

## **Procurement Policies and Procedures**

### **Purpose**

The purpose of this policy is to ensure that goods and services purchased by Tri-County Regional Planning Commission (TCRPC) are obtained in a cost-effective manner and in compliance with federally and state regulations and ensure fair and equal treatment is provided to all parties involved. All purchases are made according to the provisions within this policy and other applicable funding source regulations.

### **Scope**

This policy applies to the Executive Director, Program Managers, and any other employees authorized to initiate and/or approve purchases paid with federal, state, and local funds.

### **Responsibility**

The TCRPC has delegated the responsibility and authority for implementing the procurement policies and procedures to the Executive Director or his/her designee. The Executive Director or his/her designee is responsible for determining whether a purchase is allowable under the terms of the federal and state programmed funds and grants and will ensure purchases are in accordance with this policy. Executive Director has express board approval for procurement under \$1000. Any procurement of \$1000 or more shall require board approval.

### **Policy Statement**

The TCRPC policy is as follows:

- It is the policy of TCRPC to ensure that the procurement process is in accordance with Public Law 92-582 (Brooks Act), 2 CFR 200, 23 CFR 172, and 30 ILCS 500.
- TCRPC will avoid purchasing unnecessary items.
- All purchases shall be made of the highest quality appropriate to the required need within budgetary limitations.
- A purchase shall not be split into multiple smaller purchases in order to avoid the approval and documentation process.
  - For large purchases, such as subcontracts that are incrementally funded, the total anticipated amount of the purchase should be used to determine the procurement method.

- To make the most efficient use of resources available to the Commission from both public and private sources.
  - TCRPC will cooperate to the greatest extent feasible with other governmental units/public agencies in the joint procurement of recycled products and products designed to be recycled, and in the procurement or sale of other goods and service, in order to realize greater purchasing economies.
- To allow for competitive pricing in the procurement of all goods and services.
- To maintain an open and competitive policy, whereby all responsible suppliers will receive proper consideration.
- As per 55 ILCS 5/5-1022, when the bid process is utilized, the lowest responsible and responsive bidder conforming to bid specifications will be given the greater consideration.
- When comparable goods and services are available, the lowest responsible and responsive supplier will be given greater consideration.
- When using either the bid process or normal procurement process, and all other factors being equal; local vendors may receive preference.
- TCRPC reserves the right to accept or reject any or all Statements of Qualifications and/or bids.
- Gratuities or gifts, of any types, to TCRPC employees are prohibited both during the bidding process and after award of bid or contract for services. For more information, please review TCRPC Conflict of Interest policy in the Employee Handbook.
- Members of the TCRPC board shall comply with all relevant fiduciary duties, including those governing conflicts of interest, when they vote upon matters related to procurement contracts in which they have a direct or indirect financial or personal interest.
- All bids and quotes are subject to the State of Illinois Freedom of Information Act.
- For all contracts, the contractor shall be required to maintain adequate records appropriate for the type of contract and make such records available for inspection upon terms consistent with TCRPC's needs and requirements of state law (including FOIA and the Illinois Prevailing Wage Act [if applicable]).
- Based on federal standards in 2 CFR 200.321, TCRPC, as a non-federal entity, must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Positive efforts will also be made to use small businesses as much as possible.
- TCRPC will actively attempt to verify that a vendor is not debarred, suspended or otherwise excluded from or ineligible for participation in federal and state programs.

- TCRPC will make purchases consistent with funding agency guidelines with priority given to serving clients and customers of the TCRPC in a timely and responsive manner.

## **Methods of Procurement**

It is the policy of the Tri-County Regional Planning Commission (TCRPC) that all procurement of goods and services shall fall under one of the following classifications:

### **Micro-Purchase Procedures**

- The aggregate dollar amount of supplies and services cannot exceed \$3,000.
- TCRPC must distribute micro-purchases equitably, to the extent possible, among qualified suppliers.
- Soliciting competitive quotations is not required if the price is considered reasonable by TCRPC.

### **Small Purchase Procedures**

- The aggregate dollar amount of supplies and services cannot exceed \$10,000.
- TCRPC must obtain a minimum of three written quotes, and may use a Request for Proposal (RFP) or Request for Qualifications (RFQ) for services, if deemed appropriate.
- The required three written quotes are waived if the items purchased are available through competitively solicited contracts bid and negotiated by the State of Illinois, U.S. General Services Administration, or other lead public agency or non-profit government purchasing alliance in accordance with public purchasing rules and regulations as allowed by Illinois state statute (5 ILCS 220/3).

### **Competitive Bid/Qualifications-Based Selection (QBS) Procedures**

- The aggregated dollar amount of supplies and services exceeds \$10,000.
- Requests for Proposals or Qualifications may be used in lieu of a competitive bid when the goods or services required, due to their nature, do not fall in a classification for which clearly established technical specifications can be provided to bidders.

### **Sole Source Procurement**

- Sole source procurement is a non-competitive vendor selection.
- Contracts may be awarded without use of the specified method of source selection when there is only one economically feasible source for the item.
- The item is available only from a single source.

- Only one response was received from a formal solicitation for quotes/proposals. The justifications must include a list of vendors/contractors solicited and a copy of the RFQ/RFP used.
- Documentation related to sole source procurement must be as comprehensive as possible and demonstrate to an outside observer that the reasons for a noncompetitive procurement were reasonable and compelling.
- The reason for the determination of using sole source procurement shall be in the form of a memorandum and retained with the contract.

## Emergency Procurement

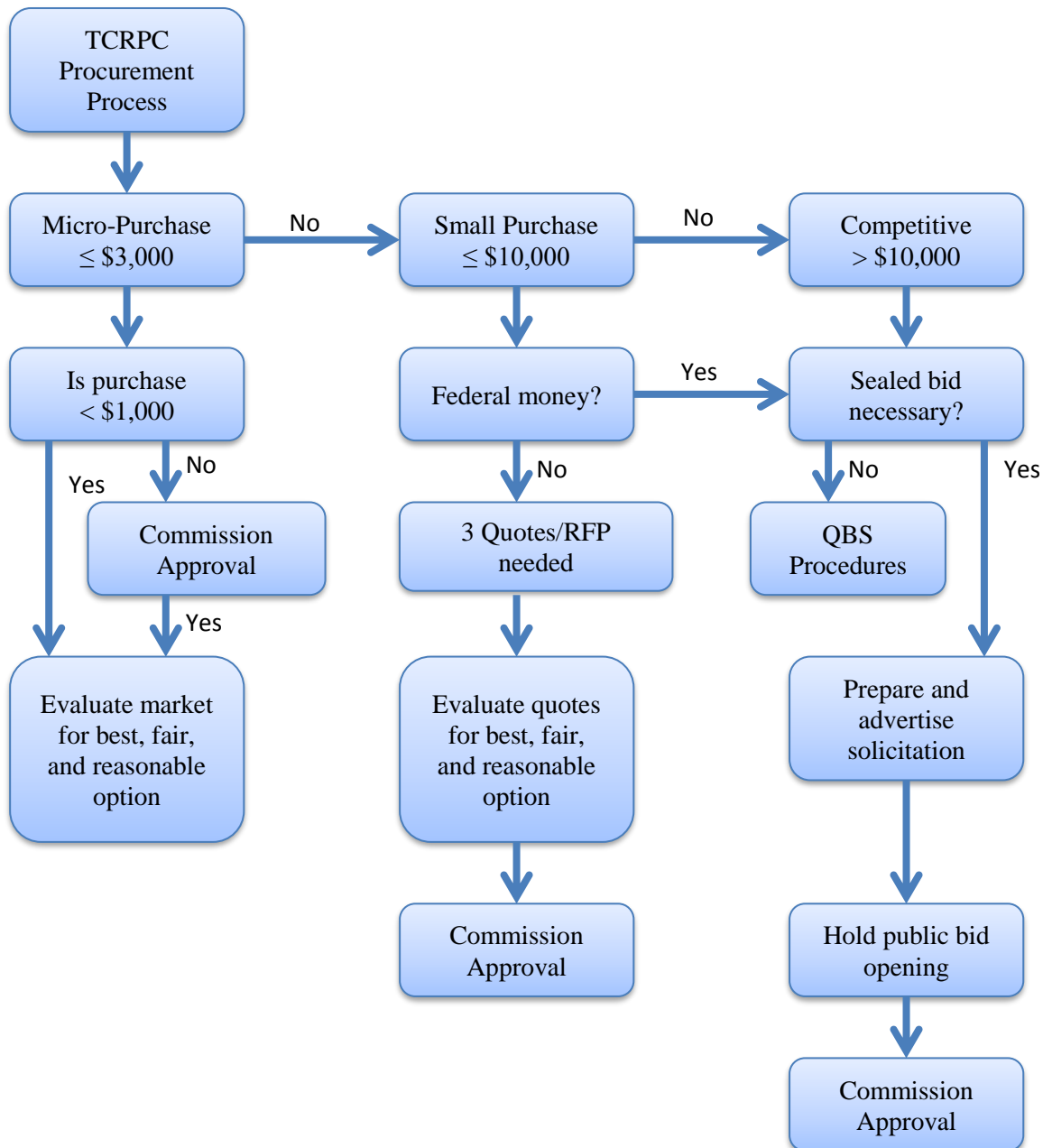
In emergency situations, the Executive Director, in consultation with the Chairman, shall have the authority to waive the procurement procedures set forth in this document and to effect purchases in excess of the amounts otherwise provided in this document to the following procedures:

- An emergency for the purpose of this subsection shall be defined as unexpected situation with imminent disruption of essential operations or conditions adversely affecting the health, welfare or safety of persons, property or equipment which can be rectified only by immediate on-the-spot purchases or rental of commodities, printing or services.
- In emergency situations of this type, the Executive Director shall not be required to comply with normal procurement policies and procedures and shall be empowered to negotiate and execute contracts without prior approval of the Commission up to ten thousand dollars (\$10,000) in total expenses. For emergency procurement in excess of ten thousand dollars (\$10,000) the Executive Director shall obtain the approval of the chairman of the Commission.
- When the Executive Director and Commission Chairman have declared an emergency, and when time allows, the Executive Director or his/her designee must distribute emergency purchases equitably, to the extent possible, among qualified suppliers.
- Soliciting competitive quotations is not required if the price is considered reasonable by the Executive Director or his/her designee.
- The reason for the determination of the emergency shall be recorded in the form of a memorandum and retained with the contract. The memorandum shall contain: (1) the nature of the emergency, (2) vendor(s) name and address, (3) total amount expended, and (4) items or services provided.
- The Commission shall be notified of any emergency purchases made pursuant to this policy at their next regular meeting.
- Exceptions to the Commission procurement policy may occur in order to satisfy funding agency requirements and the associated provision of client services in a timely and responsive manner.

## Procurement Procedures

TCRPC procurement procedures are as follows:

1. First, it is the responsibility of the Executive Director or his/her designee to review the funding grant or contract and applicable regulations to ensure that the goods or services to be purchased or contracted are allowable, and there are no additional procurement conditions, specific to that award, that supersede Tri-County Regional Planning Commission policies and procedures outlined in this document.
2. Determine an estimated price of the purchase or contract and follow the appropriate procedures outlined in the Methods of Procurement.



## Qualification Based Selections (QBS) Procedures

1. Prepare RFQ/RFP packages, which will include:
  - Introduction
  - Agency Background
  - Project Information and General Requirements
  - Submittal Contents
  - Schedule
  - Selection Process/ Evaluation Factors
  - Submittal Information
  - Contract Development
  - Deliverables
  - Compliance with Laws
  - Questions
2. Advertise the RFQ/RFP packages per the requirements outlined in the Methods of Procurement. The packages are advertised in the Pekin Daily Times, Peoria Journal Star, Woodford County Journal, TCRPC website, Illinois American Planning Association (IL APA) website, and National American Planning Association (APA) website.
3. Demonstrate positive efforts made to utilize small businesses, minority-owned firms, and women's business enterprises. Resources to locate these types of businesses include: [System for Award Management \(SAM\)](#), [Woman-Owned Small Business Federal Contract Program](#), [Acquisition Central](#), [Minority Business Development Agency](#), and the [Illinois Procurement Bulletin](#).
4. Per 172.7(a)(1)(iv) all RFQ/RFPs with Federal Highway Administration (FHWA) funding are reviewed, evaluated, and ranked internally. All RFQ/RFP shall be evaluated based on the criteria established and published with the public solicitation. All submitted competitive bids will be opened and review during a public bid opening per the requirements outlined in the Methods of Procurement.
5. TCRPC will determine if the RFQ/RFP submittals comply with all the requirements outlined in the solicitation and state and federal regulations.
6. Per 172.7(a)(1)(iv) all RFQ/RFPs with Federal Highway Administration (FHWA) funding will be ranked by TCRPC in order of preference, and select the top three RFQ/RFP determined most highly qualified to perform the solicited services based on the established and published criteria. TCRPC will notify all RFQ/RFP submittals of the final ranking of the three most highly qualified firms.

7. TCRPC will Prevent, identify, and mitigate any conflicts of interest for employees of both TCRPC and the consulting firm. If any conflict of interests is identified TCRPC will promptly disclose the findings in writing to the funding source.
8. Debarment and Suspension - No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." It is required that TCRPC verifies and documents the selected firm's status by confirming the [System for Award Management \(SAM\)](#) to ensure that Prime Consultant and its Sub-Consultant(s) are not currently debarred, suspended and/or excluded from participation.
9. Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources.
10. TCRPC will select an appropriate contract type, payment method, contract terms, and required federal contract provisions, assurances, and certifications in accordance with 23 CFR 172.9.
11. TCRPC will negotiate the top ranked submittal form. In the event of failed contract negotiations, TCRPC must proceed to the next highest ranked firm. When an agreement is made, TCRPC will follow the contract policies outlined in the next session.
12. Any additional work or services which were not included in the original solicitation and evaluation from which the qualifications-base selection was made should be procured under a new advertisement in accordance with 23 CFR 172.7(a)(1) and 23 U.S.C. 112 (b)(2)(A). Only services included in the original solicitation may be incorporated into a contract.
13. TCRPC will retain supporting documentation of the solicitation, proposal, evaluation, and selection of the consultant in accordance with 23 CFR 172.7 (a)(1)(iv)(F) and 2 CFR 200.333.
14. TCRPC will resolve any disputes in the procurement, management, and administration of goods and services.

## **Contracts**

TCRPC contract policies are as follows:

- TCRPC reserves the right to have an Attorney's Office, being public or private, review contracts prior to final signature by the Executive Director upon the request by the Executive Director or designee.
- Contracts shall include reference of required federal contract provisions in accordance with 23 CFR 172.9(c)
- Contracts shall include reference of assuring consultant compliance with Federal cost principles in accordance with 23 CFR 172.11.
- An errors and omissions clause shall be included in the contract in accordance with 23 CFR 172.5(c).
- Contracts shall be signed by the Executive Director only after all required endorsements to awarded bidders insurance and proof of coverage have been received by TCRPC staff for review and retention through the contract service periods or until goods/services have been received (or as required by law).
- Contracts for goods/services may be awarded with the option for continuing the relationship for more in depth and additional studies/plans or purchasing of goods if federal funds are not being used.
- All contracts for goods/services which have been approved by the TCRPC board will be signed by the Executive Director.
- Contracts shall not be considered executed unless signed by the authorizing representative of TCRPC.
- A system for contract administration shall be maintained to ensure contractor conformance with the terms, conditions and specifications of the contract and to ensure adequate and timely follow up of all purchases. TCRPC shall evaluate contractor performance and document, as appropriate, whether contractors have met the terms, conditions and specifications of the contract. Once the contract has been satisfied, TCRPC will close out the contract and gather necessary documentation.
- TCRPC shall assess remedies for contract violations if contractor fails to conform to the terms, conditions and specifications outlined in the contract.