



Board of Commissioners Agenda Work Session

Gunn Memorial Library

January 6, 2025 at 5:00 p.m.

Welcome

1. Moment of Silent Prayer Chairman Yarbrough
2. Pledge of Allegiance
3. Public Comments

Each speaker will speak from the podium, and begin their remarks by giving their name and stating whether or not they are residents of the county. Comments will be directed to the full board. Speaker comments are limited to a maximum of three (3) minutes during the public comment period. Speakers must be courteous in their language and presentation. Personal attacks will not be tolerated. The Board of Commissioners or the Administration will not provide responses during Public Comments period or in the same meeting.

4. Recognitions

Agenda

5. Approval of Agenda Chairman Yarbrough

Action Items

6. Designation of Renee Paschal as Interim Clerk to the Board

Discussion Items

7. Rules of Procedure Amendment County Manager Paschal
8. Purchasing Policy County Manager Paschal
9. Contract Policy County Manager Paschal
10. Co-Square Student Fee County Manager Paschal
11. Discussion on boards/committees commissioners will serve on for the upcoming year

County Manager's Updates

County Attorney Updates

Commissioner Comments

Announcements and Upcoming Events

- January 20, 2024 County Offices Closed for MLK Day
- January 21, 2025 Board of Commissioners Meeting at 6:30 pm at the Gunn Memorial Library
- January 25, 2025 Board Retreat at 8 am at the Gunn Memorial Library

Closed Session

To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged NCGS 143-318.11 (a) (3).

Adjournment



AGENDA FORM

TO: Caswell County Board of Commissioners

FROM: Renee Paschal, Interim County Manager

SUBJECT: Designation of Renee Paschal as Interim Clerk to the Board

BACKGROUND INFORMATION:

NC General Statute 153A-111 requires that the Board of Commissioners appoint a Clerk to the Board or designate another position to serve as the clerk:

The board of commissioners shall appoint or designate a clerk to the board. The board may designate the register of deeds or any other county officer or employee as clerk. The clerk shall perform any duties that may be required by law or the board of commissioners. The clerk shall serve as such at the pleasure of the board.

The Clerk is required to perform several statutory functions including keeping official minutes of board meetings, maintaining the county's ordinance book and code of ordinances, and giving notices of board meetings.

Since many of these duties overlap with the county manager, I am recommending that I be designated as Interim Clerk to the Board. Draft minutes will be prepared by a contractor, but I will review and submit them to the Board.

STAFF RECOMMENDATION, IF APPLICABLE:

N/A

RECOMMENDED ACTION/MOTION:

Motion to designate Renee Paschal as interim clerk to the board.

FISCAL IMPACT:

The cost of contracting for preparation of draft minutes will be more than offset by the savings in the vacant clerk's position.

ATTACHMENTS:



AGENDA FORM

TO: Caswell County Board of Commissioners

FROM: Renee Paschal, Interim County Manager

SUBJECT: Amendment to Board of Commissioners Rules of Procedure

BACKGROUND INFORMATION:

The Board of Commissioners has adopted Rules of Procedure, which are attached. Rule #27 currently states the following:

Rule 27. Consideration of Unbudgeted Expenditures. No votes on expenditures for off-budget spending in excess of \$10,000 shall be held unless tabled from a prior meeting.

I believe the intent of this rule is to give the board ample time to consider proposals that require additional county funding. However, some of the budget amendments that come to the board for approval do not require an additional appropriation from the general fund. These amendments simply accept other revenue sources and appropriate them for expenditure.

Proposed wording (change is bolded):

Rule 27. Consideration of Unbudgeted Expenditures. No votes on expenditures for off-budget spending in excess of \$10,000 shall be held unless tabled from a prior meeting. **The rule shall not apply in cases where a budget amendment increases revenue and expense by an equal amount and there is no other impact on the general fund.**

STAFF RECOMMENDATION, IF APPLICABLE:

N/A

RECOMMENDED ACTION/MOTION:

Motion to approve the amendment to Rule #27 to state: Consideration of Unbudgeted Expenditures. No votes on expenditures for off-budget spending in excess of \$10,000 shall be held unless tabled from a prior meeting. **The rule shall not apply in cases where a budget amendment increases revenue and expense by an equal amount and there is no other impact on the general fund.**

FISCAL IMPACT:

None

ATTACHMENTS:

Caswell County Board of Commissioners Rules of Procedure

RULES OF PROCEDURE
FOR THE
CASWELL COUNTY BOARD OF COMMISSIONERS

I. APPLICABILITY

Rule 1. Applicability of Rules. These rules shall apply to all meetings of the Board of Commissioners of Caswell County at which the Board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

II. OPEN MEETINGS

Rule 2. Meetings to the Open. (a) It is the public policy of North Carolina and of Caswell County that the hearings, deliberations, and actions of this Board and its committees be conducted openly.

(b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Caswell County Board of Commissioners shall be open to the public and any person is entitled to attend such a meeting.

(c) For the purpose of the provisions of these rules concerning open meetings, an official meeting of the Board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of Board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the Board.

Rule 3. Closed Sessions. (a) Notwithstanding the provisions of Rule 2, the Board may hold a closed session and exclude the public under the circumstances provided by G.S. §143-318.1, as amended from time to time, as follows.

- (1) To prevent the disclosure of information that is privileged or confidential.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize or similar award.
- (3) To consult with an attorney employed or retained by the County in order to preserve attorney/client privilege.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the County, including agreement on a tentative list of economic development incentives that may be offered.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of a public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

- (6) To consider the compensation, terms of appointment and performance of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.
- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plan by a local board of education or a school improvement team.
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.
- (10) To view a recording released pursuant to G.S. 132-1.4A.

(b) The Board may go into closed session only upon a motion made and adopted at an open meeting. A motion to go into closed session must cite one of the more of the permissible purposes listed in G.S. §143-318.11 as it is from time to time amended.

(c) Unless the motion to go into closed session provides otherwise, the County Manager, County Attorney, and Clerk to the Board may attend the closed session. No other person may attend the closed session unless specifically invited by majority vote of the Board.

III. ORGANIZATION OF THE BOARD

Rule 4. Organizational Meeting. (a) Even-Numbered Years. The Board shall hold an organizational meeting on the first Monday in December of each even-numbered year. The agenda for this organizational meeting shall be limited to induction of newly elected members of the Board of County Commissioners and other elected County officials and organization of the Board for the ensuing year. The Clerk to the Board of Commissioners shall call the meeting to order and shall preside until a Chair is elected. If they have not already been sworn and inducted into office, the newly elected members of the Board shall take and subscribe the oath of office as the first order of business. As the second order, the Board shall elect a Chair and Vice-Chair from among its members. As the third order, the Board shall approve the bonds of the Sheriff and the Register of Deeds and induct them and any other newly elected County officials into office. As the fourth and fifth orders of business, the Board may appoint a Clerk and an Attorney.

(b) Odd-Numbered Years. At the first regular meeting in December of each odd-numbered year, the first order of business shall be approval of the minutes of the previous meeting. The Clerk to the Board of Commissioners shall call the meeting to order and shall preside until a Chair is elected. The second order of business shall be election of the Chair and Vice-Chair for the ensuing year. The third and fourth orders of business may be appointment of the Clerk and County Attorney.

Rule 5. Election of the Chair. The Chair of the Board shall be elected annually for a term of one year and shall not be removed from the office of Chair unless he or she becomes disqualified to serve as a member of the Board.

IV. REGULAR AND SPECIAL MEETINGS

Rule 6. Regular and Special Meetings. (a) Regular Meetings. The Board shall hold a regular meeting on the first and third Monday of each month. If a regular meeting day is a holiday on which county offices are closed, the meeting shall be held on the next business day, or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting. The Board shall establish the time and place for regular meetings.

(b) Special Meetings. The Chair or a majority of the members of the Board may at any time call a special meeting of the Board by signing a notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be posted on the principal bulletin board of the County and delivered to the Chair and all other Board members or left at the usual dwelling place of each member at least 72 hours before the meeting. In addition, the notice shall be mailed or delivered to individual persons and news media organizations who have requested such notice as provided in subsection (d), below. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

(c) Emergency Meetings. If a special meeting is called to deal with an unexpected circumstance that requires immediate consideration by the Board, the notice requirements of this rule do not apply. However, the person or persons who call an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news media organizations, who have requested notice of special meetings as provided in subsection (d), below, shall be notified of such emergency meetings by the same method used to notify Board members. Only business connected with the emergency may be discussed at the meeting.

(d) Sunshine List. Any individual person and any newspaper, wire service, radio station, and television station may file with the Clerk to the Board of Commissioners a written request for notice of all special meetings of the Board. Requests by individuals must be renewed on or before the last day of each calendar quarter and are subject to a \$10.00 nonrefundable annual fee. Requests made by news media organizations must be renewed annually on or before January 1 and are not subject to any fee.

(e) Work Sessions and Committee Meetings. The Board may schedule work sessions, committee meetings, or other informal meetings of the Board or a majority of the members of the Board at such times and with respect to such subject matter as may be established by resolution or order of the Board. A schedule of any such meetings that are held on a regular

basis shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held on a regular schedule are subject to the same notice requirements as special Board meetings.

Rule 7. All Meetings within the County. All meetings shall be held within the boundaries of Caswell County except as otherwise provided herein.

1. A joint meeting with the governing board of any other political subdivision of this State or any other State may be held within the boundaries of either subdivision as may be stated in the call of the meeting. At any such joint meeting, this Board reserves the right to vote separately on all matters coming before the joint meeting.
2. A special meeting called for the purpose of considering and acting upon any order or resolution requesting members of the General Assembly representing all or any portion of this County to support or oppose any bill pending in the General Assembly or proposed for introduction therein shall be held in Raleigh or such other place as may be stated in the call of the meeting.

Rule 8. Broadcasting and Recording Meetings.

(a) Except as provided in this rule, any person is entitled to broadcast all or any part of an official meeting of the Board that is required to be open to the public. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.

(b) Any person wishing to broadcast any portion of an official meeting of the Board shall so notify the County Manager no later than twenty-four hours before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site in the County office building is available, the County Manager may require the news media either to pool equipment and personnel or to secure and pay the costs of an alternative meeting site that is mutually agreeable to the Board and the media representative.

V. AGENDA

Rule 9. Agenda. (a) The Clerk to the Board shall prepare the agenda for each regular, special, and emergency meeting. A request to have an item of business placed on the agenda for a regular meeting must be received no later than 12:00 p.m. the Tuesday before the meeting with supporting documentation that is relevant to the item. Any Board member may, by a timely request, have an item placed on the agenda.

(b) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet shall be delivered to each member of the Board at least ninety-six hours before the meeting. Documents in the agenda

packet, if not previously available for public inspection, shall become so when packets have been delivered to each Board member or left at his or her usual dwelling.

(c) The Board may, by majority vote, add an item that is not on the agenda.

Rule 10. Informal Public Comments. The Clerk to the Board shall include on the agenda of each regular meeting a period for comments or questions from members of the public in attendance. The County's Public Comments Rules and Procedures shall apply to the comments from the members of the public.

VI. CONDUCT OF DEBATE

Rule 11. Powers of the Chair. The Chair shall preside at all meetings of the Board. A member must be recognized by the Chair in order to address the Board. The Chair shall have the following powers:

1. To rule on points of parliamentary procedure, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes.
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground.
3. To call a brief recess at any time.
4. To adjourn in an emergency.

Rule 12. Presiding Officer When the Chair is in Active Debate. If the Chair wishes to become actively engaged in debate on a particular proposal, he or she shall designate another Board member or a staff member to preside. The Chair shall resume the duty to preside as soon as action on the matter is concluded.

Rule 13. Action by the Board. The Board shall proceed by motion. Any member, including the Chair, may make a motion.

Rule 14. Second Required. A motion shall require a second.

Rule 15. One Motion at a Time. A member may make only one motion at a time.

Rule 16. Substantive Motion. A substantive motion is out of order while another substantive motion is pending.

Rule 17. Adoption by Majority Vote. A motion shall be adopted if approved by a majority of the votes cast, a quorum being present, unless an extraordinary majority is required by these rules or the laws of North Carolina.

Rule 18. Debate. The Chair shall state the motion and then open the floor to debate, presiding over the debate according to these general principles:

1. The member making the motion or introducing the ordinance, resolution, or order is entitled to speak first.
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken.
3. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

Rule 19. Procedural Motions. (a) In addition to substantive proposals, the procedural motions listed in subsection (b) of this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

(b) In order of priority (if applicable), the procedural motions are:

1. To Adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
2. To Take a Recess.
3. To Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.
4. To Suspend the Rules. The motion requires a vote equal to a quorum.
5. To Divide a Complex Motion and Consider it by Paragraph.
6. To Defer Consideration. A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.
7. To Call the Previous Question. The motion is not in order until there have been at least twenty minutes of debate and every member has had one opportunity to speak.
8. To Postpone to a Certain Time or Day.

9. To Refer to Committee. Sixty days after a motion has been referred to a Committee, the introducer may compel consideration of the measure by the entire Board, regardless of whether the Committee has reported the matter back to the Board.
10. To Amend. An amendment to a motion must be germane to the subject of the motion, but it may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendment to a proposed ordinance shall be reduced to writing.
11. To Revive Consideration. The motion is in order at any time within one hundred days of a vote deferring consideration of it. A substantive motion on which consideration has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.
12. To Reconsider. The motion must be made at the same meeting at which the original vote was taken, and by a member who voted with the prevailing side. The motion cannot interrupt deliberation on a pending matter but is in order at any time before adjournment.
13. To Prevent Reconsideration for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months or until the next regular election of County Commissioners, whichever occurs first.

Rule 20. Renewal of Motion. A defeated motion may not be renewed at the same meeting.

Rule 21. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before the Chair puts the motion to a vote.

Rule 22. Duty to Vote. It is the duty of each member to vote unless excused by a majority vote according to law. The Board may excuse members from voting on matters involving their own financial interest or official conduct. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

Rule 23. Prohibition of Secret Voting. No vote may be taken by secret ballot. If the Board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, at which time they may be destroyed.

Rule 24. Action by Reference. The Board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at this meeting can understand what is being discussed or acted on.

Rule 25. Introduction of Ordinances. A proposed ordinance shall be deemed introduced at the first meeting at which it is on the agenda, regardless of whether it is actually considered by the Board, and its introduction shall be recorded in the minutes.

Rule 26. Adoption, Amendment, or Repeal of Ordinance. To be adopted at the meeting where first introduced, an ordinance or any action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order, or another ordinance requiring a public hearing before adoption) must be approved by all members of the Board of Commissioners. If the proposed measure is approved by a majority of those voting, but not all the members of the Board, or if the measure is not voted on at the meeting where introduced, it shall be considered at the next regular meeting of the Board. If the proposal receives a majority of the votes cast at the next meeting or within one hundred days of being introduced, it is adopted.

Rule 27. Consideration of Unbudgeted Expenditures. No votes on expenditures for off-budget spending in excess of \$10,000 shall be held unless tabled from a prior meeting.

Rule 28. Quorum. A majority of the Board membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members present, he or she shall be counted as present for the purposes of determining whether a quorum is present. The Board may compel the attendance of an absent member by ordering the Sheriff to take the member into custody.

Rule 29. Public Hearings. Public hearings required by law or deemed advisable by the Board shall be organized by the Clerk to the Board on the appropriate agenda, setting forth the subject, date, place, and time of the hearing as well as any rules adopted by the Board governing the conduct of the public hearing, including, but not limited to, the length of time allotted to each speaker and designating representatives to speak for large groups. At the appointed time, the Chair shall call the hearing to order and preside over it. When the allotted time expires, the Chair shall inform the Board, and the Board may, by majority vote, declare the hearing ended and resume the regular order of business. If there is no motion to conclude the hearing, it may continue until there are no more speakers, or until such a motion is made and adopted.

Rule 30. Quorum at Public Hearings. A quorum of the Board shall be required at all public hearings required by law.

Rule 31. Minutes. Minutes shall be kept of all Board meetings.

Rule 32. Appointments. The Board shall use the following procedure to make appointments to fill vacancies in other boards and public offices over which the Board has power of appointment.

The Chair shall open the floor to nominations, whereupon the members shall put forward the names of possible appointees. After each member has had the opportunity to nominate candidates, those nominated are debated. After the debate concludes the Chairman will then end debate on nominations. When debate ends, the Chair shall call the roll of each Commissioner for their vote(s). Each Commissioner must vote for as many appointees as there are appointments to be made. The votes shall not be tallied until each member has voted. The Clerk tallies the votes once each Commissioner has voted.

Each vote shall be decided by a majority of the valid ballots cast (a majority is determined by dividing the number of valid ballots cast by two and taking the next highest whole number). It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so does not invalidate that member's ballot.

Rule 33. Appointments to the Board of Commissioners.

The Board shall use the following procedures in G.S. §153A-27, as amended from time to time, to make appointments to fill vacancies in the Board itself as follows:

(a) If a vacancy occurs on the board of commissioners, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the number of vacancies on the board is such that a quorum of the board cannot be obtained, the chairman of the board shall appoint enough members to make up a quorum, and the board shall then proceed to fill the remaining vacancies. If the number of vacancies on the board is such that a quorum of the board cannot be obtained and the office of chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon the request of any remaining member of the board or upon the petition of any five registered voters of the county. If for any other reason the remaining members of the board do not fill a vacancy within 60 days after the day the vacancy occurs, the clerk shall immediately report the vacancy to the clerk of superior court of the county. The clerk of superior court shall, within 10 days after the day the vacancy is reported to him, fill the vacancy.

(b) If the member being replaced was serving a two-year term, or if the member was serving a four-year term and the vacancy occurs later than 60 days before the general election for county commissioner held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to the first Monday in December next following the first general election for county commissioner held more than 60 days after the day the vacancy occurs; at that general election, a person shall be elected to the seat vacated, either to the remainder of the unexpired term or, if the term has expired, to a full term.

(c) To be eligible for appointment to fill a vacancy, a person must (i) be a member of the same political party as the member being replaced, if that member was elected as the nominee of a political party, and (ii) be a resident of the same district as the member being replaced, if the

county is divided into electoral districts. The board of commissioners or the clerk of superior court, as the case may be, shall consult the county executive committee of the appropriate political party before filling a vacancy, but neither the board nor the clerk of the superior court is bound by the committee's recommendation.

Rule 34. Reference to Robert's Rules of Order. To the extent not provided for in, and not conflicting with the spirit of, these rules, the Chair shall refer to Robert's Rules of Order to resolve procedural questions.

Approved_____



AGENDA FORM

TO: Caswell County Board of Commissioners

FROM: Renee Paschal, Interim County Manager

SUBJECT: Adoption of Purchasing Policy

BACKGROUND INFORMATION:

Numerous state and federal regulations govern how local governments can purchase goods, services, construction, etc. The county's most recent purchasing policy (attached) does not adequately address these requirements. A more thorough policy was adopted in 2008, but has not been updated to address changes in state and federal law.

In adopting the policy, the board must set a threshold for purchase orders. The current threshold is \$500. After an analysis of purchases by Johnna Sharpe shown below, staff is recommending that the purchase order limit be set at \$2,500. Otherwise, a great deal of staff time will be used to obtain purchase orders for a relatively small amount of spending (\$234,635 out of \$10.5 million spent through accounts payable in FY 2024). The number of transactions above \$500 and below \$2,500 is 1,251.

Vendor Data by Transaction Value Range

Single Transaction Value Range	Number of Vendors	No. of Vendors Percent of	Number of Transactions	Dollar Value	Dollar Value Percent of Total	Cumulative Dollar Value	Cumulative Dollar Value Percent of
L. \$50,000 to \$100,000	11	0.9%	14	943,086	12.6%	943,086	12.6%
K. \$25,000 to \$50,000	16	1.3%	17	551,492	7.4%	1,494,578	20.0%
J. \$10,000 to \$25,000	46	3.7%	113	1,679,529	22.5%	3,174,107	42.5%
I. \$5,000 to \$10,000	71	5.7%	168	1,208,849	16.2%	4,382,956	58.6%
H. \$2,500 to \$5,000	96	7.8%	258	979,586	13.1%	5,362,542	71.7%
G. \$2,000 to \$2,500	46	3.7%	72	159,720	2.1%	5,522,262	73.9%
F. \$1,500 to \$2,000	65	5.3%	156	272,622	3.6%	5,794,884	77.5%
E. \$1,000 to \$1,500	94	7.6%	274	340,121	4.5%	6,135,005	82.1%
D. \$750 to \$1,000	105	8.5%	219	188,667	2.5%	6,323,672	84.6%
C. \$500 to \$750	139	11.3%	530	332,141	4.4%	6,655,813	89.0%
B. \$250 to \$500	217	17.6%	1132	395,863	5.3%	7,051,676	94.3%
A. \$0 to \$250	329	26.6%	5605	425,384	5.7%	7,477,060	100.0%
Totals	1235	100.0%	8558	7,477,060	100.0%		

Vendors may be repeated in multiple categories – the number of vendors IS NOT an unduplicated county.

- d. **Vendor Count and Value:** Using the same data above, the unduplicated, non-Pcard vendor total is 612. The following summarizes the count of vendors and relative dollar value in specific ranges.

Number of Vendors...	Count	Dollar Value
Total	612	7,477,062
Whose Dollar Value is less than or equal to \$2,499	340	234,635
Whose Dollar Value is between \$2,500 and \$4,999	73	260,728
Whose Dollar Value is between \$5,000 and \$9,999	58	415,961
Whose Dollar Value is greater than or equal to \$10,000	140	6,565,738

The policy references a position that currently does not exist in Caswell County, a purchasing specialist. With the concurrence of the new Finance Officer, a vacant position in the Finance Office will be converted to assume these duties.

STAFF RECOMMENDATION, IF APPLICABLE:

N/A

RECOMMENDED ACTION/MOTION:

Motion to approve the attached Caswell County Purchasing Policy. Note that Purchasing Procedures are attached, but staff is not asking for Board approval. These may need to change for administrative reasons.

FISCAL IMPACT:

None

ATTACHMENTS:

- Proposed Caswell County Purchasing Policy
- Proposed Caswell County Purchasing Procedures
- Current Caswell County Purchasing Policy

Proposed Caswell County Purchasing Policy

Introduction

This purchasing policy is intended for use as a guide to the Caswell County purchasing methods. When used properly, the policies will enable the County to obtain needed materials, equipment, supplies, and services efficiently and economically. The basic goals of the County’s purchasing program are:

- To comply with NC state law and federal Uniform Guidance requirements of public purchasing and procurement.
- To assure vendors that impartial and equal treatment is afforded to all who wish to do business with the County.
- To receive maximum value for each dollar spent by awarding purchase orders to the lowest responsible, responsive bidder, taking into consideration quality, performance, technical support, delivery schedule, past performance and other relevant factors.
- To provide county departments the required goods, equipment and services at the time and place needed and in the proper quantity and quality.
- To promote good and effective vendor relations cultivated by informed and fair buying practices and strict maintenance of ethical standards.

Purchasing Guidelines & Summary

Please refer to Contract Management Policy for contracting requirements and process. Please refer to Caswell County Purchasing Procedures for the steps needed at each cost level.

Table 1: Summary of Purchasing Guidelines

Amount of Purchase	Appropriate Procedures
Equipment/Purchases/Construction less than \$2,500	Purchase order (PO) not required Use request for payment, invoice, or p-card
Equipment/Purchases/Construction \$2,500 to less than \$10,000	PO Required. Quotes not required
Equipment/Purchases/Construction \$10,000 to less than \$30,000	Informal bids or quotes (verbal, fax, email, written) required Three quotes or State Contract required PO required
Equipment/Purchases \$30,000 to less than \$90,000	Informal bids or quotes (written, faxed or email) required Three quotes or State Contract required PO required General Statute 143-131

Amount of Purchase	Appropriate Procedures
Equipment/Purchases costing \$90,000 and above (includes lease to purchase items)	Formal bid procedures or State Contract required Written contract and PO required Board of Commissioners must approve contract General Statute 143-129
Services less than \$2,500	PO not required Quotes not required
Services \$2,500 to less than \$10,000	PO required Quotes not required
Services \$10,000 to less than \$30,000	Informal quotes (verbal, fax, email, written) required Three quotes or State Contract required PO required
Services \$30,000 to less than \$90,000	Informal bids or quotes (written, faxed or email) required Three quotes or State Contract required Written contract and PO required
Services costing \$90,000 and above	Written contract and PO required
Construction and/or renovation \$30,000 to less than \$500,000 NCGS 143-131 NCGS 143-128(f1)	Solicitation of minority participation required for more than \$100,000 if state funds are used or \$300,000 if no state funds are used Dispute resolution required if \$15,000 or more is disputed Written Contract and PO required
Construction and/or renovation \$500,000 and greater NCGS 143-129 NCGS 143-128(f1)	Formal Bid Procedures Minority business solicitation and reporting required Dispute resolution required if \$15,000 or more is disputed Written Contract and PO required
Selection of architect, engineer or surveyor	Must use RFQ process unless estimated fee is less than \$50,000, then County Manager can approve an exemption. General Statute: 143-64.31 and 143-64.32
Any purchases involving federal funds	See Appendix 1

Federal and other funding sources:

Departments receiving non-county funds must also follow the purchasing guidelines established by the funding agency if these requirements are different from the County's procedures and more restrictive. **REMEMBER TO ALWAYS USE THE MOST RESTRICTIVE PROCUREMENT METHOD. See Appendix 1 for federal Uniform Guidance requirements.**

Definition of Responsibilities

Purchasing specialist's responsibilities:

- To facilitate the involvement of local vendors in the county's purchasing process.
- To use impartial judgment in the selection of vendors based on product quality, price, warranty, and performance and vendor delivery, service, and performance.
- To comply with all county purchasing procedures, North Carolina General Statutes covering procurement and federal government requirements for grant funds.
- To prepare formal bid packets and quotation requests.
- To manage the formal bid process, including advertising for bids, notifying vendors, accepting bid proposals, opening bids, tabulating bids, and serving as the primary resource for questions from vendors.
- To review purchases and purchase orders.
- To maintain adequate purchasing records, including a database of vendors established in an accessible vendor file.
- To assist departments, when requested, in locating the best source for supplies, materials, and equipment.
- To assist departments in conducting negotiations with vendors concerning prices, bids, terms, deliveries, and adjustments.
- To assist departments with the informal bid process.
- To determine which purchasing method will be most advantageous to the county and to ensure all state and federal laws and local policies are met.

Finance officer's responsibility:

Under the Local Government Budget and Fiscal Control Act, all contractual obligations must be supported by an appropriation that authorizes the expenditure. As required by General Statute 159-28(a), the finance officer will pre-audit all obligations of funds \$2,500 and above and execute the pre-audit certification.

Department and employee responsibilities

- It is the responsibility of each department to requisition goods and services in such a way as to allow time for competitive bidding, ordering, and delivery of materials. Exceptions shall be made only on rare occasions, and only with approval of the finance officer or county manager.
- For any new vendor, the department must obtain a completed W-9 (Request for Taxpayer Identification and Certification) form from the vendor before an invoice or purchase order can be processed.

- It is the responsibility of the department head or his designee, in consultation with the purchasing specialist, to obtain these goods based upon competitive bids and to consider product price, value, quality, performance, and delivery.
- While department heads may delegate minor purchases to employees, they are still responsible for ensuring such purchases are made according to the provisions of this policy.
- It is the responsibility of all Caswell County employees to comply with this policy. As directed by the county manager, any employee deliberately violating the policy shall be held personally accountable for unauthorized purchases. Violation of the purchasing policy may result in disciplinary action, up to and including, dismissal.

Purchasing specialist’s responsibilities to salespersons and vendors are to:

- Encourage good county/vendor relations.
- Encourage local business participation by notifying known in-county vendors of opportunities to bid.
- Conduct business with vendors in a professional manner that promotes honesty and fairness.
- Accept, and in some cases require samples from vendors to be used for testing. A fair trial shall be given to all samples and the outcome of the testing shall be presented to the vendor, in general terms.
- Make every effort to be available for appointments during normal business hours.
- Arrange interviews between salespersons and department heads when requested.
- Write all correspondence to salespersons and vendors, except when technical details can be better written by the department.
- Keep on file vendor information, catalogs, samples, price quotes, etc. to be used by all departments.
- Assist departments with specifications.

The vendor’s/salesperson’s responsibilities to Caswell County are to:

- Understand the needs of Caswell County and try to find the right product at the best price, quality, and quantity that benefits the County as a whole.
- Conduct themselves in a professional manner; be honest about the supplies and products they represent.
- Honor purchase orders generated as a result of providing price quotes on specified items and quantities.
- Make sure the county’s PO is issued PRIOR to placing any goods or service on order.

Conflicts of Interest

County employees and officers who are involved in making contracts on behalf of Caswell County are governed by North Carolina General Statute 14-234 Conflict of Interest Law, which prohibits direct benefit from said contracting. Violation of the statute is a Class 1 misdemeanor. As defined by the statute, Caswell County is classified as a small jurisdiction and some exceptions may apply.

Gifts and Favors

NCGS 133-32 makes it a misdemeanor to give and receive gifts in the context of contracting. Caswell County states this provision in the Personnel Policy, Article 4, Section 6:

- A. No appointed official or employee of Caswell County shall accept any gift, whether in the form of a service, loan, thing, or promise, exceeding a value of \$50.00, from any person, firm or corporation doing or who is seeking to do business of any kind or, to the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the County.
- B. No appointed official or employee shall accept any gift, favor or thing of value that may tend to influence that employee in the discharge of duties.
- C. No appointed official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.
- D. No appointed official or employee shall seek personal or financial advantage because of their position with the County.

Additional requirements apply when using federal funds for procurement. Please see Appendix 1.

Everify

The North Carolina General Assembly passed legislation (HB786) on September 4, 2013 requiring North Carolina local governments to impose E-Verify requirements on contractors in formal bidding ranges for procurement and construction. The E-verify Affidavit is located on the Caswell County website in the Finance Document Center. The form must be part of the bid document package.

Iran Divestment Act

In the 2015 legislative session, the North Carolina General Assembly enacted the Iran Divestment Act (S.L. 2015-118; SB455)2 (“the Act”) which prohibits state agencies and local governments from entering into contracts with an entity that has been identified by the North Carolina State Treasurer as being engaged in certain investment activities in the Iranian energy sector. The State Treasurer’s Office is required to publish a list of entities it has identified as engaging in these activities and must update the list every 180 days. An entity identified on the Treasurer’s list (called the “Final Divestment List”) is prohibited from contracting with a state agency or any local governments.

Local governments must require contractors to certify they are not on the list and that they will not use subcontractors who are on the list. Departments must check with the finance officer or the county attorney to verify the selected vendor or contractor is not on the list.

Any existing contract with a person added to the Iran List while the contract is still in effect will be allowed to expire in accordance with the contract’s terms.

Requirement for Certain Contractors to Recycle

Pursuant to North Carolina General Statutes 130A309.103-130A309.144, state agencies and local governments are prohibited from purchasing computer equipment or TV's from manufacturers not compliant with NC Electronics Management Program (labeling and recycling requirements).

Minority business participation

In accordance with G.S. 143-128.2, the County has established a 10% goal for minority participation in building construction or repair projects in the amount of \$100,000 or more if state funds are used or \$300,000 or more for all other projects. The outreach plan shall also be applicable to the selection process of architectural, engineering, surveying, landscape architect, Design Build, Design Bridge Building, Construction Manager-at-Risk services and P3 Partnership. The formal range requires the contractors to complete "good faith outreach" efforts for minority business solicitation.

The public entity shall maintain a record of contractors solicited and shall document efforts to recruit minority business participation in those contracts pursuant to North Carolina General Statute 143-131 (b).

The complete policy, Caswell County Outreach Plan for Minority Businesses Participation for Building Construction, Maintenance and Repair can be located on the Finance Document Center.

Purchasing Thresholds

Please refer to Table 1 for requirements at each purchasing threshold. Please refer to Caswell County Purchasing Procedures for additional information. Purchase of goods and or services may not be split to avoid the policy. Dividing contracts or purchases in order to evade procedures is prohibited under NC G.S. 143-133.

When required, purchases order must be generated with all approvals prior to ordering or purchasing goods and services, or binding the county in anyway.

Standard of Award:

Caswell County follows statutory requirements for awarding contracts, as stated in North Carolina General Statutes 143-129 and identified as the "lowest, responsive, responsible bidder; taking into consideration quality, performance and the time specified in the proposals for the performance of the contract.

When grant funds, by either the state or federal government, are used for any project or purchase, the strictest requirement will be met when compared to county requirements.

APPENDIX 1
Uniform Guidance Procurement Requirements
Caswell County Local Government

I. Purpose

The purpose of this policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract. To the extent that other sections of procurement policies and procedures established by Caswell County are more restrictive than those contained in this policy, local policies and procedures shall be followed.

II. Policy

- A. **Application of Policy.** This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or reimbursed). The requirements of this Policy also apply to any subrecipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

- B. **Compliance with Federal Law.** All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200-326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. Caswell County will follow all applicable local, state, and federal procurement requirements when expending federal funds. **Should the county have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.**
- C. **Contract Award.** All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.
- D. **No Evasion.** No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- E. **Contract Requirements.** All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the

provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II.

- F. **Contractors' Conflict of Interest.** Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.
- G. **Approval and Modification.** The administrative procedures contained in this Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.

III. General Procurement Standards and Procedures:

Either the Purchasing Department or the Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

- A. **Necessity.** Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items. The purchasing specialist and/or the requesting department should check with the federal surplus property agency prior to buying new items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.
- B. **Clear specifications.** All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.
- C. **Notice of federal funding.** All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- D. **Compliance by contractors.** All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.
- E. **Fixed price.** Solicitations must state that bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this policy. Cost plus percentage of cost contracts are prohibited. Time and materials contracts are prohibited in most circumstances. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a "not-to-

exceed” amount. A time and materials contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds.

- F. Use of brand names.** When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how the reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and “or equal” must be included in the description.
- G. Lease versus purchase.** Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- H. Dividing contracts for M/WBE participation.** If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this policy.
- I. Documentation.** Documentation must be maintained by the purchasing specialist and/or requesting department documenting the history of all procurements. The documentation should include the procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor’s responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.
- J. Cost estimate.** For all procurements costing \$250,000 or more, the purchasing specialist and/or requesting department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction and repair contracts may be developed by the project designer.
- K. Contract requirements.** The requesting department must prepare a written contract incorporating the provisions referenced in Section II.C of this Policy and in accordance with the Caswell County Contract Policy.
- L. Debarment.** No contract shall be awarded to a contractor included on the federally debarred bidder’s list.

M. Contractor oversight. The requesting department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.

N. Open competition. Solicitations shall be prepared in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for “or equal” products, or other unnecessary requirements that have the effect of restricting competition.

O. Geographic preference. No contract shall be awarded on the basis of a geographic preference.

IV. Specific Procurement Procedures

Either the purchasing specialist or requesting department shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract.

A. Service contracts (except for A/E professional services) and **purchase contracts costing less than \$10,000** shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, purchases must be distributed among qualified suppliers.

B. Service contracts (except for A/E professional services) and **purchase contracts costing \$10,000 up to \$90,000** shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:

1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the requesting department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
3. Cost or price analysis is not required prior to soliciting bids.
4. Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible).
5. Award the contract to the lowest responsive, responsible bidder.

C. Service Contracts (except for A/E professional services) and **purchase contracts costing \$90,000 and above** shall be procured using a combination of the most restrictive

requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:

1. Cost or price analysis is required prior to soliciting bids.
2. Complete specifications or purchase description must be made available to all bidders.
3. The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
5. Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of two bids must be received in order to open all bids.
6. Award the contract to the lowest responsive, responsible bidder on a fixed-price basis. Governing board approval is required for purchase contracts unless the governing board has delegated award authority to an individual official or employee. Any and all bids may be rejected only for “sound documented reasons.”

D. Service Contracts (except for A/E professional services) **costing \$250,000 and above** may be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)) when the “sealed bid” procedure is not appropriate for the particular type of service being sought. The procedures are as follows:

- A.** A Request for Proposals (RFP) must be publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an “adequate number” of qualified firms.
- B.** Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
- C.** Identify evaluation criteria and relative importance of each criteria (criteria weight) in the RFP.
- D.** Consider all responses to the publicized RFP to the maximum extent practical.
- E.** Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
- F.** Award the contract to the responsible firm with most advantageous proposal considering price and other factors identified in the RFP. Governing board approval is not required.
- G.** Award the contract on a fixed-price or cost-reimbursement basis.

E. Construction and repair contracts costing less than \$10,000 shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, contracts must be distributed among qualified suppliers.

F. Construction and repair contracts costing \$10,000 up to \$250,000 shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:

1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the requesting department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
3. Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer.
4. Award the contract on a fixed-price or not-to-exceed basis.
5. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required.

G. Construction and repair contracts costing \$250,000 up to \$500,000 shall be procured using the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Publically advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders. Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.
8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required. Any and all bids may be rejected only for “sound documented reasons.”

H. Construction and repair contracts costing \$500,000 and above shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate should be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Formally advertise the bid in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed and in paper form. A minimum of 3 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders (a bid that does not include a bid bond cannot be counted toward the 3-bid minimum requirement). Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.
8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is required and cannot be delegated. The governing board may reject and all bids only for “sound documented reasons.”

I. Construction or repair contracts involving a building costing \$300,000 and above must comply with the following additional requirements under state law:

1. Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
2. Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
3. The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).

J. Contracts for Architectural and Engineering Services costing under \$250,000 shall be procured using the state “Mini-Brooks Act” requirements (G.S. 143-64.31) as follows:

1. Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321.

3. Evaluate the qualifications of respondents based on the evaluation criteria developed by the Purchasing Department and/or Requesting Department.
4. Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in-state (but not local) firms.
5. Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
6. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

K. Contracts for Architectural and Engineering Services costing \$250,000 or more shall be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)(5)) as follows:

1. Publically advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify the evaluation criteria and relative importance of each criteria (the criteria weight) in the RFQ.
4. Proposals must be solicited from an “adequate number of qualified sources” (an individual federal grantor agency may issue guidance interpreting “adequate number”).
5. Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
6. Consider all responses to the publicized RFQ to the maximum extent practical.
7. Evaluate qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project.
8. Price cannot be a factor in the initial selection of the most qualified firm.
9. Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
10. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

V. Exceptions

Non-competitive contracts are allowed ***only*** under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

- A. Sole source.** A contract may be awarded without competitive bidding when the item is available from only one source. The Purchasing Department and/or Requesting Department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.
- B. Public exigency.** A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.
- C. Inadequate competition.** A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.
- D. Federal contract.** A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.
- E. Awarding agency approval.** A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.

Proposed Caswell County Purchasing Procedures

Table 1: Summary of Purchasing Guidelines

Amount of Purchase	Appropriate Procedures
Equipment/Purchases/Construction less than \$2,500	Purchase order (PO) not required Use request for payment, invoice, or p-card
Equipment/Purchases/Construction \$2,500 to less than \$10,000	PO Required. Quotes not required
Equipment/Purchases/Construction \$10,000 to less than \$30,000	Informal bids or quotes (verbal, fax, email, written) required Three quotes or State Contract required PO required
Equipment/Purchases \$30,000 to less than \$90,000	Informal bids or quotes (written, faxed or email) required Three quotes or State Contract required PO required General Statute 143-131
Equipment/Purchases costing \$90,000 and above (includes lease to purchase items)	Contact the Finance Officer Formal bid procedures or State Contract required Written contract and PO required Board of Commissioners must approve contract General Statute 143-129
Services less than \$2,500	PO not required Quotes not required
Services \$2,500 to less than \$10,000	PO required Quotes not required
Services \$10,000 to less than \$30,000	Informal quotes (verbal, fax, email, written) required Three quotes or State Contract required PO required
Services \$30,000 to less than \$90,000	Informal bids or quotes (written, faxed or email) required Three quotes or State Contract required Written contract and PO required
Services costing \$90,000 and above	Contact the Purchasing Specialist Written contract and PO required
Construction and/or renovation \$30,000 to less than \$500,000 NCGS 143-131	Contact the Purchasing Specialist

Amount of Purchase	Appropriate Procedures
NCGS 143-128(f1)	Solicitation of minority participation required for more than \$100,000 if state funds are used or \$300,000 if no state funds are used Dispute resolution required if \$15,000 or more is disputed Written Contract and PO required
Construction and/or renovation \$500,000 and greater NCGS 143-129 NCGS 143-128(f1)	Contact the Purchasing Specialist Formal Bid Procedures Minority business solicitation and reporting required Dispute resolution required if \$15,000 or more is disputed Written Contract and PO required
Selection of architect, engineer or surveyor	Must use RFQ process unless estimated fee is less than \$50,000, then County Manager can approve an exemption. General Statute: 143-64.31 and 143-64.32
Any purchases involving federal funds	See Appendix 1 of Caswell County Purchasing Policy

General Purchasing Practice and Methods

Departments are responsible for initiating the purchasing process. All purchases of \$2,500 and greater require a purchase order. The purchasing limits are given above in Table 1. Purchase of goods and or services may not be split to avoid the policy. Dividing contracts or purchases in order to evade procedures is prohibited under NC G.S. 143-133.

Approved methods of purchasing include:

Request for Payment

Purpose: To request a check for payment when an invoice is not issued.

Appropriate use of Request for Payment: Occasionally a check is needed when there is no invoice.

These incidents include, but are not limited to:

1. An employee request for reimbursement for out-of-pocket expenses.
2. Vendors requiring payment in advance.

When the Request for Payment form is used, a detailed receipt, a written quote, or a copy of the order must be submitted as supporting documentation. The purchase order threshold and policy must be followed, if applicable.

Procurement Card

Purpose: To provide a convenient option for purchasing goods and services.

Appropriate use of Procurement Cards: The department head must request and authorize an employee's participation, along with an appropriate purchasing limit. All procurement cards are issued in the participating employee's name. Procurement cards are only for official County business. Employees are responsible for the reconciliation of the monthly statement and submittal of detailed receipts. Please refer to the [Caswell County Procurement Card Policy](#) for the full details of the program. The purchase order threshold and policy must be followed, if applicable.

Purchase Order

Purpose: To provide a legal document that places an obligation on both the County and the vendor. When properly endorsed by the finance officer, the purchase order obligates the county to purchase the items listed at the prices stated. The vendor is obligated to deliver goods and services according to the terms and conditions at the link provided on the purchase order. The purchase order provides specifications for goods and services ordered and shipping and billing information.

Appropriate Use of the Purchase Order: Any purchase of goods or service of \$2,500 or more requires a purchase order.

Blanket Purchase Orders

Blanket purchase orders may be used for repetitive purchases with a dollar limit over a set period of time (normally, the fiscal year).

Process for Requesting Purchase Orders:

All purchase order requisitions are required to be approved by the assigned authority within the department; that person is responsible for making sure the policy is followed.

Following departmental requisitions approval, purchase requisitions are thoroughly reviewed by the purchasing specialist. Only requisitions meeting requirements will be pre-audited by the finance officer. Once the purchase order is generated, then the user department is authorized to order the goods or service.

Special Procurement Circumstances:

Special circumstances apply in the follow circumstances:

IT Equipment

The Information Technology (IT) Department will purchase or authorize the purchase of all computers, peripherals, printers, cell phones etc. The IT Department will then be responsible for entering the purchase order or instructing the department to enter the information. The IT Department will setup and install equipment in the appropriate departments.

Emergency Purchases

Occasionally purchases need to be made on an emergency basis. An emergency is defined as a situation that occurs and if not immediately corrected would jeopardize; the health, safety, and/or

property of citizens, the health and safety of County employees, and/or the property of the County. If emergency purchases are needed during business hours, begin Purchase Order procedures immediately and contact the Purchasing Specialist for PO approval. When emergency purchases occur during non-business hours, contact the Purchasing Specialist immediately the next business day.

Capital Asset Items

A capital asset item is any equipment, furniture, or apparatus that has an acquisition cost of \$5,000 and an expected useful life of more than one year. Local governments and public authorities are required by General Statute 159-26 (b) (8) to maintain "a ledger or group of accounts in which to record the details relating to the general fixed assets of the unit or public authority."

Travel and Training

Please refer to the Caswell County Travel Policy for full details.

Buildings/Equipment Repair

Repair services for County buildings or equipment that are not covered by maintenance agreements shall be obtained by the following procedures:

1. Contact the Maintenance Director for all building maintenance and repair.
2. An estimate of the repair work shall be necessary before proceeding with the repairs.
3. If emergency repairs are needed, Emergency Purchases procedures should be followed.
4. For all electronic equipment repairs and maintenance, contact the Information Technology (IT) Department.

If repair is needed due to an accident, the department is responsible for following the County's Accident and Reporting procedures. All County and statutory requirements must be followed when repairs are needed.

Maintenance Agreements

Departments should follow these guidelines for all maintenance agreements:

1. Maintenance agreements are a form of contract. Refer to Contract Management Policy for contracting requirements and process
2. Purchase order procedures should be followed.

The IT department will evaluate all maintenance agreements for technology equipment.

Written contracts

Please refer to the Caswell County Contract Management Policy for full details.

Minority business participation

In accordance with G.S. 143-128.2, the County has established a 10% goal for minority participation in building construction or repair projects in the amount of \$100,000 or more if state funds are used or \$300,000 or more for all other projects. The outreach plan shall also be applicable to the selection process of architectural, engineering, surveying, landscape architect, Design Build, Design Bridge Building, Construction Manager-at-Risk services and P3 Partnership. The formal range requires the contractors to complete "good faith outreach" efforts for minority business solicitation.

The public entity shall maintain a record of contractors solicited and shall document efforts to recruit minority business participation in those contracts pursuant to North Carolina General Statute 143-131 (b).

The complete policy, Caswell County Outreach Plan for Minority Businesses Participation for Building Construction, Maintenance and Repair can be located on the Finance Document Center.

County Purchase Processes (Purchase Orders are required for purchases of \$2,500 and up)

Standard of Award:

Caswell County follows statutory requirements for awarding contracts, as stated in North Carolina General Statutes 143-129 and identified as the "lowest, responsive, responsible bidder; taking into consideration quality, performance and the time specified in the proposals for the performance of the contract.

The purchase order must be generated with all approvals prior to ordering or purchasing goods and services, or binding the county in anyway.

When grant funds, by either the state or federal government, are used for any project or purchase, the strictest requirement will be met when compared to county requirements.

Informal Quotes less than \$10,000:

For purchases less than \$10,000, quotes are not required by the county. For purchases equal to or greater than \$2,500, the department is required to enter a purchase requisition in Munis. The purchase order must be generated by the finance office with all approvals received before the department can order or purchase goods and services.

Informal Quotes \$10,000 to \$29,999.99:

For purchases of \$10,000 to \$29,999.99, the county requires staff to seek at least three quotes. Quotes may be received by fax, email or phone. If taking quotes by phone, the county staff must

write a written record, including the contact name and number of the one providing the quote. The department will maintain a quote/bid log for a period of one year including: date, firm, contact name and information, price and other terms. The county is encouraged to notify local vendors of bid or quote opportunities.

If the department is not able to get the three quotes, the department must include in the requisition notes the efforts made to meet the requirement. The finance officer will determine if the intent for competition was met. The finance officer may grant a waiver to the County's three quotes for the affected purchase.

The department is required to enter a purchase requisition in Munis. The purchase order must be generated by finance with all approvals received before the department can order or purchase goods and services. All quotes must be attached to the requisition in the Munis software. If there is documentation that further explains or supports the particular purchase, it may be attached either as a document or fully explained in the requisition main screen NOTES area.

Informal written quotes or bids of \$30,000 to \$89,999.99 for purchases and services and \$30,000 to \$500,000 for construction, maintenance, and repair

The county must use written informal quotes or bids meeting the cost thresholds above. It is the County's goal to seek bids from at least three vendors for both informal solicitations.

The informal process does not require advertisement, but the County may advertise any opportunity. Informal quotes and bids are sought in writing and may be accepted by fax, email, or mail. The County is encouraged to notify local vendors of bid or quote opportunities.

When the County is soliciting quotes and bids for building maintenance, repair, or construction, which cost \$300,000 or more, the county must perform "good faith" efforts in reaching Historically Underutilized Businesses with bid opportunities. Refer to the **County's Minority Outreach Plan** for outreach options. When state funds are used for building maintenance, repair or construction, the cost threshold for "good faith" efforts is \$100,000.

In accordance with N.C.G.S. 133-1.1(a), the use of a registered architect or engineer is required for the following work involving buildings:

- Nonstructural work: \$300,000 and above
- Structural repair or new construction: \$135,000 and above
- Repair work affecting life safety systems: \$100,000 and above

The department is required to enter a purchase requisition in Munis. The purchase order must be generated by Finance with all approvals received before the department can order or purchase goods and services. All quotes must be attached to the requisition in the Munis software. If there

is documentation that further explains or supports the particular purchase, it may be attached either as a document or fully explained in the requisition main screen NOTES area.

Formal Bid Requirements for expenditures of \$90,000 or more for purchases and \$500,000 or more for construction, maintenance or repair

The County complies with the N.C.G.S. 143-129, which governs formal bidding requirements. A formal bid is required when:

- The expenditure is \$90,000 or more for the purchase of apparatus, supplies, materials, and/or equipment.
- The estimated expenditure is \$500,000 or more for construction, maintenance, and/or repair projects.

In accordance with N.C.G.S. 133-1.1(a), the use of a registered architect or engineer is required for the following work:

- Nonstructural work: \$300,000 and above
- Structural repair or new construction: \$135,000 and above
- Repair work affecting life safety systems: \$100,000 and above

The Board of Commissioners must award all bids in the formal range.

Process:

1. The requesting department shall contact the Purchasing Specialist with proposed specifications for the purchase or construction/repair work. Specifications for certain construction or repair projects shall be prepared by a licensed architect/engineer firm as defined in GS 133-1.1. If requested, the Purchasing Specialist or a designated representative will assist with providing information to the architect/engineer firm engaged to prepare such specifications. Note that architects and engineers must be selected based on qualifications as required in NCGS 143-64.31. The requirements for this process are below.
2. The purchasing specialist will review and modify (as needed) the specifications submitted by the requesting department to develop final specifications or the purchasing specialist will review the specification documents prepared by the licensed architect/engineer firm to ensure all state and local requirements have been met.
3. The purchasing specialist shall solicit bids utilizing one of the authorized competitive sealed bid methods which best fits the county's needs. The purchasing specialist shall ensure that all state and local requirements are met, including advertising, bonding, pre-bid conference, sealed bids, minimum number of bids (construction and repair), maintaining records, and public opening of bids.
4. For bids in the formal range, consideration should be given to conducting a pre-bid conference for potential bidders/vendors to answer questions and fulfill county minority outreach efforts.

5. For construction projects estimated to cost \$500,000 or more the county may, but is not required, to pre-qualify its contractors.
6. The bid shall be advertised in a newspaper of general circulation in Caswell County for at least seven (7) full days before the bid opening date. All county sealed bid opportunities are also posted to the Caswell County Bid Opportunities website. In addition, the county may use the State's Interactive Purchasing System and other media outlets for contractors and vendors.
7. Sealed bids must be received and opened in public at the time, place and date specified in the advertisement. Bids received after the advertised time and date cannot be considered.
 - A. Three bids are required for construction, maintenance and repair contracts in the formal range. If three bids are not received, bids must be advertised a second time. If, after the second advertisement, three bids are not received, the bid may be awarded.
 - B. For purchase contracts in the formal range, Caswell County seeks three bids. When three are not received, the sealed bid process may be repeated or the Finance Officer may waive the rebid requirement.
8. The purchasing specialist and the requesting department shall review all bids to ensure that the specifications have been met.
9. The purchasing specialist shall consider recommending award to the lowest responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract.
10. If warranted, the purchasing specialist may make recommendations to the county board of commissioners to reject bids and re-advertise.
11. Contracts are required for all purchases and projects in the formal bid range. Please refer to the Caswell County Contract Policy for requirements.
12. An agenda memo, along with the contract and bid summary, must be prepared by the requesting department and submitted to the board of commissioners for consideration.

Request for Proposal Process (RFP) for expenditures of \$90,000 or more for services

Contracts for services, such as janitorial, grounds maintenance, and solid waste collection, as well as contracts for professional services, such as attorneys and auditors, fall outside the scope of the competitive bidding statutes. The County uses RFPs as a means to receive competitive proposals for services that fall outside competitive bidding requirements.

Typically, RFPs are used in situations where (1) detailed specifications cannot be or are difficult to develop; (2) when providing a solution to a problem/issue is the main objective and the solution is not apparent; (3) when obtaining professional or other services, except for professions that fall under NCGS 143-64.31; and (4) purchase of information technology goods and services. RFPs cannot be used for purchases of equipment, apparatus, materials and supplies or for construction/repair.

RFP Process:

1. The county shall advertise the RFP opportunity in a newspaper of general circulation in Caswell County, with at least seven (7) full days elapsing before the proposal due date. All county bids and opportunities are also posted to the Caswell County Bid Opportunities website. In addition, the County may use the State's Interactive Purchasing System and other media outlets.
2. The proposals received must be recorded, all proposals are subject to public inspection except those for information technology goods and services. Proposals for technology goods and services shall not be subject to public inspection until the contract is award pursuant to G.S. 143-129.8.
3. Contracts shall be awarded to the person who or entity that submits the best overall proposal as determined by the awarding authority. Factors to be considered in awarding contracts shall be identified in the requests for proposals. The "best value" process as stipulated in G.S. 143-135.9 may be used to award the contract. The term "best value procurement" means the selection of the contractor based on a determination of which proposal offers the best trade-off between price and performance, where quality is considered an integral performance factor.
4. County staff may negotiate with any proposer in order to obtain a final contract that best meets the needs of the county. Negotiations allowed under this section shall not alter the contract beyond the scope of the original request for proposals in a manner that:
 - A. Deprives the proposers or potential proposers of a fair opportunity to compete for the contract; and
 - B. Would have resulted in the award of the contract to a different person or entity if the alterations had been included in the request for proposals.

RFP Evaluation Process:

1. Selection committee. The purchasing specialist will work with the department head that has primary responsibility for the items/services being procured and will determine the selection committee chairperson and members. The size of the selection committee is dependent on the nature and scope of the project.
2. Evaluation criteria. Evaluation criteria are the factors used to determine which proposal best meets the requirements identified in the RFP. In establishing effective evaluation criteria, a department must clearly identify the factors relevant to its selection of a vendor for the specific service sought. Evaluation criteria should reflect the department's minimum needs and should not be so restrictive as to limit competition. Evaluation criteria often encompass such factors as price or cost, technical excellence, management capability, personnel qualifications, experience and past performance. While price or cost must be included and will be a factor, price or cost need not be the deciding factor in an RFP process.
3. Evaluation of responses. Responses should be evaluated based on predefined criteria. Evaluation criteria should be published in the RFP document with response information to include enough details to evaluate the criteria.

4. Evaluation tool. The evaluation tool should assist the review committee in providing an unbiased evaluation of responses weighted against the criteria identified.
5. Evaluation criteria: The review committee should agree on a weighting as to the criterion's importance. For example:
 - A. Not important: 0 points
 - B. Slightly important: 1 point
 - C. Moderately important: 2 points
 - D. Very important: 3 points
6. The review committee should individually evaluate each proposal according to the criteria and assigns points based on how well the proposal meets the criteria. For example,
 - A. Doesn't meet criterion: 0 points
 - B. Meets criterion: 1 point
 - C. Exceeds criterion: 2 points
7. Scoring is calculated by multiplying the criterion point value and the weight to determine the score. Each reviewer's score should be totaled for each response. A total score for each proposal should then be determined. If scores are close or result in a tie, the proposers should be interviewed using standardized questions. An evaluation of the interview should be conducted in accordance with the above process.
8. In some cases, presentations or demonstrations may be needed. These sessions should be conducted using the following guidelines:
 - A. All members of the evaluation committee should be present during oral presentations and interviews.
 - B. Time limits should be equal in length.

Process for selecting architectural, engineering, surveying, construction management at risk, design-build, and contractors for alternative construction deliver methods.

The North Carolina General Statute (NCGS) 143-64.31 requires local government to announce all requests for architectural, engineering, surveying, construction management at risk services; design build services; and other alternative construction delivery methods.

The county must select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee, other than unit price information. Once the best firm has been selected on the basis of qualification, the county should negotiate a contract at a fair and reasonable fee. The method is known as Qualified Base Selection (QBS) and usually announced through a Request for Qualifications (RFQ).

For all announced QBS projects, the county must perform good faith efforts of outreach to encourage minority participation. The guidelines for "good faith" in **the County Outreach Plan** may be used.

Pursuant to NCGS 143-64.32, the County may in writing exempt particular projects from NCGS 143-64.31. The proposed projects, where an estimated professional fee is in an amount less than fifty thousand dollars (\$50,000), may be considered for this exemption. The county manager is authorized to exempt a project in accordance with law.

Current Caswell County Purchasing Policy

The Purchasing Process

The purchasing process is designed to provide a proper system of internal control over purchasing, to ensure that the proper authorizations are obtained before items are purchased, and to ensure that statutory requirements for purchasing are followed. This process and the documents used by this Agency are described in this section.

Purchase-Order System

The basic document in the purchasing system is the purchase order. A purchase order should be issued for purchase of apparatus, supplies, materials and/or equipment for items costing over \$500.00. No invoice may be honored for commodities unless it is supported by a properly signed purchase order. The purchase order should be pre-numbered for control purposes and should include complete specifications or reference to specifications, as well as shipping and invoicing instructions. Copies of the approved purchase orders should be transmitted to each vendor and filed by various sections in the agency for future use/reference.

- Preparation of the requisition is the first step in the purchase order process. A requisition (request for a purchase order) should be prepared by the Department Head or the designated representative requiring purchased commodities and then forwarded to the Finance Department. The requisition should show the quantity and type of commodities needed, the purpose for which they are to be used, and the date required. The Purchase Order is a three-part form with copies to be distributed as follows: Blue-(Vendor Copy) Mailed to Vendor, Pink-(Department Copy) Filed with a copy of the Request to Purchase, White-(Finance Copy) Filed with the original Purchase Requisition.

- For capital items, the budget should be checked annually to verify minimum dollar amount of capital items. (Currently \$5,000)
- The finance officer may not certify any requisition unless sufficient unencumbered funds are available to pay the purchase order obligation when it is due.

Open-Ended Purchase Orders

Open-ended purchase orders may be used for many repetitive, usually low dollar value, purchase from one vendor. Rather than issuing a purchase order for each purchase, one purchase order with a total dollar limit is issued for a specified period. Not requiring a purchase order for each item reduces internal control; however, with the low cost items purchased under this system, the costs of the additional controls outweigh the benefits. For open-ended purchase orders, the purchasing agent should provide to the appropriate department heads a list of vendors and items to be purchased from those vendors, along with a purchase order number for the current period, e.g. one month, and the total amount encumbered. To maintain adequate controls, purchase transactions over specified maximum amount should be allowed only after contacting the Finance Officer. This transaction maximum would vary depending on the type of items and prior purchasing history. The total maximum dollar-limit amount of the authorizing purchase order will still be encumbered.

Records.

The purchasing records should show materials/services that have been ordered but not delivered or paid for (open purchase orders). They also should furnish supporting information for the payment of claims. Purchasing records are invaluable in making future purchases because they show prices, quantities, and vendor performance on previous orders. Also, they aid in budgeting because they contain a record of quantities of each kind of purchase required during the

preceding year. The accounting records, in turn, should show amounts encumbered and amounts expended, by accounting period, for purchased items. All units are encouraged to use encumbrances and purchase orders as part of their internal control system. Sometimes a common database is used for both the purchasing and accounting records, particularly in automated systems. In automated systems, the purchasing records are integrated with the general ledger accounting system.

Receiving.

The receipt of all goods and services by the Agency should be reported to the Finance Office and the Finance Officer for processing. The receiving report, receiving copy of the purchase order, the delivery ticket, or some other written verification, should be sent to the Finance Officer. Copies of the receiving report should be sent to the Finance Office and the requisitioning department. For construction projects, the Architect, Professional Engineer, or Construction Management Consultant overseeing the project will issue a report certifying that construction has been completed and approved. The Finance Office should ensure that sufficient data are provided to ascertain the date, quantity, description, and condition of items received. The Agency should not approve interim billings without monitoring the progress of construction projects. Also, with regards to services, the Agency should verify that the services are being performed before approving interim invoices.

Payment of Vendor's Invoices.

The Department Head should provide to the accounting department, on a timely basis (taking full advantage of vendor discounts), documents and data needed to consider approve vendors' invoices. These documents/data include a copy of the purchase order with expected unit prices, receiving data (if not provided directly from the receiving department), returns/allowances data, and notification of any exceptions/discrepancies between goods ordered and those received.



AGENDA FORM

TO: Caswell County Board of Commissioners

FROM: Renee Paschal, Interim County Manager

SUBJECT: Contract Management Policy

BACKGROUND INFORMATION:

Counties must have a process for developing, approving and storing contracts. In the past months, I have had difficulty locating some of the county's contracts. This poses a significant risk to the county if we need to take action related to a contract. A centralized contract repository and policy is recommended.

STAFF RECOMMENDATION, IF APPLICABLE:

N/A

RECOMMENDED ACTION/MOTION:

Motion to approve the Contract Management Policy

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed Contract Management Policy

Proposed Caswell County Contract Management Policy

Policy Statement

These guidelines will ensure that contracts are written, approved, stored and destroyed appropriately.

Purpose

1. To expedite the contract process
2. To track contracts and ensure the appropriate oversight is in place
3. To ensure that contracts are accessible when needed for review
4. To reduce space needed for storing paper copies

Applicability

All County Departments must follow this policy for: agreements, memorandums of understanding, memorandums of agreement, leases, contracts, maintenance agreements, software/IT support agreements, amendments/addendums, certificates of insurance, change orders, payment and performance bonds and any other document that financially or otherwise obligates the county.

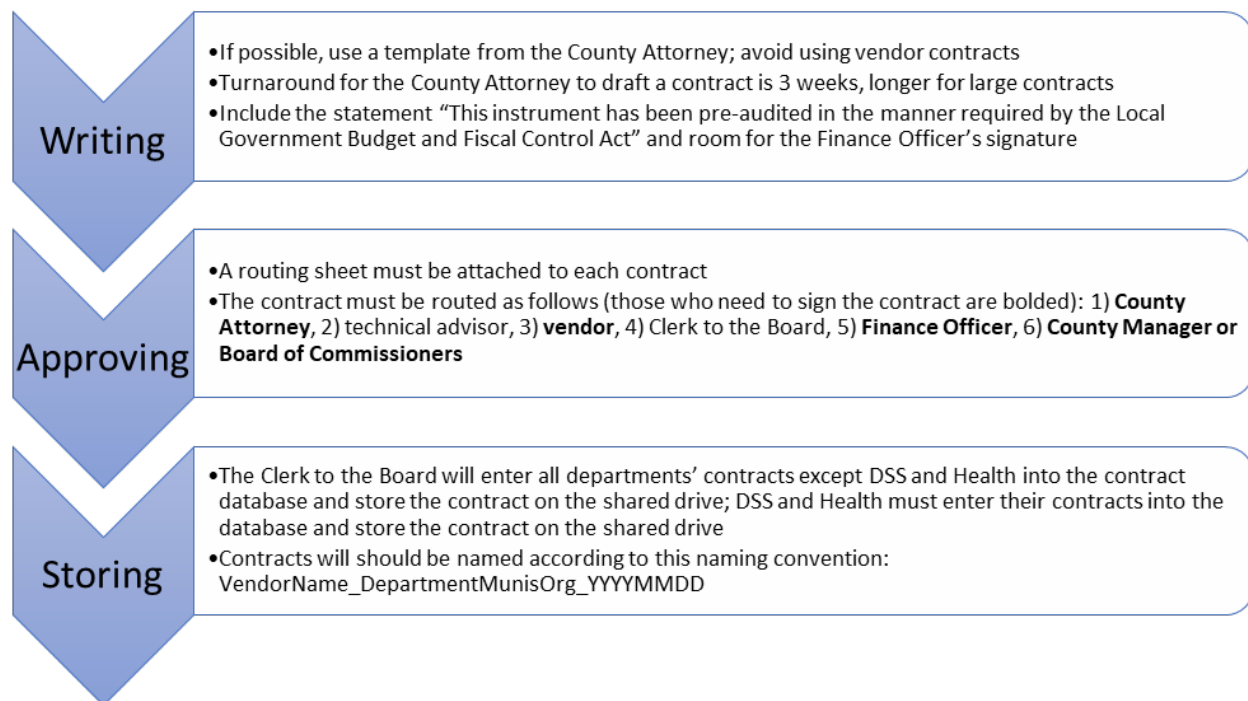
Who can enter into a contract on behalf of the county?

Only four entities have the authority to sign contracts on the county's behalf – the County Manager, the DSS Director, the Health Director and the Board of Commissioners.

1. The Board of Commissioners must approve all contracts over \$25,000. G.S. 143-129 requires the Board of Commissioners to award (approve) **purchase** contracts of \$90,000 or more and **construction and repair** contracts of \$500,000 or more. The Board of Commissioners may delegate its authority to award **purchase** contracts, but cannot waive its authority to award **construction and repair** contracts. However, local governments may choose to require, by local policy, board approval for contracts less than the amounts required by the General Statutes. Currently, Caswell County's Budget Ordinance requires board approval for contracts less than the amounts required by the General Statutes (\$25,000). Note that the budget ordinance is passed annually, so thresholds may change.
2. The County Manager can approve contracts as follows if funds have been budgeted in the annual operating budget or in a project ordinance:
 - a. \$25,000 or less for construction or repair projects; purchases of apparatus, supplies, and materials; and equipment.
 - b. \$25,000 or less for personal property leases that have a term of 12 months or less.
 - c. \$25,000 or less for service contract that have a term of 12 months or less.
 - d. Grant agreements with other governmental units and nonprofits, unless the grantor requires approval and execution by the Board of Commissioners.
 - e. \$50,000 or less for leases of buildings, land, equipment, vehicles, heavy equipment, and other property provided that they have a term of one year or less.
 - f. Change orders and amendments to contracts not previously approve by the Board of Commissioners. If the contract should have been approved by the Board of Commissioners, the Board of Commissioners must approve amendments and change orders.
3. Per GS 130A-41(b)(13) and GS 108A-4(a)(4), Health and DSS directors may sign contracts, upon approval of the Finance Officer.

Use the following guidelines to determine if a contract is required:

1. Supplies, equipment, apparatus, materials, maintenance, and services requiring an expenditure of greater than \$90,000 require a written contract. However, a written contract may be used for a lesser amount, if deemed necessary.
2. A contract is required for all maintenance agreements.
3. A contract is required for all leases.
4. Construction and repair (including demolition and renovation) projects requiring an expenditure of \$90,000 or more. However, a contract may be used for a lesser amount, if deemed necessary.
5. If the entire cost of the project will exceed \$300,000, separate written contracts are required for any of the following four items that are included:
 - a) Heating, ventilating, air conditioning, and accessories and/or refrigeration for cold storage (when the cooling load is 15 tons or more);
 - b) Plumbing and gas fittings and accessories;
 - c) Electrical wiring and installations; and
 - d) General work not included in the above.
6. Change orders: contracts for construction or repair projects can have change orders during the project prior to completion, without going through a new bid process, providing the bidding laws are not evaded.



Procedure

1. **Writing:**
 - a. If at all possible, do not use a vendor's contract. Use a contract template or one written by the county attorney.
 - b. Contract templates for small construction projects and service agreements are available from the county attorney. Once the department has completed the template, it should be submitted to the attorney's office for review. Provided the template has been properly completed this review can normally be completed in three days.

- c. For all other contracts, please submit to the county attorney a detailed description of the services to be provided under the agreement, etc. please allow three weeks for the county attorney to complete/review a final draft of the contract. More complex contracts, such as large construction projects, may take longer.
- d. The Finance Officer must conduct a financial pre-audit on all contracts that involve financial obligation. All contracts must have the following statement: "This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act" and include room for the Finance Officer's signature.
- e. Some contracts must include the following provisions:
 - 1) **E-verify:** The North Carolina General Assembly passed legislation (HB786) on September 4, 2013 requiring NC local governments to impose E-Verify requirements on contractors in formal ranges for procurement and construction (\$90,000 for apparatus, equipment, supplies, materials and services; and \$500,000 for construction/repair). The E-verify Affidavit is located on the Caswell County website in the Finance Document Center. The form must be part of the bid document package.
 - 2) **Iran Divestment Act:** For all contracts. In 2015 legislative session, the North Carolina General Assembly enacted the Iran Divestment Act (S.L. 2015-118; SB455)2 ("the Act") which prohibits state agencies and local governments from entering into contracts with an entity that has been identified by the North Carolina State Treasurer as being engaged in certain investment activities in the Iranian energy sector. The State Treasurer's Office is required to publish a list of entities it has identified as engaging in these activities and must update the list every 180 days. An entity identified on the Treasurer's list (called the "Final Divestment List") is prohibited from contracting with a state agency or any local governments. Local governments must require contractors to certify they are not on the list and that they will not use subcontractors who are on the list. Departments must check with the Finance Officer or the County Attorney Office to verify the selected vendor or contractor is not on the list. Any existing contract with a person added to the Iran List while the contract is still in effect will be allowed to expire in accordance with the contract's terms.
 - 3) **Requirement for Certain Contractors to Recycle:** Pursuant to North Carolina General Statutes 130A309.103-130A309.144, State agencies and local governments are prohibited from purchasing computer equipment or TV's from manufacturers not compliant with NC Electronics Management Program (labeling and recycling requirements).

2. Approving - Routing Procedure

Appendix A contains the routing form that must accompany all contracts from initiation at the county attorney's office to signature from the BOC/Manager. All contracts must be reviewed in the following order:

- a. Attorney: the attorney must review and approve the content of the contract
- b. Technical Advisor - the county staff person who is administering the contract must review and approve that the contract meets technical requirements
- c. Vendor/Other Contract Party – The vendor/other party must sign the contract before it is forwarded to the Clerk to the Board. If the vendor/other party refuses, an exception may be granted.
- d. Clerk to the Board- The Clerk will obtain the Finance Office approval (if needed) and determine whether the contract needs BOC or Manager approval. The department is responsible for meeting agenda submission guidelines and deadlines for the BOC and the

county manager. The county manager requires contracts to be submitted at least 3 days before execution is needed. The Board of Commissioners requires contracts to be submitted to the Clerk to the Board, along with an agenda memo, 10 days before the meeting.

- e. Finance Officer: The Finance Officer must ensure that funds have been appropriated in a project ordinance or operating budget and must sign the pre-audit statement certifying that funds are available.
- f. BOC/Manager approval and signature.

3. Electronic Signature

When practical, an electronic signature process is encouraged to improve. The signing order given above should be followed.

4. Storing

Once the BOC/Manager has signed the contract, the Clerk to the Board of Commissioners will enter the contract into the electronic contract database for all departments, except DSS and Health. The vendor is entitled to an electronic copy of the contract. Departments will use the following naming conventions, where the date refers to the effective date of the contract and Dept refers to the Munis Org.:

- DSS: VendorName1305310YYYYMMDD
- Health: VendorName_1405110_YYYYMMDD
- Other Departments: VendorName_DeptMunisOrg_YYYYMMDD

Accessing the Contract Database

Electronic copies of all contracts will be available on a shared drive.

5. Destroying copies

Copies of contracts can be destroyed after 3 years from completion date (6 years for capital improvements for construction) or as determined by the North Carolina Department of Cultural Resources.

This policy shall be reviewed annually by the Attorney and County Manager.

Adopted January 21, 2025.



AGENDA FORM

TO: Caswell County Board of Commissioners

FROM: Renee Paschal, Interim County Manager

SUBJECT: PCC student fee for Co-Square

BACKGROUND INFORMATION:

In an effort to increase Co-Square membership, we are proposing a partnership with Piedmont Community College (PCC) through which we charge a lower fee to PCC students. The current membership fee is \$50 per month. We are proposing a PCC student fee of \$25 per month. We have a contacted PCC and they are supportive of this fee and believe their adult learners, in particular, would be interested. The attached Memorandum of Understanding between PCC and the county memorializes this arrangement.

STAFF RECOMMENDATION, IF APPLICABLE:

N/A

RECOMMENDED ACTION/MOTION:

- Motion to set a PCC student membership fee of \$25/month
- Motion to approve the MOU with PCC

FISCAL IMPACT:

None

ATTACHMENTS:

PCC MOU

Memorandum of Understanding

This **Memorandum of Understanding** (hereinafter referred to as the "MOU") is made on _____ (Date) by and between Caswell County (hereinafter referred to as the "County") and Piedmont Community College (hereinafter referred to as "PCC") for the purpose of working together to establish a student membership program for Co-Square.

WHEREAS the County and PCC desire to enter into the MOU in which the County and PCC will work together to establish a student membership program for Co-Square;

OBLIGATIONS of the PARTIES

The intent of this MOU is to allow students enrolled at PCC to purchase a student membership from the County. The County will charge \$25 per month for the student membership. PCC agrees to publicize and promote this opportunity to their students.

DURATION OF MOU

This MOU becomes effective on the date it is signed by both parties. It remains in force unless explicitly terminated, in writing, by either party.

AMENDMENTS

The terms of this MOU may be amended upon written approval by both [all] original parties and their designated representatives.

TERM AND TERMINATION

This agreement becomes effective on the date it is signed by both [all] parties. It remains in force unless explicitly terminated, in writing, by either party or parties.

Both Parties [any Party] may terminate this MOU by means of signing a termination addendum upon 30 days' written notice to the other party or parties.

Signature and Date

- The Parties hereby agree to the terms and conditions set forth in this MOU and such is demonstrated by their signatures below:

Piedmont Community College

Caswell County

Name: _____

Name: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

Caswell County Board of County Commissioners 2025 Board & Committee Assignments--Proposed

Each of the seven members serves as a member of or liaison to several volunteer committees or boards that focus on specific county issues. The table summarizes each member's board and committee assignments. The list provides guidance on the most appropriate commissioner to contact about specific issues.

Commissioner Frank Rose District 1	Commissioner Finch Holt District 2	Commissioner Greg Ingram District 3	Commissioner Ethel Gwynn District 4	Commissioner Tim Yarbrough District 5	Commissioner At-Large	Commissioner At-Large
<ul style="list-style-type: none"> • E-911 Board • EMS Peer Review Committee • NCACC Government Subcommittee • NCACC Health & Human Services Subcommittee • Cemeteries Board of Trustees (Alternate) 	<ul style="list-style-type: none"> • Caswell County Hunting & Wildlife Advisory Committee • Caswell County Regional Economic Development Commission • Local Emergency Planning Committee • Cyber Security Committee • Farmer Lake Board 	<ul style="list-style-type: none"> • Personnel Committee • Social Services Board • Vaya Health Advisory Board 	<ul style="list-style-type: none"> • Caswell County Adult Advisory Committee • Juvenile Crime Prevention Council • Piedmont Triad Council of Governments • Piedmont Triad Regional Workforce Consortium • Piedmont Triad Rural Planning Organization • PTRPO Transportation Advisory Council 	<ul style="list-style-type: none"> • Caswell County Area Transportation System • Agriculture Advisory Committee • Planning Board • Piedmont Triad Rural Planning Organization (alternate) 	<ul style="list-style-type: none"> • Personnel Committee • Library Advisory Board 	<ul style="list-style-type: none"> • Board of Health • Cyber Security Committee • Personnel Committee • Caswell County Hunting & Wildlife Advisory Committee (Alternate) • Cemeteries Board of Trustees

NOTE: The full Board of Commissioners also serves as the Board of Equalization and Review.

UPDATED: Nov. 14, 2024

TONY DURDEN JR
Sheriff of Caswell County
Yanceyville, N.C. 27379


MONTHLY REPORT OF ACTIVITES OF CASWELL COUNTY SHERIFF'S OFFICE

During the month of October 2024, the following activities were carried out by the Caswell County Sheriff's Office.

Fees Collected for Processing Papers	\$ 1,654.00
Fees Collected for Pistol Permits	\$ -----
Civil Papers Served	92
Criminal Papers	69
Subpoenas Served	34
Jurors Summoned	150
Prisoners Conveyed to Prisons	54
Mileage of Prisoners Conveyed	3,597
Mental Patients Conveyed	2
Mileage of Mental Patients Conveyed	76
Public Gatherings (funeral, ballgames, etc)	4
Hours Spent in Court by Deputies	102
Investigation Reports Filed	245
Calls or Complaints Answered	3,807
Mileage Driven on Patrol & Answering Complaints	30,408.5
Number of Persons Confined in Jail	189
School Traffic	-----

The foregoing report does not include all small items and complaints that the Department handles each month, such as juvenile cases, domestic complaints and various other tasks that are routine work for any law enforcement agency.

Respectfully Submitted this 13th day of December, 2024,



Tony Durden Jr, Sheriff

**CASWELL COUNTY
SOCIAL SERVICES BOARD MEETING**

REGULAR MEETING

DECEMBER 17, 2024

Social Services Conference Room

9:00 a.m.

Call to Order

Approval of the Agenda

Approval of the Minutes of the Meeting Held November 19, 2024

Public Address to the Board

Action Items

1. 2025 Meeting Schedule

Information Items

1. Retirements

Supervisor Reports

Next Meeting

The next regularly scheduled meeting of the Social Services Board is January 21, 2025 at 9:00 a.m. in the Conference Room of the Department of Social Services.

Adjournment

**CASWELL COUNTY
SOCIAL SERVICES MEETING MINUTES**

The Caswell County Department of Social Services Board held its monthly meeting on November 19, 2024 in the Conference Room of the Caswell County Department of Social Services. In attendance were: Mr. Jeremiah Jefferies, Chairman; Mr. Rick McVey, Mrs. Bonnie Byrd Mrs. Marcea Foster, Mrs. Tammy Paschal, Administrative Officer and Ms. Dianne Moorefield, Secretary to the Board. Mrs. Dorothy McCain was absent from the meeting.

Mr. Jefferies called the meeting to Order at 9:10 a.m.

The agenda for the meeting was approved upon a motion by Mr. McVey and second by Mrs. Foster.

Minutes of the meeting held October 15, 2024 were reviewed and approved with a Motion by Mrs. Foster and Second by Mrs. McVey.

There was no public address to the Board.

There were no Budget Amendments for consideration/action.

A staffing update was presented. Board Members were informed that Mrs. Heather Thomas is experiencing a serious health challenge.

Upon a Motion by Mr. McVey and second by Mrs. Foster the Board entered into Closed Session to consider the Compensation, Competence, Term of Appointment and Performance of an Individual Public Officer (NCGS143-318.1(A)(6). The Board returned to Open session upon a motion by Mr. McVey and second by Mrs. Byrd.


Supervisors attended the meeting and reported on work within their respective units. Ms. Hughes and Ms. Waddell were absent from the meeting due to other work commitments.


The Social Services Board scheduled a Special Board Meeting to address Personnel on November 26, 2024.

The next regularly scheduled meeting of the Social Services Board is scheduled for December 17, 2024 at 9:00 a.m. in the Conference Room of the Department of Social Services.

Upon a Motion by Mrs. McVey and second by Mrs. Byrd the meeting of the Social Services was adjourned at 9:55 a.m.

Respectfully Submitted:

X 
Mr. Jeremiah Jeffries, Chairman Date 12/17/24


Dianne C. Moorefield, Secretary Date 12/19/24