violation of any of the policies and procedures in this manual may be grounds for disciplinary action. In addition, a violation may result in the County's refusal to pay for any improperly ordered good or service.
- The Commissioners' Court shall have the authority, in specific cases determined to be exceptional, to waive or override the policies and procedures in this manual and to direct a different handling of each such case.

SECTION 3: REVISIONS

This manual is to serve as a permanent and up-to-date guide to County Purchasing Policies and Procedures. As necessary changes are made in policies and procedures, appropriate revisions will be made. The Purchasing Department shall be responsible for accurately maintaining this manual and for distributing revisions to all appropriate parties.

Responsible County Employees are encouraged to make recommendations on sections of this manual that, due to changing conditions, may need revision. Also, they are encouraged to make recommendations on new subjects not currently included in the manual.

Any such recommendation should be submitted through appropriate organizational channels to the Purchasing Agent for review and consideration.

The Purchasing Agent shall be responsible for approving revisions to this manual.

SECTION 4: PURCHASING AUTHORITY AND POLICY

A. APPOINTMENT OF THE PURCHASING AGENT

As outlined in the Texas Local Government Code §262.011(a), the Jefferson County Purchasing Agent is appointed by and accountable to a Board comprised of three (3) District Judges and two (2) members of the Commissioners' Court. The Purchasing Board appoints the Purchasing Agent for Jefferson County to a two-year term and approves the budget for the Purchasing Department, including the Purchasing Agent's salary.

B. PURCHASING AUTHORITY OF THE COMMISSIONERS' COURT

The authority of Texas counties to purchase one or more items under a contract that will require expenditures exceeding \$100,000 rests with the Commissioners' Court. The Commissioners' Court shall make their awards in compliance with the competitive bidding or competitive proposal procedures prescribed by the County Purchasing Act (Texas Local Government Code §262.023(a) (c)).

C. DUTIES AND AUTHORITY OF THE PURCHASING AGENT

The Purchasing Agent's authority is derived from statutes, delegation of the Commissioners' Court, and direction of the Purchasing Board. The statutory duties of the Purchasing Agent include the following as prescribed by Texas Local Government Code §262.011.

D. AUTHORITY

The Purchasing Agent shall purchase all supplies, materials, equipment, and services, and shall contract for all repairs to property used by the County, department, or employee (with the exception of purchases and contracts required by law to be made by competitive bid). **A person other than the Purchasing Agent may not make the purchase of the goods or make the contract for repairs.** The Purchasing Agent shall supervise all purchases made on competitive bids and shall see that all purchased goods are delivered to the proper department in accordance with the purchase contract. **All contracts for goods and services must be signed by the County Judge. All contracts signed by any other County Employee is not binding.**

A purchase made by the Purchasing Agent shall be paid for by a warrant drawn by the Jefferson County Auditor on funds in the County treasury in the manner provided by law (Texas Local Government Code §262.011).

E. VIOLATION AND PENALTY

A County officer or employee commits an offense if the officer or employee intentionally or knowingly makes or authorizes separate, sequential, or component purchases to avoid the competitive bidding requirements of Texas Local Government Code §262.023. An offense under this subsection is a Class B misdemeanor.

F. ADDITIONAL RESPONSIBILITIES OF THE PURCHASING AGENT

The Purchasing Agent, by direction of the Purchasing Board, is responsible for the following:

- The Purchasing Agent shall prepare bid or proposal specifications for all materials, supplies, and equipment for Commissioners' Court approval; and shall be responsible for subsequent solicitation

and evaluation of formal bids and proposals for any item or items under a contract that would require expenditure in excess of \$100,000.00.

- The Purchasing Agent shall supervise the employees and operations of the Purchasing and Printing Departments.
- The Purchasing Agent shall, by direction of the Purchasing Board, make all purchases of supplies and materials for Jefferson County Adult Probation Services and the Jefferson County Restitution Centers. For purchases under contracts requiring expenditures in excess of \$100,000, formal bids shall be received by the Purchasing Agent, who shall present them to the Commissioners' Court for approval and then shall award the contract to the responsible bidder who submits the lowest and best bid.

SECTION 5: INVENTORY

On July 1 of each year, the County Purchasing Agent shall file with the County Auditor and each member of the Board that appoints the County Purchasing Agent an Inventory of all property on hand and belonging to the County. The Auditor shall carefully examine the inventory and make and accounting for all property purchased or previously inventoried and not appearing on the inventory.

A. TRANSFER OF ASSETS

Upon approval from the Commissioners' Court, and in accordance with Texas Local Government Code §262.011(j), the Purchasing Agent shall transfer supplies, materials, and equipment which are no longer needed or used from a department or employee to another department or employee requiring the goods or the use of the goods. The Purchasing Agent shall furnish to the Auditor a list of transferred goods.

B. SURPLUS/SALVAGE PROPERTY

The Purchasing Agent, acting for Commissioners' Court, shall dispose of surplus or salvage property following the procedures outlined in Texas Local Government Code §263.152.

SECTION 6: JEFFERSON COUNTY PURCHASING POLICY

The Jefferson County Purchasing Policy is to:

- Seek the best quality, lowest priced goods and services that meet the needs of the County and its personnel;
- Provide all responsible Vendors and Contractors with equitable access to servicing the needs of Jefferson County and its personnel through competitive acquisition of goods and services;
- Comply with all Federal and State Laws that apply to County purchasing and comply with the policies and procedures outlined in this manual;
- Manage County assets and inventory so that replacement costs are minimized and the County can account for all assets; and
- Dispose of all surpluses, salvage, seized, and abandoned property in a manner that both provides the most benefit to the taxpayers of Jefferson County and complies with the law.

SECTION 7: THE PURCHASING ACT

The Purchasing Act, Texas Local Government Code §262.023 reads:

“(a) Before a county may purchase one or more items under a contract that will require an expenditure exceeding \$100,000, the Commissioners’ Court of the County must

- (1) Comply with the competitive bidding or competitive proposal procedures prescribed by this subchapter;
- (2) Use the reverse auction procedure, as defined by Section 2155.062, Government Code, for purchasing; or
- (3) Comply with a method described by Chapter 2269, Government Code.

“(b) The requirements established by Subsection (a) apply only to contracts for which payment will be made from current funds or bond funds or through anticipation notes authorized by Chapter 1431, Government Code, or time warrants. Contracts for which payments will be made through certificates of obligation are governed by The Certificate of Obligation Act of 1971 (Subchapter C, Chapter 271)

(b-1) A county that complies with a method described by Chapter 2269, Government Code, as provided by Subsection (a)(3), to enter into a contract for which payment will be made through anticipation notes authorized by Chapter 1431, Government Code, may not issue anticipation notes for the payment of that contract in an amount that exceeds the lesser of:

- (1) 20 percent of the county’s budget for the fiscal year in which the county enters into the contract; or
- (2) \$10 million”

“(c) In applying the requirements established by Subsection (a), all separate, sequential, or component purchases of items ordered or purchased, with the intent of avoiding the requirements of this subchapter, from the same supplier by the same county officer, department, or institution are treated as if they are part of a single purchase and of a single contract. In applying this provision to the purchase of office supplies, separate purchases of supplies by an individual department are not considered to be part of a single purchase and single contract by the county if a specific intent to avoid the requirements of this subchapter is not present.”

The Purchasing Act applies to all departments: all District, County, and Precinct officials and employees and all subdivisions of all District, County, and Precinct offices.

The Purchasing Department must do all of the purchasing for all elected officials, County department heads, and employees.

SECTION 8: PURCHASING DEPARTMENT POLICIES

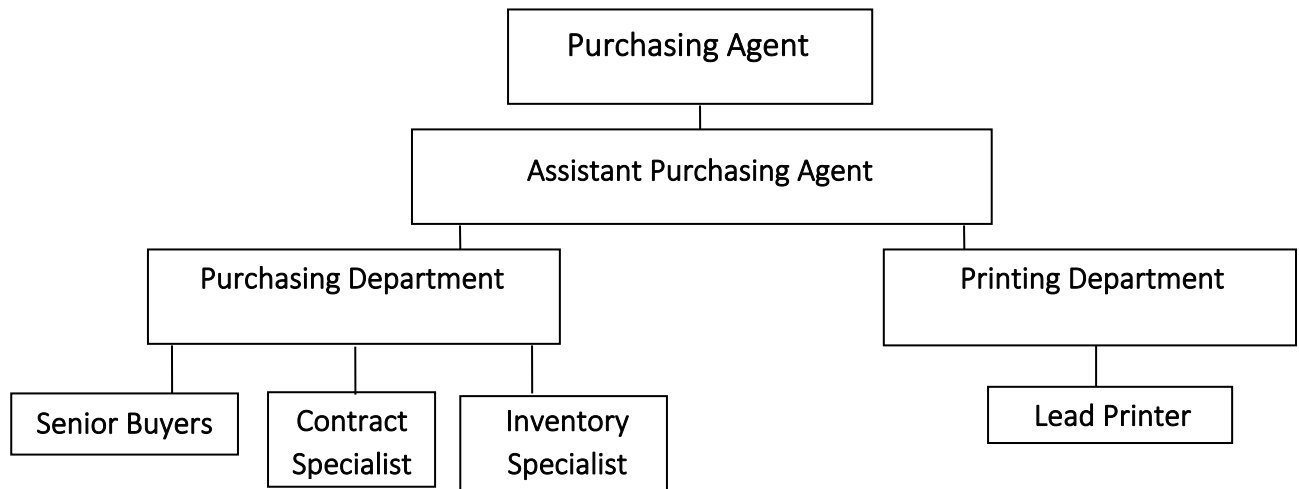
A. SPECIFICATIONS

Specifications, which shall be the basis of sealed bids or sealed proposals submitted to the Purchasing Agent, shall be written to allow for competitive bidding. The Purchasing Agent shall not write and/or approve the release Invitation for Bid (IFB) / Request for Statement of Qualification (RFQ) / Request for Proposal (RFP) specifications which, by design, exclude legitimate competitors. The specifications shall not use brand names unless a disclaimer is included opening the opportunity to respond to competing brands of approved equal quality.

B. SELECTION OF VENDORS

In the case of formal competitive bids or proposals, informal bids and informal proposals, the evaluation of bids and proposals and the selection of Vendors shall be done with a view to obtain the best value for the money spent. Therefore, the Vendor selected will be the bidder who submits the lowest and best bid. While “lowest” is self-explanatory, “best” is not. “Best” in this context means that which most completely conforms to specifications and is submitted by a responsible bidder.

SECTION 9: PURCHASING DEPARTMENT ORGANIZATION CHART



SECTION 10: EFFECTIVE DATE OF POLICIES AND PROCEDURES

The Policies and Procedures as described within this manual shall become effective upon approval by the Jefferson County Purchasing Agent and the Jefferson County Commissioners' Court.

SECTION 11: PRECEDENTS AND INTERPRETATION

These policies and procedures shall be construed liberally to accomplish their purpose.

If there is any conflict between the policies and procedures and a Texas Local Government Code or 2 Code of Federal Regulation section 200.318-327 statute or code, the stricter of the provisions prevails.

The masculine, feminine, and neuter genders shall be construed to include the other genders as required.

The singular and plural shall be construed to include the other number as required. Headings and titles at the beginning of the various sections of these policies and procedures have been included only to make it easier to locate the subject matter covered by that section or subsection and are not to be used in construing these policies.

If any provision of these policies and procedures or the application of them to any person or circumstances is held invalid, the validity of the remainder of these policies and procedures and the application of them to other persons and circumstances shall not be affected.

In general, the Purchasing Agent interprets these policies and procedures, but the Commissioners' Court shall resolve any question regarding any interpretation of these policies and procedures when there is a conflict related to an area that is not within the statutory authority of the Purchasing Agent.

SECTION 12: JEFFERSON COUNTY PURCHASING CODE OF ETHICS

A special responsibility is imposed on all people who are entrusted with the disposition of the County's funds. As purchasing personnel, we are required to perform with the highest integrity while we are constantly being asked to manage more effectively, to secure better economic results, to speed up the process, and to be innovative in accomplishing our mission.

Jefferson County Purchasing Department employees are entrusted with the safety and welfare of the citizens. In return for their confidence in County government, citizens expect that County employees' private interests will not conflict with public business.

The nature of purchasing functions makes it critical that all players in the process remain independent, free of obligation or suspicion, and completely fair and impartial. Maintaining the integrity and credibility of a purchasing program requires a clear set of guidelines, rules, and responsibilities to govern the behavior of purchasing employees. Credibility and public confidence are vital throughout the purchasing and contracting system. Any erosion of honesty, integrity, or openness tends to be more injurious to purchasing than to most other public programs. The shadow of doubt can be as harmful as the conduct itself. It is with this in mind that the following policies and procedures are set forth.

A County employee may not: Participate in work on a contract by taking action as an employee through decision, approval, disapproval, recommendation, giving advice, investigation, or similar action knowing that the employee or member of their immediate family has an actual or potential financial interest in the contract, including prospective employment; solicit or accept anything of value from an actual or potential vendor; be employed by, or agree to work for, a vendor or potential vendor; knowingly disclose confidential information for personal gain; or

A Vendor or Potential Vendor may not: Offer, give, or agree to give an employee anything of value;

If a violation occurs: When an actual or potential violation of any of these standards is discovered, the person involved shall promptly file a written statement concerning the matter with the Purchasing Agent. The person may also request written instructions and disposition of the matter.

If an actual violation occurs or is not disclosed and remedied, the employee involved may be reprimanded, suspended, or dismissed. The Vendor or potential Vendor may be barred from receiving future contracts and/or have an existing contract canceled.

SECTION 13: GENERAL PURCHASING POLICY

GENERAL INFORMATION: Jefferson County will not be obligated to purchase goods that are delivered for use on a trial basis.

The following purchasing strategies that are made with the intention of circumventing the Purchasing Act (formal competitive bidding procedures) are **in violation of the law** (Texas Local Government Code §262.023):

A. COMPONENT PURCHASES

Purchasing of component parts of an item that in normal purchasing practices would be purchased in one purchase.

B. SEPARATE PURCHASES

Purchasing goods and services in a series of separate purchases, which in normal purchasing practices would have been purchased in one purchase.

C. SEQUENTIAL PURCHASES

Purchases made over a period of time that in normal purchasing practices, would be made as one purchase.

Any commitment to acquire goods or services without an authorized purchase order is prohibited. Anyone obligating an expenditure of funds for goods or services prior to securing a purchase order may be held personally responsible for the payment.

Departments requesting to purchase goods/services not associated with official County business, for example, personal services for individuals such as hair styling, must submit a letter to Commissioners' Court for approval.

Employees must not purchase goods or services for their own personal benefit.

Departments must be cognizant of budget balances and refrain from forwarding purchase requisitions to the Auditing Department that would request expenditures in excess of those balances. Purchase requisitions for which there is not adequate funding will not be processed without the approval of the County Auditor. Departments should plan purchases in order to keep expedited purchase requisitions to a minimum. The County rarely enjoys any economic benefits from rush purchases. In most cases, Vendors attempt to charge prices for goods and services that are a premium when there is not proper time allowed for the Purchasing Department to explore sources, options, and alternatives. The Purchasing Department is committed to processing all purchase requisitions within a reasonable time frame.

Departments must provide the Purchasing Department ample time to process purchase requests:

- Departments must assure that all employees responsible for making department requests for purchases have read and understand the purchasing procedures outlined in this manual.
- The Purchasing Department must review all purchase requests to assure they are descriptive and specific but do not prevent competitive bidding of comparable goods. Since there is no central receiving point, each department is responsible for receiving goods and services. Departments should

notify the Purchasing Department of any shortages, late deliveries, damaged merchandise, or any other problems relating to the Vendor's performance.

- Departments should understand and appreciate the nature of public purchasing by reviewing and considering all purchase requests in order to promote competitive bidding.

D. MIS REVIEW OF DATA PROCESSING EQUIPMENT

The Management Information Systems Department (MIS) will review all purchase requests made by departments for soft and hard data processing equipment. This procedure is to ensure compatibility and standardization.

E. VENDOR DATABASE

The Purchasing Department maintains a Vendor Database for most products and services purchased by the County. This database is compiled utilizing information obtained from Bidders List Applications submitted by vendors to the Purchasing Department.

The Purchasing Department utilizes this vendor database as a reference resource when making direct purchases or preparing Bidder's Lists for bid opportunities.

The Purchasing Department will use reasonable efforts to include appropriate vendors from the Vendor Database in the consideration for direct purchases; as well as for RFP/RFQ/IFB Notifications Lists, *but it has no legal duty to do so*.

Vendors are encouraged to visit the Jefferson County Purchasing webpage (Notice of Bids Section) regularly to stay informed about bidding opportunities that are available.

<https://jeffersoncountytexas.gov/Purchasing/>

F. BIDDERS LIST/VENDOR DATABASE APPLICATION

A vendor may obtain a copy of the Purchasing Department's Bidders List Application by submitting a request to the Purchasing Department via telephone (below) **OR** by visiting the Purchasing webpage.

Jefferson County Purchasing Department
1149 Pearl Street, First Floor
Beaumont, Texas 77701
(409) 835-8593 office

Bidders List Application may be accessed via the Jefferson County Purchasing Department's website at:

<https://www.jeffersoncountytexas.gov/Purchasing/>

G. CONTRACT WITH PERSON INDEBTED TO COUNTY

As outlined in the Texas Local Government Code §262.0276

- (a) By an order adopted and entered in the minutes of the commissioners court and after notice is published in a newspaper of general circulation in the county, the commissioners court may adopt rules permitting the county to refuse to enter into a contract or other transaction with a person who owes a debt to the county.

- (b) It is not a violation of this subchapter for a county, under rules adopted under Subsection (a), to refuse to award a contract to or enter into a transaction with an apparent low bidder or successful proposer that is indebted to the county.
- (c) In this section, “person” includes an individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, limited liability company, and any other entity that proposes or otherwise seeks to enter into a contract or other transaction with the county requiring approval by the commissioners court.
- (d) In this section, “debt” includes delinquent taxes, fines, fees, and delinquencies arising from written agreements with the county.

H. AFTER HOURS/EMERGENCY PURCHASES

Emergency/after-hours purchases may only be made for an item necessary to preserve or protect the public health or safety of the residents of Jefferson County. The Department Head must submit an ICS 213 RR Resource Request Message Form to the Purchasing Agent noting the following information regarding the purchase.

- State the reason for the emergency purchase by explaining what the emergency is and/or what caused the emergency situation;
- State why the needs were not or could not be anticipated so that items could have been requisitioned

I. INTERLOCAL AGREEMENTS

All Interlocal agreements involving the purchase of goods, repairs, or maintenance agreements must be approved in writing by the Purchasing Agent before being submitted to Commissioners’ Court for approval.

J. BONDING REQUIREMENTS

BID BONDS

Bid Bonds will not be required for contracts that are valued at less than \$100,000. Bid bonds will not be required from any bidder or proponent whose rates are subject to regulation by a state agency. If the Purchasing Agent determines that a bid bond is required for a particular contract, the notice to bidders or request for proposals or offers will state that a bid bond in the amount of 5% of the contract price is required and that it must be executed by a surety company authorized to do business in Texas.

PERFORMANCE BONDS

Performance bonds will not be required for contracts that are valued at more than \$50,000. Performance bonds will not be required from any bidder or proponent whose rates are subject to regulation by a state agency.

If the Purchasing Agent determines that a performance bond is required for a particular contract, the notice to bidders or request for proposals or offers will state that a performance bond in the full amount of the contract price is required. Said performance bond must be executed by a company authorized to do business in Texas before the contractor commences work and within 30 days after the signing of the contract or issuance of a purchase order.

SECTION 14: SPECIFICATIONS

A. DEFINITION

A specification is a concise description of goods or services that an entity seeks to buy, and the requirements the Vendor must meet in order to be considered for the award. A specification may include requirements for testing, inspection, or preparing any goods or services for delivery, or preparing or installing them for use. The specification is the total description of the goods or services to be purchased.

B. PURPOSE

The purpose of any specification is to provide purchasing personnel with clear guides from which to purchase, and to provide Vendors with firm criteria of a minimum standard acceptable for goods or services.

A good specification has four (4) characteristics:

- It establishes the minimum acceptability of the goods or services;
- It promotes competitive bidding;
- It contains provision for reasonable test and inspection for acceptability of the goods or services;
- It provides for an equitable award to the lowest and best bid and/or for the best value to the County from a responsible bidder.

C. PREPARATION

Specifications, which shall be the basis of sealed bids or sealed proposals submitted to the Purchasing Agent, shall be written to allow for competitive bidding. The Purchasing Agent shall not write or accept specifications which by design excludes legitimate competitors. The Purchasing Agent shall not use brand names unless a disclaimer is included opening the specification to competing brands of equal quality.

Specifications may be proposed by the user department, occupant department, or an outside agency. Acceptance of these specifications, other than those for construction projects, will rest with the Purchasing Department for compliance with legal purchasing requirements. The Commissioners' Court is the final authority for approval of specifications. This will ensure proper quality control and avoid the proliferation of conflicting specifications in the different departments of the County. The Auditor's Office will verify for the Purchasing Agent that the goods and services were considered and approved in the budget process. Any purchases that were not approved in the budget process will be submitted to Commissioners' Court before specifications are prepared and advertised.

D. TYPES OF SPECIFICATIONS

There are a number of specification types utilized by the Purchasing Department. These include:

DESIGN SPECIFICATION: A *design specification* is comprised of a detailed description of goods or services, including such things as details of construction or production, dimensions, chemical composition, physical properties, materials, ingredients and all other details needed for the provider to produce goods and services of minimum acceptability. Design specifications are usually required for construction projects, custom produced goods, and for many services.

PERFORMANCE SPECIFICATION: A *performance specification* is one in which the goods or services are described in terms of required performance. They may include such details as required power, strength of material, test methods, and standards of acceptability and recommended practices. This type of specification should be used more often for capital equipment.

BRAND NAME OR EQUAL: A *brand name or equal specification* lists goods or services by brand name, model, and other identifying specifics, except that products equal to the characteristics of the named brand are specified as acceptable. Usually the composition of a brand named good or service is provided through labeling, but broader tolerances and less consistency from item to item may be expected as compared with standard goods. Other manufacturers may provide a nearly identical good under their own name. The burden of proof of equality rests with the Vendor. Final acceptance rests with the Purchasing Department.

INDUSTRY STANDARD: An industry specification is one of the simplest specifications available. All goods made to an industry standard are identical, regardless of manufacturer and will result in acquisition of goods of uniform quality. An example is the UIL standard for electrical products.

SECTION 15: PROCEDURES FOR PURCHASES UNDER \$100,000

- A. **POLICY** : For purchases of goods and services totaling less than \$100,000, the Purchasing Agent is authorized to select the goods or services to meet the requests of departments. The Purchasing Agent is authorized to select the Vendor and to do all actions necessary to conclude a contract for the purchase of the goods and services, including execution of the contract without specific approval of the Commissioners' Court.
- B. **CONSIDERATION** : In selecting the goods or services requested by the departments, the Purchasing Agent may consider the following:
The stated needs of the department and whether the selected goods or services meet those needs;
Available information about sources and prices of the goods and services;
The delivery requirements of the Vendor and the user department; and
Any other information that a reasonable and prudent purchasing professional would consider in all circumstances of the purchase; or
Whenever practical, surplus items from other departments may be transferred to meet departmental needs.
- C. **PROCEDURES** :

INFORMAL QUOTES:

Informal Quotations used only for purchases of items between \$500 and \$4,999. A minimum of 1 quote is required.

1. Informal quotations may be obtained by telephone, or in person or in writing.
2. The Department should encourage competition by contacting as many vendors as possible. Utmost care must be taken, however, to insure that vendors are given exactly the same information and that prices are not disclosed from one vendor to another.
3. For all purchases, the Purchasing Agent or designee shall make the determination of the "most responsive bidder".
4. For the purpose of this section, "most responsive bidder" shall be the Bidder whose proposal is determined to be the most advantageous to the County taking into consideration:
 - a. The price
 - b. The capability, integrity, and reliability of the bidder to assure good faith performance.
 - c. Any evaluation factors supplied by the Requesting Department and Purchasing Department to the Bidder.

FORMAL QUOTES:

Formal Quotation shall be used for purchases of items or services from \$5,000 to \$99,999. Written quotes must be signed on vendor letterhead or otherwise identifiable to be valid. All quotes shall contain the following information:

5. Date
6. Vendor's name
7. Contact person's name
8. Address
9. Telephone number
10. Email address
11. Fax number (if email address not available)
12. Description of product/services offered by vendor
13. Price per item/service. Service quotes must be broken down by labor and material costs.

QUOTE THRESHOLDS:

- Quote thresholds are listed in the table below.

Threshold	Quote Requirement
\$500 - \$4,999	Minimum of 1 informal quote is required.
\$5,000 - \$24,999	Minimum of 2 formal quotes required
\$25,000 - \$100,00	Minimum of 3 formal quotes required.

- The minimum quote thresholds are exempted for:
 - a) The purchase meets the requirements of an emergency purchase as defined in Section 25.
 - b) The purchase meets the requirements of a sole source purchase as defined in Section 25.
 - c) The number of vendors/contractors providing goods or services is limited to less than the minimum requirement.

The Purchasing Agent has the authority to deviate from the policy for purchases under \$100,000 if it is in the best interests of Jefferson County and will facilitate specific County operations.

Note: If cumulative purchases to one Vendor per department are anticipated to reach or exceed \$100,000 in a fiscal year, then formal bidding procedures outlined in Section 7 are required and an annual contract will be established.

SECTION 16: THE REQUISITION PROCESS

A. DEFINITION

A requisition is a formal request for a purchase to be made. It is the first step after the need for goods or services is recognized. The department's purchase requisition authorizes the Purchasing Department to enter into a contract with a Vendor in order to purchase goods or services on the user department's behalf.

B. HTE SYSTEM

Jefferson County requires all departments to submit requisitions, using the automated requisitioning system commonly referred to as the HTE System. Based on established budget line items, purchase requisitions are entered into the HTE System by the user department. Adequate budget funds **must be available** in the departmental line items before the Purchasing Department can proceed with the purchase of requested goods and services.

After the Purchasing Department receives a purchase requisition, it determines the appropriate purchasing procedures based on the cost of the purchase, the goods and services to be purchased, and the existing contracts for goods and services and other relevant factors.

Specific instructions on entering purchase requisitions into the automated HTE system are not covered in this manual. The user department may contact the Purchasing Department for training. For Departments without access to the (HTE) System or for special accounts a manual requisition may be submitted to the Purchasing Department. This form is for internal use only and cannot be used by a department to order materials directly from a Vendor.

When a requisition is sent to Purchasing, please allow adequate time for orders to be processed. Failure to allow ample time for ordering and delivery can cause problems for Vendors, the Purchasing Department, and for the end user.

C. DISCRETIONARY EXEMPTIONS

262.024. DISCRETIONARY EXEMPTIONS. (a) A contract for the purchase of any of the following items is exempt from the requirement established by Section 262.023 if the commissioners court by order grants the exemption:

- (1) an item that must be purchased in a case of public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the county;
- (2) an item necessary to preserve or protect the public health or safety of the residents of the county;
- (3) an item necessary because of unforeseen damage to public property;
- (4) a personal or professional service; (Defined in Texas Government Code 2254.002)
- (5) any individual work performed and paid for by the day, as the work progresses, provided that no individual is compensated under this subsection for more than 20 working days in any three-month-period;

- (6) any land or right-of-way;
- (7) an item that can be obtained from only one source, including;
 - a. items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies;
 - b. films, manuscripts, or books;
 - c. electric power, gas, water, and other utility services; and
 - d. captive replacement parts or components for equipment;
- (8) an item of food;
- (9) personal property sold:
 - a. at an auction by a state licensed auctioneer;
 - b. at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code; or
 - c. by a political subdivision of this state, a state agency of this state, or an entity of the federal government;
- (10) any work performed under a contract for community and economic development made by a county under Section 381.004; or
- (11) Vehicle and equipment repairs.

All emergency exemption orders must be processed through the Purchasing Department. The Purchasing Agent will submit the order and agenda item for Commissioners' Court approval.

D. FIELD PURCHASE ORDERS

Field purchase orders shall be used for the purchase of small sundry items that cost less than \$500.00 (the approved threshold).

Field purchase orders shall be used for a single or aggregate purchase, but only for a single transaction.

Field purchase orders shall not be combined to purchase any item costing more than the approved threshold, and shall not be used in the manner of or in lieu of a blanket purchase order.

Field purchase orders shall be issued and authorized only to designated personnel.

Field purchase orders may be obtained by calling the Purchasing Department between the hours of 8:00 am - 5:00 pm CT, Monday through Friday. Every employee in the Purchasing Department is capable of issuing a field purchase order.

SECTION 17: PURCHASING DOCUMENTS

It is important to have a basic understanding of what is meant by “Purchasing Documents.”

These documents describe the full contractual relationship between a County and a supplier of goods or services.

Purchasing Documents are:

- **Solicitations:** include Invitation for Bid (IFB), Request for Statements of Qualification (RFQ), Request for Quotation, and Request for Proposal (RFP). These documents may result in a Binding Contract.
- **Offers:** include bids, proposals, and quotes made by businesses to supply goods or services.
- **Contracts:** final, signed agreements between the government and the supplier to buy/sell.
- **Amendments/Change Orders:** changes to solicitation documents, offers, and contracts.

Other documents to include in purchase file: Many other documents are created during the process of making a purchase and are kept in the purchase file, but they are not technically “Purchasing Documents.” *These other documents include:* Requests (requisitions) by Departments/Agencies for purchases of items; notes to the file to explain why a particular course of action was chosen; original specifications from the requesting department; final specifications; bidders notified of solicitations; and copies of advertisements.

SECTION 18: SYSTEM FOR AWARD MANAGEMENT (SAM) REQUIREMENT FOR VENDORS

ALL VENDORS in a contract with Jefferson County are **strongly encouraged to register** with The System for Award Management (SAM), with an “active” status, with no exclusions.

Below is an excerpt from SAM.gov:

The **System for Award Management (SAM)** is the Official U.S. Government system that consolidated the capabilities of CCR/FedReg, ORCA, and EPLS.

There is NO fee to register for this site. Entities may register at no cost directly from the SAM website at: <https://www.sam.gov> There is no cost to use SAM.gov.

You can use this site to:

- Register to do business with the U.S. Government
- Update, renew, or check the status of your entity registration
- Search for entity registration and exclusion records
- Search for assistance listings (formerly CFDA.gov), wage determinations (formerly WDOL.gov), contract opportunities (formerly FBO.gov), and contract data reports (formerly part of FPDS.gov).
- View and submit Bio-Preferred and Service Contract Reports
- Access publicly available award data via data extracts and system accounts

What is an entity?

At SAM.gov, we use the term “entity” to refer to prime contractors, organizations or individuals applying for assistance awards, those receiving loans, sole proprietors, corporations, partnerships, and any U.S. federal government agencies desiring to do business with the government. Entity can also refer to a party that has been suspended or debarred, is covered by a prohibition or restriction, or is otherwise excluded from doing business with the government.

What are entity registrations?

You register your entity to do business with the U.S. federal government by completing the entity registration process at SAM.gov. Active registration in SAM.gov provides your entity the ability to apply for federal grants or loans or bid on government contracts.

What are exclusions?

An exclusion identifies a party excluded from receiving federal contracts, certain subcontracts, and certain types of federal financial and non-financial assistance and benefits. If your entity or any of its principals are subject to an active exclusion, it means your entity is currently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any federal agency. Awarding officials check SAM.gov to see if an exclusion exists for your entity. Always contact the issuing agency if you have questions about an exclusion record. *-End of Excerpt-*

DOCUMENTATION OF SYSTEM FOR AWARD MANAGEMENT REGISTRATION:

GRANT-FUNDED PURCHASES:

For grant-funded purchases, Purchasing Staff will visit SAM.gov to search for the vendor utilizing the “Entity Search” option. Results of the search shall be printed and included with both the Purchasing (pink) and Auditing (yellow) copies of the purchase order.

ADDITION OF DATE AND INITIALS: Purchasing Staff shall notate the date and initial the right-hand corner of the SAM Search documentation prior to including with purchase documentation.

RFP/RFQ/IFB PURCHASES:

For RFP/RFQ/IFB purchases, Purchasing Staff shall **strictly enforce** a Proof of System for Award Management (SAM) Registration Requirement for the following types of purchases: Purchases made in accordance with a Request for Proposal (RFP), Request for Statements of Qualification (RFQ), Request for Quotes, Request for Offers, and Invitation for Bids (IFBs).

Per specifications requirements: Respondents to Request for Proposal (RFP), Request for Statements of Qualification (RFQ), Request for Quotes, Request for Offers, and Invitation for Bids (IFBs) are required to provide proof of SAM Registration (printout from the SAM website). This registration should reflect that the vendor is active and free of any exclusions.

Although respondents are required (per specifications) to include proof of SAM registration within their response to an RFP/RFQ/IFB, this status will need to be **confirmed** by the Purchasing Department prior to award and/or execution of agreement or contract.

Within a *reasonable* amount of time prior to award and/or execution of agreement or contract, Purchasing Staff facilitating the project will visit the SAM website to obtain Proof of SAM registration. The vendor’s registration should be active and free of any exclusions.

PROOF OF SAM DOCUMENTATION SHOULD BE INCLUDED WITH:

- Purchase Order (pink file copy, yellow copy for Auditing to scan)
- Project File
- P: drive project file

IFB/RFQ/RFP RESPONDENTS WITH INACTIVE STATUS OR NO SAM REGISTRATION:

In instances where a vendor has either an “Inactive” SAM Registration or is not currently registered with the System for Award Management, the Purchasing Department may *initially* accept proof (printout from the SAM website) that the vendor has begun the registration process in order for the IFB/RFQ/RFP submission to be considered as “responsive” to the specifications for the project.

However, the SAM Registration must be completed (showing “active” status, with no exclusions) prior to the award and/or execution of an agreement or contract for the project.

SECTION 19: TEXAS ETHICS COMMISSION: FORM 1295 (CERTIFICATE OF INTERESTED PARTIES)

In 2015, the Texas Legislature adopted [House Bill 1295](#), which added [section 2252.908 of the Government Code](#).

The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency.

What contracts apply to Form 1295?

The law applies only to a contract between a governmental entity or state agency and a business entity at the time it is voted on by the governing body or at the time it binds the governmental entity or state agency, or whichever is earlier, including an amended, extended, or renewed contract, of a governmental entity or state agency that either:

1. **requires an action or vote by the governing body of the entity or agency before the contract may be signed; or**
2. has a value of at least \$1 million, or
3. is for services that would require a person to register as a lobbyist under Chapter 305 of the government Code.

Gov't Code § 2252.908; 1 T.A.C. §§ 46.1(b), 46.3(a). The disclosure requirement applies to a contract entered into on or after January 1, 2016.

A contract does not require an action or vote by the governing body of a governmental entity or state agency if:

1. the governing body has legal authority to delegate to its staff the authority to execute the contract;
2. the governing body has delegated to its staff the authority to execute the contract; and
3. the governing body does not participate in the selection of the business entity with which the contract is entered into. 1 T.A.C. § 46.1(c).

What is an Interested Party?

It is important to note that there are **very few instances** that a business will not have any interested parties.

An Interested Party is: a person who has a **controlling interest** in a business entity with whom a governmental entity or state agency contracts; or an **intermediary**.

Controlling Interest: An interested party has a controlling interest in the business entity if the interested party meets one or more of the following conditions:

- has an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent;
- is a member of the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than 10 members; or
- serves as an officer of a business entity that has four or fewer officers, or serves as one of the four officers most highly compensated by a business entity that has more than four officers. Subsection (c)

of this section does not apply to an officer of a publicly held business entity or its wholly owned subsidiaries.

Intermediary Interest: An interested party has an intermediary interest in a contract if the person actively participates in facilitating a contract or negotiating the terms of a contract with a governmental entity or state agency, including a broker, intermediary, advisor, attorney, or representative of or agent for the business entity who meets all of the following conditions:

- receives compensation from the business entity for the person's participation;
- communicates directly with the governmental entity or state agency on behalf of the business entity regarding the contract; and
- is not an employee of the business entity or of an entity with a controlling interest in the business entity.

FORM 1295 FILING PROCESS:

Starting on January 1, 2016, the commission made available on its website a new filing application that must be used to file Form 1295. A business entity must use the application to enter the required information on Form 1295 and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. An authorized agent of the business entity must sign the printed copy of the form. The completed Form 1295 with the certification of filing must be filed with the governmental body or state agency with which the business entity is entering into the contract.

The governmental entity (*Purchasing Department*) or state agency must notify the commission, using the commission's filing application of the receipt of the filed Form 1295 with the certification of filing *not later than the 30th day* after the date the contract binds all parties to the contract.

It is recommended that Purchasing Staff obtain a completed Form 1295: *Prior to the Commissioners' Court Award or Authorization of Execution of an Agreement/Contract; or Issuance of a Purchase Order.*

The TEC Form 1295 Filing Application can be found at:

<https://www.ethics.state.tx.us/TECCertInt/pages/login/certLogin.jsf>

This process is known as acknowledging the certificate. The commission will post the acknowledged Form 1295 to its website within seven business days after receiving notice from the governmental entity or state agency. The posted acknowledged form does not contain the declaration of signature information provided by the business.

A certificate will stay in the pending state until it is acknowledged by the governmental agency. Only acknowledged certificates are posted to the commission's website.

NOTE: SAMPLE FORM PROVIDED ON NEXT PAGE.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

****YOUR FIRM NAME HERE****

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

****JEFFERSON COUNTY, TEXAS***

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

****BID/CONTRACT/PO NUMBER GOES HERE****

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary
NAME OF PERSON/PERSONS THAT OWN BUSINESS GOES HERE - MUST LIST ANY PERSON THAT DOES NOT WORK FOR THE COMPANY LISTED IN #1 THAT WILL PROFIT FROM THE BID/CONTRACT/PO			

5 Check only if there is NO Interested Party.

☐

****ONLY CHECK IF NO CONTROLLING OR INTERMEDIARY PARTY****

6 UNSWORN DECLARATION Vendor are to complete #6 - Unsworn Declaration

My name is _____, and my date of birth is _____.

My address _____
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)

ADD ADDITIONAL PAGES AS NECESSARY

SECTION 20: MANDATED CONTRACT PROVISIONS FOR GRANT-FUNDED PROJECTS

A Contract for purchases, services, construction, repairs, or other approved projects (procured through an Invitation for Bid (IFB), Request for Proposal (RFP), Request for Qualifications (RFQ) or any other legal procurement process per the Texas Local Government Code); **that is funded in whole or part, by Federal Assistance in the form of grant, sub-grant, loan or reimbursement either directly to the County as a recipient or to the County as a sub-recipient of funding provided by the Federal Government to the State of Texas or to the another pass-through agency – shall be in accordance to the current version of Mandated Contract Provisions of 2 Code of Federal Regulations Section 200-318-327 at time of procurement, as applicable.**

These provisions shall be included in all IFB/RFP/RFQ specifications for which federal funds may be utilized for purchases, services, construction, repairs, or other approved projects; or should there be a possibility of utilizing federal funds for the purpose of restoring these purchase(s) made as a result of the IFB/RFP/RFQ; should improvements or disaster recovery-related restorations and/or replacements be necessary.

ADDITIONAL MANDATED CONTRACT PROVISIONS: As included in SECTION 22 (FEMA provisions) and SECTION 23 (FAA provisions) of this manual shall be included in IFB/RFP/RFQ specifications, if applicable.

This includes but is not limited the following Grantors/Grants: Federal Emergency Management Agency (FEMA), Federal Aviation Administration (FAA), Texas General Land Office (GLO), National Fish and Wildlife Foundation (NFWF), Texas Parks and Wildlife Department (TPWD), Community Development Block Grant (CDBG), and Coronavirus Air, Relief, and Improvement Grant (AIP), and Coronavirus Aid, Relief, and Economic Security Act (CARES).

While this manual incorporates some precise language from 2 CFR Section 200.318-327, it is only intended to be a summarized version for use by Jefferson County staff in the procurement process.

SECTION 21: STATE PURCHASING PROGRAMS

OVERVIEW AND STATUTORY AUTHORITY

There are five types of purchasing programs that allow local governments to purchase Goods and services using contracts previously competed by the State of Texas or other governmental entities. The Texas Comptroller of Public Accounts Procurement and Support Services (TPASS) manages two of them.

A. STATE CONTRACT PURCHASES

The state has entered into contracts for numerous Goods and services after using Competitive Purchasing Procedures. TPASS manages this program for the state. Texas Local Government Code sections 271.081 through 271.083

B. TEXAS MULTIPLE AWARD SCHEDULES (TXMAS)

The County may purchase goods and services from a schedule of multiple award contracts developed by TPASS. The schedule is adapted from General Services Administration (GSA) Federal Supply Service contracts. Texas Government Code section 2155.502

C. THE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR)

Manages the other three programs and allows local governments to purchase computer technology through DIR from its contracted vendors. The County may purchase computer-related equipment and services through DIR and from its contracted vendors.

DBITS: The County may purchase deliverable based IT services through DIR vendors.

IT Staffing Services: The County may purchase IT Staffing Services contracts provide for temporary IT staffing augmentation services on a time (hourly) basis through DIR from its IT Staffing Services contracts. Texas Government Code Interlocal Cooperation Act, Chapter 791.

OFFICIAL REPRESENTATIVE

The Purchasing Agent acts for Jefferson County in all matters related to purchase of goods and services from a vendor under any contract based on a state purchasing program. Jefferson County is liable for making payments directly to these vendors.

STATE CONTRACT PURCHASES

The County participates in the purchasing program of TPASS for local governments. The County may purchase Goods and services from Vendors on the same terms and conditions that the state obtained through its Competitive Purchasing Procedures. The Purchasing Agent either submits Purchase Orders to TPASS under a contract or electronically sends Purchase Orders directly to selected vendors and reports to TPASS on actual purchases in compliance with its regulations. The Purchasing Agent monitors vendor compliance with all the conditions of delivery and quality of the purchased Goods and services. The Purchasing Agent signs and delivers all necessary documents for all purchases for the County under this program.

TEXAS MULTIPLE AWARD SCHEDULES (TXMAS)

The County participates in the purchasing program of TPASS using TXMAS contracts developed from contracts that have been competitively awarded by the federal government or any other governmental entity of any state. TXMAS contracts include the most favored customer (MFC) pricing and allow the County to negotiate lower prices than offered on the scheduled contract under certain circumstances. The Purchasing Agent monitors vendor compliance with all the conditions of delivery and quality of the purchased Goods and services.

JEFFERSON COUNTY PURCHASING PROCEDURES GUIDE

The Purchasing Agent signs and delivers all necessary documents for purchases for the County under this program.

DIR PURCHASES GoDIREct: The Purchasing Agent either submits Purchase Orders to DIR under its contract or electronically sends Purchase Orders directly to GoDIREct vendors to purchase computer-related equipment and services. The Purchasing Agent monitors vendor compliance with all the conditions of delivery and quality of the purchased Goods and services. The Purchasing Agent signs and delivers all necessary documents for purchases under this program.

DELIVERABLES BASED IT SERVICES (DBITS) are available through DIR vendors for the following services:

- (a) Application development
- (b) Application maintenance and support
- (c) Business intelligence (BI) and data warehouse
- (d) Enterprise resource planning (ERP)
- (e) Independent verification and validation (IV&V)
- (f) Information technology assessments and planning
- (g) Project management
- (h) Service oriented architecture (SOA)
- (i) Technology upgrade, migration and transformation

The Purchasing staff submit a statement of work to vendors offering the technology category requested, and negotiate pricing of deliverables and terms and conditions directly with a vendor. The vendor may begin work only after receiving a statement of work signed by both the County and the vendor, and a Purchase Order issued by the Purchasing Office. The Purchasing Agent monitors vendor compliance with all the conditions of delivery and quality of the purchased Goods and services. The Purchasing Agent signs and delivers all necessary documents for purchases under this program.

IT STAFFING SERVICES: Contract staff render services and are paid on an hourly basis. IT Staffing Service contracts do not provide for deliverables-based outsourced systems integration or application development projects. The Purchasing Agent monitors vendor compliance with all the conditions of delivery and quality of the purchased Goods and services.

The Purchasing Agent signs and delivers all necessary documents for purchases under this program.

Satisfaction of State Laws Requiring Competitive Bids:

Purchases made through the programs described in this section satisfy any state law requiring the County to seek competitive bids for the purchase.

SECTION 22: COOPERATIVE CONTRACT AND JOB ORDER CONTRACT PURCHASES

A. COOPERATIVE PURCHASING: Cooperative purchasing program participation is authorized by Texas Local Government Code §271.102. Purchases through Cooperative Purchasing Programs require a quote from the vendor referencing the cooperative contract utilized.

B. JOB ORDER CONTRACT PURCHASING: Job Order Contracts are issued based on Cooperative Purchasing Program participation. Job Order Contracts can be utilized for the maintenance, repair, alteration, renovation, remediation, or minor construction of a facility. The Purchasing Agent shall submit all Job Order Contracts to Commissioners' Court for approval.

SECTION 23: PURCHASING OF PROFESSIONAL SERVICES

A. INTRODUCTION

The two principal laws with which the Purchasing Department must comply are the **Professional Services Purchasing Act** and the **Purchasing Act**.

There are two kinds of professional services:

- (1) Those professional services specifically defined under the Professional Services Purchasing Act; and
- (2) Those “other” professional services that are not specifically defined under either the Professional Services Purchasing Act or the County Purchasing Act and which must be obtained in compliance with the County Purchasing Act. The Purchasing Agent must rely on court cases and Attorney General opinions to determine what services are included in these “other” professional services.

B. PURPOSE

The Purchasing Department may contract for professional services only if funds are budgeted for that purpose as confirmed by Auditing or the solicitation is approved by the Commissioners’ Court.

C. PROFESSIONAL SERVICES PURCHASING ACT

Definition

Professional services are defined in the Professional Services Purchasing Act as:

1. Those within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, professional nursing, or forensic science as defined by the laws of the State of Texas; and/or
2. Those performed by any licensed or registered certified public accountant, architect, landscape architect, a land surveyor, a physician including a surgeon, an optometrist, a professional engineer, a state certified or state licensed real estate appraiser, a registered nurse or a forensic analyst or forensic science expert; or
3. Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer.

The Act states that contracts for the Purchasing of these professional services **may not** be awarded on the basis of bids. Instead, services must be awarded on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price.

Procedures

Departments shall forward a requisition or a memo to the Purchasing Department when professional services are required.

The requisition or memo will identify the following:

1. Scope of work
2. Qualifications/experience requirements
3. Project description
4. Time frames
5. Budgeted amount and budget line items
6. Suggested professionals

Based on the information provided in the requisition or memo, applicable state laws and all relevant facts, the Purchasing Agent will decide as to whether a formal RFQ or an informal Purchasing process will be implemented.

Unless specifically exempted by the Commissioners' Court, all professional services anticipated to cost over \$100,000 will be procured using the formal RFQ process. The Purchasing Agent will submit all exemption orders to the Commissioners' Court. Unless there is an urgent need for the services, the exemption order will be submitted to the Commissioners' Court for approval before selecting and negotiating with any Vendors.

D. Purchasing Act

"Other" Services Defined

As defined in this manual, "other" personal or professional services are those services usually referred to as a professional service, but not specifically defined or covered in the Professional Services Purchasing Act. Examples include computer programmers, lawyers, facilitators, etc. Various court opinions have defined these "other" professional services as services requiring technical skill and expertise; labor and skill which are predominantly mental or intellectual, rather than physical or manual; or, a special skill and experience. "Other" personal services have been defined as services that must be performed by a particular person and, by the terms of the contract, no substitutions are allowed.

SECTION 24: CONSTRUCTION PURCHASING

A. PURCHASING STATUTES

Texas Local Government Code §262.011 states, “The County Purchasing Agent shall supervise all purchases made on competitive bid...” Texas Local Government Code §271.024 states “...to award a contract for the construction, repair, or renovation of a structure, road, highway, or other improvement or addition to real property on the basis of competitive bids, and if the contract requires the expenditure of more than \$100,000...bidding on the contract must be accomplished in the manner provided by this subchapter.”

B. SUPERVISION

Construction Purchasing will be consistent with other Purchasing procedures as defined in this manual and in accordance with pertinent statutes. The Purchasing Agent will supervise all construction purchasing in conjunction with the Engineering Department.

C. CONSTRUCTION REQUEST MEMO

A memorandum submitted to the Purchasing Agent, signed by the elected Official or Department Head, will serve as the initial notification that a competitive bid is needed. A draft copy of the plans and specifications should be submitted with the memorandum. The specifications will be reviewed and approved by the Purchasing Agent for compliance with the Purchasing Act prior to submittal to Commissioners’ Court for approval.

D. ADVERTISEMENT FOR BID

The Purchasing Department will publish the advertisement for bid, which shall include:

1. Brief Description of services or goods
2. Location at which the bidding documents, plans, specifications, or other data may be obtained
3. Bid Bond requirements (if applicable)
4. Bid Due Date & Time
5. Location for Bid Submission
6. Location for Bid Opening

If the contract is to be set on a unit price basis, the notice must also include the approximate quantities of the goods and services needed that are to be bid on and the quantities must be based on the best available information.

As outlined in the Texas Local Government Code §262.025, “A notice of a proposed purchase must be published at least once a week for two consecutive weeks in a newspaper of general circulation in the County, with the first day of publication occurring at least 14 days before the date of the bid opening.”

E. BIDDERS NOTIFICATION

The Bidders Notification MUST be distributed and documented via the following methods:

Distribute to a minimum of five (5) potential bidders via Certified Mail for grant-funded projects.

Documentation to be included in Bid File: Copy of Return Receipt (Green Card) for Certified Mail.

Post on the Texas Comptroller's Electronic State Business Daily (ESBD)/TX SmartBuy website

Documentation for Bid File: Copy of Posting Confirmation Email from ESBD/TX SmartBuy.

Post on Jefferson County Purchasing Department Webpage

In addition to the required notification methods, the Bidders Notification may be distributed and documented via the following methods:

Distribute via Non-Certified Mail

Documentation for Bid File: Either make a notation on Bidders' List in bid file or copy envelopes prior to being mailed out (making sure that Bidders' mailing address visible).

Email

Documentation for Bid File: Copy of Email and Sent Receipt and/or Read Receipt if available in bid file.

Fax

Documentation for Bid File: Copy of Fax Confirmation.

F. BONDING REQUIREMENTS

No bonds will be required for construction contracts that are *less than* \$50,000.

Bid Bonds

Bid bonds will not be required for construction contracts that are less than \$100,000. Bid bonds will not be required from any bidder whose rates are subject to regulation by a state agency.

If the Purchasing Agent decides that a bid bond is required for a particular contract, the notice to bidders or request for proposals will state that a bid bond in the amount of 5% of the contract price is required. A surety company authorized to do business in Texas must execute the bid bond.

Performance Bonds

For all contracts in excess of \$50,000 for the construction, repair, or alteration of a public work, or the prosecution or completion of any public work, the contractor, before commencing work, must execute a performance bond that is:

1. Payable to Jefferson County;
2. In the full amount of the contract;
3. Conditioned on faithful performance of the work in accordance with the plans, specifications, and contract documents;
4. Solely for the protection of the County;
5. Executed by a corporate surety or sureties in accordance with the Insurance Code; and
6. In a form approved by Commissioners' Court.

Payment Bonds

For contracts in excess of \$25,000 for the construction, repair, or alteration of a public work or the prosecution of completion of any public work, the contractor, before commencing work, must execute a payment bond that is:

1. Solely for the protection of all claimants supplying labor and material in the performance of work provided in the contract;
2. Payable to Jefferson County, Texas for the use of these claimants;
3. In the full amount of the contract;
4. Executed by a corporate surety or sureties in accordance with the Insurance Code; and
5. In a form approved by the Commissioners' Court.

G. RECEIPT OF COMPETITIVE BIDS

The following procedures will be adhered to when receiving bids:

1. The County Purchasing Department will receive all bids.
2. All bids will be stamped/marked with the time and date received. The date stamp/mark in the Purchasing Department will serve as the official time clock for the purpose of identifying the date and time bids were received in the Purchasing Department.
3. No bids will be received after the opening time on the day of the bid opening. All bids received after the opening time on the day of the bid opening will be returned unopened to the bidder along with notification that the bid was received after the bid due date and time.
Exceptions: Any exceptions to the above procedure will be solely the decision of the Purchasing Agent.
4. After bids are received, a secure place will be provided by the Purchasing Department for the holding of the bids until the bid opening date. The bids are to be received sealed and shall remain sealed until opened on the advertised date and time by the Purchasing Department in a public forum.
5. The above process shall be undertaken in a manner that will preclude any notion of favoritism, revealing bid prices, or any information. Having sealed bids publicly read should inhibit the perception that the Purchasing Department is manipulating the receiving of bids.

H. PUBLIC OPENING OF BIDS

Sealed bids will be opened publicly by the Purchasing Department and will be documented. Preliminary bid tabulations will be provided to the public upon request.

The Purchasing Agent will open the bids on the date, time and place specified in the notice and provide a copy to the Commissioners' Court. The date specified in the notice may be extended by the Purchasing Agent if an error is discovered in the original specifications. A bid that has been opened may not be changed for the purpose of correcting an error in the bid price.

I. EVALUATION OF BIDS

The Purchasing Department will evaluate all bids, with assistance from the user department, and a joint recommendation will be made to Commissioners' Court. Purchasing will be responsible for placing the item on the Agenda of the Commissioners' Court.

Evaluation of bids will be based on the following factors:

1. The relative prices of the bids, including the cost of repair and maintenance of heavy equipment if that is the subject of the bid, and the cost of delivery and hauling if road construction equipment;
2. Compliance of goods and services offered with specifications;
3. The responsibility of the Vendor, including the Vendor's safety record if the Commissioners' Court has adopted a definition of safety that is included in the bid;
4. The past performance of the vendor.

When the lowest priced bid is not the best bid, clear justification for not selecting the lowest bidder must be documented to the Commissioners' Court. This recommendation will be supported by clear and concise documentation from the user department that defines the rationale for awarding to other than the lowest bidder. A joint review of the bid by the Engineering Department and the Purchasing Department is required.

J. CONTRACT AWARD

The Purchasing Agent and the Engineering Department--if applicable to the project, will recommend contract award to Commissioners' Court in session. The Court shall:

1. Award the contract to the responsive and responsible bidder who submits the lowest and best bid; or
2. Reject all bids and publish a new notice.

If two or more responsive and responsible bidders submit the lowest and best bid, the Commissioners' Court shall decide between them by drawing lots in a manner prescribed by the County Judge.

A contract may not be awarded to a bidder who is not the lowest dollar bidder meeting specifications unless, before the award, each lower bidder is given notice of the proposed award and is given an opportunity to appear before the Commissioners' Court and present evidence concerning the lower bidder's responsibility. After award, the Purchasing Agent will return the bid bonds of any contractor that was not awarded a contract.

After an award is made, a contract will be processed, and copies of the contract will be sent to the contractor, the user department(s), the County Auditor, the County Clerk, and the Purchasing Department.

K. CONTRACT ADMINISTRATION

The user department will be responsible for monitoring and documenting contractor performance/compliance and provide Purchasing with copies of this documentation, thereby keeping Purchasing apprised of all performance and compliance issues. Discussions that merely explain the interpretation of the specifications may be dealt with orally by the user department. If poor performance or non-compliance with the contract is evidenced, the user department will be responsible to initiate written corrective action with the contractor. Purchasing will be provided an advance copy of any written correspondence directing correction of a discrepancy. The user department will solicit Purchasing to initiate corrective action when the user department cannot resolve any conflict through correspondence in consultation with user department.

The occupant department must not provide any instruction or requests for changes directly to the contractor. Only the Purchasing Agent has the authority to give any directions directly to the contractor and submit change orders to Commissioners' Court for approval.

The Purchasing Agent will take all steps related to correcting non-compliance with the contract but must consult with the County Attorney before taking any steps toward suspension or termination of the contract unless emergency, life safety or property damages issues require immediate temporary work stoppage. Before any letters, notices or other communication related to termination or suspension are delivered, the contents of these must be reviewed by the County Attorney as the initial steps toward potential litigation.

SECTION 25: EXEMPTIONS TO THE COMPETITIVE PURCHASING PROCESS

A. PURCHASING ACT

Many goods and services can be exempted from the competitive Purchasing process if the Commissioners' Court orders the purchase exempt. Texas Local Government Code §262.024 lists all the circumstances when exemptions are allowable for purchases made out of current funds, bond funds, or through time warrants. The following is a list of these circumstances:

1. An item that must be purchased in a case of public calamity, if it is necessary to make the purchase promptly to relieve the necessity of the citizens, or to preserve the property of the County;
2. An item necessary to preserve or protect the public health and safety of the residents of the County;
3. An item necessary because of unforeseen damage to public property;
4. A personal or professional service;
5. Any individual work performed and paid for by the day, as the work progresses, provided that no individual is compensated under this subsection for more than 20 working days in any three-month period;
6. Any land or right-of-way;
7. An item that can only be obtained from one source, including
 - A. Items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies;
 - B. Films, manuscripts, or books;
 - C. Electric power, gas, water, and other utility services; and
 - D. Captive replacement parts or components for equipment.
8. An item of food;
9. Personal property sold
 - A. at auction by a state licensed auctioneer,
 - B. at a going-out-of-business-sale held in compliance with Subchapter F, Chapter 17, Business and Commerce Code or
 - C. by a political subdivision of this state, state agency of this state, or any entity of the federal government;
10. Any work performed under a contract for community and economic development made by a County under §381.004; or
11. Vehicle and equipment repairs.
12. The renewal or extension of a lease or of an equipment maintenance agreement is exempt from the requirement established by Section 262.023 if the Commissioner's Court by order grants the exemption and if:
 - A. The lease or agreement has gone through the competitive bidding procedure within the preceding year;
 - B. The renewal or extension does not exceed one year, and
 - C. The renewal or extension is the first renewal or extension of the lease or agreement.

A. PUBLIC PROPERTY FINANCE ACT

Texas Local Government Code §271.056 lists all the circumstances when exemptions are available for purchases made out of certificate of obligation funds

B. POLICY

Exemption orders must be processed through the Purchasing Department. In all cases except the acquisitions of interests in land for County roads, bridges, and parks, and all fee simple purchases of real property, the Purchasing Agent will request the exemption order from Commissioners' Court.

C. EMERGENCY

"Emergency" means circumstances in which an immediate response is required to provide for the safety of persons or property.

D. SOLE SOURCE GOODS AND SERVICES

Sole source goods and services require a statement from the Purchasing Agent as to the existence of only one source, and specifically noting which type of listed sole source good or service is being purchased. The statement will be submitted for acceptance by Commissioners' Court and must be entered in the minutes of the meeting of Commissioners' Court.

SECTION 26: RENEWAL OF EQUIPMENT LEASES AND MAINTENANCE CONTRACTS

The renewal or extension of a lease or of an equipment maintenance contract can be exempt from formal competitive bidding, if the Commissioners' Court, by order, grants the exemption, **and if:**

1. The lease or contract has gone through formal competitive bidding within the preceding year;
2. The renewal or extension does not exceed one year; and
3. The renewal or extension is the first renewal or extension of the lease or contract.

SECTION 27: RECEIPT OF GOODS

A. POLICY

Departments must notify the Purchasing Department if goods are not received by the due date or if damaged freight is delivered.

B. VERIFICATION OF ORDERS

Department employees receiving shipments should pay particular attention to the delivery ticket, and how it matches the County's purchase order. The person receiving goods must verify that all goods were shipped as stated on the delivery ticket, and sign on all of the appropriate receiving documentation.

C. DAMAGED FREIGHT

When a shipment arrives, the user department must inspect the condition of all cartons. If freight is undamaged, the department receiving shipment should sign the freight bill.

If freight is visibly damaged, receiving department must instruct the deliverer to note the damage on the freight bill and sign it.

If there is concealed damage, save the shipping cartons and notify Purchasing of the damages.

Damaged freight must be reported to the freight line within 15 days after delivery. After 15 days, the freight line is no longer liable for the damages. All packing materials and boxes should be kept in the event of damaged freight shipments.

D. VENDOR PERFORMANCE

Departments must notify the Purchasing Department of poor vendor performance to ensure all goods and services are received in accordance with the terms of the procurement and reduce the risk in the contract award process. Department Heads shall notify the Purchasing Agent in writing of any vendor performance issues their department has encountered including delivery time, quality of goods, poor construction and performance of services procured.

SECTION 28: ASSET INVENTORY INSTRUCTIONS

A. ALL DEPARTMENTS

Each Department Head or Elected Official has the primary responsibility for ensuring protective custody, and accounting for, all County fixed assets assigned to their department.

Note:

This responsibility includes examining the ***Asset Register by Department***, which is distributed annually by the Purchasing Department. This report is generated from fixed asset records stored in the County's HTE Fixed Asset System. All reports must be signed by the Department Inventory Coordinator and returned to the Purchasing Department by the date indicated on the cover letter. Any discrepancies should be noted directly on the report. Any appropriate documentation substantiating the discrepancies should be subsequently submitted to the Purchasing Department in care of the Purchasing Agent for reconciliation of fixed asset records via direct update to the FA module.

In general, though it is the responsibility of each County Department to account on an annual basis for all assigned County fixed assets, the Purchasing Agent may spot check or conduct a full inventory of any County Department, and recommend changes.

B. DEFINITIONS

FIXED ASSET – is tangible property (something you can touch or see) and computer software expected to be useful to the County for more than one year and has a cost of at least \$5,000.00. Examples of fixed assets include machinery, automotive vehicles, furniture, buildings, and improvement to buildings. Normal maintenance and repair is not a fixed asset. However, if the maintenance or repair is substantial and it drastically extends the life of the asset, it should be capitalized (recognized as a fixed asset).

SALVAGE PROPERTY – is defined as property that, because of use, time, or accident, is so worn, damaged, or consumed that it has no value for the purpose for which it was originally intended, but does otherwise have value.

SURPLUS PROPERTY – is property, other than salvage, not currently useful, but considered to have future usefulness, either as originally intended or otherwise.

C. ANNUAL INVENTORY

Annually, an inventory of all County property is made prior to July 1st in order to comply with State Law. The purpose of the inventory of assets in Jefferson County is to verify the accuracy of our asset records. This verification includes checking the accuracy of information on the current asset listing and reporting assets which may not be included on the list or which should be deleted. In order to accomplish this purpose, please follow the steps listed below:

1. Conduct the inventory one room at a time in your office area, making certain that all assets in the room are included on the computer printout or listed on the separate "Assets Not Listed on Printout" sheet. Place a check mark (✓) to the right of the asset number for each asset listed as you locate it. Please watch for small items that could be stored inside a desk, cabinet, or closet.

2. For each asset, check the accuracy of all information on the printout, including asset number, description, location and serial number. In most instances, you will not be able to verify the acquisition date and cost.
 - a. Corrections to the information on the printout should be made in red ink.
 - b. Watch carefully for recently acquired assets and the ones that they replaced to be sure that the correct asset is listed.
3. If assets that were previously submitted for an auction remain on your printout, please mark those items as "Auction."
4. If the location is not indicated on your printout or is different from the location shown, please make the correction.
5. Indicate whether the asset is currently **used** in your office. This information should be shown on all assets.
6. Please indicate the condition of the asset, using the following symbols:

G	Good	F	Fair
B	Bad	X	Broken
7. After all assets currently on hand have been marked on the inventory list, please review those that are not checked off on the printout. Indicate the disposition of each missing asset.
8. After you have completed the inventory, please sign and date the Asset form, which verifies that you have completed the inventory according to instructions.
9. Return one marked copy of the inventory printout, verification form, and Assets Not Listed on Printout form to the Purchasing Department as soon as you have completed the inventory. All forms should be returned within 7 – 10 working days.
10. Keep a copy of all material submitted to the Purchasing Department. A process of retagging all assets will take place during the summer. Your copy of the materials will be a good reference if questions come up at that time.

The Purchasing Department appreciates the assistance of each department in maintaining its inventory. With your help, we should be able to greatly improve the information in the asset files. Future inventories should be much easier with this updated information and the tags that will be placed on items.

SECTION 29: CLOSING

The Purchasing Agent has issued this Policy and Procedure Manual as a guideline for all County Department and County Employees to follow for all procurement procedures. The Purchasing Department works with all County Employees to ensure these policies and procedures are followed under the guidance of the Purchasing Agent's oversight and the approval of Jefferson County Commissioners' Court.