



**MAVERICK COUNTY, TEXAS**

**PURCHASING POLICIES  
AND  
PROCEDURES MANUAL**

**TABLE OF CONTENTS**

Introduction .....1

Statement of Purchasing Policy .....2

Requisition Process .....3

Purchase Process ..... 4-6

Competitive Bidding Process ..... 7-8

Exemptions from the Competitive Bid Process .....9

Invoices .....10

Property Salvage and Disposal.....11

Glossary of Terms ..... 12-14

Attorney General Opinions.....15

Appendix .....16

    Quotation Sheet ..... 17

    Declaration ofEmergency Purchase ..... 18

    Sample Purchase Order ..... 19

    Purchase Order Rejection Form ..... 20

    Purchase Order Affidavit ..... 21

    Travel Voucher ..... 22

    W-9 ..... 23

    Form 1295 ..... 24-25

    Conflict of Interest Questionnaire ..... 26-27

## INTRODUCTION

This manual contains the authorized policy and procedures for purchasing and asset management by County officials and employees. The Maverick County Commissioners Court promulgates these procedures, and only the Maverick County Commissioners Court shall approve changes in the contents of this manual.

County purchasing procedures are governed by Texas statutes; and these statutes, including interpretations of them made by Texas courts, are the ultimate authority on the validity of purchasing procedures. Because the procedures described in this manual are based on state law, this manual, in many instances, contains language taken directly from statutes, and paraphrases of and broad generalizations about Texas statutory law which have been included where appropriate to assist in applying the law in routine situations. **This manual cannot address every situation;** and when an unusual situation occurs or a difficult legal or factual problem arises, the exact statutory language must be reviewed and analyzed. In every situation, the final authority for county purchasing procedures is the law itself.

This manual is for the use of Maverick County officials and employees and is designed to assist them in complying with laws governing county purchasing and asset management procedures. This manual does not create any rights of individuals or entities enforceable against Maverick County.

## **STATEMENT OF PURCHASING POLICY**

It is the policy of Maverick County that all purchasing shall be conducted strictly on the basis of economic and business merit to best promote the interests of the citizens of Maverick County. Maverick County encourages free and unrestricted competition on all bid requests and purchases, ensuring the taxpayers the best possible return on each dollar. All contracts and purchases shall be handled so as to obtain the best value for the County, with bids or quotes solicited whenever practical. Elected officials or County employees shall not purchase supplies, materials, or equipment of any kind for personal use through Maverick County.

The responsibility of purchasing ultimately rests with the Commissioners Court. The Purchasing Agent, as an agent of the Commissioners Court, aids in the purchasing process but is subject to the Court's directions as to reasonable specifications and maximum prices on items to be purchased. Purchasing is reviewed by the County Auditor acting as the Purchasing Agent.

The County strives to develop effective relationships with vendors and encourages full and open competition wherever possible. All vendors are afforded equal opportunity to participate in public bidding. To accomplish this intent, all contracts between the County and the vendor should be coordinated through the legal and auditing department.

The Texas State Legislature has passed and made a part of the Local Government Code, Section 262, more commonly known as the County Purchasing Act. It shall be the policy of Maverick County to fully comply in all aspects with the rules, regulations, and procedures, as they appear and are amended from time to time, in the act.

Furthermore, it is the intention of the Maverick County Commissioners Court that all individuals within each department directly or indirectly involved in the purchasing function shall follow the purchasing policies and procedures approved and adopted by the Commissioners Court as outlined in this manual.

## REQUISITION PROCESS

Local Government Code, Section 113.901 requires the use of requisitions.

- A. The department head, or duly authorized person within the department, initiates, prepares, and signs the requisition. The department head is ultimately responsible for verifying that sufficient funds are available and can be held personally liable for expenditures in excess of their approved budget. The requisition is then sent to the county judge for their signature followed by the Auditor's Office where it will be verified and converted to a purchase order.
- Purchase orders sent to the auditors' office should be completed within a reasonable amount of time. If additional time is required for approval or denial of the purchase order, a request for an extension must be made to the county budget officer. Departments should periodically check on status.
- B. Any commitment to acquire goods or services without an authorized purchase order is prohibited except as allowed in this manual and for emergency situations and/or in times when downtime of equipment or idleness of that equipment would result in unnecessary hardship or expense to the County. (See Emergency Purchase Orders.)
- Should the auditors' office reject a purchase order, it is **mandatory to complete the Purchase Order Rejection form** included in this policy, ensuring all fields are accurately filled out, before promptly returning it to the department head.
- C. Acquisition of foreign supplies, services, and construction materials
- Maverick County acknowledges that due to its location to the Mexican border there may better pricing available from our foreign counterparts.
  - Maverick County however believes domestic products must remain the first option when seeking supplies, services, and materials.
  - Foreign end products may be purchased if determined by commissioner's court that the price of the lowest domestic offer is unreasonable or some other exception applies.
  - Foreign end product purchases remain subject to all applicable laws and regulations.
- D. Reimbursements
- Maverick County acknowledges there may be situations in which an out-of-pocket work expense may be required. Maverick County however believes all purchases must first be attempted through the requisition process when possible.
  - When an out-of-pocket expense occurs, receipts and proof of payment of such expense must be submitted and approved by the department head and or duly authorized person and follow the requisition process as described above. Sales tax is not reimbursable.
  - Reimbursements are subject to monies being available and reasonableness determinations by applicable laws and department head and or authorized officials.
  - Maverick County does not guarantee reimbursement of all out-of-pocket expenses and reiterates that purchases must utilize the requisition process for all government purchases first.
- E. If a trade-in is involved, requisitions must identify the equipment number of the equipment to be traded. Items that lack an assigned equipment number should be identified on the requisition by the complete serial number, make, model and any other pertinent descriptive information.
- F. Once the goods and/or services are received, the invoice shall be signed and dated by the receiving department and forwarded to the Auditor's Office for processing.

## **PURCHASE PROCESS**

All purchases require a purchase order issued by the Auditor's Office unless listed under exemptions, or specifically exempted by law. By routing all purchases through the Auditor's Office, it becomes possible for purchases of similar goods and/or services to be identified and the purchases from the same vendor to be noted. In this manner it becomes possible to identify areas where competitive bidding or proposals will be required.

Unbudgeted Capital Expenditures – purchases not authorized in a department's current budget must be authorized through a budget amendment by the Commissioners Court prior to purchase.

## **PURCHASE ORDER**

The purchase order is a contract between the County and a vendor. A purchase order authorizes the vendor to both invoice and ship the materials or supplies specified. It is also the vendor's indication to expect timely payment if goods and/or services are rendered as specified on the purchase order. All purchases require a purchase order issued by the Auditor's Office prior to the purchase being made unless listed under exemptions, or specifically exempted by law. Purchase orders are to include the purpose of the purchase. All purchase orders will be written concisely and clearly to avoid misunderstandings and unnecessary correspondence with vendors.

**Each Department Head is responsible for maintaining the integrity of his/her department budget. Anyone obligating an expenditure of funds for goods or services in excess of their allotted budget or prior to securing a purchase order may be held personally responsible for the payment.**

## **PURCHASES OF \$50,000 OR MORE**

The Texas Local Government Code requires competitive bidding or proposals for all county purchases exceeding \$50,000 in amount for a product or vendor. The law also prohibits the County from making a "separate, sequential, or component purchases to avoid the competitive bidding requirements".

- Separate purchases: purchasing goods and services in a series of separate purchases, that in normal purchasing practices, would have been purchased in one purchase.
- Sequential purchases: purchases made over a period of time that in normal purchasing practices would be made as one purchase.
- Component purchases: purchasing a series of component parts of goods that normally would be purchased as a whole.

A violation is a Class B misdemeanor (\$2,000 fine and/or 180 days in jail) and conviction results in immediate removal from employment and ineligibility for other public offices for four years (LGC Section 262.034-035).

Sealed competitive bids or proposals must be secured for all transactions reasonably anticipated to be equal to or in excess of \$50,000 (annually county wide) unless offered on State contract or Inter-local agreement. This category not only includes single product or service purchases, but several purchases with the same vendor for different products. Purchases from this category must have Commissioners Court approval prior to the issuance of the purchase order.

## **PURCHASES LESS THAN \$50,000**

The purpose of this section is to provide guidance for the regulations that apply to purchase of material, equipment, supplies, repairs, and services that are not required by law to be bid. The general practice of the County shall be to accept the lowest responsible bid or price quotation as specified and on *equal* product standards. If the County receives two or more quotes or bids from responsible bidders that are identical in amount, as the lowest and best bid, the County shall select only one bidder by casting lots. All purchases require a purchase order issued by the Auditor's Office regardless of price unless listed under exemptions, or specifically exempted by law. **Purchase orders are issued prior to the purchase being made.**

**Must not exceed the authorized and approved amount by more than 15% to allow for minor price increases or shipping. Increases exceeding this variance require written explanation and additional approvals by all original authorizing parties.**

### **Purchases from \$1.00 to \$2,499 –**

Purchases \$2,499 and below requires only a purchase order if adequate funds are available in the appropriate budget line item.

### **Purchases from \$2,500 or more, but less than \$9,999 –**

For purchases of \$2,500 or more, competitive quotations are encouraged, but not required. Purchases made at auction, state contract, or buy board do not require quotations. Unbudgeted purchase of capital items must be authorized through a budget amendment by the Commissioners Court.

### **Purchases of \$10,000 or more, but less than \$50,000 –**

All purchases over \$10,000 require a minimum of three written quotes. Purchases made at auction, state contract, or buy board do not require quotations. Unbudgeted purchase of capital items must be authorized through a budget amendment by the Commissioners Court. If you are unable to acquire (3) quotes, i.e. when there is no responsive bids or proposals in accordance with LGC Sec. 262.0225, and the item is not sole source, you may proceed with (1) quote, provided you have the approval of commissioner's court. (LGC Sec. 262.045)

### **Vendors Requiring a Credit Card**

Some local vendors may not extend credit to Maverick County. For these vendors you must use the County Credit Card. Other vendors require their store credit card along with an approved purchase order. When using the credit cards, a periodic purchase order not to exceed the card's limit may be issued for the purchase of emergency or routine items. When the balance of the P.O.s is exhausted, new P.O.s may be issued uninterruptedly through the end of the fiscal year. Procedures for use of County credit cards:

1. All Cards will be maintained at the Auditor's Office. Only designated employees from each department will be authorized to use the cards. Exception: Sheriff's office own designated credit card.
2. An initial purchase order must be prepared according to purchasing policy procedures made payable to the vendor(s) and routed for proper approvals.
3. Each time the card(s) are requested the Auditor's Office will require: • a description of items to be purchased • an estimate of the next purchase • the users' signature
4. Upon returning the cards, a signed invoice or receipt for the purchase made MUST also be submitted.
5. Authorized users will be held responsible for using the cards for authorized purchases only and for its security. Users MUST return the card (s) on the same day it is requested. Exception: Sheriff's office own card.
6. Cash withdrawals with the County Credit Card are strictly prohibited.
7. Departments who do not conform to established procedures will be denied authorization for further use of the cards.

**Please remember to allow adequate time to complete the purchasing process and for the vendors to be able to deliver the goods or complete the service.**

## **CHANGE ORDERS**

Change orders regarding pricing must be approved by commissioner's court.

## **EXEMPTIONS FROM THE REQUISITION / PURCHASE ORDER PROCESS**

- Utilities
- Emergency purchases made in (1) a case of public calamity where the prompt purchase of items are required to provide for the needs of the public or to preserve the property of the County; (2) a case where the item is necessary to preserve or protect the public health or safety of residents of the County; and (3) a case where the purchase of an item is made necessary due to unforeseen damage to public property. Purchase order must be submitted within (3) business days after emergency has passed.

## **TRAVEL**

- Attach the mileage log or travel voucher describing destination(s) and trip purpose; submit monthly if local travel. The mileage rate is that set by the Texas Comptroller of Public Accounts at time of travel.
- Lodging – Attach hotel confirmation, proof of event registration and agenda. Secure a preapproved (signed by immediate supervisor or County Judge) Travel voucher with verification of funds prior to all trips. Allowance currently approved by Commissioners' Court is actual rate of approved hotel subject to budgetary constraints.
- Meals – Allowance currently approved by Commissioners' Court is not to exceed \$59 per day or the current rate established by Texas CPA

## **COMPETITIVE BIDDING PROCESS**

### **I. COMPETITIVE BIDDING**

- A. Purchases of more than \$50,000 from one vendor must be made through formal, written, sealed, competitive bids unless exempt by state statute. Departments are prohibited from making “split purchases” in an effort to circumvent the formal bid requirement.
- B. Commissioners Court must approve advertisement for bids.
- C. The user department shall be responsible for establishing specifications and providing a complete written set of the specifications along with a completed requisition. Specifications may be written on a technical or functional basis. The use of brand names in the specifications is discouraged but may be used for comparison purposes only. When brand names must be used it will be stated “or approved equal”. When developing specifications, one should ensure that a fair competitive environment exists. The Auditor’s Office will finalize the specifications to ensure they are proper for inserting in the bid packet and will submit them to the user department for final approval. The procedure is jointly undertaken in order to establish a quality level of goods or services being procured.
- D. Once bid specifications are approved by the user department, the advertisement and bid process begins. The Auditor’s Office will coordinate and operate the bidding system. Likewise, the Auditor’s Office will be responsible for adherence to any and all legal requirements of competitive bidding and will develop standard terms and conditions that will be used for all of the County’s formal bidding situations.
- E. In addition to soliciting vendors through newspaper and website advertisements, auditing and requesting department will work to identify possible vendors with interest in submitting a bid to Maverick County. Pre-bid conferences may be used when it is anticipated that they will be useful in answering vendors’ questions and to ensure that the same information is distributed equally. It is of utmost importance that those who intend to bid understand the County’s needs. All material changes to bidding conditions or specifications (resulting from pre-bid conferences, vendor inquiries, and all other reasons) will be documented and issued in an addendum by the Auditor’s Office to all known bidders (i.e., all vendors who have requested a bid packet). All questions from vendors concerning the bid packet are to be addressed to the Auditor’s Office.
- F. It will be the County Clerks Office responsibility to receive all bid proposals and to document such receipt on the date and time as advertised. It will be the Auditor's Office responsibility to coordinate with the user department a time to evaluate the bids. The County will follow the practice of using a total cost bid analysis for evaluating the lowest responsible bid unless the bids specifications dictate otherwise. Once an evaluation has been prepared, the Auditor’s Office and user department head will make a joint recommendation to the Commissioners Court for consideration and award.
- G. When the County does not receive bids nor proposals for purchases/projects over \$50k after proper competitive bidding, in accordance with LGC Sec. 262.0225, and the item is not sole source, you may proceed with (1) quote, provided you have the approval of commissioner’s court. (LGC Sec. 262.045)

## **II. REQUEST FOR PROPOSALS**

- A. The request for proposals (RFP) is a process similar to the sealed bid procedure used for the procurement of goods and services that are highly specialized and technical in nature. Important distinctions between a normal sealed bid and an RFP include:
  - A. Normal bids stipulate the award of the contract to the “lowest and most responsible bidder”. An RFP permits price and other factors to be considered, allowing a contract to be awarded to a vendor other than the one offering the lowest price.
  - B. Normal bids utilize detailed specifications about the nature of the goods and services required by the County. An RFP may specify only the function to be served by the goods and services, leaving the vendors to determine how to best achieve the desired function.
  - C. State law requires that the RFP specify the relative importance of price and other evaluation factors. The user department and/or the Auditor’s Office may conduct discussions with vendors after the submission proposal. The final terms of the contract may be negotiated during these discussions and prior to the award of the contract by the Commissioners Court.

## **III. PROFESSIONAL SERVICES**

### **A. GENERAL**

- A. These services are characterized by their reliance on mental or intellectual skills, often accompanied by formal certification or licensing by a state or other regulatory agency. Examples of professional services include accounting, auditing, architecture, economics, engineering, financial advisory services, law, laboratory services, consulting, medicine, and surveying, etc.
- B. State law exempts the procurement of these services from competitive bidding requirements (Professional Service Acts, VCTS). Professional service consultants should be selected on the basis of demonstrated competence and qualifications.
- C. Any negotiated contract and fee structure document should be turned over to County legal counsel for review. Once approved by legal counsel, the contract should be placed on the agenda of the Commissioners Court for approval, acceptance and signing.

The Auditor’s Office will prepare a draft RFP to be reviewed and approved by the user department. Once approved, the Auditor’s Office will submit to Commissioners Court for approval of advertisement. The Auditor’s Office will then place advertisements in the newspaper(s) and websites and distribute RFPs to potential consultants. Proposals will either be evaluated by the user department and the Auditor’s Office, or a committee (that will include the user department and the Auditor’s Office) established by Commissioners Court. A recommendation is made, and a fee is negotiated. Once negotiations are completed, the County legal department will draft and/or review a contract based on the RFP and the consultant’s proposal. The final agreement will be brought back to the Commissioners Court for review and approval.

## EXEMPTIONS FROM THE COMPETITIVE BID PROCESS

The following is a generalization of LGC 262.024. **Please refer to the Local Government Code for specific language.**

Local Government Code, Section 262.024 allows the purchase of any of the following items as exempt from the requirements established by this policy if the Commissioners Court by order grants the exemption:

- A. An item to be purchased in case of public calamity if prompt purchase is necessary to relieve the necessity of the citizens or to preserve the property of the County.
- B. An item necessary to preserve or protect the public health and safety of the residents of the County.
- C. An item necessary because of unforeseen damage to public property.
- D. Any work performed and paid for by the day, as the work progresses.
- E. Any land or right-of-way.
- F. An item than can be obtained from only one source, to include:
  - 1. Items for which competition is precluded because of the existence of patents, copyrights, secret processes, or natural monopolies.
  - 2. Films, manuscripts, books.
  - 3. Electric power, gas, water, and other utility services.
  - 4. Captive replacement parts or components for equipment.
- G. An item of food.
- H. Personal property sold:
  - 1. At an auction with the use of a state licensed auctioneer.
  - 2. At a going out of business sale held in compliance with Subchapter F, Chapter 17 of the Business & Commerce Code.
  - 3. By a political subdivision of the state or the federal government.
- I. Any work performed under a contract for community and economic development made by the County under LGC 381.004.
- J. Renewal or extension of a lease or of equipment maintenance agreements are exempt from the requirements as set out in this policy if the Commissioners Court so orders and grants the exemptions, and if:
  - 1. The lease and/or maintenance agreement has gone through the competitive bidding procedure within the preceding year.
  - 2. The renewal and/or extension does not exceed one year.
  - 3. The renewal and/or extension is the first such renewal and/or extension.

If an item is deemed to be a sole source purchase, the ordering department will need to provide, in writing, the reasons why to the Auditor's Office and a letter from the vendor may be requested. If the requesting department and the Auditor's Office both agree that the vendor is sole source, the request will be submitted to the Commissioners Court for approval prior to issuance of the purchase order.

## INVOICES

The invoice is an itemized statement of merchandise shipped or delivered to an end user and is a guide for the County in settling financial obligations incurred. Invoices are based upon purchase orders and therefore should contain the same information. Any difference between the invoice and the approved PO should be resolved with the vendor immediately and always before forwarding for payment.

All invoices should contain the following information:

1. The purchase order number
2. An itemized list of merchandise received/shipped
3. The prices, terms, quantities, and other pertinent information

Upon receipt of each signed invoice, staff members of the Auditor's Office will attach a copy of the purchase order, audit the invoice for accuracy and County personnel signature approval, enter the invoice into the accounts payable system and present the invoice as a warrant or AP list item to the Commissioners Court for approval.

Invoices found to contain errors will not be submitted for payment until all errors have been reconciled and agreed upon by both the County and the vendor.

Texas' "prompt payment law" establishes when some types of payments are due. The law states that payments for goods and services are due within 30 days after the goods are provided, the services completed, or a correct invoice is received, whichever is later.

The county will not do partial payments in advance unless commissioner's court approval is given. Payments shall comply with Government Code 2251.021.

## **PROPERTY SALVAGE AND DISPOSAL**

### **SALVAGE**

Equipment no longer needed by a department shall be reported to the Auditor's Office by completing a Property Acquisition, Transfer and Disposition form and/or surplus form. If it is found that this item is of no further use by any County department, the Auditor's Office will dispose of it in accordance with LGC 263, Subchapter D – DISPOSITION OF SALVAGE OR SURPLUS PROPERTY.

### **DISPOSAL**

Upon approval by Commissioners Court, surplus or salvage material and equipment may be disposed of in one of the following methods:

- A. Public auction
- B. Trade-in on new equipment
- C. Seal competitive bids
- D. Ordered destroyed or distributed as unsalvageable

## GLOSSARY TERMS

- Authorized Signature** – A signature that has been approved by the department head to initiate a purchase request and which is recognized by the County Auditor to authorize the expenditure of funds from the department's budgeted funds.
- Bid Advertisement** – A public notice put in a newspaper of general circulation containing information about an Invitation to Bid or a Request for Proposal.
- Bid Bond** – A bond required of a contractor that ensures that the contractor will enter into the contract for which he has submitted a formal written bid and/or proposal.
- Buyer** – County Auditor or his/her designee functioning under the direction of the Court.
- Capital Items** – A capital item is generally an item that has a unit cost in excess of \$2,500 and has a life expectancy of greater than one (1) year. Certain items with a unit cost of less than \$2,500 are designated as reportable for the purpose of equipment accountability, e.g., computers and computer equipment, chainsaws, electric or air powered tools, etc.
- Competitive Bidding** – The process wherein a vendor openly competes with other vendors through a formal process for the County's business.
- Contract** – A formal, written agreement executed by the County and a vendor containing the essential terms and conditions under which goods or services are to be furnished to the County. A contract becomes a commitment of the County's funds when approved by the Commissioners Court and properly signed and dated by the County Judge or authorized official.
- Encumbrance** – The process wherein the County sets aside funds for the purchase of supplies, goods, services, or equipment in accordance with the approved purchase order.
- F.O.B. Destination Point** – A designation that indicates transportation charges are paid by the vendor, and the vendor is responsible for the merchandise until it reaches the County's designated delivery point.
- F.O.B. Shipping Point** – A designation that indicates shipping charges are added to the invoice and paid for by the County. The County takes possession of the goods at the point of shipment and is responsible for them from that point.
- Fund Approval** – The process wherein the County Auditor verifies that moneys are available at the specific budgetary fund level to encumber the expenditure within the approved budget, as well as available to make the payment for the goods and services when delivered.
- Goods** – A generic term that includes all types of property to be purchased by the County, equipment, supplies, materials, component and repair parts.
- Invitation to Bid** – A formal written document that requests from the bidders a firm price and delivery details for specified merchandise listed on a purchase requisition. An Invitation

to Bid is always required when the anticipated level of expenditure will be greater than \$50,000. It may be used anytime the Auditor's Office and/or Commissioners Court deem it is justified.

**Lease** – A specific contract for the use of real estate or personal property for a specified period of time with a specified rent or other compensation to be paid.

**Lowest Responsible Bid** – The lowest bid or offer received by the County. It meets all the specifications, requirements, terms, and conditions of the Invitation to Bid. It is expressly understood that the lowest responsible bid includes any related costs to the County, using a total cost concept. The term “responsible” refers to the financial and practical ability of the bidder to perform the contract. The term is also used to refer to the experience record of the vendor with the County or the vendor's safety record.

**Performance Bond** – A bond that is normally required of all contractors doing business with the County, which guarantees vendor performance during the execution of the contract.

**Purchasing** – The act, function, and responsibility for the acquisition of goods and services.

**Purchasing Law** – The law that governs county purchasing including the following laws: Purchasing Act, (TEX LOC. GOV'T CODE ANN. §262, subch. C), Public Property Finance Act, (TEX LOC. GOV'T CODE ANN. §271, subch. B), State Contract (TEX LOC. GOV'T CODE ANN. §262.002, §271.0813), State Catalog, (TEX LOC. GOV'T CODE ANN. §2157 in coordination with TEX LOC. GOV'T CODE ANN. §271.101-103), Services and Products of Severely Disabled, (TEX LOC. GOV'T CODE ANN. Chapter 122), Interlocal Cooperation Agreement, (TEX LOC. GOV'T CODE ANN. §791), Prompt Payment Act, (TEX LOC. GOV'T CODE ANN. §2251), Bidders from other States and 5% Retainage, (TEX LOC. GOV'T CODE ANN. §2252), Public Works Performance and Payment Bonds, (TEX LOC. GOV'T CODE ANN. §2253), Professional Services Procurement Act, (TEX LOC. GOV'T CODE ANN. §2254, subch. A), Wage and Rate Construction Projects, (TEX LOC. GOV'T CODE ANN. §2258), Sales Tax Exemption for Governmental Entities, (TEX LOC. GOV'T CODE ANN. §151.309), Workers' Compensation Compliance, (Workers Compensation Rule §110.110), Uniform Electronic Transaction Act, (TEX. BUS. & COM. CODE ANN. Chapter 43)

**Purchase Order** – A formal, binding legal agreement issued by the County Auditor's Office. A purchase order is requested by a departmental requisition that details the merchandise or services required. A purchase order grants the vendor the authority to deliver an invoice for goods and services. It is the County's commitment to accept the goods and services and pay for them at the agreed price.

**Request for Proposal** – A formal written document requesting that potential vendors make an offer for services to the County. The offer allows for negotiations after proposals have been received, but before a contract is awarded. This process is normally used for the acquisition of insurance coverage and high technology items.

**Requisition** – The source document for all purchasing activity. The requisition is for communicating internal requirements and should not be used by the departments for the order and delivery of goods and/or services.

**Services** – A generic term to include all work or labor performed for the County on an independent contractor basis, including maintenance, construction, manual, clerical, or professional services.

**Specifications** – This statement contains a detailed description of the terms of the contract, as well an enumeration of particulars, required details, and all other restrictions for goods and/or services. The enumeration of the specifications should be descriptive, but not restrictive.

**Surplus Property** – An item no longer required by a department, regardless of its value or condition.

**Vendor** – A generic term applied to individuals and companies alike who provide goods and services to Maverick County.



## ATTORNEY GENERAL OPINIONS & CASE LAW

---

County Auditor can refuse to approve payment of county funds only on the grounds that payment is prohibited by law	GA-0618
Competitive bidding, county auditor who determines that the county awarded a contract without complying with the County Purchasing Act may not approve a claim for payment on the contract	GA-0247
A county auditor may not dictate what type of equipment that county officers may use	JM-1275
A county auditor has no independent authority to refuse to create budget lines pursuant to a commissioner's court emergency budget amendment,	GA-0872
The county auditor has principal duty of requiring county to conform to Professional Services Procurement Act	JC-0266
A county auditor's authority to impose requirements on other county officers is limited to that necessary to the performance of the auditor's duties.	JM-1186
It is not generally within the province of the auditor to ensure that county officers and employees are complying within the duties of their office or employment imposed on them by law where such efforts are not necessary to the accomplishments of the auditor's duties.	M-756
Whether a county auditor may impose a requirement (1) is reasonably necessary to the performance of the auditor's duties and (2) does not usurp or unreasonably interfere with the performance of the officer's constitutional and statutory duties	GA-0744
Case Law	
Auditor must approve an account if the purchase complies with the law governing county finances. The auditor may not withhold approval of an account arbitrarily or in contravention of law.  Smith v. McCoy, 533 S.W. 2d at 459	LO93-91

# APPENDIX

Maverick  
County Quote  
Sheet

This sheet is to be completed by department requesting purchase and is to be attached to the Purchase Order. There must be at least three price quotes before the purchase order can be accepted and approved.

▲ DEPARTMENT: \_\_\_\_\_

PERSON VERIFYING PRICES: \_\_\_\_\_

VENDORS:

1. Name of vendor \_\_\_\_\_ Price Quote  
Items: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
TOTAL PRICE \_\_\_\_\_

2. Name of vendor \_\_\_\_\_  
Items: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
TOTAL PRICE \_\_\_\_\_

3. Name of vendor \_\_\_\_\_  
Items: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
TOTAL PRICE \_\_\_\_\_

Maverick County

DECLARATION OF EMERGENCY PURCHASE

Date: \_\_\_\_\_

To: **Commissioners' Court; County Auditor**

From: \_\_\_\_\_

I HEREBY REQUEST A DISCRETIONARY EXEMPTION FROM LGC 262 and following the normal purchasing policy procedure because (check appropriate line)to purchase\_\_\_\_\_ (Item).

\_\_\_\_1. Public calamity, the item MUST be purchased promptly to relieve the necessity of the citizens or to preserve county property

\_\_\_\_2. The item is necessary to preserve or protect the public health or safety of the residents of the county

\_\_\_\_3. Item necessary because of unforeseen damage to publicproperty

**Details why this purchase qualifies:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Initial approval notice to County Judge and Auditor (MUST be made within a reasonable amount of time):

Date of calamity or issue:\_\_\_\_/\_\_\_\_/\_\_\_\_ Date of notice to Judge:\_\_\_\_\_/\_\_\_\_/\_\_\_\_

Date of notice to County Auditor's Office:\_\_\_\_\_/\_\_\_\_/\_\_\_\_ Auditor contacted:\_\_\_\_\_

Approved by Department Head:\_\_\_\_\_ Date:\_\_\_\_/\_\_\_\_/ Approved

by County Judge:\_\_\_\_\_ Date:\_\_\_\_\_/\_\_\_\_\_/

Approved/Verified by County Auditor:\_\_\_\_\_ Date:\_\_\_\_/\_\_\_\_/ Approved

by CCT (if \$50,000 or more): Date:\_\_\_\_/\_\_\_\_/Item:\_\_\_\_\_



# Purchase Order Rejection Form

<b>Requesting Department:</b>
<b>Date PO was Submitted:</b>
<b>Date of PO rejection:</b>

<b>Purchase under \$2,499:</b> Y <input type="checkbox"/> N <input type="checkbox"/>	Was PO properly filled out and fall within budget?
<b>Purchase between \$2,500-\$9,999:</b> Y <input type="checkbox"/> N <input type="checkbox"/>	Was PO properly filled out and fall within budget?
<b>Purchase between \$10,000-\$49,999:</b> Y <input type="checkbox"/> N <input type="checkbox"/>	Were (3) or more quotes submitted with PO?
<b>Purchase over \$50,000:</b> Y <input type="checkbox"/> N <input type="checkbox"/>	Was competitive bidding followed? If not, how so?

<b>Cite specific purchasing law and/or local procedure violation: (REQUIRED)</b>

<b>Recommended action to allow for proper purchase in accordance with law:</b>

<b>Assistant County Auditor/ Representative Signature</b>	<b>Date</b>



**Purchase Order Affidavit**

Local Government Code §113.064 provides that the County Auditor may require that a claim, bill, or account be verified by an affidavit indicating its correctness. This affidavit must be signed by the department head and/or elected official.

I \_\_\_\_\_ (department head/elected official) certify that the items and/or amounts indicated below are correct and required by my department.

Item(s) being purchased:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Cost(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Department Head/ Elected Official (Printed)*

\_\_\_\_\_  
*Department Head/ Elected Official Signature*

\_\_\_\_\_  
*Date*

**TEXAS**

**NOTARY**

**ACKNOWLEDGMENT**

State of Texas

County of Maverick

Before me, \_\_\_\_\_, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(seal)

\_\_\_\_\_  
Notary Public Signature

# MAVERICK COUNTY TRAVEL VOUCHER

MAVERICK COUNTY

Traveler: \_\_\_\_\_

Travel Voucher

Department Charged: \_\_\_\_\_

Submission Date: \_\_\_\_\_

Date	From	To	Mileage	Rate	Amount	Food Expense
Totals						

Date	Lodging/Other Expenses	Amount	Total
Total Due			

Purpose of Trip: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Approved: \_\_\_\_\_ Total Due: \_\_\_\_\_

**ALL RECEIPTS FOR LODGING, FOOD OR OTHER EXPENSES ARE TO BE ATTACHED TO THIS FORM, OTHERWISE YOU WILL NOT BE REIMBURSED FOR ANY MISSING RECEIPTS. PLEASE VERIFY IN ADVANCE IF YOU HAVE FUNDS AVAILABLE FOR THE TRIP.**

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_



## FORM 1295 INSTRUCTIONS

Pursuant to recently enacted Section 2252.908 of the Texas Government Code as of January 1, 2016, any business entity entering into a contract with a local government that requires approval of the governing body must submit a Disclosure of Interested parties to the local government prior to the execution of the contract. The Texas Ethics Commission (TEC) has adopted a form for the Disclosure of Interested Parties (Form 1295) and has created a website application for business entities to submit the required information.

Maverick County (County) may not enter into a contract that requires the approval of Commissioner's Court until the business entity that is a party to the contract files a Form 1295 with the Texas Ethics Commission.

1. Upon being notified of a bid/recommended award, the award recipient, the business entity, must go to the following website: [https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm) and follow the login directions on the website application to complete a Form 1295. If this is a business entity's first time login on the website application, the business entity must create a login Username and Password then follow the application's instructions to complete a Form 1295.
2. The County will provide a Contract ID for you to insert.
3. Once confirmation is received that the information has been filed with the Texas Ethics Commission, the business entity MUST print, sign and notarize Form 1295.
4. The notarized Form 1295 must be filed with the Texas Ethics Commission within seven (7) business days of the date of notification of recommended award. The contract will not be executed until the form has been filed with the Texas Ethics Commission and the Maverick County has received the notarized Form 1295.
5. In no way does a request for filing of Form 1295 with the Texas Ethics Commission commit the County to any type of award whatsoever.
6. Once the Maverick County Auditor's Office receives the notarized Form 1295, the Auditor's Office will submit confirmation of receipt through the Texas Ethics Commission website within thirty (30) days.
7. This process must be followed for each contract/renewal/amendment requiring Maverick County Commissioner's Court approval.
8. A Form 1295 cannot be hand written. It must be completed electronically through the Texas Ethics Commission website application.
9. If you have any questions, contact the Maverick County Auditor's Office at (830) 773-3708. Mail the original notarized Form 1295 to Maverick County Auditor, 370 N. Monroe St., Suite 1, Eagle Pass, Texas 78852

**CERTIFICATE OF INTERESTED PARTIES**

**FORM 1295**

Complete Nos. 1 - 4 and 6 if there are interested parties. Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.	<b>OFFICE USE ONLY</b>
1 Name of business entity filing form, and the city, state and country of the business entity's place of business.	
2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.	

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 UNSWORN DECLARATION

My name is \_\_\_\_\_, and my date of birth is \_\_\_\_\_.

My address \_\_\_\_\_ (street) \_\_\_\_\_ (city) \_\_\_\_\_ (state) \_\_\_\_\_ (zip code) \_\_\_\_\_ (country).

I declare under penalty of perjury that the foregoing is true and correct.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of authorized agent of contracting business entity  
(Declarant)

**ADD ADDITIONAL PAGES AS NECESSARY**

**CONFLICT OF INTEREST QUESTIONNAIRE**  
**For vendor doing business with local governmental entity**

**FORM CIQ**

**This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.**  
 This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).  
 By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.  
 A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY	
Date Received	

**1 Name of vendor who has a business relationship with local governmental entity.**

**2**  **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

**3 Name of local government officer about whom the information is being disclosed.**

\_\_\_\_\_

Name of Officer

**4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.**

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes       No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes       No

**5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.**

**6**  Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

**7**

\_\_\_\_\_  
Signature of vendor doing business with the governmental entity

\_\_\_\_\_  
Date

**CONFLICT OF INTEREST QUESTIONNAIRE**  
**For vendor doing business with local governmental entity**

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

**Local Government Code § 176.001(1-a):** "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

**Local Government Code § 176.003(a)(2)(A) and (B):**

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

**Local Government Code § 176.006(a) and (a-1)**

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.