



We Make a Difference!

# Montgomery County Hospital District

## District Purchasing Policy

MONTGOMERY COUNTY HOSPITAL DISTRICT

PURCHASING POLICIES

Updated through September 27, 2016

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## INTRODUCTION

Montgomery County Hospital District is a political subdivision of the State of Texas created by an election of the District's voters in 1977. The District's purpose is to provide medical care and other health care services to qualifying, low-income residents of Montgomery County. In connection with such duties, the District must periodically make expenditures of public funds for purchases of supplies, equipment, materials and services. Although not required by the District's enabling legislation, the Board of Directors has sought to adopt comprehensive purchasing policies to ensure that District receives the best value.

This policy outlines the methods of procurement and the duties and responsibilities of the Montgomery County Hospital District as delegated to the Chief Executive Officer or his/her designee(s) by the Board of Directors.

It is the District's intention that all purchases of supplies, equipment, materials, and contracted services, (other than those covered by the Texas Professional Services Procurement Act)<sup>1</sup> where the costs exceed \$50,000 are to be purchased using a procurement methodology selected by the Chief Executive Officer and/or Board of Directors which is intended to result in obtaining the best value for the district.

Purchases of less than \$50,000 may be made to the open market by the District's Chief Executive Officer and/or his/her designee(s) as outlined in this policy.

### **PUBLIC PURCHASING HAS SEVERAL GOALS:**

- Purchase the proper goods or services to suit the District's needs.
- Procure the best possible price and value for the goods or services required.
- Have the goods or services available where and when they are needed.
- Assure a continuing supply of needed goods and services.
- Guard against any misappropriation of the District Funds.

### **PUBLIC PURCHASING MUST ALSO ASSURE THAT:**

- Responsible bidders are given a fair opportunity to compete for the District's business.
- The best value is received for the public dollar.
- Public spending is not used to enrich elected officials or government employees, or to confer favors upon constituents.

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<sup>1</sup> Texas Local Government Code ch. 2254

The efficiency and effectiveness of any program depends on good, sound principles and management. Purchasing is no different. There are common, basic principles of purchasing which can be applied to any purchasing program to make it operational to the best advantage of any organization.

It is the intent of the policy to promote effective, efficient and consistent procurement in Montgomery County Hospital District, using procurement methodologies yielding the best value to the District for the benefit of its taxpayers.

There are several different types of purchases. They are as follows:

EMERGENCY:

Emergency purchases are made to meet a critical, unforeseen need of the District due to urgent circumstances and/or factors outside the District's control. Because the utilization of normal procurement processes would result in unreasonable delay in situations where public health and/or safety is at immediate risk, emergency purchases shall be exempt from otherwise applicable purchasing procedures as set forth herein.

SOLE SOURCE:

Sole Source purchases are goods and services available from only one supplier. This may be because of patents and copyrights or simply because a single vendor supplies the particular goods or services. These purchases shall be exempt from the otherwise applicable purchasing procedures set forth herein, so long as the decision is made that sole source procurement represents the best value to the District in light of the circumstances.

SERVICES:

Different types of services are needed by the District. Professional services shall be procured pursuant to the Professional Services Procurement Act for those services contemplated under said Act, and pursuant to a request for qualifications and/or request for proposals for services not contemplated under the Professional Services Procurement Act. In some instances, due to sole source, specialized skills and/or knowledge, service providers will be directly retained by the District, based upon the discretion of the Chief Executive Officer that a request for qualifications and/or request for proposals is unnecessary.

CONSTRUCTION:

These are projects normally involving the extensive use of plans, prints and/or professional construction services. The supervision of this type of procurement typically requires the services of an engineer. These projects will be procured pursuant to the methodology which results in the best value to the District and in strict compliance with Chapter 2267 of the Texas Government Code.

ITEMS:

Items include any service, equipment, goods, or other tangible or intangible personal property, including insurance and technology and are generally subject to competitive procurement as provided by these policies.

MCHD utilizes the following instruments in effecting purchases:

**REQUISITION:** Is a request for a purchase to be made. It is the first step taken after the need for goods and services is recognized. The requisition process must include a system of authorizations and safeguards to ensure that ethical purchasing procedures are followed.

**PURCHASE ORDERS:** Constitutes a contract for delivery of the goods and services and usually contains the terms, quantity, delivery and price.

MCHD personnel shall exercise diligence in utilizing requisitions and purchase orders for purchases of goods and services.

**CIRCUMVENTING THE SYSTEM**

Some types of purchases by the District are governed by statutory requirements of local, state or federal origin. The requirements of the statutes have been incorporated into the District's internal policies and will be followed where applicable. Circumvention of these policies is discouraged and any evidence of circumvention will constitute grounds for disciplinary action up to and including termination.

**CHAPTER 1**

**STATEMENT OF PURCHASING POLICY**

Approved by BOD on September 26, 2017

Montgomery County Hospital District operates under the authority granted by the State of Texas in its enabling statute (Chapter 1063 Texas Special District Local Law Code). With the exception of contracts for construction governed by ch. 2267 of the Government Code, the District's Board of Directors has been granted "the power to prescribe the method and manner of making purchases and expenditures by and for the hospital district."<sup>2</sup> The District's Board of Directors has elected to establish the following policies and reserve the right to amend them at any time.

The Montgomery County Hospital District pledges to discharge its duties in a manner that will provide, to all responsible vendors and contractors, an equitable and competitive access to Montgomery County Hospital District procurement processes. Further, the District's procurement will be conducted in a manner that will promote public confidence in the integrity of the organization.

## **CHAPTER 2**

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<sup>2</sup> Texas Special District Local Law Code §1063.106 .

**PURCHASING**  
**CODE OF ETHICS**

**GENERAL ETHICAL STANDARDS**

1. It shall be a breach of ethics for an employee of the Montgomery County Hospital District to attempt to realize personal gain through public employment with Montgomery County Hospital District by any conduct inconsistent with the proper discharge of the employee's duties.
2. It shall be a breach of ethics for an employee of the Montgomery County Hospital District to attempt to influence any public employee of Montgomery County Hospital District to breach the standards of ethical conduct set forth in these policies.
3. It shall be a breach of ethics for any employee of Montgomery County Hospital District to participate directly or indirectly in procurement when the employee knows that:
  - a. the employee, or a member of the employee's immediate family has a financial interest pertaining to the procurement;
  - b. A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or any other person, business, or organization with whom the employee, or any member of the employee's immediate family, is negotiating or, has an arrangement concerning prospective employment, or is involved in the procurement.
4. Gifts – It shall be a breach of ethics for any person to offer, give or agree to give any employee or former employee of Montgomery County or for any employee or former employee of Montgomery County Hospital District to solicit, demand, accept or agree to accept from another person, a gift or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or any other advisory capacity in any proceeding or application request for ruling, determination, claim or controversy, or other peculiar matter pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal, therefore, pending before the District.
5. Kickbacks – It shall be a breach of ethics for any payment, gift or offer of employment to be made by or on behalf of a subcontractor under a contract to the

prime contractor or higher tier of subcontractor for any contract for Montgomery County Hospital District or any person associated therewith, as an inducement for the award of a subcontract or order. No such inducement is proper prior to or subsequent to an award of contract.

6. It shall be a breach of ethics for any employee or former employee of Montgomery County Hospital District knowingly to use confidential information for actual or anticipated personal gain or for the actual or anticipated gain of any person.
7. Employees of the Montgomery County Hospital District who are found to have violated any one or more of the Code of Ethics shall be subject to disciplinary action, including possible termination of employment with the District and prosecution as may be afforded by law.
8. Employees of the Montgomery County Hospital District shall ensure that all applicable laws and regulations pertaining to procurements of goods and services are honored, including for example, acknowledging conflicts of interest under Chapter 171 of the Texas Local Government Code, vendors who are disbarred from participating in government contracts due to violations of Medicare or Medicaid regulations, et cetera.
9. It shall be a breach of ethics for any employee who is involved in the purchasing of goods or services for Montgomery County Hospital District to intentionally seek to evade the competitive procurement of such goods or services by breaking down the purchase into component or sequential purchases.

### **CHAPTER 3**

### **THE PURCHASING AGENT**



1. The Chief Executive Officer of the Hospital District, and/or his designee(s), shall act as the District's purchasing agent and supervise all purchases to ensure compliance with this policy.
2. A purchase made by the Chief Executive Officer and/or his designee(s) shall be paid for by the manner provided by law, including but not limited to the Texas Prompt Payment Act (Texas Government Code chapter 2251). The District may not honor a payment for a purchase unless the purchase is made and/or authorized by the Chief Executive Officer and/or his designee(s) or by the Board of Directors and funds have been appropriated and budgeted for such purchase.
3. In addition to the aforementioned requirements, the Chief Executive Officer for Montgomery County Hospital District and/or his designee(s) will:
  - a. encourage and support compliance with the Texas state statutes, including the District's enabling legislation and the policies adopted there under by the Board of Directors, including but not limited to this policy; and
  - b. promote local business participation in the Montgomery County Hospital District procurement process.

#### **CHAPTER 4**

#### **THE PURCHASING PROCESS**

Approved by BOD on September 26, 2017

**A. GENERAL INFORMATION**

1. Montgomery County Hospital District will not be obligated to purchase equipment or accessories that are delivered for use on a trial basis.
2. The following purchasing procedures that are made with the intention of avoiding competitive bidding requirements are not authorized:
  - a. **COMPONENT PURCHASES:** defined as purchasing an item that, as a whole, would have normally been competitively bid, in a series of component purchases.
  - b. **SEPARATE PURCHASES:** defined as purchasing an item in a series of separate purchases that normally would have been purchased in one.
  - c. **SEQUENTIAL PURCHASES:** defined as purchases made over a period of time that in normal purchasing practices would be made as one purchase.
3. No District employee has the authority to request a purchase of supplies, materials, equipment, or services for his/her own personal use.

**B. ADDITIONAL PURCHASING RESPONSIBILITIES**

1. The Chief Executive Officer and/or his designee(s) should be cognizant of budget balances and refrain approving expenditures in excess of those balances, except in cases of public necessity and/or public calamity.
2. The Chief Executive Officer and/or his designee(s) shall plan purchases in order to keep “rush” and “emergency” purchases to a minimum. The District rarely enjoys any economic benefits from rush and emergency purchases. In most cases, prices for commodities and services are at a premium when there is not proper time allowed to explore sources, options, and alternatives.
3. The Chief Executive Officer and/or his designee(s) shall assure that all District employees responsible for making requests for purchases have read and understand the purchasing policies of Montgomery County Hospital District as embodied in this policy.
4. The Chief Executive Officer and/or his designee(s) shall ensure that where possible, purchase and procurement requests are descriptive and specific but do not prevent competitive bidding of comparable items.

5. The Chief Executive Officer and/or his designee(s) should understand and appreciate the nature of public purchasing, and seek to put all interested vendors on a level playing field with respect to awards of MCHD contracts.

### **C. PURCHASES**

1. The purchase process should include a system of authorizations and safeguards so that improper or illegal purchasing is difficult both to initiate and to conceal.
2. Purchases for services will include information from the requisitioning employee that will provide additional details regarding the required service if necessary, and the budget account for which such item shall be charged.
3. The Chief Executive Officer may designate one or more persons authorized to make purchasing decisions for MCHD based upon department needs, employment seniority, employment responsibility, employment designation, amount of purchase, or other criteria as chosen by the Chief Executive Officer. The Chief Executive Officer at his discretion may set purchasing limits for his designees and authorized employees. All such delegations shall be memorialized in writing in one or more instruments.
4. In purchasing under this Policy any real property or personal property that is not affixed to real property, if MCHD receives one or more bids from a responsible bidder whose principal place of business is in Montgomery County and whose bid is within three percent of the lowest bid price received by MCHD from a responsible bidder who is not a resident of Montgomery County, MCHD, at its sole option may enter into a contract with:
  - a. the lowest responsible bidder; or
  - b. the responsible bidder whose principal place of business is in Montgomery County if MCHD determines, in writing, that the local bidder offers MCHD the best combination of contract price and additional economic development opportunities for MCHD created by the contract award, including the employment of residents of Montgomery County and increased tax revenues to MCHD.<sup>3</sup>
  - c. This section does not prohibit MCHD from rejecting all bids.

### **CHAPTER 5**

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<sup>3</sup> Texas Local Government Code § 271.905.

## STANDARD PURCHASE ORDERS

### **A. STANDARD PURCHASE ORDERS**

1. Authorized purchases must be conducted through the District's Requisition Process. Whenever practical the Purchase Order must be completed and approved prior to the time of purchase of the good or service. Point of sale purchases, generally for smaller amounts and small items are not required to have a Purchase Order completed prior to purchase; however, all District employees shall endeavor to use the Purchase Order process as much as possible.
2. Whenever possible, a Purchase Order should be generated using the online electronic Requisition System.
3. File copies of all Purchase Orders will be maintained in accordance with the District's records retention policy.

### **B. CONTRACTS/BLANKET PURCHASE ORDERS**

1. Contract/Blanket Purchase Orders are agreements with vendors which allow frequent or small purchases by departments during the District's fiscal year without going through repetitive procurement procedures. Blanket Purchase Orders can also control pricing.
2. Montgomery County Hospital District will have two classes of Contract/Blanket Purchase Orders:
  - a. Purchase Orders of up to and including \$25,000 in a fiscal year which will be solicited unilaterally by the Chief Executive Officer and/or his designee(s);
  - b. Purchase Orders expected to exceed \$25,000 in a fiscal year, and which require the approval of the Board of Directors.
3. Annual Contracts for Maintenance and Service Agreements.
  - a. Where feasible, the District may enter into annual contracts with selected vendors for various maintenance services. These contracts may include, but not be limited to, office machine maintenance including computers and related office equipment, software maintenance and upgrades, cleaning services, pest control, and equipment rental agreements.
  - b. Negotiation of these contracts and agreements is the responsibility of the Chief Executive Officer and/or his designee(s).
  - c. As contracts are initiated, appropriate staff will be notified as to the terms of the agreements and how to obtain needed service through them.

**C. PURCHASE ORDERS FOR TRAINING, SEMINARS, MEMBERSHIPS, SUBSCRIPTIONS, TRAVEL, LODGING, FOOD, AND BOOKS.**

Competitive quotes are not required for individual expenses incurred in connection with training, seminars, memberships, subscriptions, travel, foods, or books which total less than \$2,000.00 per person unless the Chief Executive Officer and/or his designee(s) deems it necessary; however, persons making such purchases are encouraged to ensure the District is obtaining a reasonable governmental rate for all expenditures in connection with District business. Persons making such expenses are not required to select the lowest cost item under this section if legitimate reasons exist for selection of an item of higher cost. Expenses incurred for travel, lodging, and meals will be approved and paid in accordance with the Personnel Policies & Procedures – Travel and Entertainment Policy<sup>4</sup>.

**D. DOLLAR THRESHOLDS FOR PURCHASE ORDERS**

1. If a purchase requires an expenditure of funds in an amount up to and including \$25,000 the Chief Executive Officer and/or his designee(s) will make and approve all purchases unilaterally. The purchasing procedure will be as follows:
  - a. \$2,000.00 or LESS –  
quotations may or may not be solicited, only if Chief Executive Officer and/or his designee(s) deems necessary;
  - b. \$2,000.01 to \$ 10,000.00  
telephone and/or electronic (internet, online, email) price quotations will be sought. All telephone and/or electronic quotations will be documented and recorded by the Chief Executive Officer and/or his designee(s). Alternatively, informal written bids and/or proposals may be solicited. Whenever possible, any quotes received shall be documented in the electronic Requisition system;
  - c. \$10,000.01 to \$50,000.00  
written quotations will be requested and documented in connection with the award decision;
  - d. Greater than \$50,000.00  
will be conducted by the formal, sealed, bid or request for proposal process.
2. The Chief Executive Officer and/or his designee(s) reserves the right to deviate from these policies for any purchases under the \$50,000 competitive bidding

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<sup>4</sup> These policies incorporate by reference the reimbursement rates approved by the federal government.

threshold, if it is in the best interest of the District and if it will facilitate specific District operations.

3. Sequential, Component, Separate, or Cumulative purchase orders for a single particular product and which would amount to \$50,000 or more within a fiscal year shall be subject to the competitive bid procedures set out in this policy.

**E. EXCEPTIONS TO THE PURCHASE CYCLE FOR EXPENDITURES UNDER \$50,000**

1. As with any set of guidelines or rules, there will be exceptions to the normal purchasing cycle with the understanding that the exceptions will only apply when there is a legitimate and obvious need.
2. EMERGENCY: An emergency situation is commonly described as an unforeseen situation which adversely and unduly affects the life, health, or convenience of the residents of Montgomery County, or circumstances that would cause a loss to the District. If an emergency arises during normal working hours, the affected employee(s) shall:
  - a. notify the Chief Executive Officer and/or his designee(s) of the situation and possible cost, if known;
  - b. within the working day or not exceeding the next working day, the employee will submit the Requisition to the Chief Executive Officer and/or his designee(s) noting the reason for the emergency.
3. If an emergency should arise after regular hours, the employee may proceed with the emergency acquisition and on the next regular day of business, a Requisition, invoices and properly completed receiving report (including a brief explanation of the purchase) will be sent to the Chief Executive Officer and/or his designee(s). The Chief Executive Officer and/or his designee(s) will then assign a Purchase Order number and forward that number to the appropriate vendor.

**EMERGENCY PURCHASES EXCEEDING \$50,000 CAN NOT BE MADE WITHOUT PRIOR APPROVAL FROM THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFICER OR HIS EXECUTIVE STAFF DESIGNEE.**

**F. REIMBURSEMENTS TO AN INDIVIDUAL AND/OR STORE ACCOUNT**

1. Since reimbursements are different from purchases, only in that the vendor is a specified employee or Store account, they must meet all purchasing procedures as outlined in the Purchasing Policy.
2. When possible, reimbursements must have prior approval from the Chief Executive Officer and/or his designee(s).
3. If prior approval was not obtained, written documentation explaining why it was not possible to do so, must be submitted to the Chief Executive Officer and/or his designee(s).

**G. CONTRACT WITH PERSON INDEBTED TO THE DISTRICT**

1. The District may refuse to enter into a contract or other transaction with a person and/or entity indebted to the District.

**CHAPTER 6**

**PROCUREMENT OF PROFESSIONAL SERVICES**

Approved by BOD on September 26, 2017

1. The procurement of professional services will be governed by the “Professional Services Procurement Act” (Tex. Gov’t. Code ch. 2254). Professional Services includes:
  - a. accounting,
  - b. architecture,
  - c. landscape architecture,
  - d. land surveying,
  - e. medicine,
  - f. optometry,
  - g. professional engineering,
  - h. real estate appraising, or
  - i. professional nursing.
  
2. Though competitive bids/quotes may not be used, it will be the policy of the District to procure, in most cases, professional services through a request for qualifications (RFQ). There may be instances when it is not practical to pursue this method of procurement for professional services. The procurement of services must be based on qualifications and competence, and shall comply with the express statutory requirements where such are applicable.
  
3. The Board of Directors is required to approve any contract for a professional service which will exceed \$25,000 during a fiscal year. The contract shall be in writing and approved and signed before services are rendered.
  
4. The Chief Executive Officer will sign contracts up to and including \$25,000 for professional services; the contract shall be in writing and signed before services are rendered.
  
5. For other professional type services not specifically defined above in paragraph 1 of this Chapter, the District shall review whether such services should be bid by Request for Proposal (RFP), Request for Qualifications (RFQ), or direct hire. The Chief Executive Officer or his designee shall have the discretion to decide the manner and method of contracting for such services based upon his evaluation of each circumstance.

## **CHAPTER 7**

### **COMPETITIVE BIDS/PROPOSALS**



## **A. COMPETITIVE BIDS**

1. Competitive bidding means letting the available vendors compete with each other to provide goods and/or services. In the case of local governmental entities, the bidding process has two additional purposes.
  - a. The first purpose of competitive bidding is to ensure that public monies are spent properly, legally, and for public projects or goods, and that the best possible value is received for the money.
  - b. The second purpose is to give those qualified and responsible vendors who desire to do business with the District a fair and equitable opportunity to do so. The employment of a standard, and consistent bidding process provides the public with an assurance that their tax dollars are being spent properly.
2. With a few exceptions, competitive bidding of expenditures in excess of \$50,000 will be accomplished by the following:
  - a. After specifications are developed, notice of the proposed purchase will be advertised in the manner required by law or this policy.
  - b. All purchases over \$25,000 require Board approval and are subject to the bidding criteria set forth in the bid specifications.
3. Nothing in these policies shall be construed to prohibit or prevent the District from using competitive bidding and/or competitive proposals for procurements of items in which the anticipated expenditure by the District is less than \$50,000, where it is determined to be advantageous to the District to do so.

## **B. REQUEST FOR PROPOSALS**

If the Chief Executive Officer and/or his designee(s) determine that it is impractical to prepare detailed specifications for an item to support the award of a purchase contract, the person may use a competitive proposal procedure.

## **C. BONDING**

Bid solicitations may include, as necessary, bonding requirements (e.g. bid bonds). This is to ensure that if the bidder attempts to withdraw after his bid is accepted, the District will not suffer financial loss.

**D. PRE-BID CONFERENCE**

The Chief Executive Officer and/or his designee may require a principal, officer, or employee of each prospective bidder/proposer to attend a mandatory pre-bid/pre-proposal conference for the purpose of discussing specifications, contract requirements and answering questions of prospective bidders/proposers.

**E. AWARDING A CONTRACT**

1. The Chief Executive Officer and/or his designee(s) will evaluate all bids and/or proposals, and a recommendation will be made to the Board of Directors for those purchases that require Board of Directors' approval. Factors that shall be considered in such evaluation shall include but not be limited to, the bidder's/proposer's ability to perform and or supply the product or service in a timely manner, the bidder's/proposer's history in supplying such goods and /or services, the quality of the goods and/or services offered, and any other factors identified by the Chief Executive Officer and/or his designee as being pertinent to the determination of a bidder's/proposer's responsibility and ability to perform under its bid and/or proposal. The District shall endeavor to determine and publish its scoring criteria for evaluation of bids and/or proposals in the bid specifications and/or request for proposals.
2. The Chief Executive Officer and/or his designee(s) or Board of Directors as appropriate, will either approve the recommendation or reject all bids and authorize the Chief Executive Officer to re-bid the item and/or service.
3. After an award is made, a purchase order will be issued and a contract signed as may be appropriate under the circumstances.

**F. MODIFICATION AFTER AWARD**

1. After award of a contract but before the contract is made, the Chief Executive Officer and/or his designee(s) may negotiate a modification of the contract if the modification is in the best interests of the District and does not substantially change the scope of the contract or cause the contract amount to exceed the next lowest bid.

2. If it becomes necessary to make changes in plans, specifications, or proposals after a contract is made or if it becomes necessary to increase or decrease the quantity of items purchased, the Chief Executive Officer and/or his designee(s) may make the changes. Generally such changes will be documented in a change order or a contract amendment reflecting the reasons for the change and the amount the contract is increased or decreased. However, the total contract price may not be increased unless the cost of the change can be paid from budgeted and available funds of the District.
3. No change order and/or attempted modification of a contract, in the aggregate, which causes the contract price to increase by \$25,000 or more shall be valid unless approved by the District's Board of Directors.

## **CHAPTER 8**

### **EXEMPTIONS TO THE COMPETITIVE BIDDING PROCESS**

Some goods and services are exempt from the competitive bidding process. Section 262.024 of Texas Local Government Code lists several circumstances when purchases may be exempt from the competitive bidding process. While the District is not bound to Section 262.024 of the Texas Local Government Code, by way of example, the following is a list of items and circumstances that may be exempt from competitive bidding. The Chief Executive Officer may in his discretion exempt a purchase from competitive bidding for good cause. In such instance the Chief Executive Officer must get Board approval for any exception over \$50,000.00.

**A. ITEMS AND SERVICES THAT ARE EXEMPT FROM COMPETITIVE BIDDING INCLUDE:**

1. An item that must be purchased in a case of public calamity, if it is necessary to make the purchase promptly to relieve the necessity of the citizens, or to preserve the property of the District,
2. Personal or professional services,
3. Real property purchases or right of way circumstance,
4. Personal property sold at auction or at a going out of business sale,
5. Property owned by a political subdivision of a local, state or federal governmental entity,
6. Purchases made by and through the District's participation in a local government purchasing cooperative and/or through an interlocal agreement<sup>5</sup> with another governmental entity shall be deemed to have satisfied the requirements of this policy.

**(NOTE: EMERGENCY ORDERS WHICH EXCEED \$50,000 REQUIRE THE BOARD OF DIRECTORS APPROVAL BEFORE A PURCHASE ORDER CAN BE ISSUED)**

**B. GOODS AND SERVICES WHICH CAN ONLY BE OBTAINED FROM ONE SOURCE, INCLUDING:**

1. Goods and services for which competition is precluded because of the existence of patents, copyrights, trade secrets, or monopolies,
2. Electric power, gas, water, other utility type services,
3. Captive replacement parts for equipment or parts made by a specific manufacturer for equipment produced by same manufacturer,
4. Other goods or services which may be provided by only one vendor or manufacturer.

**SOLE SOURCE ITEMS** require a memo or statement from the Chief Executive Officer and/or his designee(s) supported by a statement from the vendor as to the existence of only one

source, to be accepted by the Board of Directors and this must be reflected in the minutes of the meeting of the Board of Directors.

**C. THE RENEWAL AND/OR EXTENSION OF A LEASE, MAINTENANCE AGREEMENT, LICENSE AGREEMENT, OR SIMILAR CIRCUMSTANCE.**

1. The renewal or extension of a lease, maintenance agreement, license, or similar issue is exempt from competitive bidding, but remains subject to appropriations by the Board when:
  - a. The lease, maintenance agreement, license, or similar issue has gone through the competitive bidding procedure originally, or was exempt by Sole Source exceptions and continues to be subject to Sole Source exceptions.
2. It is possible that a lease, maintenance agreement, license, or similar issue may be subject to a Sole Source exception as well. In such cases, the Chief Executive Officer may with good cause exempt the purchase from competitive bidding on that basis. However, the Chief Executive Officer shall endeavor at all times to secure the best price available for the District.
3. The Chief Executive Officer may in his discretion exempt EMS Station Leases which are \$25,000 or less per year per Station from competitive bidding requirements.

**CHAPTER 9**

**CONSTRUCTION**

- A.** Chapter 2267 of the Texas Government Code shall govern all contracts for construction by the Montgomery County Hospital District. In addition, the bonding requirements set forth in Chapter 2253 of the Texas Government Code shall apply to all contracts for construction.
- B.** The District will consult legal counsel before entering into a construction contract to ensure all legal requirements have been met.
- C.** All the methods for construction set forth in Chapter 2267 of the Texas Government Code shall be available to the District to choose from at the discretion of the Board of Directors, which shall pick the method which provides the best value to the District.

**CHAPTER 10**

**STATE CONTRACT, CATALOGUE PURCHASES AND INTERLOCAL  
AGREEMENTS**

**A. INTRODUCTION**

Several statutory provisions in Texas law provide authority to local governments to purchase goods and services through the State General Services Commission's vendors and/or through agreements with other local governments and political subdivisions and through local government purchasing cooperatives. One such provision allows purchasing from vendors with which the State has entered into contracts as a result of competitive bidding procedures. These are referred to as State Contract purchases. Another provision allows purchasing automated information services from approved vendors based on their catalogue prices and negotiations. These are referred to as State Catalogue purchases. Other provisions allow for purchasing through interlocal agreements, including through local government purchasing cooperatives.

**B. STATE CONTRACT PURCHASES**

1. Sections 271.081 through 271.083 of the Texas Local Government Code requires the State Purchasing and General Services Commission to establish a local government purchasing program. The Montgomery County Hospital District may participate in this program and may make purchases under such program and by doing so is deemed to have satisfied the bidding requirements imposed by these policies.
2. The Chief Executive Officer or his designee is designated to act for the District at the direction of the Board of Directors in all matters relating to the program, including the purchase of goods and services from the vendor under any contract. The District is responsible for making payments directly to the vendor.
3. The Chief Executive Officer or his designee is responsible for submitting requisitions to the commission under any contract or electronically sending purchase orders directly to vendors and reports to the commission on actual purchases in compliance with the commission's regulations.
4. The Chief Executive Officer is responsible for vendor's compliance with all the conditions of delivery and quality of the purchased goods and services.
5. The Chief Executive Officer is authorized to sign and deliver all necessary documents for purchases under this program on behalf of the District.

6. The award of any contract from state contracts shall be in writing, approved and signed by the Chief Executive Officer up to and including \$25,000 or if more than \$25,000 such award approved by the Board of Directors prior to any services being rendered.

#### **C. STATE CATALOGUE PURCHASES**

1. The District is authorized by the Texas Government Code Section 2157.067 and the Texas Local Government Code Sections 271.082 and 271.083 to participate in the State General Services Commission's catalogue purchasing procedure for automated information systems.
2. The District will follow procedures outlined the Texas Government Code Chapter 2157 for the purchase of automated information systems. The District will seek the best value which is in the District's best interest by following the Request for Offer (RFO) procedure.
3. The award of any contract from the state catalogue shall be in writing, approved by either the Chief Executive Officer if the contract amount is up to and including \$25,000 or approved by the Board of Directors if more than \$25,000 prior to services being rendered.

#### **D. INTERLOCAL AGREEMENTS**

Purchases made by the District through interlocal agreements with other local governmental entities and/or through local government purchasing cooperatives shall be deemed to satisfy these purchasing policies with respect to the competitive bidding and/or competitive procurement of items purchased through such agreements.

### **CHAPTER 11**

Approved by BOD on September 26, 2017



## **SPECIFICATIONS**

### **A. SPECIFICATIONS – GENERAL**

A specification is a concise description of a good or service an entity seeks to buy, and the requirements the vendor must meet in order to be considered for the award. A specification may include requirements for testing, inspection, preparing, or installation. The specification is the total description of the purchase. The specification may also contain the evaluation criteria for the evaluation of the bid or proposal.

### **B. PURPOSE**

The purpose of any specification is to provide clear guides of what is to be purchased and to provide vendors with firm criteria of a minimum standard acceptable for goods or services. A properly drafted specification has four characteristics:

1. It establishes the minimum acceptability of the goods or services;
2. It promotes competitive bidding;
3. It contains provisions for reasonable test and inspections for acceptability of the goods or services; and
4. It provides for an equitable award to the lowest and best bid from a responsible bidder.

- C. PREPARATION OF SPECIFICATIONS** – District personnel shall use diligent efforts to prepare procurement specifications meeting these policies and guidelines, and such specifications shall provide sufficient detail to enable all bidders/proposers to avoid speculation and/or conjecture in the preparation of their bids in identifying the goods and/or services sought by the District.

## **CHAPTER 12**

## **PROPERTY SALVAGE AND DISPOSAL – DISPOSITON**

1. Throughout the fiscal year, items may outlive their usefulness and become unserviceable or obsolete. Prior to taking any item out of service, it should first be determined that the item in question could not be transferred to another user department for continued service. If it is found that the item is no longer serviceable to the District it shall be reported to the Board of Directors for ultimate disposal.
2. Upon approval by the Board of Directors, surplus or salvage material, and equipment may be disposed of in one the following methods:
  - a. public auction and or public sale;
  - b. trade-in on new equipment;
  - c. sealed bids;
  - d. distribution as unsalvageable and/or donation to local charity groups;
  - e. if salvage property cannot be donated, then disposed of in a commercially prudent manner.
3. At times, the District may be asked to purchase an item for and on behalf of another Government Entity wishing to rely on expertise of the District in a particular area. The District may do so only when the purchase will not interfere financially or otherwise with the mission of the District and when such purchase is outlined in a written interlocal agreement. Such purchases may not result in a gift or grant to the other Government Entity.

## **CHAPTER 13**

## **INVOICES**

Invoicing is considered an important part of the procurement process.

As per this policy, the vendor's invoice will be submitted directly to the Chief Executive Officer and/or his designee(s) by the vendor. If the mail is used, the address to be used is:

MONTGOMERY COUNTY HOSPITAL DISTRICT  
ACCOUNTS PAYABLE  
P.O. BOX 478  
CONROE, TX 77305

OR

[accountspayable@mchd-tx.org](mailto:accountspayable@mchd-tx.org)

## **CHAPTER 14**

Approved by BOD on September 26, 2017

## **PURCHASING AUTHORIZATION**

### **A. APPOINTMENT OF DESIGNEES**

1. The Chief Executive Officer shall be authorized to appoint one or more designees as purchasing officers to carry out the requirements of this policy and to act in the place of the Chief Executive Officer in the making of purchases of goods and services for the District.

### **B. PURCHASING AUTHORIZATION FORM**

1. A written designation shall be signed by the Chief Executive Officer for each person who has been delegated the authority to approve purchases on the Chief Executive Officer's behalf.
2. The purchasing authorization designation shall indicate that the person having the authority to approve purchases has read and understood the Purchasing Policies and Procedures and will abide by the guidelines, restrictions, and duties enumerated therein.

## **CONCLUSION**

This Purchasing Policy may be amended and supplemented from time to time by resolution of the Board of Directors. All existing purchasing policies of the District containing provisions inconsistent with these policies and procedures are hereby repealed and replaced by these policies and procedures. No violation of these policies and procedures alone shall constitute a basis for a legal challenge, as it is intended by the District that these policies are intended to provide a method of guidance for the District's purchases, but shall not be construed as having the force and effect of law. Any provisions of the District's enabling status as well as other state or federal laws, rules or regulations which are applicable to the District and which conflict with these policies and procedures shall supersede these policies and procedures to the extent of such conflict.

This policy has been approved by the Board of Directors of the Montgomery County Hospital District, acting at a public meeting held in strict compliance with the Texas Open Meetings Act, to take effect immediately.

THESE POLICIES AND PROCEDURES WERE PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE MONTGOMERY COUNTY HOSPITAL DISTRICT ON THE 17<sup>TH</sup> DAY OF JUNE, 2008. AMENDMENTS TO THIS POLICY WERE ADOPTED BY THE BOARD OF DIRECTORS ON THE 28<sup>TH</sup> DAY OF MAY, 2012 AND ON THE 27<sup>TH</sup> DAY OF SEPTEMBER, 2016.