

MINUTES, LIMESTONE COUNTY COMMISSION, JUNE 19, 2017

The Limestone County Commission met in a regular meeting today, at 10:00 a.m. at the Clinton Street Courthouse Annex, 100 South Clinton Street, Athens, Alabama.

Present: Stanley Hill, Steve Turner, Jason Black, and Ben Harrison. Absent: None. Mark Yarbrough, Chairman presided.

The meeting began with the Pledge of Allegiance.

MOTION was made by Steve Turner and seconded by Stanley Hill to approve the minutes of June 6 & 14, 2017.

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Steve Turner, aye; Stanley Hill, aye; Jason Black, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Ben Harrison and seconded by Jason Black to approve the following claims

6/01/17	Check # 43690 – 43709	\$319,804.44
6/06/17	Check # 43710	\$ 634.00
6/08/17	Check # 43711	\$ 43,669.20
6/09/17	Check # 43712 – 43790	<u>\$282,602.22</u>
	TOTAL	\$646,709.86

with detailed claims of the above being on file for review upon request to the County Administrator.

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Ben Harrison, aye; Jason Black, aye; Stanley Hill, aye; and Steve Turner, aye. Motion carries unanimously.

MOTION was made by Jason Black and seconded by Steve Turner to approve the following resolution.

**RESOLUTION OF
LIMESTONE COUNTY COMMISSION**

WHEREAS, Limestone County Commission holds its' regular scheduled Commission meetings on the first and third Monday's of each month; and

WHEREAS, said meetings are held at the Clinton Street Courthouse Annex at 10 a.m.,

BE IT RESOLVED, by the Limestone County Commission to change the Commission meeting scheduled for Monday, July 3, 2017 to Wednesday, July 5, 2017.

ADOPTED on this 19th day of June 2017.

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The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Jason Black, aye; Steve Turner, aye; Stanley Hill, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Stanley Hill and seconded by Jason Black to award the following bid proposals to the lowest responsible bidder meeting specifications as follows:

Proposal No.	Item	Awarded to	Amount
2622	Tire Recycling Project (County Commission)	Liberty Tire Recycling	1-bid received negotiated price down to \$1803.00 per load
2623	Gasoline & Diesel (July 6, 2017 to Oct. 5, 2017)	Gasoline & Diesel	\$0.25 per gallon Margin over Rack

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Stanley Hill, aye; Jason Black, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Jason Black and seconded by Steve Turner to employ Makayla Kennedy as Tax Collection Clerk in the Revenue Commissioner’s office.

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Jason Black, aye; Steve Turner, aye; Stanley Hill, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Steve Turner and seconded by Stanley Hill to approve the following merit increase, which is included in the base pay and cost of living pay as listed below.

Name	Position	Effective Date	Current Rate Per Hour	New Rate Per Hour
Hunter Daws	Engineering Assistant/ CAD	6/20/17	20.72	21.37

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Steve Turner, aye; Stanley Hill, aye; Jason Black, aye; and Ben Harrison, aye. Motion carries unanimously.

County Engineer Bryant Moss reported that round two of herbicide spraying has been completed.

MOTION was made by Ben Harrison and seconded by Jason Black to approve the insolvencies, errors, and taxes in litigation for 2016 and uncollected insolvents and taxes in litigation for previous year as presented by Revenue Commissioner’s Office.

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The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Ben Harrison, aye; Jason Black, aye; Stanley Hill, aye; and Steve Turner, aye. Motion carries unanimously.

MOTION was made by Jason Black and seconded by Stanley Hill to approve to close the Limestone County Archives Department on an as needed basis to move and set-up for operation.

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Jason Black, aye; Stanley Hill, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Steve Turner and seconded by Jason Black to approve the following Uniform Administrative Requirements for Written Policies and Procedures for Federal Awards.

LIMESTONE COUNTY COMMISSION

**UNIFORM ADMINISTRATIVE REQUIREMENTS FOR WRITTEN POLICIES
AND PROCEDURES**

ADOPTED JUNE 19, 2017

**UNIFORM ADMINISTRATIVE REQUIREMENTS
FOR WRITTEN POLICIES AND PROCEDURES**

CASH MANAGEMENT FOR FEDERAL FUNDS

The Limestone County Commission will minimize the time between the receipt of federal funds or other pass through entity, and the disbursement of those federal funds. Federal funds will only be requested to meet immediate cash needs for reimbursement not covered by prior receipts and anticipated disbursements that are generally fixed, such as monthly program salaries and benefits. Disbursements will be made within thirty calendar days after receipt of funds.

The County will maintain financial records that account for the receipt, obligation, and expenditure of each federal program fund. Cash balances for each federal program funds and for the aggregate of all federal program funds will be monitored.

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County procedures to minimize the cash balances in federal program funds are expected to prevent the aggregate cash balances of federal program funds from earning \$500 or more for the fiscal year if maintained in interest-bearing accounts. The federal program funds will not be maintained in an interest-bearing bank account if the County determines that banking requirements for minimum or average balances are so high that an interest-bearing account would not be feasible. Federal program funds will be maintained in insured checking accounts that are subject to the state requirements for public deposits on the SAFE program.

[Reference: 2 CFR §200.305]

DETERMINATION OF ALLOWABLE COSTS

Before instituting a financial transaction that will require the expenditure of federal funds the County will determine that the proposed transaction meets the requirements for allowable costs for the federal program. Actions to determine allowable costs will assure that:

- The proposed expenditure is included in the federal program budget;
- The proposed expenditure is reasonable and necessary for the federal program;
- The proposed expenditure is consistent with procedures for financial transactions of the County including:
 - Purchase order approval procedures;
 - Contract review and approval procedures;
 - Applicable competitive purchasing procedures and;
 - Documentation supports allowability of transaction.

Before payments are made from federal funds the federal program director and the County will determine that the federal program expenditure complies with general accepted accounting principles and complies with state, local, and federal laws, rules, and regulations.

[Reference: 2 CFR §200.302]

TRAVEL POLICY

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by county employees who are in travel status on official business of the County. The County's travel policy provides for reimbursement and payments for travel costs of employees paid from federal funds that is consistent with the travel costs for county employees paid from state or local funds.

[Reference: 2 CFR §200.474]

PROCUREMENT POLICY

DEFINITIONS

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As used herein, the term "procurement" means the purchase of services, and the purchase or lease of goods, by the expenditure or anticipated expenditure of federal or state grant funds.

"Grant funds" or "grant monies" means funds received through federal and state grants, whether those funds come directly from a federal or state agency or from a pass-through entity.

INTRODUCTION

This policy applies to all contracts, purchase orders and expenditures of grant funds for the procurement of labor, goods and services. Its purpose is to establish efficient and economical procurement procedures.

APPLICABLE LAW

The federal procurement standards set out at 2 CFR §200.318 through §200.326 (sometimes referred to as "Circular 200"); the state competitive bid law applicable to the purchase or lease of goods and services found at §40-16-50, et seq., Code of Alabama (1975), as amended; and the state competitive bid law applicable to construction and improvement of public works found at §39-2-1, et seq., id., are applicable to procurements hereunder. To the extent of conflict between the requirements of this policy and federal or state requirements, the stricter of the two shall apply.

Individual grants may contain further requirements unique to those grants and in addition to the requirements of this policy.

The Alabama Code of Ethics for Public Officials, Employees, Etc., §36-25-1, et seq., id., including its conflict of interest provisions, is applicable to County officials, officers, and employees engaged in procurement.

GENERAL PROCUREMENT STANDARDS

(a) Oversight must be maintained to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(b) The acquisition of unnecessary or duplicative items must be avoided. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis must be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(c) Entry into state and local intergovernmental agreements or inter-entity agreements, where appropriate, for procurement or use of common or shared goods and services is encouraged.

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(d) Use of federal excess and surplus property in lieu of purchasing new equipment and property when such use is feasible and will reduce project costs is encouraged.

(e) Use of value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions is encouraged. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(f) Contracts shall be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, suspension or debarment, and financial and technical resources.

(g) Records must be maintained sufficient to detail the history of each procurement. Such records are to include, but not necessarily be limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(h) (1) A time and materials type contract may be used only after a determination that no other contract is suitable. The contract must include a ceiling price that the contractor exceeds at its own risk. A high degree of oversight must be asserted in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(2) Time and materials type contract means a contract whose cost to the County is the sum of:

- (i) The actual cost of materials; and
- (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(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.

[Reference: 2 CFR §200.318]

COMPETITION

(a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards set out in 2 CFR §§200.317 - .326. Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Situations considered to be restrictive of competition include, but are not limited to:

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- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest;
- (6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process.

(b) Procurements must be conducted in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(c) All solicitations must:

- (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
- (2) Identify all requirements which must be fulfilled and all other factors to be used in evaluating bids or proposals.

(d) Prequalified lists of persons, firms, or products which are used in acquiring goods and services must be current and include sufficient qualified sources to ensure maximum open and free competition. Potential bidders may not be precluded from qualifying during the solicitation period.

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[Reference: 2 CFR §200.319]

METHODS OF PROCUREMENT TO BE FOLLOWED

The procurement of all labor, materials and services must conform to one of the following methods:

(a) Procurement by micro-purchases: Procurement of materials, supplies, or services, the aggregate dollar amount of which does not exceed \$3,000.00 (this threshold is periodically adjusted for inflation) may be awarded without soliciting competitive quotes if the price is deemed to be reasonable. To the extent practicable, such awards must be distributed equitably among qualified suppliers.

(b) Procurement by small purchase procedures: Procurement involving materials or supplies with an aggregate cost which is more than \$3,000.00 but less than \$15,000 (or that amount set out in Section 41-16-50(a), Code of Alabama (1975), as amended, as the same may be amended from time to time).

In the case of small purchase procurement and non-competitive negotiations, price or rate quotations will be obtained, whenever possible, from not less than three (3) vendors. Quotations may be secured via fax, email, telephone or otherwise. All solicitation efforts and quotations must be documented in the file.

(c) Procurement by sealed bids (formal advertising): Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply:

(1) In order for sealed bidding to be feasible, the following conditions should be present:

(i) A complete, adequate, and realistic specification or purchase description is available;

(ii) Two or more responsible bidders are willing and able to compete effectively for the business; and

(iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(2) If sealed bids are used, the following requirements apply:

(i) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids;

(ii) Invitations for bids must be publicly advertised in accordance with state law;

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(iii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

(iv) All bids must be publicly opened at the time and place prescribed in the invitation for bids;

(v) A firm fixed price contract award must (except where all bids are rejected) be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(vi) Any or all bids may be rejected if there is a sound documented reason.

(d) Procurement by competitive proposals (RFP): The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- (1) RFPs must be publicized and responses must be considered to the maximum extent practical;
- (2) Proposals must be solicited from an adequate number of qualified sources;
- (3) The RFP must identify all significant evaluation factors, including price or cost where required, and their relative importance, which will be used in evaluating proposals;
- (4) Responses must be evaluated using criteria listed in the advertisement or solicitation;
- (5) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- (6) Competitive proposal procedures may be used for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(e) Procurement by noncompetitive proposals: Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

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- (1) The item is available only from a single source, which is documented in the file;
- (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (3) The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the County; or
- (4) After solicitation of a number of sources, competition is determined inadequate.

[Reference: 2 CFR §200.320]

CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN'S BUSINESS ENTITIES, AND LABOR SURPLUS AREA FIRMS

(a) All necessary affirmative steps must be taken to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

[Reference: 2 CFR §200.321]

CONTRACT COST AND PRICE

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(a) A cost or price analysis must be performed in connection with every procurement action in excess of the current Simplified Acquisition Threshold including contract modifications. The method and degree of analysis will depend on the facts surrounding the particular procurement situation, but as a starting point, independent estimates must be made before receiving bids or proposals.

(b) Profit must be negotiated as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. Consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(c) Costs or prices based on estimated costs for contracts are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the County entity under 2 CFR Subpart E-Cost Principles.

(d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

[Reference: 2 CFR §200.323]

BONDING REQUIREMENTS

Bonding is required as set out in §40-16-50, et seq., and §39-2-1, et seq., Code of Alabama (1975), as amended.

[Reference: 2 CFR §200.325]

CONTRACT PROVISIONS

Contracts must contain the applicable provisions described in Appendix II to Part 200-Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

[Reference: 2 CFR §200.326]

RELATION TO OTHER COUNTY POLICIES

This policy supplements and does not supplant the County's General Purchasing Policy and the Competitive Bid Law Guide.

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Commissioner Hill said they are receiving lots of complaints about littering and dumping. He asked the public to notify the Sherriff's Office if they see anyone dumping trash.

Commissioner Turner echoed Commissioner Hill and stated his district is also having a problem with residents dumping yard debris beside the ditches.

MOTION was made by Jason Black and seconded by Steve Turner to approve to enter Executive Session to discuss a matter of personnel.

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Jason Black, aye; Steve Turner, aye; Stanley Hill, aye; and Ben Harrison, aye. Motion carries unanimously.

Chairman Yarbrough announced there would be no further business after the Executive Session other than to adjourn. The Executive Session convened at 10:14 a.m.

The Commission adjourned at 11:12 a.m. to recess until 10:00 a.m. on Wednesday, June 28, 2017, at the Washington Street Courthouse Annex, 310 West Washington Street, Athens, AL.