

## **VIII. EMERGENCY, SOLE SOURCE, AND OTHER EXEMPT PURCHASES**

### **1. Unbudgeted Capital Purchases**

If the needed capital item was not included as part of the County' budget, the following procedures should be followed in order to obtain budgetary authorization:

- (a) The requesting department must fill out an agenda request form and attach a memo justifying the need for the item.
- (b) The requesting department shall include in the memo a cost estimate justifying the need and a statement of whether there are available departmental funds which may be used for this purchase.
- (c) The agenda request, with the required attachments, must be forwarded to the Budget Officer.
- (d) The Budget Officer will complete the financial portion of an agenda request after conferring the County Auditor about availability of funds. The Budget Officer shall return the agenda request to the department.
- (e) The Auditor will present the request to Commissioners' Court, and the Court will either approve or decline the request. If approved, normal purchasing procedures apply.

### **2. Acquisition Under a Blanket Purchase Order**

#### **(a) Authorization of Blanket Purchase Order**

A blanket purchase order authorizes a County department to obtain up to a specified amount of material (services or supplies) on a continuing basis from a vendor. Such purchase orders are authorized only by the Purchasing Department in appropriate circumstances, e.g., obtaining rock as needed in variable quantities by the Road and Bridge Department. Any department foreseeing a definite and regular need for items not available routinely should consider contacting the Purchasing Department to investigate obtaining a blanket purchase order for such items.

Blanket purchase orders anticipated to exceed \$15,000 during the course of a year must be competitively bid, as described in Section II-C. No blanket purchase order may exceed budgeted funds for such purchases by the department.

#### **(b) Procedure for Acquisition Under Blanket Purchase Order**

All blanket purchase orders will be for goods not delivered at the receiving dock. Procedures to acquire items under these contracts are as follows:

- (1) The department will pick up or receive items during the course of a calendar month according to the terms of the contract.
- (2) The department will retain receipts and/or delivery tickets for all items pickup up or delivered during the month.
- (3) At the end of each month, the department will attach receipts/delivery tickets to the department's copy of the blanket purchase order and then forward the receipt documentation to the County Auditor/Accounts Payable Department for payment.

3. Insurance and High Technology Items

Insurance and high technology items valued less than \$15,000 will be obtained through a quotation process. Insurance and high technology items valued in excess of \$15,000 should be obtained through the RFP Quotation Process. "High technology item" means a service, equipment or good of a highly technical nature, including:

- (a) data processing equipment and software and firmware used in conjunction with data processing equipment;
- (b) telecommunications, radio and microwave systems;
- (c) electronic distributed control systems, including building energy management systems; and
- (d) technical services related to the above items.

Quotations for insurance and high technology items must be solicited through a request for proposal format.

4. Special Purchases

In the case of special purchases, specific directions for processing requisitions govern the foregoing general guidelines. "After hours" special needs – in such instances, the Department must take the necessary action to obtain the needed goods or services. If, the total expenditure does not exceed \$15,000 and before engaging in Purchase of Goods or Services with Vendor, the Department must call the Purchasing Department (956) 544-0871 and leave a message on recorder with the following information: Department Name, Person calling, Description of goods or services required, Vendor's Name, dollar amount on requisition, and Fund, Dept., and Line number to be charged. At the start of the next working day Purchasing staff will contact the Department requesting and remind them that requisition must be submitted on the same day in order to receive a Purchase Order number and subject to availability of funds. A justification explaining nature of urgency in making the Purchase after working hours must be detailed on the requisition and signed by the Department Head.

5. Emergency Purchases

Emergency purchases are authorized in extremely limited circumstance: (a) in the event of public calamity for the benefit of the County's citizens or to protect public property; (b) in order to protect the public health or safety of County residents; or (c) when made necessary by unforeseen damage to public property. Depending upon the time of the emergency and type of purchase necessary, one of the following procedures should be followed:

- (a) "After hours" emergency: in such instances, the department must take the necessary action to obtain the needed goods or services. If, however, the department is aware that the purchase involves an expenditure of \$15,000 or more, a reasonable effort should be made to contact the County Judge to notify him/her or his/her designated representative that the emergency exists. The next working day the department should contact Purchasing to obtain a requisition and purchase order; procedures applicable to telephone in purchase orders may be followed.
- (b) Emergency during working hours: (a) If the purchase is for less than \$15,000, and budgeted funds are available, telephone-in purchase order procedures may be utilized; (b) If the purchase is less than \$15,000, and funds are not available, approval from the County Auditor must be obtained by Purchasing prior to acquiring the item using the telephone in purchase order procedure; or (c) If the purchase is in excess of or equal to \$15,000, Purchasing must obtain approval of the County Auditor for the purchase and then utilize telephone in purchase order procedures.

6. Work in Progress

This may be exempted by the Commissioners' Court and paid in full by the day after the work is performed and is allowable for the exemption from bidding by state statutes.

7. Land & Right-of-Way

This may be exempted by the Commissioners' Court and paid in full by the day after the work is performed and is allowable for the exemption from bidding by state statutes.

8. Sole-Source Purchases

An item valued in excess of, or equal to, \$15,000, which would otherwise be purchased by competitive bidding, may be purchased without the necessity of bidding if it is available from only one (1) source. Typical items in this category include patented or copyrighted material, secret processes, natural monopolies, utility services, captive replacement parts or components for equipment, and films, manuscripts or books. Such items may be purchased from a sole source without competitive bidding only after the Asst. Auditor/Purchasing, in writing, after concurrence of the department head, certifies the existence of only one (1) source to Commissioners' Court, and the Court enters a finding of such in its minutes.

9. Equipment Maintenance

Maintenance service on County-owned equipment is arranged through the various departments. The departments requiring maintenance should contact the vendor, which will initiate one of the procedures described below.

(a) Equipment Under Warranty, or Existing Maintenance Contract

Each department will contact the appropriate vendor and arrange for the service.

After the equipment is serviced, the department should approve payment with Accounts Payable for the equipment which was serviced and forward the service invoice to Accounts Payable for payment.

(b) Service of Other Equipment

- (1) Department will contact vendor(s) and obtain estimate(s) of cost. If estimated cost is not justified (e.g., cost of repair exceeds replacement cost or value of equipment), Department will advise the Asst. Auditor/Fixed Assets and declare the equipment surplus. If the Asst. Auditor/Fixed Assets objects to the equipment being declared surplus, the final decision on whether or not to declare the equipment surplus will be made by Commissioners Court.
- (2) If the cost of maintenance is justified, department will prepare a requisition and purchase order, notify the vendor of the purchase order, and arrange for the service. The department shall also forward a copy of the requisition to the Auditor's Office.
- (3) After the equipment has been serviced, the department will approve invoice and forward the service ticket to Accounts Payable for payment.

10. Impracticality of Preparing Detailed Specifications

If the Asst. Auditor/Purchasing determines that it is impractical to prepare detailed specifications for an item to support the award of a purchase contract, the Asst. Auditor/Purchasing shall notify Commissioners Court of such determination. Upon a finding by the Commissioners Court that it is impractical to prepare detailed specifications for an item to support the award of a purchase contract, Commissioners Court shall instruct the Asst. Auditor/Purchasing to follow purchasing procedures as prescribed in the "Alternative Multi-step Competitive Proposal", Section 262.0295 of the Local Government Code.

11. Personal Property Sold

Personal property sold at an auction, by a state licensed auctioneer, at a “going out of business” sale held in compliance with Subchapter F, Chapter 17, Business and Commerce Code, or by a political subdivision of the state, a state agency of this state, or an entity of the federal government may be purchased without following the competitive bid process.