



City of Round Rock

Procurement and Contracting Policies and Procedures

Purpose

To establish a uniform policy and procedure for obtaining goods and services that is consistent with legally mandated procurement and contracting requirements. The application of a comprehensive policy is critical to all City of Round Rock employees and stakeholders in order to ensure that public funds are expended in a responsible and legal manner.

Application

These policies apply to all City employees involved in the procurement and contracting process, which includes those who validate or authorize payment. Adherence to these policies is an individual and departmental responsibility. A breach of these policies or unauthorized departure from the procedures may result in disciplinary action and criminal penalties as outlined in Texas Local Government Code Chapter 252 Subchapter D.

Revision Date	Summary of Changes
July 2019	Changes to policy allowing Departments to release their own purchase orders up to \$3,000. Updated the Request for Qualifications (RFQs) section.
April 2020	Update to Council approved cooperatives- addition of OMNIA Partners
March 2021	Update to Council approved cooperatives- addition of PACE and the addition of the Directors Approval Form (DAF) and process to the definitions section.
March 2022	Addition of Solicitation Protest Policy and Procedures
February 2023	Update City Manager delegation of signature authority
June 2024	Update Agenda Item Scheduling Requirements, Ethics Policy, Sole Source Requirements and Contract Management Responsibilities
September 2025	<ul style="list-style-type: none"> • Formal bidding requirements under Local Government Code Chapter 252 as amended by the 89th Texas Legislature; • Updates and clarifications related to electronic bidding; • Updates regarding use of Director’s Authorization Forms for contracting; • Updated requirements for lobbying and governmental services in accordance with amendments enacted by the 89th Texas Legislature.

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Purchasing at a Glance

From	To	Method	Notes
\$.01	\$1,000.00	*Check Request	<ul style="list-style-type: none"> One-time purchase <u>not</u> made with a ProCard or from an existing City contract can be processed using a check request. *Some payments may be eligible to be processed with a check request over \$1,000 if listed on the Payment Exceptions Table.
\$.01	\$3,000.00	ProCard	<ul style="list-style-type: none"> One-time purchase ProCard Information
\$.01	\$3,000.00	Purchase Order	<ul style="list-style-type: none"> One-time purchase (\$1,000.01-\$3,000). OR Purchase order issued from an existing City contract.
\$3,000.01	\$100,000.00	Contract and/or Purchase Order	<ul style="list-style-type: none"> One-time purchase. Request for Quote (RFQ) requires a minimum of three written quotes and documentation to show that at least two registered HUB vendors were contacted. OR Cooperative or Exempt Purchase OR Purchase orders issued from existing City contract Note: A new procurement for services exceeding \$10,000 <u>may</u> require a contract written by Legal and City Manager approval. Additionally, any multi-year contract will be written or reviewed by Legal.
\$100,000.01	Unlimited	Contract and/or Purchase Order	<ul style="list-style-type: none"> One-time purchase or contract requires a formal solicitation issued by Purchasing. The solicitation is advertised in the newspaper for a minimum of 14 days, average posting time is 21 days. Sealed bids or responses from vendors are opened by Purchasing at a specified time. OR Cooperative or Exempt Purchase OR Purchase order issued from an approved City contract. Note: Contract and/or LAF issued by Legal and City Council approval is required for new purchases and contracts that exceed \$100,000.

[Purchasing Assistance](#)

Procurement and Contracting Overview

Roles and Responsibilities

Procurement and Contracting Division

- Ensures that purchases are processed within guidelines established by Federal Law, State of Texas Statute, City of Round Rock Ordinance and Administrative Policy
- Obtains most advantageous pricing for goods and services for the City
- Provides public confidence, transparency and trust in the procurement process
- Maintains the integrity of the solicitation process to ensure fair and equitable treatment of vendors
- Establishes term contracts to ensure continuing supply of goods or services for the City
- Administers contracts for goods and services
- Administers the ProCard program
- Provides quality customer service

Department

- Provides a clear and concise scope of work for the procurement of goods and services
- Verifies proper budget source and funding availability for purchases ([Adopted Budget Book](#))
- Ensures that competitive procurement is maintained by avoiding component, split or sequential purchases and that purchases and contracts exceeding \$100,000 or multi-year contracts are processed by Purchasing
- Ensures that at least two historically underutilized business (HUB) vendors are contacted, and three quotes are collected when seeking informal quotes for goods or services up to \$100,000
- Ensures that Purchasing and ProCard policies and procedures are followed by staff

Legal

- Prepares purchasing contracts and amendments for the Mayor or City Manager's signature
- Issues a Legal Authorization Form (LAF) for contracting and purchasing actions
- Prepares resolutions for council agenda items
- Reviews and recommends changes to purchasing terms and conditions
- Provides legal advice and guidance on purchasing issues and will prepare formal correspondence if needed

City Manager's Office

- City Manager approves all contracts that are \$100,000 or below or purchases and contracts up to \$350,000 from the authorized purchases list pre-approved by City Council

City Council

- Contracts and purchases for goods and services over \$100,000 require City Council approval. Interlocal agreements between the City and other governmental entities also require Council approval regardless of dollar amount. Contracts approved by Council will be signed by the Mayor.

Procurement and Contracting Overview

Legal Requirements

- If the City is processing a request for quote between \$3,000.01 and \$100,000.00, per Section 252.0215 of the Texas Local Government Code at least two HUB vendors need to be contacted on a rotating basis. HUB vendors are identified through the State of Texas Comptroller CMBL List for Williamson and Travis County by commodity code.
- Purchasing will perform a debarred vendor check to ensure that the selected vendor is not debarred from doing business with the State or Federal Government for any one-time purchase or contract that is \$25,000 or more.
- Contracts and/or expenditures over \$100,000 for the purchase of goods and services that fall under Section 252.021 of the Texas Local Government Code require a formal competitive sealed solicitation. The solicitation is advertised in the newspaper and posted on the City's website for a minimum of 14 days and by City Charter is required to be approved by Council prior to contract execution.
- Purchasing strategies to avoid competitive bidding requirements are prohibited. Section 252.062 of the Local Government Code states that, "A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly makes or authorizes separate, sequential, or component purchases to avoid the competitive bidding requirements of Section 252.021." This is a Class B Misdemeanor. These include:
 - Component Purchases - purchasing components that would normally be purchased as a whole
 - Separate Purchases - purchasing items in a series of purchases that could be made in a single purchase.
 - Sequential/Serial Purchases - Purchases made over a period that should be procured through a competitive process at the same time.
- All Contracts and/or expenditures in excess of \$100,000 must be approved in advance by City Council regardless of the procurement method. This applies to:
 - Purchase(s) made in the same fiscal year from the same vendor for the same goods or services that total over \$100,000.
 - A Contract that is executed for more than \$100,000 regardless of term.
- Contracts for \$100,000 or less require the City Manager's signature as well as purchases and contracts up to \$350,000 from the authorized purchases list pre-approved by City Council.

Procurement and Contracting Overview

Average Processing Time for Purchases

When planning for a new purchase of goods or services the department should allow for adequate time to create a scope of work, conduct a request for quote or for Purchasing to process a formal solicitation. Below is an average timeline for completing purchases, formal solicitations, and contracts. The timeline assumes that the department has sent Purchasing final documentation and has identified funding for the purchase. Note, as of June 2019, the Department may issue purchase orders from Munis up to \$3,000.

Procurement Action	Dollar Amount	Procedure	Average Time Required to Issue PO or Execute a Contract
Purchase Order for Goods or Services	\$0.01-\$3,000.00	Department enters requisition into Munis and attaches one quote. The requisition is converted to a purchase order at the department level once the department approval process has taken place in Munis.	N/A
Purchase Order for Goods or Services	\$3,000.01 - \$100,000.00 (Goods) \$3,000.01 - \$10,000.00 (Services)	Department enters requisition in Munis and attaches: <ul style="list-style-type: none"> • RFQ- three or more quotes, CMBL and CoRR vendor lists including two or more HUB vendors contacted and Scope of Work (SOW) OR • Exempt Purchase: quote, Justification Form and Manufacturers Letter (if sole source) OR • Cooperative – quote with cooperative contract number. 	1-3 Days
Purchase Order for Services (if a contract is required)	\$10,000.01-\$100,000.00	Department enters requisition into Munis and attaches: <ul style="list-style-type: none"> • three or more quotes • CMBL and CoRR vendor list identifying two or more HUB vendors contacted • SOW OR • Exempt Purchase: quote, Justification Form and Manufacturers Letter (if sole source) OR • Cooperative – quote with cooperative contract #. • The procurement of services exceeding \$10,000 <u>may</u> require a contract and LAF prepared by Legal and the City Manager's approval. 	30 Days

Procurement and Contracting Overview

Average Processing Time for Purchases

Procurement Action	Dollar Amount	Procedure	Average Time Required to Issue PO or Execute a Contract
Purchase Order for Exempt or Cooperative Purchase	Over \$100,000.00	<ul style="list-style-type: none"> • Department enters Munis requisition and attaches: • Exempt Purchase: Justification Form and Manufacturers Letter (if sole source) OR • Cooperative – quote with cooperative contract number. • Purchasing submits request to Legal for contract and LAF. • Council or City Manager (CM) approval required 	45 Days
Invitation for Bid (IFB)	Over \$100,000.00	<ul style="list-style-type: none"> • Department provides scope of work and bid line items to Purchasing • Purchasing processes an IFB per Texas Local Government Code 252. and forwards results to Department for approval. • Legal writes contract and releases an LAF for City Council Approval. • Department takes Purchase or Contract to Council or CM for approval 	90+ Days
Request for Proposal (RFP) or Request for Qualifications (RFQs)	Over \$100,000.00	<ul style="list-style-type: none"> • Department provides scope of work and evaluation criteria to Purchasing. • Purchasing drafts an RFP/RFQ document and conducts a formal sealed solicitation in compliance with Texas Local Government Code. • Purchasing hosts an evaluation meeting where Department staff evaluate/score each proposal. Possible vendor interviews and negotiation may take place. • Department makes an award recommendation. • Legal writes a contract and creates an LAF for City Council approval • Department takes contract to Council or CM for approval. 	120+ Days

Note: The average timeline does not apply to orders placed from an existing City of Round Rock contract. Typically, once a requisition referencing the City contract # is entered into Munis and follows the Munis approval path to the Purchasing queue, it will take no more than two business days for Purchasing to release the purchase order against the contract. This assumes the contract has not expired, a valid quote is attached to the requisition, and there is adequate contract dollar authority and budget to support the purchase order. As of June 2019, the Department may release their own purchase order against a City contract if the amount is \$3,000 or less.

Purchases \$0.01 to \$3,000.00

Policy

Purchases of \$3,000.00 or less require one informal quote. The Department should always use their best professional judgement when selecting a vendor. Typically, a purchase of \$1,000.00 or less is processed using a City issued ProCard or a check request may be processed if a ProCard cannot be used.

Purchases that are over \$1,000.00 up to \$3,000.00 can be processed by ProCard or with a purchase order. A single purchase may not be purposely split or separated into smaller components to stay within the dollar amount.

Purchases from an existing City contract must be issued against the contract number in Munis regardless of the dollar amount. A check request or ProCard may not be used if the goods or services are being ordered from an existing City contract. Exception: a small list of contracts is eligible for ProCard use. [Contracts Eligible for ProCard Use](#)

Procurement Method

- ProCard
- Purchase Order (required for goods or services procured from a City contract regardless of amount)
- Check Request for payments up to \$1,000.00 (or over if listed on the payment exceptions table)

Related Links

[ProCard Information](#)

[Payment Exceptions](#)

[Requisition Entry \(Munis Instructions\)](#)

Responsible Party	Step	Procedure
Department	1	Determines need and reviews purchase options
Department	2	Obtains informal quote
Department	3	Proceeds with purchase using the correct method; ProCard, check request or enters a requisition into Munis to request a purchase order.
Department	4	Converts Munis Requisition into a purchase order if the purchase is \$3,000.00 or less.
Department	5	Prints the purchase order from Munis and sends the purchase order document and quote to the Vendor along with instructions to include the purchase order number on the invoice and packing slip.

Purchases \$3,000.01 to \$100,000.00

Request for Quote – Goods and Services

Policy

A Request for Quote for the purchase of goods that cost between \$3,000.01 and \$100,000.00 that are not on an existing City contract can be conducted by the Department or Purchasing. A total of three informal quotes are required and at least two HUBs must be contacted during the RFQ process.

There are two vendor lists to work from:

- City of Round Rock (CoRR) Vendor List by Commodity: Vendors should be encouraged to register with the City by commodity code so that they may be notified when a purchasing need arises.
- State's Centralized Master Bidder's List (CMBL HUB Vendors): Local Government Code (LGC) 252 requires the City to contact at least two certified Historically Underutilized Businesses (HUB) vendors identified on the CMBL list.

Using the City of Round Rock vendor list in addition to contacting at least two HUB vendors is recommended. Additional vendor research may be required to identify Vendors to contact that are not yet registered. If three or more quotes cannot be obtained documentation will show a good faith effort to contact City of Round Rock vendors registered by commodity. A single purchase cannot be purposely split or separated into smaller components to stay within the dollar thresholds. When the RFQ is complete, the Department will enter a Requisition into Munis and attach backup documentation. Purchasing will review the Requisition and documentation for compliance with purchasing policy and release a purchase order. The average RFQ collection process can range from 2-10 working days and the quotes collected are usually valid up to 30 days after the RFQ closes.

The procurement of services over \$10,000.00 up to \$100,000.00 may require a contract that is developed by Legal and signed by the Vendor and the City Manager. Each service contract will be reviewed by Purchasing and Legal on a case by case basis to determine the need for a contract versus directly issuing a purchase order.

Note: Goods or services procured through the RFQ method will result in a purchase order or contract for goods or services ordered and received in the current fiscal year (October 1-September 30). If the need to order and receive goods or services goes beyond the current fiscal year, Purchasing will identify the correct procurement method and process the request.

Governing Policy

[Texas Local Government Code, Chapter 252.0215](#)

Related Links

[Vendor Lookup for CoRR and CMBL HUB Vendors](#)

[CoRR Request for Quote \(RFQ\) Template and Instructions](#)

[Requisition Entry \(Munis Instructions\)](#)

Purchases \$3,000.01 to \$100,000.00 Request for Quote – Goods and Services

Responsible Party	Step	Procedure
Department	1	Determines need and reviews purchase options, identifies the items or services to be purchased, verifies there is not a City contract to order from, identifies a commodity code and develops a specification (if needed).
Department or Purchaser	2	Develops Request for Quote (RFQ) document
Department or Purchaser	3	Prints a CMBL and CoRR vendor list and conducts additional research if needed to identify potential vendors.
Department or Purchaser	4	Email Request for Quote (RFQ) to as many vendors as possible including at least two HUB vendors. On average 3-5 business days is sufficient time to collect quotes. The RFQ may be extended by email notification if more time is needed to collect three quotes.
Department	5	Reviews the quotes received from vendors for accuracy and completeness. Purchasing may assist with the review. The vendor submitting the lowest responsive quote meeting RFQ requirements is selected.
Department	6	<p>Enters Requisition into Munis and attaches the following documentation:</p> <ul style="list-style-type: none"> • A copy of all quotes received. <ul style="list-style-type: none"> ○ Note: Quotes collected must be for the same items, quantities or services and quotes must be valid and current (30 days or less). • A copy of the CMBL vendors list identifying the HUB vendors contacted. • A copy of the CoRR vendor list identifying vendors contacted. <ul style="list-style-type: none"> ○ Note: additional vendors identified through research can be added to the vendor list. • Specifications and diagrams (if applicable)

Purchases \$3,000.01 to \$100,000.00 Request for Quote – Goods and Services

Responsible Party	Step	Procedure
Purchaser	7	<p>Reviews the Requisition and documentation for completeness and accuracy.</p> <ul style="list-style-type: none"> • Collects an insurance certificate if work to be performed on City property. • Verifies that the selected vendor is not debarred from the State or Federal Government (SAM: System for Award Management) if the Purchase is over \$25,000. • <u>Goods</u>: The Munis requisition is converted in a purchase order. • <u>Services of \$10,000 or less</u>: The Munis requisition is converted in a purchase order.
Department	8	Prints purchase order from Munis and sends it to Vendor to order goods or services.
If Contract is Required		
Contract Specialist	9	<ul style="list-style-type: none"> • <u>Services over \$10,000.00 may require a contract. If applicable</u>, the procurement documents will be submitted by the Contract Specialist to Legal for review and possible contract development. If a contract is not needed Purchasing will issue a purchase order per Step 7. • Contracts up to \$100,000.00 are signed by the City Manager.
Legal	10	Develops a contract for services over \$10,000.00 and returns to Contract Specialist.
Contract Specialist	11	Forwards the contract to the Vendor for signature and returns the contract signed by the Vendor to Legal to release an LAF. Forwards contract and LAF to Department.
Department	12	Enters contract and LAF on to City Manager's Agenda in Legistar for approval and signature.
Contract Specialist	13	<ul style="list-style-type: none"> • Notifies the Department once the contract is signed by the City Manager. • Sets up the contract in Munis (term contracts only). • Sends Department a copy of the executed contract.
Department	14	Administers the contract and monitors Vendor performance. When ordering will post Munis requisition referencing the Contract number to obtain a purchase order. Assures the Vendor receives a purchase order or contract # when placing orders. Verify charges and will approve invoices for payment.

Purchases \$100,000.01 and Above Invitation for Bid (IFB)

Policy

If the total dollar value of a contract or purchase is expected to exceed \$100,000.00, an Invitation for Bid (IFB) is used to obtain bids from competing sources in response to a set of advertised specifications for goods or non-professional services and is “non-negotiable”. An IFB is processed by Purchasing following the requirements of Texas Local Government Code, Chapter 252.

An IFB may be awarded to the Vendor that provides goods or services at the best value to the City based on evaluation criteria in addition to cost as published in the IFB solicitation document. Cost is the most important factor and must always be allocated at least 51 points out of 100 points when other evaluation criteria is included in the IFB.

Governing Policy

[Texas Local Government Code, Chapter 252](#)

[City of Round Rock Code of Ordinances, Part II, Chapter 2, Article V, Sec.2-326 \(a\)](#)

Responsible Party	Step	Procedure
Department	1	Identifies a procurement need to procure goods or services over \$100,000.00, verifies budget availability and sends a draft scope of work to Purchasing for review.
Purchaser	2	Reviews and edits the scope of work, inserts into an IFB template, and develops an IFB timeline. Creates an IFB file, assigns a solicitation number, and creates a schedule of events for the solicitation.
Purchaser	3	Returns the draft IFB solicitation document to the department to review and approval.
Department	4	Reviews the draft IFB solicitation document, recommends edits, identifies the commodity code(s) and provides Purchasing with a list of recommended vendors to contact.
Purchaser	5	Will run the CMBL vendor list to identify HUB vendors and a City of Round Rock vendor list by commodity code. These two lists plus the vendors identified by the Department will make up the Solicitation email contact list.

Purchases \$100,000.01 and Above Invitation for Bid (IFB)

Responsible Party	Step	Procedure
Purchaser	6	Will collect Non-Disclosure Agreement from Department evaluators if the IFB is for services and will be scored.
Purchaser	7	Orders an IFB Solicitation ad from the Austin American-Statesman to be placed in the newspaper to run once a week for two consecutive weeks.
Purchaser	8	Posts the IFB solicitation packet to the City's Solicitation Website and sends notification email to vendor list. Average posting time for an IFB is three weeks.
Purchaser & Department	9	May host an optional or mandatory pre-bid meeting with the vendors. The purpose of the meeting is to review the solicitation packet and answer vendor questions.
Purchaser	10	Will prepare and post a question/answer addendum to the solicitation following the solicitation event schedule. All vendor questions are answered in writing through the addendum process.
Purchaser	11	May extend the IFB for another week if an adequate number of bids have not been received.
Purchaser	12	Will conduct the Bid opening following the solicitation event schedule. The Bid opening takes place at City Hall and can be attended by the Public. The Purchaser notes the vendor name and total bid amount on the solicitation log sheet.
Purchaser	13	Reviews each bid response and checks to see that all required documents are completed and signed by the vendor. Creates a formal bid tabulation and sends the bid tabulation and bid responses to the Department for review. May also provide evaluation worksheets and schedule an evaluation meeting with the Department if scoring is required.
Department	14	Reviews the low bid to determine if the Bidder can meet requirements or evaluates and scores of all bids under the guidance of Purchasing if required by the IFB.
Purchaser & Department	15	Purchasing staff and Department evaluators will meet to discuss and collect scores for Bids if scoring criteria was included in the IFB.
Purchaser	16	For the Recommended Bidder, the Purchaser will verify that the selected vendor is not debarred from the State or Federal Government (SAM: System for Award Management) and is a registered vendor with the City in Munis. The Purchaser will prepare and send an Award Recommendation Memo to the Department for the Department Director's signature.
Department	17	The Department Director signs the Award Recommendation Memo and returns it to the Purchaser.

Purchases \$100,000.01 and Above Invitation for Bid (IFB)

Responsible Party	Step	Procedure
Purchaser	18	Will send the bid documents for recommended Bidder, the bid tab, and the signed Award Recommendation Memo to the Contract Specialist.
Contract Specialist	19	Will prepare and send a Legal Department Request Sheet along with the bid documents, bid tab and Award Recommendation Letter to Legal for contract development.
Legal	20	Develops a contract or releases the LAF* and returns the contract or LAF to the Contract Specialist.
Contract Specialist	21	Contacts the Vendor for the following: <ul style="list-style-type: none"> • sends and requests two signed copies of the contract. • an insurance certificate (if applicable) • Form 1295 which is returned to the City Clerk <p>The Contract Specialist returns the signed copy of the contract to Legal and requests an LAF.</p>
Legal	22	Reviews the signed contract and releases an LAF to the Contract Specialist.
Contract Specialist	23	Forwards the two signed contracts and LAF to the Department.
Department	24	Enters contract, bid tab and Award Recommendation Memo into Legistar to be added to a City Manager or Council Agenda for approval. Enters a Requisition into Munis at this point or before if a purchase order will be issued. If City Council action is required, the Department should schedule an agenda item for the earliest or next available meeting.
City Clerk	25	Once approved by the City Manager or Council, the City Clerk will collect the City Manager's or Mayor's signature on the contract and will mail a copy of the executed contract to the Vendor and scan an executed copy of the contract into Laserfiche. (Contracts Only)
Contract Specialist	26	Once approved, the Contract Specialist will setup a non-encumbered contract in Munis or the Purchaser will release a purchase order against the Department's Requisition.
Department	27	Administers the contract and monitors Vendor performance. When ordering goods or services will enter Munis requisition referencing the contract number to obtain a purchase order. Assures the Vendor receives a purchase order or contract number when placing orders. Verify charges and approve invoices for payment.

* If the purchase is for the one-time order of goods a contract is not required. Legal will release an LAF and the Purchaser will issue a PO once the purchase is approved by Council.

Request for Proposal (RFP)

Policy

A Request for Proposal (RFP) is used to solicit proposals from potential Respondents for both goods and services when a method to achieve a desired outcome cannot be clearly defined and where cost is not the dominant evaluation factor. An RFP allows for the negotiation of all terms and conditions, including cost and allows for a “Best and Final Offer” from the Respondent(s) prior to contract award.

The RFP can consider evaluation criteria including but not limited to proposed solution, demonstrated applicable experience, equipment and facilities, personal qualifications and schedule as well as cost. It is common to schedule an onsite demonstration or interview with the most qualified Respondents.

An RFP is processed by Purchasing following the requirements of Texas Local Government Code, Chapter 252. RFPs often result in a negotiated agreement with non-standard terms and conditions. Due to the evaluation process and negotiation of the agreement, the RFP process will usually require considerably more time to complete than other solicitations.

Governing Policy

[Texas Local Government Code, Chapter 252](#)

Responsible Party	Step	Procedure
Department	1	Determines the need for an RFP, verifies budget availability, then sends an initial draft of the specification/scope and proposed evaluation criteria and scoring to the Purchaser.
Purchaser	2	Reviews and edits the specification/scope and inserts it into the RFP template, develops a RFP timeline, creates an RFP file, assigns a solicitation number and creates a schedule of events.
Purchaser	3	May conduct planning sessions and meet with the Department to finalize the RFP document and will return the RFP document to the Department for review.
Purchaser	4	Sends a Non-Disclosure Agreement to the Department RFP evaluation team members for signature.
Department	5	Reviews and approves the RFP document and returns the approved RFP document to the Purchaser along with the name and contact information of recommended Vendors and the signed Non-Disclosure Agreements.
Purchaser	6	Sends the final RFP document to the Purchasing Supervisor for review and approval. Will run the CMBL vendor list to identify HUB vendors and a City of Round Rock Vendor list by commodity code. These two lists plus the vendors identified by the Department will make up the Solicitation email contact list.

Request for Proposal (RFP)

Responsible Party	Step	Procedure
Purchaser	7	Orders an RFP Solicitation ad from the Round Rock Leader (required) and Austin American Statesman (optional) to be placed in newspaper to run once a week for two consecutive weeks (at least 14 days prior to the closing date).
Purchaser	8	Posts RFP solicitation packet to the City's Solicitation Website and sends notification email to vendor list. Note: Average posting time for an RFP is 30 to 45 calendar days
Purchaser	9	May host an optional or mandatory pre-bid meeting with Department staff and the Vendors. The purpose of the meeting is to review the solicitation packet and answer Vendor questions.
Purchaser	10	Will prepare and post a question/answer addendum to the solicitation following the solicitation event schedule. All Vendor questions are answered in writing through the addendum process.
Purchaser	11	May extend the RFP by another week or more if an adequate number of responses have not been received.
Purchaser	12	Conducts the RFP bid opening following the solicitation event schedule. The bid opening takes place at City Hall and can be attended by the Public. The Purchaser notes only the Respondents name on the solicitation log sheet. The cost is not recorded.
Purchaser	13	Reviews each RFP response and checks to see that all required documents are completed and signed by the vendor.
Purchaser	14	Meets with the Department evaluation team to distribute RFP responses and reviews the evaluation procedures. Schedules an RFP evaluation meeting with the evaluation team. May pencil in a date for optional interviews with Department and short-list Vendors.
Department	15	Evaluation team members will read each proposal and independently document the proposals strengths and weaknesses, they may note areas where clarification is needed.
Purchaser & Department	16	Purchaser will schedule and facilitate an RFP evaluation meeting with the Department evaluation team. Each proposal and evaluation criteria will be discussed and a consensus score for each evaluation criteria will be collected and tallied.
Purchaser	17	Will collect clarification questions from the evaluation team and discuss with the evaluation team the need to have Respondent interviews.

Request for Proposal (RFP)

Responsible Party	Step	Procedure
Purchaser	18	Will email clarification questions to the Respondents and collect answers in writing for the evaluation team to review.
Purchaser	19	May schedule Respondent interviews if needed. The agenda for the interview will be developed by the evaluation team and emailed to the Respondents by the Purchaser.
Purchaser & Department	20	The Respondent interviews take place and the clarification questions answered. The RFP scores may be adjusted and finalized by the department evaluation team and documented by the Purchaser. The recommended vendor will be the one with the highest total score after the evaluation and interviews are completed.
Purchaser	21	Once the recommended Respondent is identified the Purchaser will contact the Respondent and request their Best and Final Offer (BAFO) based on input from the department evaluation team.
Purchaser & Department	22	Purchaser will forward the BAFO to the designated department evaluation team member (department liaison) for review and approval. If more clarification is needed the Purchaser may setup a conference call with the Respondent and the department liaison or email clarification questions in writing to the Respondent. The BAFO may be negotiated and go back and forth between the Respondent, the Purchaser and the department liaison until BAFO is accepted by the City.
Purchaser	23	For the Recommended Respondent the Purchaser will verify that the selected vendor is not debarred from the State or Federal Government (SAM: System for Award Management) and is registered vendor with the City in Munis. The Purchaser will prepare and send an Award Recommendation Memo to the Department for the Department Director's signature.
Department	24	The Department Director signs the Award Recommendation Memo and returns it to the Purchaser
Purchaser	25	Will send the RFP documents, evaluation matrix, BAFO from recommended Respondent and the signed Award Recommendation Memo to the Contract Specialist.
Contract Specialist	26	Will prepare and send a Legal Department Request Sheet, RFP documents, evaluation matrix, BAFO and the Award Recommendation Memo to Legal for contract development.

Request for Proposal (RFP)

Responsible Party	Step	Procedure
Legal	27	Develops a contract and returns the contract to the Contract Specialist.
Contract Specialist	28	<p>Contacts the recommended Vendor for the following:</p> <ul style="list-style-type: none"> • sends and requests two signed copies of the contract. • an insurance certificate (if applicable) • Form 1295 which is returned to the City Clerk <p>The Contract Specialist returns the signed copy of the contract to Legal and requests an LAF.</p>
Legal	29	Reviews the signed contract and releases an LAF to the Contract Specialist.
Contract Specialist	30	Will forward the two signed contracts and LAF to the Department.
Department	31	Enters contract, evaluation matrix and Award Recommendation Letter into Legistar for a Council Agenda date and Council approval. The Department should schedule the agenda item for the earliest or next available meeting.
City Clerk	32	Once approved by Council, the City Clerk will collect the Mayor's signature on the contract and will mail a copy of the executed contract to the Vendor and scan an executed copy of the contract into Laserfiche.
Contract Specialist	33	Once the contract is approved by Council, the Contract Specialist will setup the contract in Munis and forward a copy of the signed contract to the department and the Purchaser. Note: this can take up to a week after the contract is approved.
Department	34	Administers the contract and monitors Vendor performance. When ordering goods or services from a non-encumbered contract* , the Department will enter a Munis requisition referencing the contract number to obtain a purchase order. The Department will verify charges and approve invoices for payment against the contract.

*Non-encumbered contract setup in Munis will not post against the department's budget until a purchase order is issued against it. There is also an encumbered contract option in Munis that will encumber the entire project budget line up front. The Contract Specialist can assist in determining if a non-encumbered or an encumbered contract will best meet the needs of the department.

Request for Qualifications (RFQs)

Policy

A Request for Qualifications (RFQs) is typically used when qualifications are the main criteria rather than cost and in particular when procuring certain professional services. Request for Qualifications is a two-stage procurement process in which firm's qualifications are submitted, reviewed, and evaluated in order to identify the most qualified firm(s). Once the most qualified firm is identified, the City will request pricing and negotiate both price and terms with the most qualified firm.

Criteria to award an RFQ must be based on the ability to accomplish a goal or requirement and not based on the ability to perform a set of specific tasks to achieve the goal or requirement. Cost is not requested until the most qualified vendor is identified and is not an evaluated criterion in stage one of the RFQs process.

Governing Policy

[Texas Local Government Code, Chapter 2254](#)

Requirements

The RFQ process is the only solicitation method that can be used for procuring professional services as defined under the Professional Services Procurement Act in Chapter 2254 of the Texas Local Government Code. In procuring these services, Chapter 2254 requires a government entity to make the selection and award on the basis of demonstrated competence and qualifications and then formally negotiate with the most qualified provider for a contract at a fair and reasonable price.

Professions that are processed with an RFQ appear below.

Professional Service Description	Professional Employment or Practice
Accounting	Certified Public Accountant
Architecture	Architect
Landscape Architecture	Landscape Architect
Land Surveying	Land Surveyor
Medicine	Physician/Surgeon
Optometry	Optometrist
Professional Engineering	Professional Engineer
Real Estate Appraisal	State Certified or Licensed Real Estate Appraiser
Professional Nursing	Registered Nurse

Request for Qualifications (RFQs)

Responsible Party	Step	Procedure
Department	1	Determines the need for an RFQ based on requiring professional services, verifies budget availability, then sends an initial draft of the specification/scope and proposed evaluation criteria and scoring to the Purchaser. The evaluation criteria will not include cost.
Purchaser	2	Reviews and edits the specification/scope and inserts it into the RFQ template, develops a RFQ timeline, creates a RFQ file, assigns a solicitation number and creates a schedule of events.
Purchaser	3	May conduct planning sessions and meet with the Department to finalize the RFQ document and will return the RFQ document to the Department for review.
Purchaser	4	Sends a Non-Disclosure Agreement to the Department RFQ evaluation team members for signature.
Department	5	Reviews and approves the RFQ document and returns the approved RFQ document to the Purchaser along with the name and contact information of recommended Vendors and the signed Non-Disclosure Agreements.
Purchaser	6	Sends the final RFQ document to the Purchasing Supervisor for review and approval. Will run the CMBL vendor list to identify HUB vendors and a City of Round Rock Vendor list by commodity code. These two lists plus the vendors identified by the Department will make up the Solicitation email contact list.
Purchaser	7	Orders a RFQ Solicitation ad from the Round Rock Leader (required) and Austin American Statesman (optional) to be placed in newspaper to run once a week for two consecutive weeks (at least 14 days prior to the closing date).
Purchaser	8	Posts RFQ solicitation packet to the City's Solicitation Website and sends notification email to vendor list. Note: Average posting time for an RFQs is 30 to 45 calendar days.
Purchaser	9	May host an optional or mandatory pre-bid meeting with Department staff and the Vendors. The purpose of the meeting is to review the solicitation packet and answer Vendor questions.
Purchaser	10	Will prepare and post a question/answer addendum to the solicitation following the solicitation event schedule. All Vendor questions are answered in writing through the addendum process.
Purchaser	11	May extend the RFQ by another week or more if an adequate number of responses have not been received.

Request for Qualifications (RFQs)

Responsible Party	Step	Procedure
Purchaser	12	Conducts the RFQ bid opening following the solicitation event schedule. The bid opening takes place at City Hall and can be attended by the Public. The Purchaser notes only the Respondent's name on the solicitation log sheet.
Purchaser	13	Reviews each RFQ response and checks to see that all required documents are completed and signed by the vendor.
Purchaser	14	Meets with the Department evaluation team to distribute RFQ responses and reviews the evaluation procedures. Schedules an RFQ evaluation meeting with the evaluation team. May pencil in a date for optional interviews with Department and short-list Vendors.
Department	15	Evaluation team members will read each proposal and independently document the proposals strengths and weaknesses, they may note areas where clarification is needed.
Purchaser & Department	16	Purchaser will schedule and facilitate an RFQ evaluation meeting with the Department evaluation team. Each proposal and evaluation criteria will be discussed and a consensus score for each evaluation criteria will be collected and tallied. This is stage one of the RFQ evaluation process. Cost is not known or evaluated.
Purchaser	17	Will collect clarification questions from the evaluation team and discuss with the evaluation team the need to have Respondent interviews.
Purchaser	18	Will email clarification questions to the Respondents and collect answers in writing for the evaluation team to review.
Purchaser	19	May schedule Respondent interviews if needed. The agenda for the interview will be developed by the evaluation team and emailed to the Respondents by the Purchaser.
Purchaser & Department	20	The Respondent interviews take place and the clarification questions answered. The RFQ scores may be adjusted by the department evaluation team and documented by the Purchaser.
Purchaser	21	For the second step, once the recommended Respondent is identified, the Purchaser will contact the Respondent with the highest score to ask for pricing.

Request for Qualifications (RFQs)

Responsible Party	Step	Procedure
Purchaser & Department	22	Will forward the pricing information to the designated department evaluation team member (department liaison) for review and approval. If more clarification or negotiation is needed the Purchaser may setup a conference call with the Respondent and the department liaison or email clarification questions in writing to the Respondent. Pricing and other terms may be negotiated and go back and forth between the Respondent, the Purchaser, and the department liaison until BAFO is accepted by the City.
Purchaser & Department	23	If the negotiation is not successful with the first selected Respondent, the City may formally end negotiations and move to the next Respondent until the negotiation is successful.
Purchaser	24	For the recommended Respondent the Purchaser will verify that the selected Respondent is not debarred from the State or Federal Government (SAM: System for Award Management) and is registered vendor with the City in Munis. The Purchaser will prepare and send an Award Recommendation Memo to the Department for the Department Director's signature.
Department	25	The Department Director signs the Award Recommendation Memo and returns it to the Purchaser
Purchaser	26	Will send the RFQs documents, evaluation matrix, BAFO (with price and other negotiated items) from recommended Respondent and the signed Award Recommendation Memo to the Contract Specialist.
Contract Specialist	27	Will prepare and send a Legal Department Request Sheet, RFP documents, evaluation matrix, BAFO and the Award Recommendation Memo to Legal for contract development.
Legal	28	Develops a contract and returns the contract to the Contract Specialist. Legal may negotiate terms and conditions other than cost and deliverables with the Respondent if required.
Contract Specialist	29	<p>Contacts the recommended Respondent for the following:</p> <ul style="list-style-type: none"> sends and requests two signed copies of the contract. an insurance certificate (if applicable) Form 1295 which is returned to the City Clerk <p>The Contract Specialist returns the signed copy of the contract to Legal and requests an LAF.</p>

Request for Qualifications (RFQs)

Responsible Party	Step	Procedure
Legal	30	Reviews the signed contract and releases an LAF to the Contract Specialist
Contract Specialist	31	Will forward the two signed contracts and LAF to the Department.
Department	32	Enters contract, evaluation matrix and Award Recommendation Letter into Legistar for a Council Agenda date and Council approval. The Department should schedule the agenda item for the earliest or next available meeting.
City Clerk	33	Once approved by Council, the City Clerk will collect the Mayor's signature on the contract and will mail a copy of the executed contract to the Vendor and scan an executed copy of the contract into Laserfiche.
Contract Specialist	34	Once the contract is approved by Council, the Contract Specialist will setup the contract in Munis and forward a copy of the signed contract to the department and the Purchaser. Note: this can take up to a week after the contract is approved.
Department	35	Administers the contract and monitors Vendor performance. When ordering goods or services from a non-encumbered* contract, the Department will enter a Munis requisition referencing the contract number to obtain a purchase order. The Department will verify charges and approve invoices for payment against the contract.

*Non-encumbered contract setup in Munis will not post against the department's budget until a purchase order is issued against it. There is also an encumbered contract option in Munis that will encumber the entire project budget line up front. The Contract Specialist can assist in determining if a non-encumbered or an encumbered contract will best meet the needs of the department.

Purchases Exempt from Competition

Sole Source

Policy

A sole source is when there is one and only one source for which a commodity or service is available. Sole Source includes:

- Items that are available from one source because of patents, copyrights, secret processes, or natural monopolies
- Films, manuscripts, or books published and available from only one source
- Gas, water and other utility services
- Captive replacement parts or components for equipment
- Books, papers and other library materials for public library that are available only from the persons holding the exclusive rights to the materials

Sole Source purchases are exempt from competitive solicitation. The Procurement and Contracting Services Division will make all determinations and approvals related to the legitimacy of a sole source purchase subject to review by the City Attorney. Departments must consult with Procurement and Contracting staff when considering the sole source exemption for the selection of a vendor. Contracts or purchases over \$100,000.00 require Council approval. Brand specific purchases are not necessarily exempt from competition. Each of the following questions must be considered and answered when considering the sole source exemption:

- Why is the procurement a sole source?
- Why is the vendor the only viable solution?
- Are there other resellers, distributors, or dealers in the market?
- Has this procurement been competitively solicited in the past? How has the City been procuring this item or service previously?
- Are there any other acceptable alternative solutions (e.g. brands)? If not, what makes them unacceptable?
- Is there a concern regarding warranty, compatibility, health and public safety, and/or routine safety?
- Are there territorial or geographic restrictions for the product distribution and sale?
- What other suppliers or products/services were considered?

The Department will provide a completed justification form, a vendor proposal, or quote and a letter from the Manufacturer no older than six months, declaring the purchase sole source. The documentation must be attached to the Requisition in Munis.

Governing Policy

[Texas Local Government Code, Chapter 252.022](#)

Related Link

[Purchase Justification Form](#)

[Requisition Entry \(Munis Instructions\)](#)

Purchases Exempt from Competition Personal, Professional or Planning Services

Policy

The procurement of a personal, professional, or planning service, ***other than lobbying, government relations, or similar services intended to directly or indirectly influence state or federal lawmakers on behalf of a municipality***, may be exempt from competitive solicitation.

These services are professional in nature and usually require a special degree or certification and expertise. The deliverables are intellectual and may include consultation, analysis and the development of reports and other documents.

- Personal Services- typically personal services require the development of a contract, an example are contracts with individuals to provide referee or artisan services at City events.
- Professional Service- typically professional services require the development of a contract and include but are not limited to architectural, engineering, business, financial, marketing, or legal services. These services may also be competitively bid through either a Request for Proposal (RFP) or Request for Qualifications (RFQs) process depending on the service if in the best interest of the City.
- Planning Services- contracts for strategic planning and management services. These services may be competitively bid through a Request for Proposal (RFP) or Request for Qualifications (RFQs) process if in the best interest of the City.

The Department will provide a completed purchase justification form, a vendor proposal or quote declaring the purchase to be for professional, personal or planning services. The documentation must be attached to the Requisition in Munis.

Governing Policy

[Texas Local Government Code, Chapter 252.022](#)

[Texas Local Government Code, Chapter 2254](#)

Related Link

[Purchase Justification Form](#)

[Requisition Entry \(Munis Instructions\)](#)

Purchases Exempt from Competition Other Exemptions

Policy

In addition to sole source purchases and contracts for personal, professional, and planning services Section 252.022 of the Texas Local Government Code allows for other reasons that expenditures may be exempt from competition. These include:

- A procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality
- A procurement necessary to preserve or protect the public health or safety of the municipality's residents
- A procurement necessary because of unforeseen damage to public machinery, equipment or other property
- A procurement for work that is performed and paid for by the day as work in progress
- A purchase of land or a right-of-way
- A purchase of rare books, papers, and other library materials for a public library
- Paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements
- A public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project: in accordance with the plans and purposes by Subchapter C, Chapter 212
- Personal Property sold:
 - at auction by a state licensed auctioneer
 - at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code; by a political subdivision of this state, a state agency, or an entity of the federal government
 - under an Interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391
- Services performed by blind or severely disabled persons, ex. Contract TIBH
- Goods purchased by the municipality for subsequent retail sale by the municipality
- Electricity
- Advertising, other than legal notices

The Department will provide a completed [purchase justification form](#) indicating the exemption and a vendor proposal or quote. The documentation must be attached to the Requisition in Munis. The purchase justification form lists the most common exemptions for the procurement of goods and services. If an exemption is identified that does not appear on the justification form, Purchasing will work with the Department to create a memo for the procurement file.

Purchases Exempt from Competition Other Exemptions

Governing Policy

[Texas Local Government Code, Chapter 252.022](#)

Related Link

[Purchase Justification Form](#)

[Requisition Entry \(Munis Instructions\)](#)

Exempt Purchases Process Chart

Dollar Figure	Step (1) Department Collects Vendor Quote or Proposal	Step (2) Department Completes Justification Form	Step (3A) For Purchase Order Dept. Enters Munis Req.; Attaches Quote, and Justification Form (if >\$3,000)	Step (3B) For Contract Dept. Emails Proposal and Justification Form to Purchaser
\$3,000.00 or less	X		X	
\$3,000.01- \$100,000.00 (Goods)	X	X	X	
\$3000.01 - \$10,000.00 (Services)	X	X	X	
\$10,000.01-\$100,000.00 (Services)	X	X	X	
Over \$100,000.00 (Goods)	X	X	X	
Over \$100,000.00 (Services)	X	X		X

Dollar Figure	Step (4) Purchase Order issued by Purchasing if over \$3K or Department if \$3K or less	Step (5) Contract and/or LAF Created by Legal	Step (6A) City Manager Approval	Step (6B) Council Approval	Step (7) Contract is Executed and/or Purchase Order is Issued
\$3,000.00 or less	X				
\$3,000.01- \$100,000 (Goods)	X				
\$3000.01 - \$10,000.00 (Services)	X				
\$10,000.01-100,000.00 (Services)		X	X		X
Over \$100,000.00 (Goods)		X		X	X
Over \$100,000.00 (Services)		X		X	X

Note: Purchasing will collect insurance certificate if work is being performed on City property and will verify the vendor is not debarred from doing business with the State of Federal Government if the purchase is for \$25,000 or more.

Electronic Bidding and Reverse Auctions

Policy

A. ELECTRONIC BIDDING

Electronic sealed bids or proposals shall be processed in accordance with Section 252.0415(a) of the Local Government Code requiring the identification, security, and confidentiality of electronic bids or proposals received by the City of Round Rock, Texas ("City"). All electronic bids or proposals shall remain effectively unopened until the date and time denoted in the solicitation documents.

The procedures for electronic procurement are outlined below.

- i. **Identification:** Invitations for Bid or Requests for Proposals and other formal solicitations shall be advertised and issued in accordance with statutory requirements. A notification will be added to solicitation terms and conditions instructing Respondents to submit responses electronically through the City's eBidding platform. An automated "submission receipt" email will be sent to the submitting Respondent's established email upon receipt of their bid or proposal. Respondents will be required to enter specific usernames and passwords into the eBidding platform repository. Respondents will only be able to view their own documents and will not be able to view the identity or submissions or the other Respondents.
- ii. **Security:** At the published time and place a password-enabled purchasing employee or their designee will electronically unseal all responses. A sealed bid or proposal that is submitted non-electronically may be accepted at the sole discretion of the City but must arrive at the published location on or before the date and time listed in the solicitation.
- iii. **Confidentiality:** Purchasing staff or their designee will read aloud all bid responses (Bidders' names and total amount bid) or proposal responses (Respondents' names only) that are received by the closing time and date to any interested parties present at the bid or proposal opening. After the bid opening is complete, staff will review the offers for responsiveness and post an electronic bid tabulation.

Electronic Bidding and Reverse Auctions

B. REVERSE AUCTIONS

Electronic reverse auctions, as defined in Section 2155.062 of the Government Code, shall be conducted in accordance with Section 271.906 of the Local Government Code consisting of a real-time bidding process taking place on an eBidding platform during a previously scheduled time with multiple suppliers, anonymous to each other, submitting bids to provide goods or services.

The procedures for reverse auctions are outlined below.

- i. **“Real-Time” Bidding Process:** Reverse Auctions will be advertised in the current manner as are Invitations for Bids and Requests for Proposals. A notification will be added to the bid terms and conditions stating Respondents may submit responses electronically through the City’s eBidding platform. The real-time bidding process will usually take less than one hour but can take up to two weeks and shall take place on the City’s eBidding platform during a scheduled period of time.
- ii. **Multiple Bidders:** Purchasing staff or their designee shall ensure multiple qualified bidders are available, interested, and notified electronically of any current reverse bidding opportunity. A notification will be added to the bid terms and conditions stating bidders should submit responses electronically through the eBidding platform using the hyperlink provided.
- iii. **Anonymous Bidders:** The City’s selected eBidding platform shall insure the anonymity of all responding bidders through the assignment of a “bidder number” to the supplier (as opposed to the Respondent’s name) which will be reflected on the eBidding platform website during the reverse auction process, The eBidding platform website will reflect all active bids by the assigned bid number and their last entered price. After the bid process is complete Purchasing staff or their designee will post a bid tabulation.

Solicitation Protest Procedure

Policy

OPPORTUNITY TO PROTEST: The Purchasing Manager for the City of Round Rock (“City”), in consultation with the City Attorney, shall have the authority to settle or resolve any dispute concerning the solicitation or award of a contract. The Purchasing Manager may solicit written responses to the protest from other interested parties. The aggrieved person must prepare his or her complaint in writing and send it by electronic mail to the City’s Purchasing Department at protest@roundrocktexas.gov.

In the event of a timely protest, the City shall not proceed further with the solicitation or award of a contract unless it is determined that the award must take place without delay, to protect the best interests of the City.

The procedures for notifying the City of an alleged deficiency or filing a protest are listed below. If you fail to comply with any of these requirements, the Purchasing Office may dismiss your complaint or protest.

- A. **Prior to Offer Due Date:** If the Respondent is a prospective offeror for the award of a contract (“Offeror”) and Respondent becomes aware of the facts regarding what Respondent believes is a deficiency in the solicitation process before the due date for receipt of offers in response to a solicitation (“Offers”), Respondent must notify the City in writing of the alleged deficiency before that date, giving the City an opportunity to resolve the situation prior to the Offer due date.

- B. **After Offer Due Date:** If Respondent submits an Offer to the City and Respondent believes that there has been a deficiency in the solicitation process or the award, Respondent has the opportunity to protest the solicitation process, or the recommended award as follows:
 - i. Respondent must first file a written **notice of intent** to protest within four (4) working days of the date that Respondent knows or should have known of the facts relating to the protest. If Respondent does not file a written notice of intent within this time, Respondent has waived all rights to protest the solicitation process or the award.
 - ii. Respondent must then file **formal written protest** within ten (10) working days of the date that Respondent knows or should have known of the facts relating to the protest unless Respondent knows of the facts before the Offer has been closed. If Respondent knows of the facts before those dates, Respondent must notify the City as stated in section (A) above.
 - iii. Respondent must submit your protest in writing and must include the following information:
 - (1) Respondent name, address, telephone number, and email address;
 - (2) the solicitation number;
 - (3) a specific identification of the statutory or regulatory provision that Respondent is alleging has been violated;
 - (4) a detailed statement of the factual grounds for protest, including copies of any relevant documents;
 - (5) a statement of any issues of law or fact that Respondent contends must be resolved; and

Solicitation Protest Procedure

- (6) a statement of the argument and authority that Respondent offers in support of your protest.
 - iv. Respondent protest must be concise and presented logically and factually to help with the City's review.
- C. **Receipt of Timely Protest**: When the City receives a timely and complete written protest, the Purchasing Manager, with assistance from the City Attorney, shall make one of the following determinations:
- i. Determine that a violation of rules and statutes has occurred **prior** to the award of the contract. The City will inform Respondent and other interested parties of the determination. The City will prepare updated solicitation documents and will re-solicit.
 - ii. Determine that a violation of rules and statutes has occurred **after** the award of the contract. The City will inform Respondent and other interested parties of the determination. The discovery of a violation of the rules and/or statutes shall not necessitate the cancellation of the rewarded contract, unless directed otherwise by the City Attorney. As needed, corrective actions may be taken with purchasing or any other pertinent City staff.
 - iii. Determine that no violation of rules or statutes has occurred and inform Respondent and other interested parties of the decision by letter. The reasons for the determination will be presented in the letter.
 - iv. A determination will usually be made within fifteen (15) business days after receipt of the formal protest.
 - v. Any written decisions by the Purchasing Manager shall be the final administrative action for the City.
 - vi. All documentation pertaining to a protest will be kept on file at the City and are subject to open records requests.

Cooperative and Interlocal Purchasing

Policy

A Cooperative purchase is a procurement based on a contract that has been competitively bid and issued by another government or purchasing alliance with the intention of sharing it with other government entities. Cooperative agreements are sometimes referred to as “piggybacking” from another entity’s contract. The use of Purchasing Cooperatives provides for volume discount pricing and expedited placement of orders.

Current established Cooperative Purchasing Organizations (CPOs) operating within the State of Texas and authorized by City Council are:

- [\(1GPA\)-1 Government Procurement Alliance](#)
- [BuyBoard](#)
- [Choice Partners](#)
- [\(DIR\) Department of Information Resources](#)
- [GoodBuy Cooperative Program](#)
- [\(HGAC\) Houston Area Council of Governments](#)
- [NPPGov](#)
- [OMNIA Partners](#)
- [\(PACE\) Purchasing Association of Cooperative Entities](#)
- [\(PCA\) Purchasing Cooperative of America](#)
- [Sourcewell](#)
- [The Interlocal Purchasing System \(TIPS\)](#)
- [\(TXMAS\) Texas Comptroller - Texas SmartBuy*](#)

*Note: “Texas SmartBuy” orders are processed online by CoRR Purchasing staff.

Individual purchase orders may be processed using a Vendor’s cooperative contract up to \$100,000.00 per year without Council approval provided that the Vendor has presented to the City a valid quote referencing the cooperative contract number. Either a single or multiple purchase order is issued to a vendor for the same goods or services, using a cooperative contract in an amount that exceeds \$100,000.00 per year for the same goods or services will require council approval. The cooperative contract number must appear on the vendor’s quote. If multiple orders will need to be placed against the cooperative contract with the same vendor and the total is expected to exceed \$100,000.00 in a fiscal year the City will work with Legal to develop a formal contract for Council approval that will “piggyback” from the cooperative contract. There are several advantages to the City establishing our own contract including possible volume discounts, a dedicated vendor representative, a scope of work developed to meet City needs, shortened ordering process, a price list as well as delivery and billing terms that will comply with City, State and Federal procurement guidelines.

In addition to the CPOs listed above the City can also establish Interlocal Agreements to utilize other local government’s competitively bid contracts. When using the contract of another governmental agency, the City agrees to the same terms and conditions of that contract, including terms and pricing. The execution of an Interlocal Agreement requires City Council approval regardless of dollar amount.

Cooperative Purchasing Process Chart

Dollar Figure	Step (1) Department Collects Vendor Cooperative Quote/Proposal	Step(2A) For Purchase Order Department Enters Munis Req. and Attaches Cooperative Quote or Proposal	Step(2B) For a Contract Department Emails Purchaser Proposal Referencing the Cooperative Contract#	Step (3) Purchase Order issued by Purchasing if over \$3K or by Dept if \$3K or less
*\$3,000 or less	X	X		X
\$3,000.01- \$100,000 (Goods)	X	X		X
\$3000.01 - \$10,000 (Services)	X	X		X
\$10,000.01-\$100,000 (Services)	X	X		
Over \$100,000 (Goods)	X	X		
Over \$100,000 (Services)	X		X	

Dollar Figure	Step (4) Contract and/or LAF Created by Legal	Step (5A) Requires City Manager Approval	Step (5B) Requires Council Approval	Step (6) Contract is Executed and/or Purchase Order is Issued
*\$3,000 or less				
\$3,000.01- \$100,000 (Goods)				
\$3000.01 - \$10,000 (Services)				
\$10,000.01-\$100,000 (Services)	X	X		X
Over \$100,000 (Goods)	X		X	X
Over \$100,000 (Services)	X		X	X

Note: *If the quote is for a one-time purchase of \$3,000 or less a standard vendor quote can be requested unless there is a pricing advantage to using a cooperative. Purchasing will collect insurance certificate if work is being performed on City property. Purchasing will verify the vendor is not debarred from doing business with the State of Federal Government if the purchase is for \$25,000 or more.

Payment Exceptions Table Payments Processed Through Check Request

Check requests processed through Accounts Payable may be used for acquiring goods and services up to \$1,000 in value not on a City contract. This payment method is eligible for any purchase up to \$1,000.00 per vendor, per receipt in lieu of using a ProCard. A ProCard is the preferred method of payment for small dollar transactions.

Note: Component, split, or serial purchasing to avoid competition is not allowed.

There are several exceptions to the \$1,000 limit as outlined in the following table. Unless otherwise noted, exceptions listed are NOT limited by dollar amount as these expenses are exempt from competitive procurement. However, when a check request(s) to the same payee exceeds \$100,000 in the same fiscal year, Council approval is required.

Description	Notes
Advertising	Paid directly to the publisher
Artists, musicians, sports referees or similar	Personal contracts
Books, brochures and educational materials	Paid directly to the publisher
Event fees	
Fees associated with bond sales, legal fees or any fees required by law	
Legal settlements	
Magazine, newspaper and periodical subscriptions	Not software subscriptions
Membership dues	
Payments processed through pre-encumbered contracts	Construction or similar projects
Permits	
Postage and postage meter	
Professional licenses, certification and exam fees	
Property tax, real estate and real estate appraisals	
Refunds, rebates and program incentives	
Seminar and training fees	
Sponsorships	
Utility bills and telephone bills (not cellular)	

Authorized Purchases List

Policy

The Authorized Purchases List (APL) is used to reduce the number of smaller purchases going to City Council for approval. Finance will work with the departments during the annual budget process to develop an authorized purchases list for City Council approval prior to the start of each fiscal year.

Once the authorized purchases list is approved by Council, the City Manager may execute contracts and purchases in excess of \$100,000 up to \$350,000 through the City Managers agenda process if certain criteria applies:

- The item costs \$350,000 or less
- The item does not require the Mayor's signature.
- The purchase does not deviate from the original purpose as designated on the list.
- Actual cost does not exceed the greater of 10% or \$10,000 of the approved amount.
- Council does not require the item to come back to them for approval.

City Purchasing Policy applies to all purchases on the authorized purchases list and those purchases may still require a formal solicitation and/or contract.

Governing Policy

[CoRR Code of Ordinances, Part II, Chapter 2, Article V, Sec.2-326 \(b\)](#)

[Texas Local Government Code, Chapter 252](#)

[Texas Local Government Code, Chapter 2254](#)

Purchasing Methods

Policy

Before an order is placed for goods or services the transaction method needs to be identified. There are three methods for procuring goods and services: a check request, ProCard, or purchase order. Both the check request and ProCard are used to pay for smaller dollar items. A purchase order is used to procure items from a City Contract for any dollar amount and for non-contract purchases over \$1,000.

A check request is used to pay for goods or services up to \$1,000 per invoice or for invoices greater than \$1,000 if the type of purchase is listed on the "[Payment Exceptions Table](#)". This transaction method is used if the Vendor does not accept credit cards (for purchases of \$3,000 or less) and the items being purchased are not available from a City contract. It is very common to process a check request for membership dues, subscriptions, licensing fees, seminar fees, mileage reimbursement and other exception payment types using this method.

A City ProCard can be issued to a City employee if approved by their Supervisor. Once issued, a ProCard can be used to purchase one-time, small dollar purchases up to \$3,000 provided that the item is not being purchased from a City or Cooperative Contract. A detailed receipt is collected and entered into Munis as part of the Monthly ProCard approval and reconciliation process.

A purchase order is the most common transaction method for ordering goods or services. A purchase order is created in Munis from a Department requisition. Purchase orders are issued for both one-time purchases over \$1,000 and purchases made from an approved City or Cooperative contract regardless of dollar amount. A purchase order achieves several important objectives; it encumbers money from the Department Budget and City Contract in Munis (if applicable), it details the goods or services being ordered and communicates to the Vendor that the order is approved for processing and delivery. When sending the purchase order to the Vendor, City staff should instruct the Vendor to complete the order and to include the City's purchase order number on the Vendor's invoice.

Related Links

[Check Request](#)

[ProCard Information](#)

[Munis Instructions](#)

Grants Compliance Purchasing Guidelines

Policy

Once a Grant has been approved following the City's Grants Compliance Guidelines, expending approved grant funds requires the City to follow Section 8: Uniform Grant Guidance-Federal Procurement Rules; 2 CRF 200.320. In most cases the City's purchasing thresholds are more conservative than the Federal purchasing thresholds, however purchasing guidelines for each grant are unique and must be reviewed in advance of collecting bids, proposals, or quotes.

Requirements

Purchasing will perform a debarred vendor check to assure that the selected vendor is not debarred from doing business with the State or Federal Government on any purchase or contract that is \$25,000 or more.

If the cost of the grant funded purchase is \$250,000 or more, the Department is required to complete an independent estimate *and* cost or price analysis form to ensure reasonableness. One form must be completed "before" the purchasing process begins, and another form must be completed "after" bids, proposals or quotes are collected but before the contract is awarded.

- An [Independent Estimate Determination Form](#) must be completed "before" the purchasing process begins.
- A [Cost or Price Analysis \(Reasonableness\) Form](#) must be completed "after" the bids, proposals or quotes are collected but before the contract is awarded.

Related Links

[Grants Compliance](#)

Department Contract Management Responsibilities

Policy

The department is responsible for designating a department contract manager for each contract set up for them by Procurement and Contracting Services. The department contract manager assignment may differ from contract to contract and is usually given to the person that has the most knowledge about a specific contract's requirements and use. The department contract manager must ensure that their contract is set up for the appropriate contract dollar amount to meet department needs, assure that the contract contains a clear scope of work that defines performance and deliverable requirements, manage and document ongoing contract issues, and monitor the progress of the work performed by the contractor. Only the department contract manager or department director may authorize contract services to be performed on an executed City of Round Rock contract.

Procedures

The department contract manager shall:

- Participate, as necessary, in developing the solicitation and writing the draft documents.
- Identify and monitor the department budget for contract orders.
- Monitor contract usage, balance and expiration date using Munis "Contracts Central" and the contracts report posted to the CORR- Purchasing Contracts Administration Contracts SharePoint site.
- Approve other departments' use of the contract.
- Monitor the contractor's progress and performance to ensure goods and services conform to the contract requirements.
- Authorize payments consistent with the contract terms and pricing.
- Document the contractor's performance.
- Resolve disputes in a timely manner.
- Contact Procurement and Contracting Services for assistance when the Vendor has not corrected performance or billing issues as requested.

Fundamental Contract Management

Once a contract is executed, the department contract manager should immediately communicate with the new contractor and confirm expectations. The contract manager should verify the obligations of the parties and timelines for performance. At a minimum, the contract manager should review contracts monthly to ensure requirements are being met. The contract manager should also be familiar with all terms and conditions of the contract.

Monitoring the Terms of the Contract

The department contract manager shall ensure that the expiration date and contract usage are closely monitored. If it is determined that a time extension or dollar amount increase is needed on a contract, at least 90 days' notice to Purchasing is required.

Ethics, Gifts and Gratuities

Policy

City staff should always conduct business with integrity and in a transparent and ethical manner. City staff should avoid the appearance of purchasing decisions being influenced by a Vendor because of a personal relationship or personal benefit to the City Employee. City staff are required to comply with The City of Round Rock Policies and Procedures covering Conflicts of Interest (Section 3) and Solicitation and/or Acceptance of Gifts (Section 4), maintained by the Human Resources Department.

Gifts & Gratuities

It is not uncommon for Vendors doing business with the City to present gifts to City employees, especially during the holidays. Before accepting any gift, the employee will need to consider if the gift is in compliance with the City of Round Rock "Solicitation and/or Acceptance of Gifts Policy". A City employee may not solicit or accept any benefit, gift favor, funds or service they know, or suspect is offered to influence their official conduct. The employee may accept unsolicited advertising or promotional materials such as pens, pencils, note pads, calendars and other items of nominal value. Because no list would be complete, employees must use their judgement, but should refuse gifts that a reasonable person may believe could have the appearance of impropriety.

No Monetary Benefit

A contract may not be awarded (no matter how objective the process) to an entity that is owned, in whole or in part, by any City employee or their dependents. Neither City employees nor their dependent family members (spouse or children) may financially benefit from a City contract.

Governing Policy

To review the City's Solicitation and/or Acceptance of Gifts Policy and other City Policies see link below:

[City of Round Rock Policy and Procedure Manual](#)

Purchasing Definitions

- **Addendum:** An addition or supplement to a document, e.g., items or information added to a procurement document.
- **Bid:** A complete, properly signed response to an Invitation for Bid. Which if accepted, would bind the Bidder to perform the resulting agreement.
- **Bidder:** A person, firm or entity that submits a Bid, signed by an authorized representative, in response to an Invitation for Bid.
- **Bid Sheet:** A document, signed and dated by a Bidder, containing unit and extended bid process for all goods and/or services, identified by item numbers and descriptions, for which Bids are being submitted.
- **Buyer Approved Equal:** Used to indicate that an item may be substituted for a required item if it is equal in quality, performance and other characteristics.
- **CMAF:** City Manager Approval Form is released by the Contract Specialist in Purchasing for small dollar contracts that do not exceed \$20,000 if the Vendor's Terms and Conditions do not conflict with the City's Terms and Conditions or if the contract was developed from a City contract template approved by Legal. The CMAF may be used to schedule an eligible contract for City Manager approval.
- **Contract:** A mutually binding legal document obligating the Vendor to furnish the goods, equipment or services specified within the solicitation and obligating the City to compensate in accordance with the conditions of the Contract.
- **Contract Purchase Order:** A purchase order issued referencing a City of Round Rock Contract. The purchase order issued from a contract is the Vendor's authority to deliver and invoice the City for the Goods and/or Services specified in the City's contract, and the City's commitment to accept the Goods and/or Services for an agreed upon contract price. A contract purchase order is posted against the City's Contract through a Munis requisition and reduces the contract dollar authority while also encumbering funds against the Department's budget.
- **Contract Specialist:** The Contract Specialist position resides in Purchasing Division of the Finance Department and is responsible for reviewing and facilitating the execution of City contracts and contract amendments for goods and services. The Contract Specialist also tracks the contract expiration date and dollar usage, processes contract price increases and works with vendors, department staff and Legal to address contract performance issues.
- **Construction:** The construction, repair, rehabilitation, alteration, conversion, or extension of buildings, parks, utilities, streets or other improvements or alterations to real property.
- **DAF:** Director's Approval Form may be issued by the Contract Specialist in Purchasing to the Department authorizing a quote up to \$10,000 requiring a signature to be signed the Department Director in lieu of going through the City Manager's agenda process if certain conditions apply. [Director's Signature Authority Procedures](#).
- **Deliverables:** The goods, products, materials, and/or services to be provided to the City under a purchase order or contract.
- **FOB Destination:** (Freight prepaid and allowed). Seller pays the freight charges and Seller is responsible for goods in transit.
- **Goods:** Supplies, materials or equipment.
- **HUB Vendor:** Has received a State of Texas Comptroller's Office designation as a Historically Underutilized Business. <https://comptroller.texas.gov/purchasing/vendor/hub/>. When a purchase is anticipated to cost over \$3,000 a minimum of two HUB vendors must be contacted for a quote or bid.

Purchasing Definitions

- **Interlocal Agreement:** An agreement that is executed to authorize cooperative purchasing, or other services, between two or more governmental entities.
- **Invitation for Bid (IFB):** A document used to solicit a formal; competitive or multi-step sealed bids that is advertised in the newspaper and posted on the Internet for a known commodity or service. IFB's are based on a set of published specifications and the specifications and price are non-negotiable.
- **LAF:** Legal Authorization Form released by Legal for all purchases and contracts requiring approval through the City Manager or City Council agenda process.
- **Non-Professional Services:** Skilled or unskilled labor or professional work, but do not include professional and consulting services, as defined in [Texas Government Code, Section 2254](#).
- **Offer:** A complete signed response to a Solicitation including, but not limited to, an Invitation for Bid, a Request for Proposal, a Request for Qualification Statements, or a Request for Quotation.
- **Personal Services:** Only those services which are performed personally by the individual who is contracted to perform them.
- **Pre-Bid / Pre-Proposal Meeting:** A meeting that is scheduled to take place during a formal solicitation process. Vendors are invited to attend to received information from City Staff pertaining to the Solicitation. This meeting may be mandatory or optional and may also include a site visit.
- **Professional Services:** Are occupations in the tertiary sector of the economy requiring special training in the arts or sciences. Some professional services require holding professional licenses such as architects, auditors, engineers, doctors and lawyers. professional and consulting services, as defined in [Texas Government Code, Section 2254](#).
- **Purchase Order (PO):** A written document issued by the City to a vendor formalizing all the terms and conditions of a proposed transaction, to include but not be limited to, a description of the requested item, delivery schedule, terms of payment, transportation, delivery location, price, quantity, and special instructions. The purchase order conveys to the Vendor the authority to deliver and invoice the City for the Goods and/or Services specified, and it represents the City's commitment to accept the Goods and/or Services for an agreed upon price.
- **Purchaser:** The Purchaser is a position in the Purchasing Division of the Finance Department. The Purchaser is solely responsible for preparing and posting formal IFB, RFP, RFQs or RFA solicitations over \$100,000 for goods or services or for multi-year contracts regardless of the dollar amount on behalf of City departments.
- **Request for Information (RFI):** A non-binding method whereby a jurisdiction publishes via newspaper, internet, or direct mail its need for input from interested parties for an upcoming solicitation. A procurement practice used to obtain comments, feedback or reactions from potential suppliers (contractors) prior to the issuing of a solicitation. Generally, price or cost is not required. Feedback may include best practices, industry standards, technology issues.
- **Request for Proposal (RFP):** The document used to solicit proposals from potential providers for goods and services (Respondents). Price is usually not a primary evaluation factor. Provides for the negotiation of all terms, including price prior to agreement award. May include a provision for the negotiation of Best and Final Offers. May be a single step or multi-step process.

Purchasing Definitions

- **Request for Qualifications (RFQs):** A document which is issued by a procurement entity to obtain statements of the qualifications of potential development teams or individuals (i.e. consultants) to gauge potential competition in the marketplace, prior to issuing the solicitation.
- **Request for Quote (RFQ):** A small order amount purchasing method for goods or services expected to be ordered and received in the same fiscal year. A request is sent to suppliers along with a description of the commodity or services needed and the supplier is asked to respond with price and other information by a pre-determined date.
- **Request for Qualifications (RFQs):** A document which is issued by a procurement entity to obtain statements of the qualifications of potential development teams or individuals (i.e. consultants) to gauge potential competition in the marketplace, prior to issuing the solicitation.
- **Request for Quote (RFQ):** A small order amount purchasing method for goods or services expected to be ordered and received in the same fiscal year. A request is sent to suppliers along with a description of the commodity or services needed and the supplier is asked to respond with price and other information by a pre-determined date.
- **Requisition:** A requisition is an electronic document created by the Department in Munis to request a purchase order for goods or services. The requisition will identify the vendor, commodity code, a description goods or services to be ordered, budget codes and a Munis contract # (if applicable). Through an electronic approval process in Munis the requisition is converted to a purchase order. [Munis Requisition Entry](#)
- **Services:** Work performed to meet the requirements and demand of said purchase order or contract. The furnishing of labor, time, or effort by the Vendor and their ability to comply with promised delivery dates, specification and technical assistance specified.
- **Subcontractor:** Any person or business entity employed to perform part of a contractual obligation under the control of the principal contractor for fulfillment of a purchase order or contract with the City. Any supplier, distributor, vendor, or firm that furnishes supplies or services to a prime contractor or another subcontractor to fulfill their obligations with the City.
- **Vendor:** Person or business enterprise providing goods, equipment, labor and/or services to the City as fulfillment of obligations arising from a contract or purchase order.