GILA COUNTY, ARIZONA

BOARD OF SUPERVISORS POLICY

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I. Purpose:

To ensure contracting for Gila County is done in a consistent and uniform manner to maximize the taxpayers' investment in Gila County government. This policy covers all departments and elected offices of Gila County and all contractual agreements made on behalf of Gila County, including those made by bid awards, those authorized by a resolution of the Board of Supervisors, Arizona Revised Statutes, federal regulations, or any other authority or prior written agreement.

II. Policy:

Overview

The responsibility for processing and finalizing a contract lies with the Procurement Group. After that, the responsibility for monitoring, administering and evaluating the direct performance of services rendered, pursuant to any contract, remains with the department and elected offices engaging or acquiring the service or commodity.

Centralized Contracts Administration

The Procurement Group consists of employees within Gila County that research and request bid proposals and maintain vendor relationships to facilitate the preparation of all contractual agreements on behalf of Gila County. The Procurement Group works with and supports all departments and elected offices within Gila County and reports directly to the Finance Director. The Procurement Group is the point through which all contracts will be processed to assure proper administrative review prior to being submitted to the Finance Director, County Attorney's Office, County Manager or Board of Supervisors for approval. The Procurement Group will maintain a central file for all County contracts under an indexing system that will provide positive identification of all documents and facilitate document retrieval.

Contract Development

1. Whenever possible, all non federal and state contracts will be initiated and developed by Gila County.
2. All contract documents will be reviewed, modified, executed and administered in accordance with Procurement Group procedures.

3. All contracts for general and professional services, intergovernmental agreements, and memorandums of understandings, will be approved as to form by the County Attorney before being submitted to the contractor for review and signature, prior to approval by the County Manager or the Board of Supervisors except as set forth below.

    A. Notwithstanding the above requirements, contracts for general and professional services that utilize a form of contract authorized by the County Attorney and valued at less than $25,000 need not be subsequently approved as to form by the County Attorney. Solicitations that will result in contracts with a value over $25,000 shall be approved as to form by the County Attorney regardless of whether the County Attorney has approved the form of the contract.

Contract Term

Contracts for materials and services shall have a specific term (date of commencement and expiration date). Contracts that do not exceed one year may be approved by the County Manager. Contracts with terms that exceed 12 months in duration must be approved by the Board of Supervisors and should not obligate Gila County for more than 4 years. Contracts with annual renewals are acceptable as long as the Board of Supervisors has the option not to renew if so desired.

Contract Scope

Each proposed contract shall have a specific scope of work that identifies the exact service or items to be provided. It shall be the responsibility of the department or elected office engaging or acquiring the service or commodity to assure the contractor's strict compliance with ALL terms and scope of the contract.

Monetary Commitments

The financial terms of all contracts should have a fixed / predetermined value or not to exceed amount. Contracts with variable financial terms such as hourly rates or reimbursable expenses shall have a specific contractual ceiling amount or a not to exceed value.

Contract Approval

1. General Contracts (Rentals, Leases, Service or Maintenance)

All contracts and amendments, regardless of value shall be approved by the appropriate authority in Gila County prior to authorization to proceed. Contracts valued at $50,000 or less per year may be approved by the County Manager or designee. Any contract exceeding $50,000 must be presented to the Board of Supervisors for review and approval. The County Manager may execute an amendment, to any contract initially approved by the Board as long as the amendment does not alter the scope of the contract or the monetary commitment of the original Board award.

2. Grant Contracts (including original applications)

Grant contracts, due to various complexities and time requirements, often necessitate immediate approval in order to take advantage of available funds. Based upon the requirements/restrictions imposed by the grantor it is not always possible to follow approval policy. As such, grant contracts may be expedited by requesting that, with the approval of the Finance Director and County Manager, the Chair of the Board of Supervisors may execute the contract to be subsequently ratified by the Board, regardless of value. Grant applications submitted and approved by the County Manager which automatically become contracts must be submitted to the Board of Supervisors for ratification.

This section is used to expand the approval authority of the current Policy for Accepting and Administering Grants (Number BOS-3-2005).

3. Construction Contracts

Construction contracts for $50,000 or less may be awarded and executed by the County Manager. Construction contracts for more than $50,000 shall be awarded by the Board based upon bid responses presented to the Board of Supervisors at a regularly scheduled Board meeting. The Board award of this bid will authorize the execution of the contract by the Chair of the Board of Supervisors.

4. Emergency Contracts

An emergency constitutes the need to address any existing or potential threat to the public health, welfare, property or safety. Departments or elected offices shall prepare supporting justification of need and provide this with contract scope to the Procurement Group. The County Manager shall review the documentation and if he/she concurs may execute the contract on behalf of Gila County if equal to or less than $50,000.

5. Other Non-Procurement Contracts

Gila County enters other types of contractual arrangements which do not involve the acquisition of materials, services, equipment or construction. Examples of these contractual arrangements include, but are not limited to, acquisition and leasing of interests in real property, subordination agreements, lien releases, franchises, licenses, and software license agreements, use permits, revenue agreements, excise tax certification. The County Manager may approve these contracts if they do not obligate the County for more than 2 years or involve expenditures to the other party of not more than $50,000.

6. Professional Services

Professional Services are those services rendered by a person/firm engaging in a recognized discipline that necessarily requires advanced training and specialized knowledge to perform. Such services also typically result from the predominant use of intellectual skills rather than physical skills.

Professional services for purposes of this policy are defined as including, but not limited to the following:

- Attorneys
- Management of loan proceeds
- Contractual services used by counties when issuing bonds, including consultants, underwriters, and bond servicing companies
- Architects
- Court reporters
- Physicians, nurse practitioners, physical therapists

- Mental health therapists and psychiatrists
- Engineers
- Land surveyors
- Geologists
- Hydrologists
- Landscape architects
- Real estate appraisers
- Financial advising services
- Ambulance services
- Auditors, with the exception of the State Auditor General
- Mappers

Professional service contracts for $50,000 or less may be awarded and executed by the County Manager. Professional service contracts for more than $50,000 shall be awarded by the Board of Supervisors'.

7. Contract Termination

Prior to the completion of their normal contractual terms, County contracts may only be terminated by the same authority the originally approved those contracts. If a contract required County Manager approval, then the termination of the contract would at least require the approval of the County Manager. If a contract required approval by the Board of Supervisors, then the termination of that contract would also require approval of the Board of Supervisors.

Any department or elected office proposing to terminate a contract for convenience or cause must notify the Procurement Group. If the Procurement Group in conjunction with the County Attorney's Office determines that cause exists to terminate the contract or if contract may be terminated for convenience, the Procurement Group shall seek approval to terminate the contract from the approving authority. Upon approval of appointing authority, the Procurement Group shall prepare and deliver all necessary documents to terminate the contract.

Administrative Follow-Up

The Procurement Group shall in cooperation with involved departments or elected offices, follow up on matters such as certificates of insurance, performance bonds, retentions, expirations, cancellations, renewals, and other matters not directly related to delivery of the service or commodity to be supplied under the contract.

For all official correspondence, contractors and internal county departments or elected offices must reference the contract number or associated purchase order number, on all bonds, insurance certificates, invoices, credits, amendments, and other documents related to the contract.

Reporting

The Finance Department will prepare a report on a weekly basis highlighting all contracts that were entered into or terminated over the past calendar month. This report will be submitted to the first regular Board of Supervisors meeting of each month.

SIGNATURES:

ATTEST:

Marian Sheppard

Chief Deputy Clerk

Authorized Signature

Authorized Signature

TOMMIE C. MARTIN

Name Typed or Printed

DON E. McDANIEL, JR.

Name Typed or Printed

Chairman, Board of Supervisors

Title

County Manager

Title

APPROVED AS TO FORM:

County Attorney/Chief Deputy County Attorney