

## **McCarthy Area Council**

**Date of Adoption:** May 19, 2022

### **Procurement Policy**

The policy establishes standards and guidelines for the procurement of supplies, equipment, construction, and services to ensure that they are obtained as economically as possible through an open and competitive process, and that contracts are managed with good administrative practices and sound business judgment.

### **Code of Conduct**

A Code of Conduct shall govern the performance, behavior and actions of McCarthy Area Council, including Board members, employees, contractor, directors, volunteers, or agents who are engaged in any aspect of procurement, including, but not limited to, purchasing goods and services; awarding contracts and grants; or the administration and supervision of contracts.

1. No employee, contractor, officer, director, volunteer or agent of McCarthy Area Council shall participate in the selection, award or administration of a bid or contract supported if a conflict of interest is real or apparent to a reasonable person. Board members shall not accept any gifts intended to persuade/affect their vote.
2. Conflicts of interest may arise when any employee, contractor, officer, director, volunteer or agent of McCarthy Area Council has a financial, family or any other beneficial interest in the vendor firm or contractor selected or considered for an award.

### **Solicitation and Competition**

All procurement transactions will be conducted to provide free and open competition among suppliers and contractors. McCarthy Area Council must identify and clearly specify standards for the goods or services desired and seek competitive offers. In general:

- All opportunities to provide services of goods to McCarthy Area Council shall be advertised to the MAC membership through electronic postings and in public locations in the McCarthy-Kennicott Community, at minimum at the mail shack, for a period of at least two weeks before procurement decisions are made.
- For procurement of goods and services with a value under \$7,500, McCarthy Area Council officers may negotiate verbally with potential offerors and determine contract terms for one or more contractors to provide desired services.
- Once terms are agreed upon by MAC officers and potential contractors or vendors, MAC will use its contract template to execute the terms of the agreement prior to services or goods being delivered.

- An open competition for bids must be sought for goods and services exceeding \$7,500 with a request for proposals (RFP) authorized by the MAC Board of Directors advertised for a period of no less than two weeks through electronic and physical postings. The RFP must specify the scope of services to be procured, the period of performance, the estimated budget for the contract or purchase, the schedule for submitting bids, the process, timeline and criteria by which the successful bidder will be selected.
- Whenever possible, McCarthy Area Council must engage in affirmative efforts to use contractors and businesses operated in the McCarthy-Kennicott community, and in the Copper River Basin, other small businesses, minority-owned firms, and women-owned business enterprises.

### **Selection**

- Price should be one of the factors in the evaluation of responses, but McCarthy Area Council is not required to take the lowest price if other factors are important to the decision.
- There should be an objective method for selection, and any factors for evaluation and selection should be listed in the procurement documents.
- Awards shall be made to the bidder or offeror whose bid is responsive to the solicitation and is most advantageous to McCarthy Area Council (price, quality and other factors considered).
- A bid may be rejected when it is in McCarthy Area Council's interest to do so.

### **Contract Administration**

McCarthy Area Council has an overall system of contract administration to ensure proper oversight and management of procurement actions. McCarthy Area Council is responsible for evaluating contractor performance and documenting, as appropriate, whether contractors have met the terms, conditions and specifications of the contract. This may include scope of work discussions, progress inspections, interim products, inspection of goods delivered, and other such methods that provide assurance that the goods or services purchased are being delivered within the scope of the contract.

McCarthy Area Council's contract administration system must ensure that:

- The method of procurement is documented and records maintained for five years after final payment is made;
- All activities are carried out and costs are incurred in compliance with applicable requirements; and
- Before payment is made, services performed are adequate and consistent with the contract scope of services.