



Montana Association of Counties

Serving Montana Counties Since 1909

2715 SKYWAY DRIVE, SUITE A, HELENA, MT 59602

(406) 449-4360 Fax (406) 442-5238

www.mtcounties.org

A LETTER TO THE CITIZENS OF MONTANA

County Commissioners from across Montana appreciate the widespread support that Senate Bill 442 enjoyed throughout its legislative process. Marijuana revenues are new to Montana, and the bill's thoughtful distribution of this higher-than-expected new revenue stream included some funding for county roads.

Bipartisan and impactful legislation backed by such a wide variety of Montanans is a rarity, and we commend Senator Lang and the bill's many proponents for their efforts. Even after Governor Gianforte exercised his right to veto, we were confident the Legislature would overturn it.

The Governor's veto letter made clear his belief that State revenues should solely fund State projects. No Governor in the history of Montana has ever taken such a State-centric position that blatantly disregards the needs of Montanans.

Public infrastructure benefits Montana's economy, the State's revenue, and Montana's citizens and visitors alike. The veto letter stated that SB 442 would create a "slippery slope" by utilizing State funds for local infrastructure. However, Montanans have always benefited from State resources provided to local governments for assisting with bridges, the secondary road system, and access roads to recreational sites, to name a few.

Given that the State relies almost exclusively on federal funding and gas taxes to maintain the State jurisdictional road system, the Governor's position that "what's ours is ours" is ill-informed and inaccurate. It is not how our state has operated in the past and doesn't recognize the fact that ALL Montanans benefit from infrastructure investments, no matter where the money comes from, even the State's General Fund. SB 442 doesn't create a "slippery slope." It provides new dollars to help meet longstanding infrastructure needs.

Governor Gianforte didn't just veto the bill. He tried to invent a new "pocket veto," which was specifically rejected by the framers of our constitution. There is no scenario where a governor's veto cannot be checked by the Legislature, and that check is an important part of Montana's "separation of powers doctrine." If a governor vetoes a bill while the Legislature is in session, the Legislature can override that veto. If the veto comes when the Legislature isn't able to review that action, it is sent to the Secretary of State to poll members of the Legislature. The procedural framework is simple and straightforward. Every governor in Montana has followed this constitutional process. Yet when asked to submit the bill to the Secretary of State for polling, this Governor refused.

The litigation surrounding SB 442 sought to protect the Legislature's authority under the Montana Constitution, a right that was violated by the Executive Branch, which in turn required the Judicial Branch to intervene and mandate the Executive Branch into compliance. Any twisting or spinning of the case is pure political gamesmanship.

The Court Order is clear. Judge Menahan stated, "At the time the Senate voted to adjourn, few if any legislators were aware of the governor's veto. Following adjournment and a request from the bill sponsor, Jacobsen refused to initiate the post session override procedure, claiming she had not received a copy of the governor's veto and a

statement explaining his reasons for doing so. The legislature was thus deprived of an opportunity to override the veto of Senate Bill 442 and draft the policy contained therein into law.”

We respect the right of the Governor to veto legislation. We respect the rules established by the Legislature on how they conduct their business. We respect any legislator’s vote on the poll being conducted on the veto of SB 442. But we do not respect the political spin that when a governor fails to allow the Legislature the opportunity to review his veto action—and the Court is required to compel him to allow the Legislature their constitutional duty—that it somehow justifies a legislator refusing to participate in the poll.

As local elected officials, we take our oaths seriously. We have jobs to do, serving our constituents and our communities. State Senators and Representatives take the same oath and serve the same constituents.

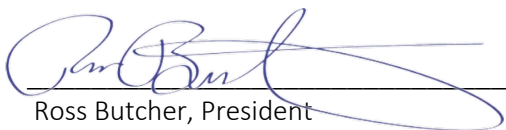
SB 442 was good policy when it passed by a supermajority in both the House and Senate. It was good policy when the Executive exercised his veto authority. It was good policy when the Court ordered the Secretary of State to poll the legislators. And if those legislators evaluate the merits of the bill and vote according to their constituent needs, it will become good policy for the State of Montana.

If legislators decide to play politics and cite claims about “separation of powers” as an excuse to sabotage SB 442, then it is clear that those legislators are more concerned with engaging in political games than they are working to represent you.

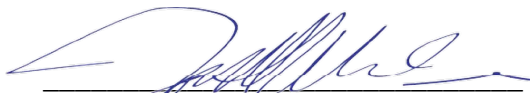
The Court ordered the Governor to abide by the separation of powers and respect the role of the Legislature by issuing the veto poll. And as legislators return their ballots on this critical issue, we would urge you to watch carefully to see how your local legislator votes—because a vote to support SB 442 is a vote in the best interests of Montanans, and a vote to let the Governor’s veto stand is proof your local legislator is ignoring you, and just playing politics.

Respectfully Submitted by the Board of Directors of the Montana Association of Counties (MACo).

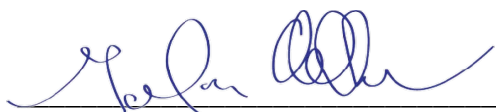
MACo EXECUTIVE COMMITTEE



Ross Butcher, President
Fergus County Commissioner

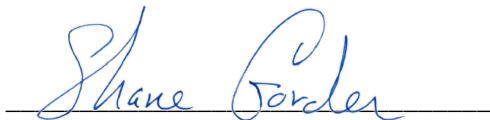


Joette Woods, 1st Vice President
Liberty County Commissioner

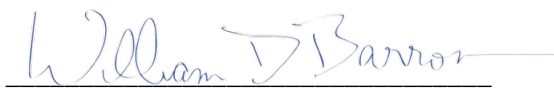


Gordon Oelkers, 2nd Vice President
Roosevelt County Commissioner

MACo PAST PRESIDENTS



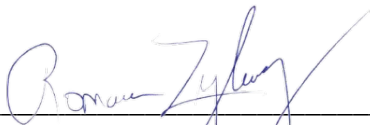
Shane Gorder, Past President, 2019-2020
Richland County Commissioner



Bill Barron, Past President, 2017-2018
Lake County Commissioner



Todd Devlin, Past President, 2016-2017
Prairie County Commissioner



Roman Zylawy, Immediate Past President
Mineral County Commissioner

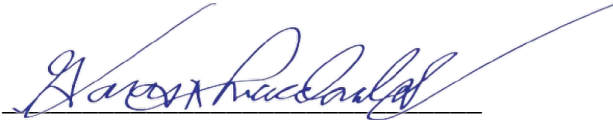


Jason Strouf, Fiscal Officer
Custer County Commissioner



Randy Brodehl, Urban Co. Representative,
Flathead County Commissioner

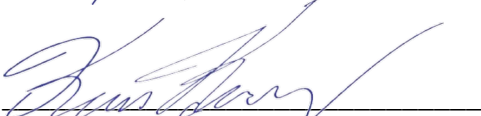
MACO DISTRICT CHAIRS



Gary Macdonald, District #1 Chair
Roosevelt County Commissioner



Jerry Collins, District #2 Chair
Garfield County Commissioner



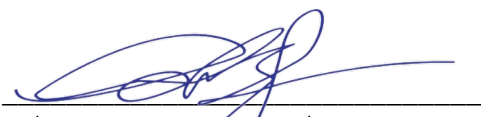
Kevin Krausz, District #3 Chair (and Health Care Trust Chair)
Custer County Commissioner



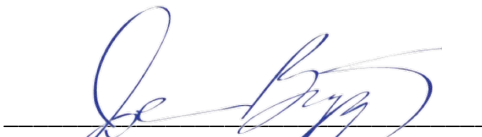
Larry Hendrickson, District #4 Chair
Liberty County Commissioner



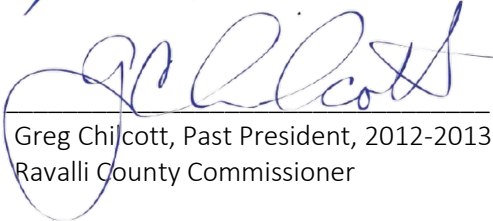
Jim Morren, District #5 Chair
Pondera County Commissioner



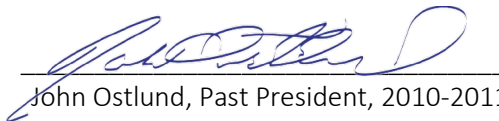
Adam Jones, District #6 Chair
Wheatland County Commissioner



Joe Briggs, Past President, 2013-2014
Cascade County Commissioner



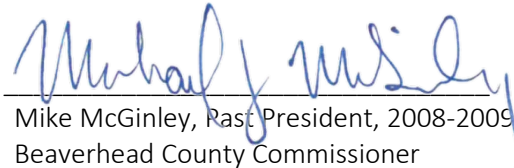
Greg Chilcott, Past President, 2012-2013
Ravalli County Commissioner



John Ostlund, Past President, 2010-2011
Yellowstone County Commissioner



Carl Seilstad, Past President, 2009-2010
Fergus County Commissioner



Mike McGinley, Past President, 2008-2009
Beaverhead County Commissioner

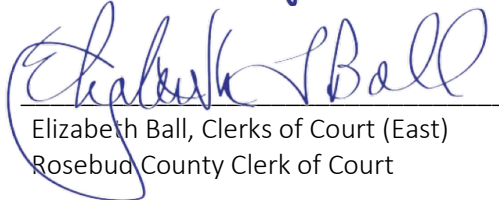


Bob Mullen, Past President, 1985-1986
Jefferson County Commissioner

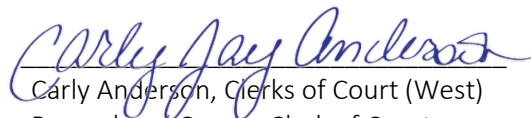
MACO ASSOCIATION REPRESENTATIVES




Maritza Reddington, Clerk & Recorders
Park County Clerk & Recorder



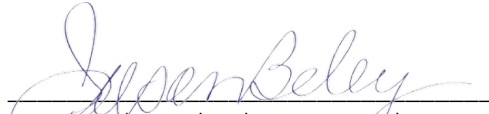
Elizabeth Ball, Clerks of Court (East)
Rosebud County Clerk of Court



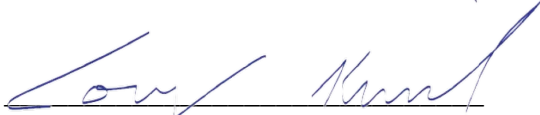
Carly Anderson, Clerks of Court (West)
Beaverhead County Clerk of Court



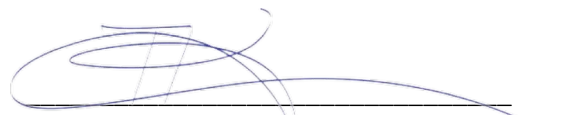
Bill Wallace, District #7 Chair
Sweet Grass County Commissioner



Susan Beley, School Superintendents
Wheatland County, Superintendent of Schools



Cory Kirsch, District #8 Chair
Jefferson County Commissioner



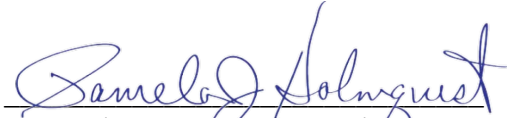
Terri Kunz, Treasurers
Jefferson County Treasurer



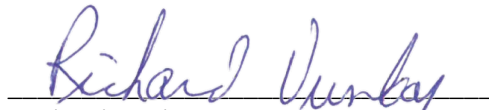
Scott MacFarlane, District #9 Chair
Gallatin County Commissioner

MACO TRUST CHAIRS

(Who aren't already signed elsewhere in this document.)



Pam Holmquist, District #10 Chair
Flathead County Commissioner



Richard Dunbar, Property & Casualty Trust Chair
Phillips County Commissioner



Dave Strohmaier, District #11 Chair
Missoula County Commissioner

ADDITIONAL COUNTY SIGNATURE

(signature line added for specific county support)



Tom Rice, District #12 Chair
Beaverhead County Commissioner



Carbon County

Emergency Response Preparation Meeting

April 4, 2024

- 1) Emergency Response
 - a. PICTURES
 - b. Time & Materials Contracts
 - c. Force Labor & Equipment Tracking
 - d. Permanent Work vs. Non-Permanent Work
 - e. Material Sources -SHPO Approved Gravel Pits

- 2) Disaster Declarations / FEMA Reimbursement
 - a. Must have \$3,900 in expenses for a project
 - b. Only Overtime counts for the emergency response

- 3) Road Maintenance Records

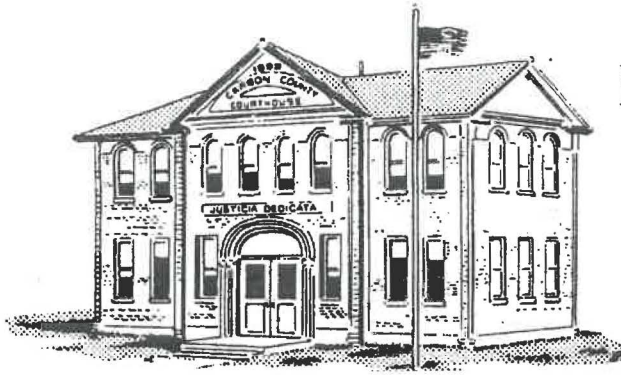
**CARBON COUNTY
ROAD PROJECT REPORT**

DATE COMPLETED	APPROVED BY
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Incident Name:

Activity Log

Date/Time	Events/Notes	Significant
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BOARD of COMMISSIONERS

COUNTY OF CARBON • STATE OF MONTANA

Post Office Box 887
Red Lodge, MT 59068

Phone: (406) 446-1595
Fax: (406) 446-2640

RESOLUTION 2023-17 ADOPT CARBON COUNTY PROCUREMENT POLICY

WHEREAS, the Carbon County Board of Commissioners desire to have consistency in procurement and purchasing procedures for all County Offices and departments; and

WHEREAS, to achieve that consistency the Board of Commissioners wish to establish a Policy for County procurement and purchasing.

NOW THEREFORE BE IT RESOLVED, the Procurement Policy attached in Exhibit A is hereby adopted.

PASSED AND ADOPTED, by the Board of Commissioners of Carbon County Montana
THIS 1st day of June, 2023.

Carbon County Commissioners


Scott C. Miller
Commissioner Dist. #1


Scott Blain
Commissioner Dist. #2


Bill E. Bullock
Commissioner Dist. #3

ATTEST:


Macque L. Bohleen, Clerk and Recorder



Carbon County, Montana

Procurement Policy

June 1, 2023

Version 1.0

I. Statement

A. This policy is to promote consistency throughout county departments regarding the purchase and procurement of goods and services with public funds and in compliance with applicable law.

II. Purpose

A. The purpose of this policy is to establish guidelines to be used by county departments through the purchasing process, but is not intended to inform employees of all technical and/or legal requirements.

III. Responsibility

A. This policy is applicable to all county departments and entities, for all acquisitions of goods or services. Departments may apply additional requirements as long as they are: a) equal to or more restrictive than the procedures and standards established in this policy and b) consistent with the purposes of this policy.

B. The Clerk and Records Office, Commissioners or County Attorney's Office may provide general oversight and assistance to County departments in the administration of this policy and should be considered a resource for questions and information regarding purchasing and contracting.

C. It is the responsibility of the Department Heads/Elected Officials for implementation of this policy within their respected Departments and for demonstrating compliance and keeping documentation.

IV. General Guidelines for Consideration

A. Awards shall be made to responsible vendors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such characteristics as integrity, compliance with public policy, record of past performance, and financial and technical resources.

B. The County may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$25,000 the County verifies that the vendor with whom the County intends to do business is not excluded or disqualified. 2 C.F.R. Part 200, Appendix II (1) and 2 C.F.R. §§ 180.220 and 180.300.

C. Purchases or contracts shall not be artificially divided into separate projects or expenditures to circumvent the requirements of a more formal purchasing process.

D. The County is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

E. To foster greater economy and efficiency, the County shall enter into state and local intergovernmental agreements where appropriate for the procurement or use of common or shared goods and services.

F. In order to ensure objective contractor performance and eliminate unfair competitive advantages, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals should be excluded from competing for such procurements.

G. Unnecessary constraints shall not limit full and open competition. Examples of such constraints include:

1. Placing unreasonable requirements on vendors to qualify;
2. Requiring unnecessary experience and excessive bonding;
3. Writing unduly restrictive specifications;
4. Specifying a "brand name" product instead of allowing "an equal" product to be offered.

H. The County shall identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

I. The County alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the County of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

V. **Claims Processing**

- A. Claim Forms and related documentation are due to the Accounts Payable Clerk by the 25th of the month. Claims received after this date, will not be processed until the following month unless the department head secures approval from the Board of Commissioners.
- B. Department Heads are responsible for coding claims according to their specific budget needs. Claims submitted without coding may not be processed.
- C. Carbon County will not process payments without detailed invoices and will not pay based exclusively on the submission of a statement.
- D. Elected Officials or Department Heads shall sign all claim forms.

VI. Reimbursements

- A. Reimbursements to County officials and employees shall be limited to items that cannot be purchased via an established County charge account such as meals and travel costs. To be eligible for reimbursement, a claim shall be submitted to Accounts Payable within 90 days of the purchase or by the end of the fiscal year (whichever is sooner). Meal tips and alcohol are not reimbursable.

VII. Credit Card Purchases

A. Credit card purchases shall be limited to items that cannot be purchased via an County charge account such as lodging costs. It is the County's preference that a charge account be established with a vendor whenever possible.

B. Credit card holders are responsible for furnishing all receipts related to their purchases and must note that the receipt/purchase is related to the credit card. Credit card holders may be personally liable to reimburse the County for purchases that cannot be substantiated.

C. Meal per diem SHALL NOT be charged to the County credit card; per diem meal expenses shall be submitted on the travel voucher and will be reimbursed through the claims or payroll process. Meals may be furnished for the employer's convenience and charged to the credit card under the following circumstances: meals provided to employees during an excessive overtime event (emergency response, elections processing, etc.), for meals provided during the meeting of an established administrative board, or for an event hosted by the County and as approved by the Commissioners. Meal tips cannot be added to a charge on a County credit card. The County will require reimbursement for any tips added to a credit card charge. In the event of a large group, auto-gratuity that is part of the bill may be charged. No alcohol purchases shall be made on the County credit card.

D. All County Officials and Staff are required to enter into a Credit Card Use Agreement prior to a credit card being issued. For those with county issued credit cards, the agreement must be signed by June 30, 2023 or the card will be canceled July 1, 2023.

VIII. Record Keeping

A. Each Department Head must submit records sufficient to detail the history of procurement with their Purchase Request Form. These records will include, but are not necessarily limited to the following: selection of contract type, contractor selection or rejection, and the basis for the contract price. The Department Head is responsible for submitting the approved Purchase Request with the Claim Form and final invoice to Accounts Payable for any purchase not pre-approved in the budgeting process.

IX. Methods of procurement

1. This table identifies the procurement thresholds that trigger mandatory procurement processes as defined by MCA 18.4 and State ARM 2.5.603. Federal funds including Grant expenditures may have more strict purchasing thresholds under CFR 200.320; please refer to the requirements of the funding source to determine if more strict procurement methods are required.

Type	Required Process	Category	Threshold
Micro Purchase	Claim Form	All non-road/bridge	< \$1,000
		Road / Bridge	<\$,5000
Small Purchase	Purchase Request – if not itemized in the adopted budget or related to vehicle or equipment maintenance	All non-road/bridge	> \$1,000
		Road / Bridge	> \$5,000
Medium Purchase	Limited Solicitation (recommended)	Services Supplies Construction Road Materials	\$25,000 to-\$79,999
Large Purchase	Sealed bid, competitive proposal or request for qualifications	Services Supplies Construction	>\$79,999

B. Micro-Purchases

1. Departments may choose a purchasing technique that best meets their need for all purchases that do not exceed the micro-purchase threshold of \$999.99.
2. All attempts need to be made to distribute purchases equitably among qualified suppliers and to shop in County if feasible.
3. All invoices shall be submitted with a Claim Form that includes: Claimant information, a description of the items purchased, the purchase amount, the appropriate accounting coding, and the Department Head’s signature. Reoccurring invoices may be submitted with accounting and signatures written directly on the invoice.

C. Small Purchase

1. This procedure requires pre-approval from the Board of County Commissioners for general purchases (not related to vehicle or equipment maintenance) greater than or equal to \$1,000 or Road and Bridge Department purchases greater than or equal to \$5,000.
2. Pre-approval may be obtained via a notation in the final approved County budget or via a Purchase Request Form.

D. Medium Purchases

1. This procedure recommends two or more written, verbal, fax, or email price amounts or rate quotations for the desired item or service from qualified and reputable sources.
2. Factors that may be considered when selecting a vendor include: price, quality, availability of the articles or equipment desired, responsiveness to the specifications desired for the work to be performed or the goods to be supplied, past experience with the vendor, and status as a reputable county vendor.
3. The Department needs to maintain a record of the items sought, the vendors contacted, the prices quoted, and the vendor selected.

E. Large Purchase (Sealed bid)

1. An Invitation for Bid process is used for procurement of equipment, supplies, services, or construction greater than \$79,999.99, where vendor selection is determined exclusively on price.
2. This process may also be used for multiple purchases of the same item when it is reasonably expected that the annual amount of such purchases will be greater than \$79,999.
3. This process involves the use of an Invitation for Bid which must contain detailed specifications for the item(s) sought, statements alerting bidders to any special requirements in the bid, shipping and billing instructions, and contract provisions that inform bidders to standard requirements or conditions for doing business with the County.

4. The published notice shall comply with 7-1-2121 MCA. The Department has the right to invite vendors to participate and may do so by electronic notification.
5. Bid security is required for all bids submitted in response to an Invitation for Bid and must be provided in accordance with MCA 18-1-201 through 206.
6. Bids must be opened in a Commissioners' meeting publicly at the time and place designated in the invitation to bid. Each bidder and any member of the public has the right to be present, either in person or by agent, and has the right to examine the bids after they have been opened and reviewed by a representative of the Department. The competitive sealed bid may not be changed once they are opened (except for correction of errors as specified by law).
7. Any or all bids may be rejected if there is sound documented reason.
8. The purchasing Department needs to maintain a record of the following documents:
 - a) Invitation for bid with specifications, including any addenda;
 - b) All bids;
 - c) Tabulation of bids;
 - d) Correspondence concerning the purchase, including a recommendation for award from the using department if appropriate;
 - e) An explanation if the contract is awarded to anyone other than the low bidder;
 - f) Evidence of a performance bond, if required; and Signed purchase order or contract.

F. Large Purchase (Request for Proposal)

1. A Competitive Proposal is often referred to as a Request for Proposal or RFP. This method is used for procurement of services, goods, or a construction over \$79,999 when it is desirable to incorporate factors other than cost into the selection criteria.
2. The method is helpful when more than one source is expected to submit an offer and either a fixed-price or cost-reimbursement type contract will be awarded.

3. The Department shall put together the RFP to include all pertinent information about the products or services sought, as well as the selection criteria, relative importance, and scoring methodology that will be used to determine vendor selection. If the Department wants to consider the proposals without reference to cost, RFP instructions must clearly state that cost information is to be submitted in a separate, sealed envelope and must not be included in the body of the proposal.

4. The published notice shall comply with 7-1-2121 MCA. The Department has the right to invite vendors to participate and may do so by electronic notification.

5. Awards shall be made to the responsible firm whose proposal is most advantageous to the Department, with price and other factors considered. It is recommended that a selection committee be used to consider complex or high dollar RFPs. The award may need to be based upon a comparative evaluation as stated in the RFPs of differing price, quality, and contractual factors in order to determine the most advantageous offering.

6. The department needs to maintain, at a minimum, a record of the following documents: Record of public notice of the RFP request and mailing list; Copy of the request for proposal and addenda; Copies of submitted proposals; A determination of award, detailing the basis on which the award was made; Notes, meeting minutes, recordings or minutes of any discussions with the offerors; and the purchase order or contract.

G. Large Purchase Request for Qualifications (RFQ)

1. A Request for Qualifications or RFQ process is used to acquire professional services greater than \$79,999.99 . The term of a Professional Service RFQs shall not exceed five (5) years. A provider of professional services shall be selected based on demonstrated competence and qualifications for the type of services desired at a fair and reasonable price.

2. The RFQ package includes all pertinent information about the professional services sought, as well as the selection criteria to be used.

3. The notice of the RFQ shall be published for a minimum of two consecutive weeks in the newspaper. The final published notice must appear at least 3 days prior to the due date. The published notice shall contain:

- a) A brief statement about the services sought;

- b) Where complete details about such services may be obtained if not provided in the published notice;
- c) The contact information for the county employee responsible for answering questions about the services;
- d) The initial contract term and any renewal periods;
- e) And the due date and time for receipt of materials.

4. The department shall evaluate RFQ submitted by firms based on the following criteria:

- a) The qualifications of the professional personnel to be assigned to the project;
- b) Capability to meet time and budget requirements;
- c) Physical location of firm;
- d) Present and projected workloads;
- e) Related experience;
- f) Recent and/or current work for the county.

5. After the preliminary evaluation of the firms' qualifications, the Department shall conduct discussions with finalists and selects the firm best suited to provide services desired. A contract is then negotiated at a price that the Department determines to be fair and reasonable given the estimated value of the services and the scope, complexity, and nature of such services.

6. The Department needs to maintain, at a minimum, a record of the following documents:

- a) Record of public notice of the request and mailing list;
- b) Copy of the request for qualifications and addenda;
- c) Copies of submitted proposals;
- d) A determination of award, detailing the basis on which the award was made;
- e) Notes, meeting minutes, recordings or minutes of any discussions with the offerors;
- f) And the purchase order or contract.

7. The RFQ process as outlined above may be used to create a pool of at least three prequalified vendors to provide services on a project of uncertain duration with many individual sub-projects or to provide services on an on-call basis. As specific needs arise, quotes are solicited from the prequalified vendor pool. If the scope of work exceeds \$79,999, an Invitation for Bid is used.

H. Large Purchase Cooperative Purchasing

1. Under 7-5-2304(3) MCA, competitive bidding requirements do not apply to contracts for a cooperative purchasing agreement allowed in 7-5-2310 MCA. Documentation of the applicable cooperative purchasing agreement shall be furnished with the claim.

X. Non-Competitive Proposals

A. Procurement through solicitation of a proposal from only one (or limited) source may be used only when one or more of the following circumstances apply:

1. One Source (Sole Source)

a) Under some limited circumstances, a Department may need to consider making a sole source purchase for a supply or service available from only one known vendor or after the solicitation of a number of sources when competition is determined inadequate. Because this purchase occurs without benefit of competition, Departments should exercise great reluctance to use this procurement method.

b) Sole source procurement shall have written pre-approval by the Commissioners.

2. Emergency

a) Under very limited circumstances, a Department may need the flexibility to make an emergency purchase. Such purchases are typically made outside of the normal purchasing procedures due to the sudden and unexpected situation that requires immediate action. It should never include a situation created by poor planning on the part of the Department.

b) The following procedures must be considered when making a determination regarding an emergency purchase:

- The purchase shall be limited to the supplies or services necessary to address the emergency;
- Competition to the extent practical shall be obtained;
- The Board of County Commissioners shall be notified as soon as possible about the need for emergency purchases and/or contracts;

c) The Department making the emergency purchase shall maintain a file of each emergency purchase, including the vendor's name, a list of supplies or services purchased and the amounts, and a brief description of the emergency conditions justifying the purchase.

3. Grant funded expenditures.

- a) Any contract to be funded by one or more grants must conform to grant award documents and include any contract language required by the grant. An awarding agency/entity may expressly authorize non-competitive proposals within their regulations or in response to a written request.

XI. Time and Materials

- A. A Department may use a time and materials contract in lieu of a standard contract, only after a determination that no other contract is suitable and with approval from the County Commissioners.
- B. This type of contract may be used when it is not possible to accurately estimate the extent or duration of the work or to anticipate costs with any reasonable degree of confidence. Time and material contracts should be written with a \$50,000 value ceiling that may not be surpassed without prior approval.
- C. Time and materials contracts will be invoiced by the actual cost of materials and direct labor hours charged at a fixed hourly rate that reflects wages, general and administrative expenses and profit.
- D. Labor rates must be established through a competitive process.
- E. The contract must include a ceiling price that the contractor exceeds at its own risk.
- F. The Department Head or designee must assert a degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls during course of the work.
- G. An Invitation for Bid must be used for any project likely to exceed \$80,000.

XII. Bonding Requirements

- A. The County must follow its bonding requirements for construction or facility improvement projects in excess of \$50,000 (as specified in 18-2-201 MCA) beneath the simplified acquisition threshold (2 C.F.R. § 200.325).

B. The County must meet certain bonding requirements for construction or facility improvement projects above the simplified acquisition threshold (2 C.F.R. § 200.325(a)-(c)), unless waived.

C. If no such waiver has been made, the bonding requirements are:

1. A bid guarantee from each bidder equivalent to 5% of the bid price;
2. A performance and payment bond on the part of the contractor for 100% of the contract price.

XIII. Contract Provisions

A. The County's contracts are required to contain certain provisions – some are based on sound contracting practices while others are required by Federal law, executive order, and regulations (2 C.F.R. § 200.326). The funding source should be consulted when the contract is drafted.

XIV. Procurement of Recovered Materials

A. The County is a political subdivision of the state and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (2 C.F.R. § 200.322):

1. Procuring only items designated in guidelines of the EPA at 40 C.F.R. pt. 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000;
2. Procuring solid waste management services in a manner that maximizes energy and resource recovery;
3. Establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

XV. Contract Cost and Price

A. A Department needs to perform a price or cost analysis in connection with every procurement action above the \$150,000, including contract modifications (2 C.F.R. § 200.323).

- B. The method and degree of analysis is dependent on the facts and circumstances surrounding the particular procurement but, as a starting point, the Department must make independent estimates before receiving bids or proposals (2 C.F.R. § 200.323).
- C. The County requires proof of Workers Compensation Insurance, Independent Contractor Exemption Certificate, Construction Contractors Registration, or Corporate Officer Exempt Status for anyone performing work on County property (this included construction supervision). This cannot be exempted. Proof of Work Comp must be secured prior to starting work and must be submitted to Accounts Payable.
- D. Carbon County requires general liability insurance with a minimum policy of \$1,000,000 for vendors, contractors, and other doing business with the County. This requirement can be waived by the Board of Commissioners.
- E. A non-maintenance construction contract over \$5,000 will have a 1% Contractor Gross Receipt deducted and sent to the State for the Vendor.
- F. A Construction contract in excess of \$25,000 requires that State Prevailing Wage Rates be paid. This language needs to be included in the solicitation and/or the contract.