PROCUREMENT POLICY

BACKGROUND

All purchases made by the St. Louis County Children's Service Fund ("CSF") shall be accomplished to assure that goods and services are procured efficiently, effectively, and at the most favorable prices available to the CSF; to promote full and open competition in procurement and contracting; to provide safeguards for maintaining a system of quality and integrity; and to assure that the CSF's purchasing actions are in full compliance with applicable state and federal laws and guidelines. The CSF Executive Director ("Director") shall establish and maintain procedures to implement and enforce all purchasing policies.

CSF PROCUREMENT PROCEDURES

1. Authority to Purchase. The Board of Directors ("Board") of CSF delegates to the Director, or Director's designee, the authority to purchase, without specific Board action, goods or services of $25,000 or lesser value, so long as said purchases are pursuant to a budget previously approved by the Board. The purchase of all other goods or services with a value in excess of $25,000 shall be authorized by specific action of the Board as provided herein.

2. Procurement Process: Projects Costing More Than $25,000. Unless otherwise required by law, purchases of goods or services (other than professional services) with an estimate of probable cost of more than $25,000 may be accomplished through a) sealed bids; b) request for proposals; or c) sole source procurements, as determined by the Director to be in the best interests of CSF.

3. Sealed bids. The sealed bid procurement method is the primary method to be used when procuring goods and services, and is used when the selection can be made primarily on price/cost. With this method, an Invitation for Bids is issued, and a firm fixed-price contract is awarded to the responsible bidder whose bid, confirming with all material terms and conditions of the Invitation for Bids, is the lowest and best bid. For a sealed bid procurement, representatives of CSF shall:
    a. Prepare or have prepared by the appropriate professional source specifications for completing the project in an efficient and timely manner.

b. Advertise the project in at least one daily newspaper in the St. Louis area at lease on week prior to the bid opening. Unless newspaper advertising is required by applicable law, an alternative form of advertising (website or otherwise) may be used in lieu of newspaper advertising when the Director, or Director's designee, determines that such alternative advertising provides a comparable circulation and cost effective method of reach potential vendors in the targeted industries.

c. Notify qualified vendors chosen by CSF of the opportunity to submit a bid.

d. Require bid security in the form of a bid bond or cashier's check of not less than 5% of the bid amount, if required by applicable law or determined to be needed by the Director or Director's designee.

e. Open and read bids at a meeting available to the public (in person or virtual).

f. Refer responses to the Board for Action.

4. **Request for Proposals.** The competitive proposal method is normally conducted when CSF is seeking a qualified proposer for goods or services, based on factors in addition to price. With this method, a Request for Proposals is issued, and a contract is awarded to the lowest and best proposal complying with the terms of the Request for Proposals. For a competitive proposal, representatives of the CSF shall:
    a. Prepare or have prepared by the appropriate professional source specifications for completing the project in an efficient and timely manner.

    b. Advertise the project in at least one daily newspaper in the St. Louis area at least one week prior to the proposal due date. Unless newspaper advertising is required by applicable law, an alternative form of advertising (website or otherwise) may be used in lieu of newspaper advertising when the Director, or Director's designee, determines that such alternative advertising provides a comparable circulation and cost effective method of reaching potential vendors in the targeted industries.

    c. Notify qualified vendors chosen by the CSF of the opportunity to submit a response to the request for proposals.

d. Require security in the form of a bond or cashier's check of not less than 5% of the proposal amount, if required by applicable law or determined to be needed by the Director or Director's designee.

e. Refer responses to the Board for action.

5. **Sole Source.** Sole source procurement is accomplished through solicitation or acceptance of a proposal from only one source or after solicitation of a number of sources, competition is determined inadequate. If it is determined by the Director or Director's designee that there is a single source for the product or service desired, representatives of CSF may negotiate directly with the single source. Sole source contracts over $25,000 shall be referred to the Board for approval.

6. **Procurement Process for Projects Costing $25,000 or Less.** Unless otherwise required by law, purchases of CSF goods or services with an estimate of probable cost of $25,000 or less may be accomplished through representatives of CSF seeking quotations from at least three vendors, or through sole source if the procurement meets the requirements set forth above. In addition, the requirement for securing multiple quotations may be waived when it is determined by the Director or Director's designee that:
   a. The dollar amount of the project is so low as to limit interest in the competitive process by multiple vendors.

   b. Staff time to secure quotations is not cost effective.

   c. Knowledge or experience enable staff to reasonably judge the probable outcome of the competitive pricing process. Purchases of $25,000 or less are not required to be referred to the Board for action or approval.

7. **Determination of Award.** The Board will accept the lowest and best bid or proposal but reserves the right to reject any and all bids or proposals and to waive formalities in the best interest of CSF. In determining the best bid or proposal, CSF may consider all factors in bids and/or proposals, including but not limited to, location of bidder, qualifications and prior performance. Notwithstanding any other provisions of this Policy, for good cause shown and in the best interest of CSF, the Director may waive in writing strict compliance with the provisions of this Policy; provided that such procurements shall be made in compliance with the law, with such competition as is practicable under the circumstances, and a complete report of the actions taken

shall be presented to the Board at the next regular or special meeting.

8. **Exceptions to the Procurement Process.** The Procurement Process requirements set forth in this Policy shall not apply to cooperative purchases. CSF may participate in purchases made from federal, state, county or other cooperative purchasing agreements. In addition, in the event CSF finds a price lower than the cooperative purchase price, CSF may make that purchase and is not obligated to utilize the cooperative contract. The Procurement Process also does not apply to emergency purchases as set forth in Section 9 below. Finally, the process for professional services is set forth in Section 13.

9. **Emergencies.** This Policy may be waived by the Director in writing in emergencies involving the health, welfare or safety of individuals or where significant damage or disruption of service would occur if corrective action is not taken quickly. Emergency procurement shall be made with such competition as is practicable under the circumstances. If the emergency does not allow sufficient time for the Procurement Process set forth hereunder, a complete report of actions taken shall be presented to the Board at the next regular or special meeting.

10. **Vendor Submittals.** All vendors providing services to CSF shall provide CSF with proof of insurance as appropriate to the undertaking, as requested by CSF. All bidders or offerors on CSF contracts for services in excel of $5000 must provide CSF with documentation and a sworn affidavit, with respect to employees working in connection with the contracted services affirming enrollment in a Federal Work Authorization Program ("FWAP"). See 285.530, RSMo.

11. **Minority-Owned and Women-Owned Enterprises.** CSF will assure that minority-owned and women-owned businesses that are certified by the Office of Supplier and Workforce Diversity (OSWD), State of Missouri are provided an equitable and fair opportunity to submit bids and proposals. CSF will make every effort to target these companies by utilizing the Missouri Minority/Women Business Enterprise Program Directory as a source for identification of potential bidders. CSF will prepare and incorporate into its bid and request for proposal solicitations any conditions for M/WBE participation.

12. **Preference for Missouri Businesses.** CSF prefers to purchase those materials, products and supplies which are produced, manufactured, compounded, made or grown, within the State of Missouri when they are found in marketable quantities and are a

quality suited to the purpose intended, and can be secured without additional cost over out-of-5 state products. Quality and fitness of articles will be considered in making purchases or letting contracts. Similarly, in letting contracts for the performance of any job or service, CSF shall give preference to all firms, corporations, or individuals doing business as Missouri firms, corporations, or which maintain Missouri offices or places of business, when the quality of performance promised is equal or better and the price quoted is the same or less. (See 34.070 - .073, RSMo.)

13. **Professional Services.** When entering into contracts for professional services, CSF shall use the firm best qualified and capable of performing the desired work for a fair and reasonable fee. Professional services include, but are not limited to, architectural, engineering, land surveying, legal, audit, insurance brokerage and employee benefits consulting. Services shall be provided by the firm that demonstrates competence, is most qualified and has fair and reasonable fees. A firm shall be an individual, partnership, corporation, association or other legal entity permitted by law and licensed in the State of Missouri to practice the profession required by CSF. A request for qualifications (RFQ) will be made available to firms who can provide the needed expertise. In order to assure that minority-owned and women-owned professional businesses are made aware of the available RFQ, CSF will utilize the Missouri Minority/Women Business Enterprise Program Directory as a source for identification of potential professional firms. The award of all negotiated contracts subject to this procedure will be presented to the Board for approval. Selection of professional services for Architectural, Engineering and Land Surveying Services and Construction Management Services shall be made in accordance with State law.

14. **Legal Compliance.** In addition to the requirements of this Policy, CSF will comply with all applicable laws with respect to acquiring products and services including, but not limited to, the following:
    a. Bid specifications and contracts for construction projects will include all elements required by law including, but not limited to, prevailing wage, mandatory training, excessive unemployment restrictions, mandatory affidavits regarding the employment of authorized labor, and bonding requirements and mandatory written certifications required by the Anti-Discrimination Against Israel Act, when applicable. See §§ 107.170, 285.230 - .234, 285.530, 290.210 - .340, 290.550 - .580, 292.675, 34.600 RSMo.

    b. All purchasing of architectural, engineering and land surveying services must be advertised, bid and selected in accordance with CSF policy and law. See §§

8.285 - .291, RSMo.

c. Construction management services must be advertised, bid and selected in accordance with law. See §§ 8.675 - .687, RSMo.

d. Health and life insurance contracts will be competitively bid at least every three (3) years. See § 67.150, RSMo.

e. General liability and other forms of insurance contracts will be competitively bid at least every six (6) years. See § 376.696, RSMo.

f. Transactions with CSF Board members or employees, or businesses they own, will only be conducted as required by law and Board policy. See §§ 105.454. 105.458, RSMo.

g. Any contractor and subcontractor hired to perform work on a CSF construction project must provide a ten-hour Occupational Safety and Health Administration ("OSHA") construction safety program for their on-site employees within 60 days of beginning work on the project.

h. When applicable, contracts for services, supplies, and information technology will include mandatory written certifications required by the Anti-Discrimination Against Israel Act. Sec. 34.600, RSMo.