

**MISSOURI SHERIFFS' ASSOCIATION**
Serving Missouri Justice Since 1945

Overview of Purchasing and Bid Documents

2022 Administrative Professionals Workshop
Victor Pitman, MSA Program Coordinator

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WHY ARE WE HERE?

- Office Supplies, Equipment, and Electronics
- Uniforms, Duty Gear, Patrol Cars/Maintenance
- Facilities, Utilities, and Maintenance
- Specialty Equipment
- Jail Facilities, Utilities, and Maintenance
- Inmate clothing, food, welfare supply and services
- Inmate medical supplies and services
- Detention staff uniforms, Duty Gear, PPE
- Security, Biometric equipment, Transport
- ERT Gear
- List goes on and on!!!

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PURPOSE

- **REPLACE**
 - Expendables
 - Damaged
 - Obsolete
- **AQUIRE UNMET OR NEW NEEDS**
 - Equipment
 - Supplies
 - Services

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KNOW YOUR ROLE**• END USER**

- Justify Need

• OFFICE/DIVISION SUPERVISOR

- BUDGET/BALANCE/JUSTIFICATION

• ADMINISTRATIVE

- Manage Process

• PURCHASING AGENT**• CONTRACT LEGAL AUTHORITY**

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KNOW THE LAW**• Whose Funds Are You Spending**

- RSMo 221.102: Canteen / Commissary Funds
- Must be maintained in a "separate account"
- Cash Flow and Operating Expenses
- Remaining Funds Transferred to "Inmate Prisoner Detainee Security Fund"
- Expended In Accordance With RSMo 488.5026

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KNOW THE LAW**• Whose Funds Are You Spending**

- RSMo 488.5026
"Inmate Prisoner Detainee Security Fund"
- \$2 Court Surcharge & Commissary Fund
- Information Sharing & Biometrics
(Prisoner Identification and Tracking)
- Detention, Custody, Housing, and Other
- Must Follow Local Ord. & State Purchasing Laws

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KNOW THE LAW**• Whose Funds Are You Spending**

- RSMo 50.535 "Sheriff's Revolving Fund"
- County Treasurer -Separate Interest-bearing fund
- Chapter 571 CCW Fees
- Pay for Chapter 571 CCW Related Costs
- Excess may be expended for other purposes; or
- Transferred to Sheriff's Discretionary Fund
- Inadequate fund – OA – Cert AG-Appropriated \$\$

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KNOW THE LAW**• Whose Funds Are You Spending**

- RSMo 57.280 Sheriff's "Discretionary" Fund
- County Treasurer -Separate fund
- Not to exc. \$50,000 (Civil Fee) Collected Per Year
- >\$50,000 (Civil Fees) Collected to CO GR.
- Expended at the "Discretion" of the Sheriff
- Furtherance of the Sheriff's Office Set Duties

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KNOW THE LAW**• Whose Funds Are You Spending**

- County General Revenue
- County Law Enforcement Sales Tax
- State Grant Funds
- Federal Grant Funds
- Other Special Appropriations

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KNOW THE LAW**•TO BID OR NOT TO BID**

- Office Orders/County Ordinances
- RSMo 50.660 Rules Governing Contracts
 - Less Than \$12,000 not required
 - More Than \$12,000 required
 - 90 Day Rolling Period
 - Any One Person, Firm, or Corporation

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KNOW THE LAW

- RSMo 34.040 State Fund Purchase:
 - >\$10,000 Competitive Bid
 - >\$100,000
 - Advertise in 2 daily papers (2 weekly minority papers)
 - Electronic Form (Webpage)
 - 5 Days Prior to Bid Opening
 - Post Notice In Gov. Office
 - Solicit Bids
 - Lowest and Best Bid/Right to Refuse

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KNOW THE LAW**•MISSOURI PRODUCTS**

- RSMo 50.750 Requires Purchase Of:
 - Materials, Products, Supplies, Articles
 - Manufactured, Compounded, Grown in MO
 - When in Marketable Quantities: and
 - Quality Suited to Purpose; and
 - Without additional cost
 - Quality and fitness considered

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KNOW THE LAW**MO Domestic Products Procurement Act**

- RSMo 34.350 All Political Subdivisions
- RSMo 34.353 Buy USA Only
 - Must Be Part Of All Purchasing Documents
 - Not Applicable to < \$25,000 Purchases
 - Not Applicable to Single US Source Purchases
- Executive Board Certification In Writing
 - US Cannot meet need / %10 Greater Cost
 - Local Executive Board Writing Policy

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KNOW THE LAW**MO Domestic Products Procurement Act**

- RSMo 34.355 Vender Must Certify Compliance
- RSMo 34.359 Treaties & Laws of the US
 - Supersede MDPPA
- RSMo 34.363 OA List of MO Companies
 - Good Faith Effort
 - MO Bidder Not Awarded
 - Written Explanation W/In 20 Days
 - Why Did Not Receive Bid

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KNOW THE LAW**Anti-Discrimination Against Israel Act**

- RSMo 34.600 Vender Must Certify Compliance
 - >\$100,000 Purchases
 - Contractors with < 10 Employees
 - Bidder Must Certify In Writing
 - Not boycotting Israel or Israel Related

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KNOW THE LAW

- **RSMo 50.757 (34.040)**
 - Lowest Best Bid
- **RSMo 50.760 2nd & 1st Class Counties**
 - Adv. for Bid by First Day of February
 - Kinds and Quantities of Supplies (All Depts)
 - Paper of Gen Circulation (Once WK for 3 WKs)
Not Less Than 10 Days before Letting
 - 1st Monday in March to
 - 1st Saturday after 2nd Monday

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KNOW THE LAW

- **RSMo 50.780 (2nd & 1st Class Counties)**
- **Commissioners Purchase Authority**
 - RSMo 50.760 to 50.790
 - Written Order of Commissioners Required
 - County Not Required to Pay or Liable for Cost
 - Preference for County Manufacturer or Suppliers
- **Emergency Bid Waiver (34.045)**
 - Life/Property/Public Health or Public Safety
 - Necessary Repairs to Prevent
 - Nature of Emergency and Vote Recorded

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KNOW THE LAW

- **RSMo 50.783 (34.040)**
- **Single Source Purchases**
 - Must be waived by Commission
 - Only Available From Manufacturer or Supplier
 - Only One Distributor Services The Region
 - Limited Discount Period (Supplier)
 - Must Post Notice 10 Day Prior to Letting Bid
 - Must Immediate Resend If Conditions Change
 - Advertise for Bids If Required

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KNOW THE LAW

- **RSMo 50.784 Purchasing Authority**
- Commission May Delegate Authority**
 - To County Departments (Offices)
 - Exception: Single Source Purchase > \$5000
 - Department or Office Must Agree
 - Full fill all requirements of RSMo Chapter 50
 - Commission May Require Certification (Approval)
 - Unless Accompanied by Compliance Document
 - Delegation May Be Rescinded by Commission
 - Custodian of Records Must Maintain Records

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PURCHASEING DOCUMENTS

- **Request For Information**
- **Request For Quotation / Bid**
- **Request For Proposal**

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PURCHASEING DOCUMENTS

- **Request For Information**
 - Preliminary to Purchase
 - Seeking Information From Vendors
 - Ideas on how to meet your need
 - Identify Capabilities
 - Identify Scope of Work Requirements
 - Helps clarify your need consistently
 - DOES NOT MANDATE PURCHASE

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PURCHASEING DOCUMENTS**•Request For Quotation / Bid**

- May Be Stand Alone
 - When You Know What You Want
- May Be Used to Advertise For Bids
- Is Part of a Request for Proposals
- Focused on Pricing/Payment Terms
- Product – Service Requirements/Quality
- After sales (warranty/Service Contracts/Etc.)

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PURCHASEING DOCUMENTS**•Request For Proposals**

- Used to Advertise For Goods/Services
- Focused on how to solve a problem
 - Scope of Work – Goal Focused
 - Provides Options
 - May Also Include Specifics
- Includes RFQ
- Terms and Conditions
- Other Agreements

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PURCHASEING DOCUMENTS**•Scope of Work**

- Identifies Your Problem / Goal
- Identifies Your Expectations
- Who Is Responsible For What
- Establishes Timelines
- After sales (warranty/Service Contracts/Etc.)
- Identifies Pre-Bid Requirements
- Other Information Related to Goal

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PURCHASEING DOCUMENTS**•Submission Requirements**

- Pre-Bid Conference
 - Make it clear if required
- Format of Bid Response
 - Be Specific and Clear
- Certifications
 - Non-collusion statement
 - Statutory and Local certifications
- Bid Bonds Requirement

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PURCHASEING DOCUMENTS**•Submission Requirements**

- Request for Clarification Procedures
 - Deadline for Request for Clarification
- Clarification Response Procedures
- RFQ/RFP Amendments
 - How published
 - Vendor Responsibility To Review
- Modifications and Withdraw of Bid

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PURCHASEING DOCUMENTS**•Submission Requirements**

- Sealed Bids
- How Delivered (Hand or Signed For)
- Bid Opening Date (Public)
- Validity (90 Days)/Bid Review Process
- Bid Award Date
- Project Start Date and Timelines
- Right to refuse "any and all" statement

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PURCHASEING DOCUMENTS**•Terms and Conditions**

- Incurring Cost (Not County Responsibility)
- Response Material Ownership
- Exceptions (Changes)
- Restrictive Language / Interpretation
- Equivalent Material/Equipment
- Qualification of Respondents
- Basis of Award

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PURCHASEING DOCUMENTS**•Terms and Conditions**

- Incurring Cost (Not County Responsibility)
- Preference Statement
- Price Cost
- Tax Exempt
- Delivery
- Default
- Acceptance
- Shipment

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PURCHASEING DOCUMENTS**•Terms and Conditions**

- Applicable Law
- As Needed/If Needed
- Assignment
- MO/USA Products Preference
- Anti-Discrimination Against Israel Act
- Cooperative Procurement Statement

• Addendums

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Conclusion

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