

April 30, 2019

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 AM. All members present. Chairman Wichman presiding.

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

After discussion was held by the Board, a Motion was made by Drake, an seconded by Schultz to approve

- A. April 23, 2019, Minutes as read.
- B. Treasurer – Employment of Michelle Howell, as Clerk II.

UNANIMOUS VOTE. Motion carried.

2. SCHEDULED SESSIONS

After discussion was held by the Board, a Motion was made by Belt, and seconded by Schultz, to postpone for one week the second consideration of **Ordinance No. 2019-01**, an Ordinance to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 1.90 acres from a Class A-4 (Loess Hills) to a Class C-2 (General Commercial) District. **Roll Call Vote: AYES: Drake, Belt, Schultz, Grobe. NAY: Wichman. Motion carried.**

After discussion was held by the Board, a Motion was made by Belt, and seconded by Schultz, to approve and authorize Chairman to sign The Residential Anti-displacement and Relocation Assistance Plan (RARA); The Signature Authorization Change Form; and Administrative Plan regarding the Community Development Block Grant for the Downtown Revitalization projects for Macedonia and Carson. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Drake, and seconded by Belt, to approve HGM's Fee Proposal for updating the Courthouse Master Plan. Said costs shall not exceed \$26,000.00. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Schultz, to approve changes to County's Sick Leave Policy. UNANIMOUS VOTE.

Motion by Schultz, and seconded by Drake, to go into Closed Session #1 as allowed by Code of Iowa, Chapter 21.5(1)(c) for discussion and/or decision on pending litigation matter. **Roll Call Vote: AYES: Drake, Belt, Wichman, Schultz, Grobe. Motion carried.**

Motion by Drake, and seconded by Belt, to go out of Closed Session. **Roll Call Vote: AYES: Drake, Belt, Wichman, Schultz, Grobe. Motion carried.**

After discussion was held by the Board, a Motion was made by Belt, and seconded by Drake, to send notice to Attorney to employee regarding any compensation due employee. UNANIMOUS VOTE. Motion carried.

Motion by Belt, and seconded by Schultz, to go into Closed Session #2 as allowed by Code of Iowa, Chapter 21.5(1)(c) for discussion and/or decision on pending litigation matter. **Roll Call Vote: AYES: Drake, Belt, Wichman, Schultz, Grobe. Motion carried.**

Motion by Belt, and seconded by Schultz, to go out of Closed Session. **Roll Call Vote: AYES: Drake, Belt, Wichman, Schultz, Grobe. Motion carried.**

3. OTHER BUSINESS

Motion by Belt, second by Drake, to approve and authorize Board to sign **Resolution No. 28-2019.**, a Resolution entitled: Pottawattamie County – Procurement Policy Addendum. Said Resolution is set out as follows:

RESOLUTION NO. 28-2019

Pottawattamie County - PROCUREMENT POLICY Addendum

PURPOSE

This procurement policy is an addendum to the Pottawattamie County Procurement Policy adopted on March 16, 2009. The purpose of this procurement policy addendum is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, construction and services are obtained efficiently and economically and in compliance with applicable federal and state law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition. These procedures will ensure that all solicitations incorporate clear and accurate descriptions of the technical requirements for the goods or services being procured. Chapter 26 and Section 331.341 of the Iowa Code will be followed on all applicable purchases. All other appropriate sections of the Iowa Code shall also apply.

APPLICATION

This procurement policy addendum only applies to the procurement of all supplies, equipment, and construction and services of and for Pottawattamie County that include any federal program funding. The Procurement Policy adopted on March 16, 2009 is still effective but applies exclusively to non-federal funding. In regards to any such federal programs, all procurement will be done in accordance with 2 CFR; Part 200. Chapter 26 and Section 331.341 of the Iowa Code will be followed on all applicable purchases. All other appropriate sections of the Iowa Code shall also apply. For the purposes of this procurement policy addendum, when federal requirements conflict with local or state requirements, the federal requirement, or most restrictive requirement will be followed.

POLICY

METHODS OF PROCUREMENT

Procurement under grants shall be made by one of the following methods, as described herein: (a) small purchase procedures; (b) sealed bids (formal advertising); (c) competitive proposals; (d) noncompetitive proposals.

- A. Micro-Purchase Procedures 200.320(a)
 - i. The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold - \$10,000 (200.67).
 - ii. To the extent practicable, must distribute micro-purchases equitably among qualified suppliers.
 - iii. May be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.
- B. Small Purchase Procedures 200.320(b)
 - i. Are those relatively simple and informal procurement methods for securing services, supplies, or other property that does not cost more than the simplified acquisition threshold - \$250,000 (200.88).
 - ii. Price or rate quotations are to be obtained from an “adequate number” of qualified sources.
 - iii.
- C. Sealed Bidding (formal advertising) 200.320(c)
 - i. Lowest priced, responsive, responsible, bidder WINS.
 - ii. The preferred method for construction when sealed bidding is “feasible”, which is when certain conditions are present.

- iii. Bids must be solicited from an “adequate number of known suppliers”, providing them sufficient response time before date for the opening of bids.
- iv. Bids will be opened at the time and place prescribed in the invitation for bids.
- v. Must publicly advertise the invitation for bids.
- vi. Bids must be opened publicly.
- vii. Other procedural requirements at 200.320(c)(2).

D. Competitive Proposals 200.320(d)

- i. Used when conditions are not appropriate for the use of sealed bids.
- ii. The appropriate method when more than one source is expected to submit an offer and either a fixed-price or cost-reimbursement type contract is awarded.
- iii. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with **price** and other factors considered.
- iv. Requests for proposals **must be publicized** and identify all evaluation factors and their relative importance.
- v. Proposals must be solicited from an adequate number of qualified sources.
- vi. Must have written method for conducting technical evaluations of the proposals received and for selection of the contract.

E. Noncompetitive Proposals 200.320(f)

- i. Procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - a. **One Source:** the item is available only from a single source.
 - b. **Exigency/Emergency:** an exigency or emergency will not permit a delay resulting from competitive solicitation.
 - c. **Awarding Agency Approval:** the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity.
 - d. **Inadequate Competition:** after the solicitation of a number of sources, competition is determined inadequate

CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN’S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS (200.321)

- A. Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
- B. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
- C. 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;
- D. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises;

- E. 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
- F. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (a) through (e).

CONTRACT PRICING (200.323)

- A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- B. Pottawattamie County shall perform some form of cost/price analysis for every procurement action, including contract modifications, amendments, or change orders. Pottawattamie County shall make an independent estimate prior to receiving a bid or proposal.
- C. Pottawattamie County shall negotiate profit 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. In determining a fair and reasonable profit, Pottawattamie County must consider 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 the industry profit rates in the surrounding geographical area.

PROCUREMENT RECORDS

Pottawattamie County shall maintain records sufficient to detail the significant history of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. (200.324)

- (a) Pottawattamie County must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition.
- (b) Pottawattamie County must make available upon request, for the Federal awarding agency or pass-through entity preprocurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
 - (1) Pottawattamie County's procurement procedures or operation fails to comply with the procurement standards in this Part;
 - (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
 - (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
 - (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- (c) Pottawattamie County is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this Part.
 - (1) Pottawattamie County may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;
 - (2) Pottawattamie County may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from Pottawattamie County that it is complying with these standards. Pottawattamie County must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

AWARDED CONTRACTS

- A. Pottawattamie County will not award a contract to a party listed as debarred, suspended, or otherwise excluded in the System for Award Management (SAM). www.sam.gov (200.213)
- B. Contracts awarded shall contain the applicable contract provisions described in 2 CFR 200.326 and Appendix II to Part 200.
- C. Pottawattamie County will maintain written standards of conduct covering conflicts of interest and must provide for disciplinary action to be applied for violations of such standards as defined in 2 CFR 200.318 (c) (1).

No officer, employee, or agent of the Pottawattamie County shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

The employee, officer, or agent; Any member of his/her immediate family; His/her partner; or An organization which employs, or is about to employ any of the above has a financial or other interest in the firm selected for award.

Pottawattamie County officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

To the extent permitted by federal, state, or local law or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against Pottawattamie County’s officers, employees, or agents.

Dated this 30th day of April, 2019.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Tim Wichman, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott A. Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Justin Schultz	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Marilyn Jo Drake	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

Roll Call Vote: AYES: Drake, Belt, Wichman, Schultz, Grobe. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Schultz, to approve Disallowed Homestead Applications. UNANIMOUS VOTE. Motion carried.

4. RECEIVED/FILED

A. Salary Actions

- 1) Communications – Payroll Status Change of Abby Fredrich, Elizabeth Sanders, Kena Woods.
- 2) Sheriff – Payroll Status Change of Trey Carstens, Jeremy Harker, Andy Brown, Tony Leick, Zacharie Norman, Pennie Smith.
- 3) Jail – Payroll Status Change of Rick Brown, Mark Smith, Kelly Gammel, Tony Rubek, Steve Ecker, Mike Bowen, James Bruun.

5. ADJOURN

Motion by Drake, second by Belt, to adjourn meeting. UNANIMOUS VOTE. Motion carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:50 AM.

Tim Wichman, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: May 7, 2019

PUBLISH: X