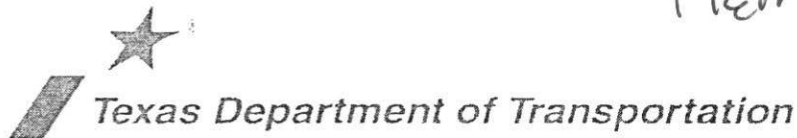


6/26/2017
Purchasing Dept.
ITEM # 31



1817 BOB BULLOCK LOOP, LAREDO, TEXAS 78043 | 956.712.7400 | WWW.TXDOT.GOV

June 23, 2017

Jose A. Lopez III, CTPM
Purchasing Agent
Purchasing Department
1110 Washington, Suite 101
Laredo, TX 78040

Re: Proposed Procurement Procedures for Webb County - FHWA Funded Projects for Professional Consulting Services

Dear Mr. Lopez:

We are in receipt of your letter dated June 23, 2017, requesting the approval of the FHWA procurement procedures for Webb County. After our review, we concur and approve the Webb County's procurement procedures for FHWA funded projects for professional consulting services.

We appreciate you taking the lead to expediently develop these procedures and the close coordination you had with our staff. Please feel free to contact me at (956) 712-7446 or Mr. Roberto Rodriguez, P.E. at (956) 712-7735 if you have any questions or need additional information.

Sincerely,

Alberto Ramirez, P.E.
Director of TP&D

AR/rr

Attachment

Cc: Pedro R. Alvarez, P.E., TxDOT Laredo District Engineer
Melisa D. Montemayor, TxDOT Laredo District Administrator
Roberto Rodriguez, III, P.E., TxDOT Laredo Dist. Advanced Planning Supervisor
Jaime Vela, Jr., P.E., TxDOT PEPS Central Service Ctr. Manager

OUR VALUES: People • Accountability • Trust • Honesty

OUR MISSION: Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods

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**Webb County Purchasing Department
Proposed Policy for FHWA Design Funded Projects**

This policy was developed to provide consistent procedures for Webb County Procurement procedures regarding the advertisement, selection, negotiation, and execution of architectural and engineering (A/E) contracts utilizing funding from the U.S. Department of Transportation – Federal Highway Administration (FHWA) and monitored by the Texas Department of Transportation (TXDOT). Some of the requirements described herein may vary from contract to contract depending upon its size, complexity, and type.

When FHWA Federal funds are used to fund the design of projects, Webb County shall adhere to all applicable Federal and State statutes such as the Texas Government Code; Chapter 2254 (Professional and Consulting Services), Sub-Chapter A. Professional Services and other Local Government regulations during the selection, negotiation, and execution of professional service contract. When State and Local procurement laws, regulations, policies, and procedures conflict with applicable Federal laws and regulations that applies to FHWA federal funded projects, the contracting agency shall comply with Federal Requirements (Title 23, Part 172) to be eligible for Federal-aid reimbursement.

Solicitation

The solicitation process shall be by public announcement, public advertisement, or any other public forum or method that assures qualified in-State and/or out-of-State consultants are given a fair opportunity to be considered for award of the contract. Procurement procedures may involve a single phase process with issuance of a request for proposal (RFP) to all interested consultants or a multiphase process with issuance of a request for qualifications (RFQ) whereby responding consultants are ranked based on qualifications and a RFP is then provided to a minimum of the three (3) highest ranked consultants based on their scores in accordance with the scoring criteria of the RFQ solicitation.

Single Phase Process – Request for Proposals

The RFP shall provide all information and requirements necessary for interested parties to provide a response to the RFP and compete for the solicited. RFP shall provide a clear, accurate, and detailed description of the scope of services, technical requirements, and qualifications of consultant's necessary to render requested services.

Solicitation Process

- After authorization by the Commissioners Court and pre-approval by TXDOT, the Purchasing Agent shall;
- Advertise in a local newspaper of general circulation a public notice of RFP twice within a 14-day period and;
- Post the entire solicitation package online the first working day succeeding the first publication in the newspaper;
- The online solicitation will remain posted until the solicitation is closed.
- The Purchasing Agent will at minimum invite three (3) firms via electronic communication either by email or through the Webb County eBid system for any RFP/RFQ posted that is funded through FHWA where Webb County is listed as a sub-recipient.

Opening of RFP

- All RFP meeting the published deadline will be open publicly at the Webb County Clerk's office by the Purchasing Agent or his designee;
- The Purchasing Agent or his designee will record the audio of the public opening and record who is in attendance, announce the date and time of opening prior to opening sealed envelopes;
- All RFP's meeting the deadline will be read aloud by stating the name of proposer, time submitted and date;
- Once all RFPs are read into the record the Purchasing Agent or his designee will close the public opening;
- All sealed proposals that did not meet the deadline will not be opened and returned to proposer with a written explanation for disqualification.
- Not later than the 45th day after the date on which the proposals are opened, the governmental entity shall evaluate and rank each proposal submitted in relation to the published selection criteria.

Single Response Procedure

- To determine why an agency receives only one response to a competitive solicitation, the Purchasing Department or other appropriate employee of the agency should do the following:
 - Re-review the solicitation for any unduly restrictive requirements.
 - Contact some potential respondents to determine why they did not submit a response.

If it is determined that there were unduly restrictive requirements in the solicitation document, the agency may decide to re-advertise the solicitation. Otherwise, the agency should consider the reasons that other responses were not received and determine if it is in the best interest of the County to make an award, to re-advertise with a revised solicitation, or to determine if a proprietary or single source purchasing justification is required. Single response procedure will also include notification to TXDOT on what action will be taken.

Evaluation Team

- The Purchasing Agent will select key County officials to participate as part of the evaluation team.
- The names of the evaluators will be published with the RFPs to inform interested parties that they are not allowed to contact members of the evaluation team during the RFP process.
- At minimum the Purchasing Agent will appoint three (3) members to the evaluation team. Of which one member must be the County Engineer or his designee.
- The Purchasing Agent or his designee will first provide an initial screening of each proposal to ensure all minimum requirements are met prior to scoring; if proposer does not meet minimum requirements it will be grounds for disqualification. Proposer will be notified in writing by the Purchasing Agent.
- The evaluation team will score the statement of qualification proposals based on published criteria to determine the most qualified proposer.
- Criteria may include but not limited to technical approach, work experience, specialized experience, professional licensure, staff capabilities and past performance. If past performance

is part of the criteria selected, a survey will be distributed to all listed agencies on the solicitation package that have hired the consultants being evaluated in order to determine the score for past performance. The same survey will be used for all consultants being evaluated.

- Each member of the evaluation team will submit their individual scores to the Purchasing agent who in turn will tabulate all scores and present to the Commissioners Court the highest-ranking qualified proposer for award.

Price shall not be used as a factor in the evaluation, ranking, and selection phase. All price or cost related items which include, but are not limited to, cost proposals, direct salaries/wage rates, indirect cost rates, and other direct costs are prohibited from being used as evaluation criteria.

Negotiation:

- After final selection of the highest ranking qualified firm, but prior to receipt or review of the most qualified firms cost proposal, Webb County shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours and/or other direct costs for the defined scope of work. Independent estimate may be prepared by Webb County or an outside professional engineer who is independent of the selected firm. Independent estimate must be approved by TXDOT prior to using as a basis for negotiations.
- Webb County will negotiate with selected firm and establish contract costs and other professional service terms and conditions, secure final approval of contract terms from TXDOT prior to finalizing a fully executed contract.
- If the County is unable to negotiate the price and other conditions of the professional contract, the County will terminate negotiations and proceed with the next highest qualified ranking firm. Webb County will continue this process until a contract is established or all proposals are cancelled and solicitation process starts over.

Multiphase Process – Request for Qualifications (RFQ)

The RFQ shall be a two-step process where firms will submit statement of qualifications and a minimum of the three firms will also submit an RFP with additional information to help Webb County determine who is the most qualified and capable firm for the scope of work being solicited.

Solicitation Process

- After authorization by the Commissioners Court and pre-approval by the TXDOT, the Purchasing Agent shall;
- Advertise in a local newspaper of general circulation a public notice of RFQ twice within a 14-day period and;
- Post the entire solicitation package online the first working day succeeding the first publication in the newspaper;
- The online solicitation will remain posted until the solicitation is closed.
- The Purchasing Agent will at minimum invite three (3) firms via electronic communication either by email or through the Webb County e-Bid system for any RFP/RFQ posted that is funded through FHWA where Webb County is listed as a sub-recipient.

Opening of RFQ

- All RFQ meeting the published deadline will be open publicly at the Webb County Clerk's office by the Purchasing Agent or his designee;
- The Purchasing Agent or his designee will record the audio of the public opening and record who is in attendance, announce the date and time of opening prior to opening sealed RFQ proposals;
- All RFQ's meeting the deadline will be read aloud by stating the name of firm, time submitted and date;
- Once all RFQs are read into the record the Purchasing Agent or his designee will close the public opening;
- All sealed RFQ that did not meet the deadline will not be opened and returned to firm with a written explanation for disqualification.
- Not later than the 45th day after the date on which the proposals are opened, the governmental entity shall evaluate and rank each statement of qualification submitted in relation to the published selection criteria.

Single Response Procedure

- To determine why an agency receives only one response to a competitive solicitation, the Purchasing Department or other appropriate employee of the agency should do the following:
 - Re-review the solicitation for any unduly restrictive requirements.
 - Contact some potential respondents to determine why they did not submit a response.

If it is determined that there were unduly restrictive requirements in the solicitation document, the agency may decide to re-advertise the solicitation. Otherwise, the agency should consider the reasons that other responses were not received and determine if it is in the best interest of the County to make an award, to re-advertise with a revised solicitation, or to determine if a proprietary or single source purchasing justification is required. Single response procedure will also include notification to TXDOT on what action will be taken.

Evaluation Team

- The Purchasing Agent will select key County officials to participate as part of the evaluation team.
- The names of the evaluators will be published with the RFQ to inform interested parties that they are not allowed to contact members of the evaluation team during the RFQ process.
- At minimum the Purchasing Agent will appoint three (3) members to the evaluation team. Of which one member must be the County Engineer or his designee.
- The Purchasing Agent or his designee will first provide an initial screening of each proposal to ensure all minimum requirements are met prior to scoring; if proposer does not meet minimum requirements it will be grounds for disqualification. Proposer will be notified in writing by the Purchasing Agent.
- The evaluation team will score the Statement of Qualifications based on published criteria to determine the most qualified firm.
- RFQ will be short listed based on a minimum of the three (3) highest ranking providers.
- A minimum of the three (3) highest ranking providers will be notified to submit a RFP package (multiphase procedure);

- Criteria may include but not limited to technical approach, work experience, specialized experience, professional licensure, staff capabilities and past performance. If past performance is part of the criteria selected, a survey will be distributed to all listed agencies on the solicitation package that have hired the consultants being evaluated in order to determine the score for past performance. The same survey will be used for all consultants being evaluated.
- Interviews will be conducted by evaluation team. Firms will be notified no later than two (2) weeks prior to interviews.
- After the interviews, each member of the evaluation team will submit their individual scores of the RFP to the Purchasing agent who in turn will tabulate all scores and present to the Commissioners Court the highest-ranking qualified proposer for award.

Price shall not be used as a factor in the evaluation, ranking, and selection phase. All price or cost related items which include, but are not limited to, cost proposals, direct salaries/wage rates, indirect cost rates, and other direct costs are prohibited from being used as evaluation criteria.

Negotiation:

- After final selection of the highest ranking qualified firm, but prior to receipt or review of the most qualified firms cost proposal, Webb County shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours and/or other direct costs for the defined scope of work. Independent estimate may be prepared by Webb County or an outside professional engineer who is independent of the selected firm. Independent estimate must be approved by TXDOT prior to using as a basis for negotiations.
- Webb County will negotiate with selected firm and establish contract costs and other professional service terms and conditions, secure final approval of contract terms from TXDOT prior to finalizing a fully executed contract.
- If the County is unable to negotiate the price and other conditions of the professional contract, the County will terminate negotiations and proceed with the next highest qualified ranking firm. Webb County will continue this process until a contract is established or all proposals are cancelled and solicitation process starts over.

**Webb County Purchasing Department
Disadvantage Business Enterprise (DBE)
Proposed Policy Statement**

As a recipient of funding from the Federal Transit Administration (FTA) – U.S. Department of Transportation, Webb County is required to establish a Disadvantaged Business Enterprise (DBE) program in accordance with 49 CFR Part 26. Webb County and El Aguila Transportation Division has received Federal financial assistance FTA, and as a condition of receiving this assistance, Webb County has signed an assurance that it will comply with 49 CFR Part 26 and make every good faith effort to encourage participation from vendors who are eligible DBE participates in the State of Texas.

It is the policy Webb County to ensure that DBE's as defined by federal regulation, have an equal opportunity to receive and participate DOT- assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT - assisted Contracts;
2. To create a level playing field on which DBE's can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only vendors that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBE's;
5. To help remove barriers to the participation of DBE's in DOT assisted contracts;
6. Webb County will make every "Good faith effort" to encourage participation from DBE vendors for any related purchases funded through FTA - DOT Assisted projects for the rural transportation division.

The Webb County Purchasing Agent has been designated as the DBE Liaison Officer. In that capacity, the Purchasing Agent is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is provided the same priority as with all other legal obligations incurred by the County in its financial assistance agreements with the Department of Transportation.

Webb County has disseminated this policy statement to the Webb County Purchasing Board and the Webb County Commissioners Court and will be accessible to all County departments and the general public. The Purchasing Agent will make every effort to distribute this statement to DBE and non-DBE business communities that perform work for Webb County on DOT-assisted contracts. This policy statement is listed on our website at <http://www.webbcountytx.gov/PurchasingAgent/>

Jose Angel Lopez III, CTPM
Webb County Purchasing Agent

Proposed amendments to the current Inventory Policy & Fixed Asset Procedures

(Modifying only section 4.1- Inventory policy and procedures to increase the dollar amount of controllable assets).

A. General Information

The purpose of this document is to provide County department/offices with policies and guidelines regarding the tagging, inventory, and disposal of County controlled and fixed assets.

B. Introduction

Webb County has thousands of controlled and fixed assets. Some of these assets are identified as vehicles, firearms, heavy equipment, raw land, building structures, and computer systems. Assets are classified as either fixed assets (assets with a useful life greater than three years and with a value of \$5,000 or greater or controlled assets (assets with a value of \$500.00 but less than \$5,000 are tagged and tracked), or High Risk Assets (assets that are sensitive in nature because of liability issues).

The process of tagging and inventorying controlled and fixed assets is under the direction of the Purchasing Department. A full cooperative effort of all departments/offices allows the Purchasing Department to maintain inventory records. The Purchasing Department has a responsibility for providing accurate inventory records for controlled, fixed & high risk assets and will perform the following duties in support of this responsibility:

**Conduct periodic reviews of department/office to determine that controlled and fixed assets are recorded and reported.*

**Prepare inventory records of controlled and fixed assets for County departments/offices.*

**Maintain inventory records of controlled and fixed assets reported to the County Auditor's Office and the Webb County Purchasing Board.*

**Tag a controlled and fixed asset as determined by this policy.*

**Input information into the inventory records regarding controlled and fixed assets as determined by this policy.*

**Transfer a controlled and/or fixed asset that is not needed or used by a County department/office.*

**Remove tags, dispose of controlled and fixed assets, and update inventory records upon approval by the Commissioners Court.*

**Provide a report to the County Auditor and the Webb County Purchasing Board an inventory of assets on July 1 of each year. In accordance with the categories identified in this section as fixed, controlled and high risk assets.*

C. Authority

The Texas Local Government Code requires that the County Purchasing Agent perform several duties related to the acquisition, inventory, and disposal of County assets.

D. Inventory

On July 1 of each year, the County Purchasing Agent shall file with the County Auditor and the County Purchasing Agent Board an inventory of assets belonging to the County. The County Auditor shall carefully examine the inventory and make an accounting for the assets purchased or previously inventoried and not appearing in the inventory.

E. Transfer

To prevent unnecessary purchases, the County Purchasing Agent, with the approval of the Commissioners Court shall transfer County supplies, materials, and equipment from a subdivision, department, officer, or employee of the County that are not needed or used to another subdivision, department, officer, or employee requiring the supplies or materials or the use of the equipment. The County Purchasing Agent shall furnish to the County Auditor a list of transferred supplies, materials, and equipment.

F. Definition

Fixed assets are defined as items that possess all of the following characteristics: an original unit cost of \$5,000 or more (including costs to install and implement the asset), physical substance, a life expectancy of more than three years, capable of repeated use, identifiable as an individual unit and accounted for separately (this criteria shall exclude construction and improvements to real property), not intended for resale within its expected useful life, not consumable (e.g. office supplies), and not repair or replacement parts of a larger asset. Webb County also tracks and reports assets classified as "Controlled Assets". Controlled Assets are those items with a purchase cost from \$500 through \$4,999.99. Additionally, the County tracks and reports other assets considered "High Risk Controlled Assets". These assets generally have a purchase cost below or at those of Controlled Assets but are tagged and reported because of liability, insurance, licensing, or other factors.

1. Fixed Asset - \$5,000 and up. Examples include(not an all-inclusive list):

- Vehicle
- All Road maintenance equipment (heavy equipment)
- Playground equipment
- Forklift
- Building Structures
- Land

2. Controlled Asset - \$500.00 up to \$4,999.99. Examples include (not an all-inclusive list):

- Mower
- Projector
- Desks
- Credenzas
- File Cabinets
- Bookcases
- Chairs
- Tables

3. High Risk Controlled Asset – \$0 to \$4,999.99. Examples include (not an all-inclusive list):

- Weapons (handguns)
- Bullet proof vests
- Mobile & hand held radios
- Cameras
- Television and/or other components such as DVRs
- Computer Laptops
- Computer Desktops
- Tables (i.e. iPads)

This policy will supersede any reference in the current fixed asset policy identifying controllable assets valued at \$300.00 and over. **New value is set at \$500.00**

Purchasing Policy recommendation for expenditures not requiring an electronic requisition or purchase order:

In most instances, purchases should be requested using an on-line requisition; however, there are specific types of purchases where the use of an on-line requisition is not efficient or effective.

County departments will be permitted to submit general request for payments (GRP) with supporting documentation to the Business Office so the corresponding invoices can be keyed into the New Worlds Accounts Payable module system. The GRP will then be reviewed and approved for payment by the County Auditor once it's checked for correctness and that it was legally incurred.

Prior to authorizing an expenditure using a GRP, each Elected Official / Department Head is responsible for ensuring that there is sufficient funding in their respective budgets to cover the requested expenditure. If end users require assistance with their corresponding budgets they should contact the Auditors office and/or the Budget office for assistance with account balance information prior to committing to an expenditure using a GRP.

Here is a list of permissible expenditures that do not require a requisition or a Purchase Order approval:

1. Postage
2. Food items for Jurors
3. Utilities (water, gas, electricity, cable/satellite)
4. Cell phones / air cards
5. Court reporter expenses
6. Court Appointed Attorney Fees and related expenses, Substitute Court Reporters, Statement of Facts, Interpreter Services, Guardianship
7. Employee reimbursements
8. Shipping costs (i.e. UPS/Federal Express)
9. Professional membership fees
10. Travel related advances (per diem, fuel, lodging, parking fees)
11. Customer refunds
12. 3rd Party Funding Applicants (Approved by Commissioners Court)

Departments are encouraged to contact the Auditor's Office at 956-523-4016 with any questions on the required GRP form or other questions on required supporting documentation when processing a GRP for the items listed above.