

**Resolution Establishing Kingman County, Kansas  
Purchasing Policy Where Procurement Involves Expenditure of Federal Assistance or  
Contract Funds**

**RESOLUTION NO. 2015-R4**

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF KINGMAN COUNTY,  
KANSAS THAT:**

**SECTION 1. PROCUREMENT POLICY**

- A. Where a procurement involves the expenditure of federal assistance or contract funds, the County shall comply with such authorized federal regulations which are mandatorily applicable to the extent not presently reflected in Resolution No. 2012-52. The following sections shall apply and supplement Resolution No. 2012-52 whenever a procurement involves the expenditure of federal assistance or contract funds. To the extent any provision herein may conflict with state law or Resolution No. 2012-52, the provision herein shall control.
- B. As used herein, "County" means Kingman County, the Board of County Commissioners, elected officials and designated administrative personnel authorized to make procurements.

**SECTION 2. CODE OF CONDUCT**

- A. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the County may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.
- B. No officer, employee or agent of the County shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

- C. Any alleged violations of these standards of conduct shall be referred to the County Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

### **SECTION 3. GENERAL PROCUREMENT PROCEDURES**

- A. The County shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- B. Where appropriate the County may consider entering local intergovernmental agreements or inter-entity agreements for procurement or use of common or shared goods and services.
- C. Where appropriate the County may consider using Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- D. Where appropriate the County may consider using value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.
- E. The County shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- F. The County shall maintain records sufficient to detail the history of procurement. These records will include: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- G. The County may use time and material type contracts only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. In any time and material type contract, the County will maintain a high degree of oversight in order to obtain reasonable assurance that the contractor is

using efficient methods and effective cost controls. Time and material type contract means a contract whose cost to the County is the sum of:

- (1) The actual cost of materials; and
- (2) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

H. The County alone shall be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims.

#### **SECTION 4. COMPETITION**

A. All procurement transactions shall be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals shall be excluded from competing for such procurements. The County will not commit or allow the following acts considered to be restrictive of competition that include but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest;
- (6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process.

B. The County shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the

Kingman County  
Purchasing Policy Resolution  
Resolution No.

evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

C. All solicitations for bids must:

- (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
- (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

D. The County shall ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the County shall not preclude potential bidders from qualifying during the solicitation period.

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**SECTION 5. METHODS OF PROCUREMENT TO BE FOLLOWED** The County must use one of the following methods of procurement:

- A. Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (2 C.F.R. § 200.67 Micro-purchase). Micro-purchases, including acquisitions of equipment by rental or lease for a temporary period, in an amount not exceeding Seven Hundred Fifty Dollars (\$750.00) may be made by elected officials and designated administrative personnel pursuant to this Resolution without complying with any formal or informal procedures for solicitation of proposals and bids. To the extent practicable, the elected officials and designated administrative personnel must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded

Kingman County  
Purchasing Policy Resolution  
Resolution No.

without soliciting competitive quotations if the elected official or designated administrative personnel consider the price to be reasonable.

- B. Proposals and bids shall be solicited informally for all purchases, including acquisitions by rental, lease, and lease-purchase agreements, in an amount exceeding Seven Hundred Fifty Dollars (\$750.00) but less than Ten Thousand Dollars (\$10,000.00) from responsible vendors prior to issuing a purchase order or contract for said goods or services, and said purchase order or contract shall be awarded to the vendor submitting the lowest responsible bid or best proposal as determined by the Board of County Commissions subject only to the exceptions provided in this Resolution. Price or rate quotations must be obtained from an adequate number of qualified sources.
- C. Procurement by sealed bids (formal advertising) shall be publicly solicited for all purchases by the County, including acquisitions by rental, lease, and lease-purchase agreements, in an aggregate amount of Ten Thousand Dollars (\$10,000.00) or more from responsible vendors prior to issuing a purchase order or awarding a contract for the purchase of such goods or services, and said purchase order or contract shall be awarded to a responsible bidder whose firm fixed price contract (lump sum or unit price), conforming with all the material terms and conditions of the invitation for bids, is the lowest in price as determined by the Board of County Commissioners after review of all vendor proposals and bids subject only to the exceptions provided in this Resolution. The sealed bid method is the preferred method for procuring construction, if the conditions in Section 5.D apply.
- D. When using sealed bidding under this Section, the following conditions should be present:
  - (1) A complete, adequate, and realistic specification or purchase description is available;
  - (2) Two or more responsible bidders are willing and able to compete effectively for the business; and
  - (3) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
- E. If sealed bids are used under this Section, the following requirements apply to sealed bids:
  - (1) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, and the invitation for bids must be publically advertised;

Kingman County  
Purchasing Policy Resolution  
Resolution No.

- (2) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
  - (3) All bids will be opened at the time and place prescribed in the invitation for bids, and the bids must be opened publicly;
  - (4) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
  - (5) Any or all bids may be rejected if there is a sound documented reason.
- F. Procurement by competitive proposals may be used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
- (1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
  - (2) Proposals must be solicited from an adequate number of qualified sources;
  - (3) The County **shall use the following written method for conducting technical evaluations** of the proposals received and for selecting recipients;
    - i. A Technical Review Committee (the "TRC"), a three member or greater voting committee as appointed by the Board of County Commissioners, will perform the Technical Proposal evaluation and scoring.
    - ii. The TRC will perform the Technical Proposal pass/fail evaluation in accordance with this Resolution.
    - iii. Technical Evaluation Procedure. The following general procedure must be used for the Technical Proposal evaluation:
      - *Step 1 – Responsiveness Review: Pass/Fail Evaluation.* The TRC will review the Technical Proposals for responsiveness to the RFP requirements by completing and forwarding to the TRC Chair, Appendix A, an example of which is attached to this Resolution, for each Technical Proposal. If a Proposal

Kingman County  
Purchasing Policy Resolution  
Resolution No.

fails to achieve a passing score on any of the pass/fail portions of the evaluation, the TRC shall deem the Proposal non-responsive. At least 2/3 (66%) of the TRC members must vote in favor of declaring a proposal non-responsive.

- If a Proposal obtains an initial non-responsive or fail score, the TRC Chair may issue requests for clarification or supplemental information from the Proposer to obtain a subsequent responsive or passing rating.
- If a Proposal is deemed non-responsive by the TRC, the TRC shall document the reasons to the TRC Chair. The TRC Chair will notify the Board of County Commissioners that the Proposer has been determined as non-responsive to the request for proposal or bid. If the Board concurs with the TRC non-responsive recommendation, the TRC Chair shall draft a notice for the Board's approval after which the notice will be issued to the appropriate Proposer.
- *Step 2 – Responsiveness Review: Alternative Technical Concepts (the "ATC"):* The TRC will verify that any ATCs included in the Technical Proposal were properly incorporated by completing Appendix B, an example of which is attached to this Resolution, for each Technical Proposal (if applicable). The TRC Chair reserves the right to request clarifications from Proposers if incorporation of an ATC is unclear.

*Step 3 – Price Proposal Opening:* The Board of County Commissioners or its designee will publicly open the Price Proposals.

- (4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- (5) The County may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

G. Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- (1) The item is available only from a single source;
- (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from County; or
- (4) After solicitation of a number of sources, competition is determined inadequate.

**SECTION 6. CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS**

- A. The County shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- B. The Affirmative steps the County will take shall include:
  - (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
  - (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
  - (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
  - (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
  - (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
  - (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

**SECTION 7. PROCUREMENT OF RECOVERED MATERIALS.**



- A. The County and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines

#### **SECTION 8. CONTRACT COST AND PRICE**

- A. The County must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold as used in 48 C.F.R. § 2.101 and amendments thereto (hereafter "Simplified Acquisition Threshold") including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the County must make independent estimates before receiving bids or proposals.
- B. The County must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- C. Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under Subpart E—Cost Principles 2 C.F.R. § 200.400 *et seq.* and amendments thereto . The County may reference its own cost principles that comply with the Federal cost principles.
- D. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

#### **SECTION 9. FEDERAL AWARDING AGENCY OR PASS-THROUGH ENTITY REVIEW**

- A. The County shall make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the

item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the County desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

- B. Unless the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part, the County must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
- (1) The County's procurement procedures or operation fails to comply with the procurement standards in this part;
  - (2) The procurement is expected to exceed the Simplified Acquisition Threshold (and is to be awarded without competition or only one bid or offer is received in response to a solicitation);
  - (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
  - (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
  - (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- C. The County may self-certify its procurement system. Such self-certification will not limit the Federal awarding agency's right to survey the system. In the event the County self-certifies its procurement system, the self-certification will cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

## **SECTION 10. BONDING REQUIREMENTS**

- A. For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the County may use its own bonding policy and requirements provided the Federal awarding agency or pass-through entity accepts the bonding policy and requirements of the County provided that the Federal awarding agency or pass-through entity based upon a determination that the Federal interest is

adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

- (1) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- (2) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- (3) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

**SECTION 11. CONTRACT PROVISIONS** All contracts made by the County under the Federal award must contain provisions covering the following, as applicable:

- A. Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- B. All contracts in excess of \$10,000 must address termination for cause and for convenience by the County including the manner by which it will be effected and the basis for settlement.
- C. Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

Kingman County  
Purchasing Policy Resolution  
Resolution No.

- D. Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by the County must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The County must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The County must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or sub-recipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The County must report all suspected or reported violations to the Federal awarding agency.
- E. Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the County in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- F. Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or sub-recipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the

Kingman County  
Purchasing Policy Resolution  
Resolution No.

recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

- G. Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and sub-grants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- H. Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201).
- I. Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) shall not be made to parties listed on the government- wide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), "Debarment and Suspension." The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- J. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

**SECTION 12.** This Resolution shall take effect and be in force from and after its approval by the Kingman County Board of County Commissioners.

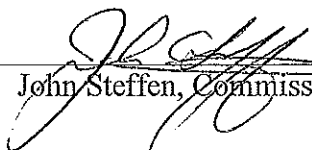
ADOPTED this 23<sup>rd</sup> day of February, 2015.

Kingman County  
Purchasing Policy Resolution  
Resolution No.

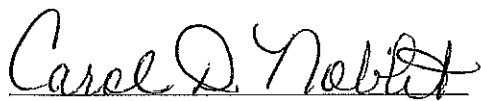
**BOARD OF COUNTY COMMISSIONERS,  
KINGMAN COUNTY, KANSAS**

  
Fred Foley, Chair

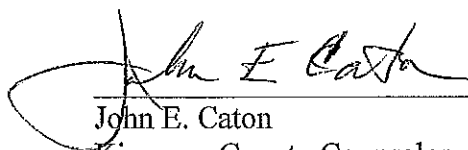
  
Carol Voran, Commissioner

  
John Steffen, Commissioner

Attest:

  
Carol Noblit, County Clerk

Approved as to Form:

  
John E. Caton  
Kingman County Counselor

## APPENDIX A

### PROPOSAL PASS/FAIL CHECKLIST

Kingman County  
Purchasing Policy Resolution  
Resolution No.

Proposer: \_\_\_\_\_ Evaluator: \_\_\_\_\_

Proposal Pass/Fail Task	Pass/Fail
Delivered by _____ am on the Technical Proposal Due Date.	
One electronic copy of Technical Proposal in PDF format with appendices. <i>(Use if applicable)</i>	
One hardcopy Price Proposal	
Technical Proposal includes: <i>(Insert requirements)</i> <input checked="" type="checkbox"/> Executive Summary (2-page limit single sided) <ul style="list-style-type: none"> <li>• Business name, address, business type and roles of the Proposer and each Major Participant</li> <li>• Identify any Approved ATCs incorporated in the Proposal</li> <li>• A statement certifying the truth and correctness of the Technical and Price Proposal</li> <li>• Authorized representatives of the Proposer organization must sign the letter</li> </ul> <input checked="" type="checkbox"/> Organizational Chart <input checked="" type="checkbox"/> Appendix A - ATC (if applicable) <input type="checkbox"/> Appendix B - Schedule (if applicable)	
<b>Business Form:</b> Business form of proposer and team members shall meet the Project requirements.	
<b>Major Defects:</b> The Proposal contains no major defect in the Board's sole discretion that would significantly violate an RFP requirement	
<b>Conditions:</b> The Proposer places conditions on the Proposal	
<b>Information about Major Participants and Identified Subcontractors.</b> Proposer must identify all Major Participants and Subcontractors	
Equal Employment Opportunity Certification for Proposer, each Major Participant, and non-exempt Subcontractors identified as of the Proposal Due Date required	

Note: P= Pass; F = Fail, NA = Not Applicable



Kingman County  
Purchasing Policy Resolution  
Resolution No.

Proposer: \_\_\_\_\_ Evaluator: \_\_\_\_\_

ATC No.	ATC Description	Approval Status	Approval Letter Included (if required by RFP or state law)	All Conditions Capable of Being Met in Technical Proposal Have Been Met	Pass/Fail
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

Note: P= Pass; F = Fail, NA = Not Applicable