

MINUTES
LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT
BOARD OF TRUSTEES' PURCHASING POLICY COMMITTEE OF THE WHOLE MEETING
LAS VEGAS, NEVADA
October 10, 2019
(approved November 12, 2019)

The Board of Trustees' Purchasing Policy Committee of the Whole of the Las Vegas-Clark County Library District met in regular session in the Enterprise Library, Las Vegas, Nevada, at 6:00 p.m., Thursday, October 10, 2019.

Present:

Board:	F. Ortiz, Chair	S. Bilbray-Axelrod
	K. Benavidez	E. Foyt
	R. Wadley-Munier	S. Ramaker
	B. Wilson	J. Meléndrez

Counsel: G. Welt

Absent: M. Francis Drake - excused

Staff: Dr. Ronald R. Heezen, Executive Director
Numerous Staff

Guests:

S. Moulton, Chair, called the meeting to order at 6:00 p.m.

Roll Call and Pledge of Allegiance (Item I.) All members listed above represent a quorum. Trustees Meléndrez and Wilson were on the phone when the meeting started, Trustee Wadley-Munier called in at 6:34 p.m.

Public Comment (Item II.) None.

Agenda (Item III.) Trustee Bilbray-Axelrod moved to approve the Agenda as proposed. There was no opposition and the motion carried.

Discussion and possible Committee action regarding adoption of proposed revisions to the District's Purchasing Policy. (Item IV.) General Services Director Steve introduced himself and Purchasing and Administrative Manager Nancy Hodges, who he said was instrumental in creating the proposed revisions to the District's *Purchasing Policy*.

Mr. Rice explained that responsibility for administrative oversight of the District's *Purchasing Policy* has been transferred from Financial Services to the General Services - Purchasing and Administration Department. The policy was last revised on June 9, 2016. Revisions to the governing Nevada Revised Statutes (NRS 332 - Purchasing Local Governments and NRS 338 – Public Works) made during the 2019 session of the Nevada Legislature, along with desired administrative changes, necessitate a revision of the policy. The current policy and a draft of the proposed revised policy have been provided to Trustees for review. The Purchasing Policy Committee can bring a recommendation regarding adoption of the proposed policy revisions to the Board of Trustees.

As this is a total rewrite of the current policy, Mr. Rice went through each section of the proposed policy:

- Purpose
- Governing Nevada Revised Statutes

- Policy Statement
- Conflicts of Interest
- Procurement Categories
- Procurement Methods
- Disadvantaged Business Enterprises and Emerging Small Business Enterprises
- Joinder/Mutual Use of Contracts by Governmental Entities
- Board Approval of Contract Awards
- Procurement Guidelines (minimum requirements)
 - Goods and Services
 - Construction (Public Works)
 - Professional Services (Exempt from Competitive Solicitation)
 - Exceptions to Competitive Solicitation Process (in accordance with NRS 332)
- Delegation of Authority
- Policy Review
- Operating Procedures
- Records Retention
- Definition of Terms

Trustee Meléndrez appreciated the attention that was paid to ensure that local, as well as minority-owned businesses, have every opportunity to be made aware of and participate in the bid process.

Trustee Bilbray-Axelrod asked about the difference between bids that required an award to the lowest cost provider and those that did not, referring to the previous meeting. Mr. Rice explained that with goods and services, as well as with construction bids, that the District generally went with the low bids. He explained about the process to choose insurance brokers, which is a qualifications-based bid process. The insurance broker then went out and solicited bids for insurance for which the Trustees did not have to select the lowest bidder.

Trustee Bilbray-Axelrod then asked whether reverse auctions were addressed in the proposed policy, as that is now prohibited as of the last legislative session. Mr. Rice said that the District has not used reverse auctions but added there are areas in the changes made to NRS at the legislative session that do not apply to the District. The proposed policy revisions only applies to items that do apply to the District. He confirmed that the District has not used reverse auctions.

Trustee Wadley-Munier called in during Trustee Bilbray-Axelrod's questions.

Chair Ortiz commented that the District always had to review the Legislative actions and ensure policy conformed to new laws.

Chair Ortiz then asked about obtaining information from NGEM about the number of minority-owned businesses that applied for District projects? Ms. Hodges said that there is a way to get that information as she has to report on that twice a year to the state. Chair Ortiz asked that the report be provided to the Trustees at the same time.

Chair Ortiz then requested the names of the principals or owners of companies when Trustees are voting on contract items. Trustees can then disclose if they know these individuals and increase transparency

while reducing the risk to the District if someone believes the bidding process was rigged. After discussion among Ortiz, Ms. Hodges, and Mr. Rice about how this information can be obtained during the District's bid process, Ortiz, Hodges, and Rice agreed to provide the information as part of items at the \$100,000 level and up.

Trustee Bilbray-Axelrod moved to recommend to the Board of Trustees that proposed revisions to the District's *Purchasing Policy* be adopted. There was no opposition and the motion carried.

The proposed Purchasing Policy is attached as Exhibit A.

**Public Comment
(Item V.)**

None.

**Adjournment
(Item VI.)**

Committee Chair Ortiz adjourned the meeting at 6:43 p.m.

Respectfully submitted,

Felipe Ortiz, Committee Chair

Las Vegas-Clark County
LIBRARY
DISTRICT

Purchasing Policy

Purpose:

The purpose of this policy is to establish guidelines for the Las Vegas-Clark County Library District (the "District") when procuring goods and services and entering into contractual agreements; and ensuring procurement activities are in full compliance with applicable laws.

Governing Nevada Revised Statutes:

NRS 332 – Purchasing: Local Governments and NRS 338 – Public Works.

Policy Statement:

The District's procurement practices are based on the principle of fair and open competition. Procurement procedures shall not restrict or eliminate competition. The practice of favoritism is not permissible. All parties involved in the procurement process have a responsibility to provide fiscal stewardship when expending District funds and to act in good faith. Requests to deviate from the provisions of this Policy shall be submitted to the Executive Director and approved by the Board of Trustees.

Conflicts of Interest:

Purchasing from or through employees of the District or through companies in which District employees have a financial interest, either directly or indirectly, is not permitted. The purchasing power of the District shall not be used for private advantage or gain. District officials and employees are prohibited from obtaining a direct benefit from any contract in which they are involved on behalf of the District. District officials and employees are prohibited from influencing or attempting to influence award of contracts, soliciting, or receiving gifts or rewards for recommending.

Procurement Categories:

Goods and Services, Construction (Public Works), and Professional Services.

Procurement Methods:

Procurements shall be made using one of the following methods: Invitation to Bid, Request for Proposals, Request for Statement of Qualifications, Request for Quotation; or other accepted method that complies with the provisions of NRS 332 and NRS 338.

Disadvantaged Business Enterprises and Emerging Small Business Enterprises:

With equity and fairness, the District shall encourage Disadvantaged Business Enterprises (DBE) and Emerging Small Business Enterprises (ESB) to participate in the District's procurement processes (no contract award percentages are implied) by:

- 1) Performing continuous outreach efforts:
 - a. Publish information in community-based newspapers
 - b. Send solicitation and bid notices to community-based Chambers of Commerce
 - c. Participate in local events intended to assist these types of business enterprises.
- 2) Actively invite DBEs and ESBs to submit an offer in response to a solicitation.
- 3) The District shall ensure that its procurement process includes a good faith effort to utilize minority and women-owned business enterprises.

The Purchasing and Administration Department shall compile and submit required ESB reports for the State Office of Economic Development and maintain current DBE and ESB vendor/contractor information.

For Public Works solicitations, a prime contractor utilizing subcontractors shall solicit bids from DBE and ESB subcontractors and submit evidence of that effort as part of the bid submission process.

Joinder/Mutual Use of Contracts by Governmental Entities:

In accordance with NRS 332.195, the District may enter into a contract pursuant to a solicitation by:

- 1) A governmental entity located within or outside the State of Nevada with the authorization of the contracting vendor;
- 2) The State of Nevada or another State with the authorization of the contracting vendor;
- 3) A Cooperative Purchasing Organization.

This section does not apply to contracts if a contractor's license issued pursuant to NRS 624 is required for any portion of the work to be performed under the contract.

Such contract usage shall be brought before the Board of Trustees for approval based on the contract amounts outlined under Board Approval of Contract Awards.

Board Approval of Contract Awards:

The Board of Trustees shall approve contract awards from informal and formal solicitations and contracts exempt from competitive solicitation for the following contract amounts:

- 1) Goods and Services contracts valued over \$75,000.
- 2) Construction (Public Works) contracts valued over \$175,000.
- 3) Professional Services contracts valued over \$50,000.

Contract awards for Library Materials do not require approval of the Board of Trustees

Procurement Guidelines (minimum requirements):

GOODS AND SERVICES	
The procurement of goods and services shall comply with the provisions of NRS 332 and the District's Purchasing Policy.	
Contract Amount	Procurement Process
Under \$1,000	Discretion of authorized staff while ensuring best value.
\$1,000 - \$5,000	Informal Solicitation Required: Obtain documented verbal offers from two (2) or more persons, when possible.
\$5,001 - \$50,000	Informal Solicitation Required: Obtain written offers from two (2) or more persons including at least one (1) DBE or ESB, when possible and available. Informal solicitation statement recommended.
\$50,001 - \$100,000	Informal Solicitation Required: Obtain written offers from two (2) or more persons including at least one (1) DBE or ESB, when possible and available. Informal solicitation statement required. Shall be coordinated through the General Services - Purchasing and Administration Department.
\$100,001 +	Formal Solicitation Required: Formal solicitation statement and advertising required. Shall be coordinated through the General Services - Purchasing and Administration Department.
Contract amounts stated above are per fiscal year.	
When it is evident or appears likely that, during a fiscal year, the cumulative purchase amount of similar goods or services from either a single vendor or multiple vendors, will exceed \$100,000, a Formal Solicitation is required.	
In emergency situations, verbal offers should be solicited in so far as practical under the circumstances.	
Names of DBE and ESB vendors/contractors shall be provided by the General Services - Purchasing and Administration Department upon request.	

CONSTRUCTION (PUBLIC WORKS)	
The procurement of services for new construction, alteration, repair (other than ordinary maintenance), improvement, or reconstruction of District buildings shall comply with the provisions of NRS 338 and the District's Purchasing Policy.	
Contract Amount	Procurement Process
\$25,000 or less	Solicit a bid from at least one (1) properly licensed contractor.
\$25,001 – \$100,000	Solicit bids from at least three (3) properly licensed contractors including at least one (1) DBE or ESB, when possible and available. Requires informal solicitation statement. Shall be coordinated through the General Services - Purchasing and Administration Department.
\$100,001 +	Advertised Bid or other accepted method that complies with the provisions of NRS 338. Prevailing Wage Rates required. Requires formal solicitation statement. Shall be coordinated through the General Services - Purchasing and Administration Department.

<p>PROFESSIONAL SERVICES (Exempt from Competitive Solicitation)</p> <p>The procurement of professional services shall comply with the provisions of NRS 332 and the District's Purchasing Policy.</p>
<p>Although exempt from competitive solicitation, this section does not prohibit the Executive Director or an authorized District employee from using any appropriate procurement method.</p>
<p>When a formal solicitation is appropriate and/or desirable, a Request for Proposals (RFP) or Request for Statement of Qualifications (RFO) procurement method shall be used. Requires a formal solicitation statement and advertising. Shall be coordinated through the General Services - Purchasing and Administration Department.</p>

<p>EXCEPTIONS TO COMPETITIVE SOLICITATION PROCESS (In accordance with NRS 332)</p>
<p>Contracts not adapted to award by a competitive solicitation include contracts for:</p>
<ul style="list-style-type: none"> ▪ Professional Services
<ul style="list-style-type: none"> ▪ Items which may only be contracted from a sole source.
<ul style="list-style-type: none"> ▪ Perishable Goods
<ul style="list-style-type: none"> ▪ Insurance
<ul style="list-style-type: none"> ▪ Books, instructional materials, library materials, and subscriptions.
<ul style="list-style-type: none"> ▪ Goods or services purchased from organizations or agencies whose primary purpose is the training and employment of persons with disabilities.
<ul style="list-style-type: none"> ▪ Hardware and associated peripheral equipment and devices for computers.
<ul style="list-style-type: none"> ▪ Software for computers.
<ul style="list-style-type: none"> ▪ Maintenance and support for: 1) hardware and associated peripheral equipment and devices for computers; and 2) software for computers.
<ul style="list-style-type: none"> ▪ Equipment containing hardware or software for computers.
<ul style="list-style-type: none"> ▪ Additions to and repairs and maintenance of equipment which may be more efficiently added to, repaired, or maintained by a certain person.
<ul style="list-style-type: none"> ▪ Equipment which, by reason of the training of the personnel or of an inventory of replacement parts maintained by the District is compatible with existing equipment.
<ul style="list-style-type: none"> ▪ The design of, and equipment and services associated with, systems of communication.
<ul style="list-style-type: none"> ▪ Emergency Contracts*
<p>Although exempt from competitive solicitation, this section does not prohibit the Executive Director or an authorized District employee from advertising for or requesting offers.</p>
<p>*When the health, welfare, or safety of staff or the public is in jeopardy, the Executive Director or other member of the Executive Council may authorize a procurement without the use of a competitive solicitation process. The nature of any such emergency shall be documented and reported to the Board of Trustees at their next regularly scheduled meeting.</p>

Delegation of Authority:

The Executive Director has discretion to authorize delegation of authority for any permissible expenditure under this policy to designated District employees.

Policy Review:

This policy shall be brought before the Board of Trustees for review at least every two years to coincide with the biennial sessions of the Nevada Legislature (when statutory changes are typically made) or when administrative changes are recommended.

Operating Procedures:

The General Services - Purchasing and Administration Department shall establish, review, and update procedures as necessary to ensure compliance with this policy.

Records Retention:

The District shall maintain a record of each solicitation and response to a solicitation for at least seven (7) years after the date of execution of the contract.

Definition of Terms:

Contract: A written document such as a Purchase Order, Agreement for Services, or other document(s) securing goods or services for District use.

Cooperative Purchasing Organization: An organization that implements a cooperative arrangement to agree to aggregate demand on behalf of public entities for the purpose of obtaining lower prices from certain suppliers to reduce the costs of procurement.

Disadvantaged Business Enterprise (DBE): A for-profit small business where socially and economically disadvantaged individuals own and control at least 51% interest. African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and Women are presumed to be socially and economically disadvantaged.

Emerging Small Business (ESB): A small business certified as such by the State of Nevada Office of Economic Development.

Formal Offer: A competitive bid that must be submitted in a sealed envelope and in conformance with a prescribed format to be opened in public at a specified date and time.

Formal Solicitation: A solicitation that requires advertising and a formal sealed offer or proposal, public opening, and other formalities.

Governing Body: The Board of Trustees of the Las Vegas-Clark County Library District.

Informal Offer: A competitive bid, price quotation, or proposal for supplies or services that is conveyed by a letter, fax, e-mail, or other manner that does not require a formal sealed offer or proposal, public opening, or other formalities.

Informal Solicitation: A solicitation that requires documented competitive offers but does not require advertising or a formal sealed offer or proposal, public opening, or other formalities.

Invitation to Bid: Usually requested where the scope of work is detailed and clear and the client is requesting various companies provide a response in the same format. A bid will have more detail than an estimate or a quote.

Library Materials: Print and non-print materials collected, processed, and stored by libraries. They comprise books, periodicals, pamphlets, reports, microforms, maps, manuscripts, motion pictures, and all other forms of audiovisual records.

Offer: A verbal or written response to a solicitation submitted by a Responding Offeror.

Procurement: Purchasing, renting, leasing, or otherwise acquiring any materials, services, or construction; includes all functions that pertain to the acquisition, including description of requirements, selection, and solicitation of sources, preparation and award of contract, and all phases of contract administration.

Professional Service: A personal service which may legally be performed only pursuant to a license, certificate of registration, or other legal authorization (NRS 89.020.10) such as legal services, architectural and engineering services, insurance broker, investment management, auditing, etc.

Request for Proposals (RFP): A written document including all the information contained in estimates, quotes and bids but they allow the proposer to provide more information such as references, details about prior work, key staff, suggested solutions, and more. A Request for Proposal (RFP) usually involves submissions from multiple companies and the contract award takes all factors into consideration, not just lowest cost.

Request for Quotation: Provides a fixed price based on what is needed and should be provided in writing.

Request for Statement of Qualifications (RFQ): A written document most often used to solicit for a professional service and is used for a specific project or set of projects. The most qualified company, individual, or agency is selected and then fees are negotiated before a contract is signed.

Responding Offeror: A company or person who responds to a solicitation.

Solicitation: A written statement which sets forth the requirements and specifications of a contract to be awarded by an Invitation to Bid, Request for Proposals, Request for Statement of Qualifications, Request for Quotation; or other accepted method that complies with the provisions of NRS 332 – Purchasing: Local Governments and NRS 338 – Public Works.

Vendor: A company or person providing goods or services.