

1 **COMMISSIONERS MEETING**

2 **May 4, 2022**

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5 *YORK,ss*

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7 At a regular meeting of the County Commissioners of the County of York, begun and  
8 holden at the York County Government Building in Alfred, within and for the County of York,  
9 being held on Wednesday, May 4, 2022 A. D. at 4:30 P. M.

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12 **COMMISSIONERS PRESENT:**

- 13 Richard R. Dutremble -excused
- 14 Richard Clark
- 15 Robert Andrews
- 16 Allen Sicard
- 17 Donna Ring

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22 County Manager Gregory Zinser and Deputy County Manager Linda Corliss were present at the  
23 meeting.

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26 **YOU ARE INVITED TO RISE AND SALUTE THE FLAG OF THE UNITED STATES**

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30 **05-04-22 ITEM**

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32 **1 PUBLIC COMMENT(S) ON ANY ITEM(S)**

33 None

34  
35 **2 TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:**

- 36 a. Commissioners meeting of April 13, 2022
- 37 Commissioner Clark motioned to approve the minutes with corrections.
- 38 Commissioner Andrews seconded the motion. Vote 4-0.

39  
40 **3 TO APPROVE TREASURER’S WARRANTS**

- 41 a. Warrants to be approved on April 13, 2022, in the amount of \$619,093.38
- 42 Commissioner Clark motioned to approve the warrants. Commissioner
- 43 Andrews seconded the motion. Vote 4-0.
- 44 b. Warrants to be approved on April 20, 2022 in the amount of \$457,505.31
- 45 Commissioner Clark motioned to approve the warrants. Commissioner
- 46 Andrews seconded the motion. Vote 4-0.
- 47 c. Warrants to be approved on April 27, 2022 in the amount of \$1,303,825.16
- 48 (\$750k ARPA expenses)

49 Commissioner Clark moved to approve the warrant. Commissioner Andrews  
50 seconded the motion. Vote 4-0.  
51

52 **4 TO HEAR ANY REPORTS FROM THE COUNTY**  
53 **COMMISSIONERS**

54 None  
55

56 **5 NEW BUSINESS**

57 a. H.R. Director Linda Corliss to request approval for the following new  
58 hires:

59 i. Ellis Mattison III in the position of corrections officer in the Sheriff's Office  
60 with a start date of 5-6-22- Commissioner Clark motioned to approve the  
61 hiring of Ellis Mattison III in the position of corrections officer in the  
62 Sheriff's Office with a start date of 5-6-22.

63 Commissioner Andrews seconded the motion. Vote 4-0.

64 ii. Bo McLain in the position of corrections officer in the Sheriff's Office with a  
65 start date of 5-6-22- Commissioner Clark motioned to approve the hiring of  
66 Bo McLain in the position of corrections officer in the Sheriff's Office with a  
67 start date of 5-6-22. Commissioner Ring seconded the motion.

68 Discussion: Commissioner Clark asked if the first gentleman still has to go to  
69 the academy? H.R. Director Corliss replied, y as he attended previously in New  
70 York.

71 Commissioner Clark asked how many vacancies (corrections officers)? H.R.  
72 Director Linda Corliss replied that the jail is pretty much in the same spot as  
73 last summer as far as vacancies. She added that they have been at a lot of job  
74 fairs. Vote 4-0.

75 b. Christina Howe of RHR Smith & Company Auditing Firm to present (via  
76 ZOOM) York County 'FY 2021 budget- via ZOOM

77 Christina Howe from RHR Smith & Company presented the audit via a PowerPoint  
78 presentation (included with minutes as record). Ms. Howe explained that a Federal  
79 compliance audit was required due to Federal expenditures of \$750,000 or more  
80 triggering a Federal audit. No deficiencies or weaknesses were found, explained  
81 the auditor.

82 Christina Howe reviewed the Management letter and pointed out one of the items is  
83 the recommendation that the Finance Office needs some additional staffing. She  
84 continued that it is a lot for the staff to stay on top of all the reconciliation that  
85 needs to be done.

86 Another item mentioned in the management letter is the need for York County to  
87 adopt a Procurement policy. She advised that York County will want to be sure this  
88 (procurement policy) follows Federal compliance. Ms. Howe added that York  
89 County will have compliance testing the next few years, so this item has some  
90 urgency.

91 County Manager Greg Zinser replied that we do have a draft, but our attorney  
92 wanted to review it one more time. He added that he hopes to have that by next  
93 week. The County Manager explained to the Commissioners that's why they are  
94 being asked to approve the RFQ tonight.

95 Commissioner Clark asked what about the other issues in the management letter?  
96 County Manager Zinser stated that our response is we agree with them and that  
97 they are largely due to manpower issues. The audit occurred when we had minimal  
98 staffing. As we move forward, we probably need to be bringing on someone else

99 in the future. A lot of work has been placed on a very small finance department.  
100 He added that he will probably put that in next year's budget.

101 Commissioner Sicard commented thanked Christina Howe.

102 Commissioner Ring asked about the civil process account. County Manager Zinser  
103 explained that is a separate fund. He added that the fund is in a deficit. We will be  
104 presenting the Commissioners with a list of deficit accounts to clean up.

105  
106 Commissioner Ring asked if there were any deficits in reimbursable accounts.

107 County Manager Zinser said that we would have to go back and look.

108 Commissioner Ring asked was there a deficit from the year before? Finance  
109 Director Lemieux responded, yes, (speaking about civil process) some of it was  
110 from 2020 but most from 2021. We kept them (civil process employees) employed  
111 during COVID, explained County Manager Zinser.

112  
113 Commissioner Clark moved to accept the 2021 audit. Commissioner Andrews  
114 seconded the motion. Vote 4-0.

- 115  
116 a. Review and seek Commissioner approval on RFQ's for Architectural and  
117 Engineering Services- County Manager Zinser explained that three  
118 companies responded that they were interested in submitted a response but  
119 only one company ended up submitting a proposal. We did advertise in  
120 newspapers in York County and on our website. Request to the Board is that  
121 you would award the RFQ to Lassell Architects and then we would seek a  
122 contract for you to approve, explained the County Manager. Commissioner  
123 Ring asked if this is ARPA funds? County Manager Zinser replied, yes, for  
124 engineering.

125 Commissioner Clark motioned to award and approve the rfq to Lassell  
126 Architects and to authorize the County Manager to enter into discussion for  
127 costs of a contract. Commissioner Andrews seconded the motion. Vote 4-0.

- 128  
129 b. Commissioner approval on Sheriff's Office forfeiture request-  
130 Commissioner Sicard read the motion (included as record). Commissioner  
131 Ring seconded the motion. Vote 4-0.

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134 **6 OLD BUSINESS**

- 135 a. ARPA Federal Expenditure report- County Manager Zinser referred to the  
136 quarterly report submitted to the Federal Government for the period of  
137 January through March.  
138 ARPA Financial Project Manager Dave Nalchajian, Sr. explained that My  
139 Place Teen Center and Fairtide projects are off and running. Fairtide closed  
140 on their property.  
141  
142 b. Update on Budget Committee- County Manager Zinser informed all that the  
143 budget committee will hold their meeting on Saturday, May 7th at 8:30 a.m.  
144 We hope to get it done in one day, he stated. Only 8 of 15 seats were filled so  
145 the decision was made to go with a Saturday. There will still need to be a  
146 Public Hearing.  
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- 7 TO CONDUCT AN EXECUTIVE SESSION ON PERSONNEL ISSUES PURSUANT TO 1 M.R.S.A. §405 (6) (A), ACQUISITION OF REAL PROPERTY OR ECONOMIC DEVELOPMENT PURSUANT TO 1 M.R.S.A. § 405 (6) (C), LABOR NEGOTIATIONS PURSUANT TO 1 M.R.S.A. § 405 (6) (D) AND CONSULTATION WITH LEGAL COUNSEL PURSUANT TO 1 M.R.S.A. § 405 (6) (E), REVIEW OF CONFIDENTIAL RECORDS PURSUANT TO 1 M.R.S.A. § 405 (6) (F)**
- a. Enter into executive session pursuant to 1 M.R.S.A. § 405 (6) (D) labor negotiations.
- Commissioner Clark motioned to enter into executive session. Commissioner Andrews seconded the motion. Vote 4-0.
- Commissioner Clark motioned to come out of executive session. Commissioner Andrews seconded the motion. Vote 4-0.
- No action taken.
- 8 PUBLIC COMMENT(S) ON ANY ITEM(S)**  
**\*\*\*HEARD BEFORE ITEM #7\*\*\***
- None
- 9 ADJOURN**
- Commissioner Clark motioned to adjourn. Commissioner Andrews seconded the motion. Vote 4-0. Meeting adjourned at 5:35 p.m.

# COUNTY OF YORK PURCHASING PROCEDURES

## Section I Expenditure of County and State Funds

### I. PURPOSE

This document sets forth e-purpose-of-this-purchasing-procedure-is York County's policy and procedure for all purchases made with County and State funds. The purpose of this procedure is as follows:

- 1) to procure materials, supplies, equipment and services best suited to the job which the department has to perform, without adversely affecting department operation.
- 2) to procure the correct quantities of items required.
- 3) to insure goods and services are in the hands of the department when and where needed.
- 4) to obtain goods and services at the best interest of the County.
- 5) to obtain critical materials when required to meet emergencies.
- 6) to dispose of unneeded inventory.

### II. DEFINITIONS

- 1) ADVERTISING: A form of public notice of an intended purchase.
- 2) BEST KNOWLEDGE PROCUREMENT: Purchases of small quantities of goods or services based on the department's knowledge of the best sources for such purchases when other forms of competitive procurement are not cost effective.
- 3) COMPETITIVE PROCUREMENT: Any process for acquiring goods or services in which more than one (1) individual or company is solicited to propose price and delivery terms in such a manner as to encourage competition between prospective suppliers. Cooperative contract purchasing arrangements in which a third party has solicited RFP's, evaluated responses, and agreed upon vendors, products, pricing and delivery terms will satisfy the competitive procurement process described herein as well as the formal procurement process described below.
- 4) FORMAL PROCUREMENT: Formal procurement is characterized by request for prices and terms with written responses. The most formal procurement includes advertisement in appropriate publications or public bid openings.
- 5) GOODS: Anything purchased other than services or real property.
- 6) INFORMAL PROCUREMENT: The process in which proposals solicited by letter, telephone, fax or other means for relatively small purchases. A written record shall be kept of such procurement's consisting of, as a minimum, the names, dates and

prices received as well as any other information required to document the competitive aspects of the purchase.

- 7) NEGOTIATED PROCUREMENT: A process for acquiring goods and services in which the purchaser and seller negotiate any or all parts of the price and delivery terms. Negotiations may be part of the procurement process along with bidding.
- 8) PROFESSIONAL SERVICE: Infrequent, technical and/or unique functions performed by independent contractors by whose occupation is the rendering of such services. Contracts may be to partnerships, firms, or corporations as well as individuals. Examples would be architectural and engineering, management and system consultation and research.
- 9) PROPRIETY SERVICE: Work by independent contractors where the process is more important than the product. Contracts usually are to partnerships, firms or corporations rather than individuals. Examples are janitorial and custodial or maintenance and repair service.
- 10) PURCHASE ORDER: A purchaser's document to formalize a purchase transaction with a vendor.
- 11) SEALED BIDS: A form of competitive procurement in which sealed bids are solicited which are opened and read at a specific time and place and in which the other bidders have no knowledge of the specific price and delivery proposals of the other bids until bid opening.
- 12) SERVICES: Work performed to meet a demand; especially work that is not connected with a manufacturing process, such as a professional service or proprietary service.
- 13) SOLICITATION: Solicitation is the process by which vendors are requested to propose terms and conditions for an item or service which is proposed to be purchased. For the purposes of this policy cooperative contract purchasing arrangements satisfy the solicitation obligation.
- 14) SPECIFICATIONS: A description of the goods and services to be procured. For the purposes of this Administrative Policy, a specification shall be as general as possible and shall describe the performance of the good or service as much as possible. Where a specification contains a reference to a specific product or firm, it shall be interpreted as being functionally equivalent to that firm or product unless explicitly stated otherwise.

- III. **SPECIFICATION REQUIRED**: Specifications will be prepared for all purchases whenever possible and in all cases where any single item in the purchase is estimated to have a cost in excess of \$10,000.00. Specifications shall be in writing for all formally advertised bids. County Commissioners may waive written requirement for cause. The justification for such waiver shall also be in writing.
- IV. **ADVERTISING**: Solicitations shall be given the widest advertisement appropriate for the proposed purchase. This may be done through the media, magazines, professional publications or public notice, such as Commissioners' meetings, etc. Due consideration shall be given to the nature of the item or service and the media, magazine or professional publication which probable vendors might be expected to be exposed to. Advertisements shall contain a succinct summary of the item or service, the location of detailed specifications, if any, and the requirements for bid submittal. For products obtained through a cooperative contract purchasing arrangement, the advertising conducted by the third party company to solicit bids shall be considered sufficient to satisfy this requirement.
- V. **BID AND TABULATION**: Unless otherwise agreed by the Board of Commissioners, proposals shall be opened at a meeting of the Board of Commissioners at the time and place designated in the solicitation, and the proposals shall become public record made known to the public and as designated. The County Manager and appropriate Department Leader will review the bids and make recommendations to the Board of Commissioners.
- VI. **AWARD**: All purchases over \$25,000.00 for which formal proposals have been taken shall be awarded by the Board of Commissioners. In all cases the Board of Commissioners shall reserve the right to award proposals to vendors whose combination of price, product and performance history are determined to be in the best interest of the County, including those made under a cooperative contract purchasing arrangement. The County reserves the right to accept or reject any or all proposals at any time for any reason and to waive any formalities.
- VII. **BID AND PERFORMANCE BONDS**: When specified in the solicitation, the successful vendor shall produce an acceptable performance or surety bid bond at the time of bid opening. If a performance or surety bond is required, it shall be presented prior to execution of any contract.
- VIII. **REQUIREMENTS FOR COMPETITIVE PROCUREMENT**: Competitive procurement is strongly encouraged for all purchases, and as indicated above cooperative contract purchasing arrangements satisfy this requirement. The table below contains the minimum requirements for complying with the various complexities of the procurement process.

#### **COST THRESHOLDS**

<u>Amount Involved</u>	<u>Min. Competition</u>	<u>Approved by:</u>
Up to \$10,000.	Best Knowledge	Dept. Leader & County Manager
\$10,001 - \$24,999.	Informal	Dept. Leader & County Manager
\$25,000 or more	Formal	Board of Commissioners

IX. **EMERGENCY BUYING**: An emergency purchase is a purchase which is essential to prevent delays in work which might affect the safety, health or convenience of the community. Permission for emergency purchasing shall be obtained from the County Administrator and a written report of such action filed with the County Manager within three (3) days of such action and the report will be provided to the Board of Commissioners.

X. **ABSENCE OF SECOND FORMAL PROPOSAL**: Where there is only one formal proposal received, the County Manager will determine appropriate action to be taken.

XI. **PURCHASE ORDERS**: Purchase orders are required on all purchases. When purchase orders are used, they can also be used for payment authorization after you have received the goods or service. Funds will be numbered when Purchase Orders are used.

XII. **SERVICES**: Professional and Proprietary Services, including engineering, architectural, auditing, legal, janitorial, data software, heavy equipment operators and other services commonly considered professional, may be secured through negotiated or competitive procurement. Professional and Proprietary Service agreements should be on a fixed basis for a clearly defined scope of work whenever possible.

XIII. **COOPERATIVE CONTRACT PURCHASING**: Where prices on goods or services have been determined by competitive procurement by an agency of the State of Maine or any other entity or third party through which the County may purchase on a cooperative basis, that price shall be considered sufficiently competitive for the purchase of authorized items obtained as outlined above. This specifically includes equipment and supplies available through bidding of the State of Maine, Department of Transportation and similar agencies for trucks, cars and related equipment, as well as other products that may be obtained through a third party and its cooperative contract purchasing. Every effort will be made to encourage local contractors to bid on project(s).

XIV. **DISPOSAL OF COUNTY PROPERTY**: When an item is surplus to the needs of a department, it shall first be made available to other departments in the County for their use. Transfer of equipment between departments shall be recorded in the General Fixed Assets Group of Accounts (if applicable). If an item is surplus and not required by another department, it may be made available to cities, towns, or non profits in the county or it may be made available for advertised bid or auction. Sale by bid or auction will be approved by the Board of Commissioners before transfer of property. The County may reject any and all bids or auction offers.

XV. **SOLE SOURCE PURCHASE**:

1) In all circumstances where, in the County Manager's judgment it is in the best interest of the County to negotiate purchases of an item from a single vendor and the item costs in excess of \$10,000., the County Administrator shall present the Board of Commissioners with



information describing why a "sole source" purchase is in the best interests of the County. This information shall be presented to the Board prior to requesting a formal proposal from the vendor. Upon receipt of the information, the Board may request a work session to discuss the proposed purchase.

- 2) In circumstances where the purchase is less than \$10,000, the Department asking the purchase from a single vendor must justify the purchase in writing to the County Manager.

#### XVI. **BIDDERS LIST**

The County may maintain a Bidders List by trade, service and commodity. Companies and individuals qualifying for this list shall be notified whenever the County is seeking competitive bids for their particular trade, service or commodity.

#### XVII. **QUANTITY PURCHASES**

- 1) Whenever the County anticipates purchasing substantively the same goods or services on multiple occasions or for multiple locations or departments, and the total amount of such purchases, if aggregated, would qualify for a higher "Cost Threshold" as defined in Section VIII, the bidding procedure associated with the higher "Cost Threshold" will be used, whether the actual purchases to be made individually or in quantity.

- 2) The County will consolidate purchases of similar items to take advantage of quantity discounts whenever possible.

#### XVIII. **WAIVER**

A majority of the Board of Commissioners may waive the requirements of this policy when, in judgment of the Board of Commissioners, it is in the best interest of the County, provided such waiver is the result of a majority vote of the Board of Commissioners at a regular meeting.

**COUNTY OF YORK PURCHASING PROCEDURES  
SECTION II  
EXPENDITURE OF FEDERAL FUNDS**

**I. Purpose**

The purpose of this Policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract.

**II. Policy**

- A. Application of Policy.** This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or reimbursed). The requirements of this Policy also apply to any subrecipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

- B. Compliance with Federal Law.** All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200.326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. York County will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should York County adopt more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.

**Contract Award.** Contracts shall be awarded in a manner consistent with this Policy and applicable law. In order to be awarded to the lowest responsive responsible bidder, the bidder must have the ability to perform successfully under the terms and conditions of the contract. A responsible bidder/offeror must:

- Have adequate financial resources to perform the contract, or the ability to obtain them;
- Have the necessary organization, experience, and operational controls, and technical skills, or the ability to obtain them;
- Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them;

- Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all the bidder's/offeror's existing commercial and governmental business commitments;
- Have a satisfactory performance record;
- Have a satisfactory record of integrity and business ethics; and
- Be otherwise qualified and eligible to receive an award under applicable laws and regulations, including not be suspended or debarred.

York County shall conduct research to determine that a prospective contractor is responsible.

- C. **No Evasion.** No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- D. **Contract Requirements.** All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II.
- E. **Contractors' Conflict of Interest.** Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.
- F. **Approval and Modification.** The administrative procedures contained in this Policy are administrative and may be changed as necessary at the County Manager to comply with state and federal law.

### III. General Procurement Standards and Procedures:

Either the County Manager, the Finance Office or the Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

- A. **Necessity.** Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items. The County Manager, the Finance Office and/or the Requesting Department should consider checking with the federal surplus property agency prior to buying new items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.
- B. **Clear Specifications.** All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.

- C. Notice of Federal Funding.** All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- D. Compliance by Contractors.** All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.
- E. Fixed Price.** Solicitations must state that bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are prohibited. Time and materials contracts are prohibited in most circumstances. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a "Not to Exceed" amount. A time and materials contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds. The inclusion of value engineering clauses in contracts will be considered where appropriate.
- F. Use of Brand Names.** When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how the reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and "or equal" must be included in the description.
- G. Lease versus Purchase.** Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- H. Dividing Contract for M/WBE Participation.** If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.
- I. Documentation.** Documentation must be maintained which details the history of all procurements. The documentation should include the procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor's responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.
- J. Cost Estimate.** For all procurements costing \$250,000 or more, the County Manager, Finance Office and/or Requesting Department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained.

Cost estimates for construction and repair contracts may be developed by the project designer.

- K. Contract Requirements.** The County Manager must prepare a written contract incorporating the provisions referenced this Policy.
- L. Debarment.** No contract shall be awarded to a contractor included on the federally debarred bidder's list.
- M. Contractor Oversight.** The County Manager on behalf of the York County Commissioners must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.
- N. Open Competition.** Solicitations shall be prepared in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for "or equal" products, or other unnecessary requirements that have the effect of restricting competition.
- O. Geographic Preference.** No contract shall be awarded on the basis of a geographic preference.

#### **IV. Specific Procurement Procedures**

The County Manager shall use procurement procedures in accordance with the requirements under this Section of the Policy based on the type and cost of the contract.

- A. Contracts costing less than \$25,000** shall be procured using the Uniform Guidance "micro-purchase" procedure (2 C.F.R. § 200.320(a)(1)) as follows:
  1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable based on research, experience, purchase history or other information. The rationale should be documented in the file accordingly.
  2. To the extent practicable, purchases must be distributed among qualified suppliers.
  3. However, for construction work subject to 40 U.S. Code Chapter 31, the micro purchase is set at \$2,000. Prime construction contracts in excess of \$2,000 awarded by York County or its subrecipients must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 C.F.R. Part 5).
  4. This threshold is premised on York County's ability to continue to self certify as a low risk auditee on an annual basis in accordance with 2 CFR 200.320(a)(iv). In the event York County is no longer able to do so, the maximum amount for micro-purchases pursuant to this policy shall be \$10,000.

**B. Contracts costing more than the “micro-purchase” maximum amount but less than \$250,000** shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(a)(2)) as follows:

1. Obtain price or rate quotes from an “adequate number” of qualified sources (if a federal grantor agency issues guidance interpreting “adequate number,” it should be reviewed).
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
3. Cost or price analysis is not required prior to soliciting bids.
4. Award the contract on a fixed-price basis. However, a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible.
5. Award the contract to the lowest responsive, responsible bidder.
6. The County may also utilize this procedure for contracts below the applicable “micro-purchase” amounts in its discretion.

**C. Contracts costing \$250,000 and above** shall be procured using the formal procurement requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(b)(1)) as follows:

1. Cost or price analysis is required prior to soliciting bids.
2. Complete specifications or purchase description must be made available to all bidders.
3. The bid must be formally advertised in a newspaper of general circulation and on York County’s website for at least seven full days between the date of the advertisement and the date of the public bid opening. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the York County Commissioners the right to reject any or all bids only for “sound documented reasons.”
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
5. Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. Award the contract to the lowest responsive, responsible bidder on a fixed-price basis. Any and all bids may be rejected only for “sound documented reasons.”

**D. Requests for Proposals:** When the value of a contract is more than \$250,000 and conditions are not appropriate for the use of sealed bids (such as for professional services including consulting, construction management, estimating, or other technical or specialized services), a fixed price or cost-reimbursement contract may be awarded using the requirements of the Uniform Guidance “proposals” procedure (2 C.F.R. § 200.320(b)(2)) as follows:

1. Cost or price analysis is required prior to issuing an RFP.

2. RFPs are to be publicized and identify all evaluation factors and their relative importance.
3. Proposals are to be solicited from an adequate number of qualified sources.
4. The County will use a written method for the evaluation and selection process.
5. The contract is to be awarded to the responsible offeror whose proposal is most advantageous to the County with prices and other factors considered.
6. With respect to architectural/engineering professional services, an offeror's qualifications are to be evaluated without price as a factor and may be selected subject to the negotiation of fair and reasonable compensation.

**E. Contract Types and Modifications:** York County contracts shall not use cost plus percentage of cost or percentage of construction cost contract methods, and its contracts shall not contain any cost plus percentage of cost or percentage of construction cost provisions.

A fixed price contract provides for a price that is not subject to any adjustment on the basis of the contractor's cost experience in performing the contract. It provides maximum incentive for the contractor to control costs and perform effectively and imposes a minimum administrative burden upon the contracting parties. Fixed-price (either "lump sum" or "unit price") contracts are used when there will likely be effective competition based on a complete product description and clear plans and specifications. Firm-fixed price contracts are appropriate when there are not any significant technical or engineering unknowns, and is suitable for construction, acquiring commercial items, or acquiring other supplies or services on the basis of reasonably definite functional or detailed specifications when the County can establish fair and reasonable prices at the outset.

A cost-reimbursement contract is appropriate when it is not feasible to award a fixed price contract. A cost reimbursement contract provides for payment of allowable incurred costs, to the extent prescribed in the contract. These contracts establish an estimate of total cost for the purpose of obligating funds and establishing a ceiling that the contractor may not exceed (except at its own risk) without the approval of Commissioners Court. York County shall use cost-reimbursement contracts only when: circumstances do not allow the County to define its requirements sufficiently to allow for a fixed-price type contract; or uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to use any type of fixed-price contract. Cost-reimbursement contracts will be used when uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to use any type of fixed-price contract.

York County may use time and material type contracts only after a determination that no other contract is suitable. Therefore, York County shall ensure a ceiling price is set for each such contract that the contractor exceeds at its own risk. York County shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Modifications to contracts may be made, via formal amendment to the contract, due to changes in conditions, scope, duration, cost, or any of the terms of the contract. For

an amendment to be valid, it must be in writing, signed, and attested by both York County and the contracting party and attached to all original contract documents.

**F. Bonding/Guarantee Requirements:** For construction or facility improvement contracts exceeding \$250,000, the following bonding/guarantee requirements are as follows:

A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor’s requirements under such contract.

A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

## **V. Exceptions**

Non-competitive contracts are allowed **only** under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds procedure (2 C.F.R. § 200.320(c)):

- A. Sole Source.** A contract may be awarded without competitive bidding when the item is available from only one source. The County Manager shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the York County Commissioners.
- B. Public Exigency.** A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.
- C. Inadequate Competition.** A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.
- D. Federal Contract.** A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.



**E. Awarding Agency Approval.** A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.

**VI. Domestic Preferences**

Consistent with 2 C.F.R. § 200.322, preference will be given for the purchase, acquisition, or use of goods, products or materials produced in the United States.



## COUNTY OF YORK

*Robert L. Andrews, Vice-Chair  
District 1*

*Richard R. Dutremble  
District 2*

*Allen R. Sicard, Chair  
District 3*

*Donna L. Ring  
District 4*

*Richard Clark  
District 5*

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*Gregory T. Zinser  
County Manager*

*Kathryn A. Dumont  
Assistant to the Manager*

*Linda M. Corliss  
Deputy County Manager  
Human Resource Director*

*Lorene B. Lemieux  
Finance Director*

## MEMO

TO: Board of Commissioners  
FROM: Finance Director Lori Lemieux  
DATE: May 11, 2022  
RE: Deficit Audit Balances

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Due to the completion of the Fiscal Year 2021 Audit, I am requesting that we transfer funds for five of the identified deficiencies.

- 1) Transfer funds from the Payroll Liability Reserve Fund to Fund 2110 Victim Witness Advocates Fund in the amount of \$35,329.34. This deficit is the result of a County Match Adjustment that was missed in a previous year.
- 2) Transfer funds from the Payroll Liability Reserve Fund to Fund 2500 Civil Process in the amount of \$29,663.15. This deficit is the result of the loss of revenue during the pandemic.
- 3) Transfer funds from the Payroll Liability Reserve Fund to Fund 2543 Ride Team Grant in the amount of \$829.13. This deficit is the result of missing information in the reimbursement request.
- 4) Transfer funds from the Payroll Liability Reserve Fund to Fund 2546 US Govt Agency Assist Fund in the amount of \$10,476.99.
- 5) Transfer funds from the Payroll Liability Reserve Fund to Fund 2520 Reimbursable Sheriff Services in the amount of \$18,828.76.

These transfer requests total \$95,127.37.

COUNTY OF YORK, MAINE

NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2021

NOTE 17 - DEFICIT FUND BALANCES

The following funds have a deficit fund balance as of June 30, 2021:

Nonmajor special revenue funds:	
Victim of crimes act	\$ 35,329
Civil process	29,663
Reimbursable Sheriff services	29,969
Ride team program	829
US Gov't Agency Assist.	10,477
YCSO state forfeiture	1,388
Homeland security grants	142,944
YC fire admin	72
	<u>\$ 250,671</u>

Management may be asking the Board of Commissioners in fiscal year 2022 to consider a transfer from the general fund's unassigned fund balance to cover some of these nonmajor special revenue funds deficit fund balances.

NOTE 18 - RISK MANAGEMENT

The County is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; and natural disasters for which the County either carries commercial insurance or participates in a self-insured risk pool sponsored by the Maine County Commissioners Association. The Maine County Commissioners Association Group Risk Pool is a state-chartered pool established exclusively for Maine municipalities. The pool provides certain property, liability, fidelity and vehicle coverage. If the assets of the pool are at any time actuarially determined to be insufficient to enable the pool to discharge its legal obligations, other obligations and actuarially sound reserves, the pool has the power to make up the deficiency by the levy of a prorated assessment. There have been no deficiencies during the past three years and management believes that no deficiency exists at June 30, 2021.

The County's participation in the public entity risk pool is limited to the Maine Municipal Association - Worker Compensation Trust Fund ("Fund"). The Fund was created to formulate, develop and administer a program of modified self-funding for the Fund's membership, obtain lower costs for worker's compensation coverage and develop a comprehensive loss control program. The County pays an annual premium to the fund for its worker's compensation coverage. The County's agreement with the Fund provides that the fund will be self-sustaining through member premiums and will provide, through commercial companies' reinsurance contracts, coverage for claims in excess of \$1,000,000.

Thursday, April 14, 2022



York County Commissioner Donna Ring

46m · 🌐



The county commissioners passed a budget last night April 13th with almost no discussion at all last night. My concerns were the new positions and the raises for management and salaried positions which were well over what the union employee positions were receiving. Most Commissioners agreed the salaried employees were well worth it and they worked very hard and passed the budget which included substantial raises for them. I did not support the budget based on these raises. I appreciate all the hard work the salaried employees do for the county. However, it's the hourly people that work night and day seven days a week that get the job done. Most salaried employees barely work 40 hours a week and if they make a call from home it counts as work. In the sheriff's department the management have cars, radios, phones, etc so they barely have to show their face. During covid, sheriff Bill King set up a satellite home office so he didn't have to be exposed to the rest of the working peons. Unbeknownst to the taxpayers Sheriff King was providing pizza night, sandwich night, candy, ice cream, certificates, plaques all the through covid in appreciation of the employees dedication of work through covid. Know this.... Sheriff King did this all at the expense of the taxpayers. Bill King never paid for a thing out of his own pocket. Check the accounts. Everything and anything he did for employees was paid for by the taxpayers NOT Bill King. I was elected by the conservative people and the employees and I will continue to support them and ask the right questions. My problem is no commissioner wants to discuss anything I bring up and then they vote against me. I'm not giving up...I am just going to get louder but I really would love to have some support whether it's in person or on zoom.



Deidra Doyon and 8 others

2 Shares

Like

Comment

Share



May 13, 2022

Commissioner Ring,

We, as a unified York County Government Leadership Team, have composed this letter in response to your inappropriate Facebook Post written on April 14th. We all felt that your actions need to be addressed as it has impacted all of us that work here.

The tone and misinformation you elected to both author and share on your social media platform as 'York County Commissioner Donna Ring' was not only inaccurate, but disruptive to all the hard work York County Government employees do every day. We, as the leadership team, find it incomprehensible that you as an elected county commissioner, chose to use your platform to attempt to divide our workforce and foster a negative workplace environment within our departments. Your rhetoric is baseless and will only make us stronger as we continue to support all our employees to the best of our abilities.

We will continue to foster a positive and healthy workplace environment that is guided by respect and inclusion toward all employees, regardless of their title or job description. Comments made by you will not change that and we believe that our employees will recognize that and not feed into your negative agenda.

Our management team recognizes how important the York County Commissioners are to our government structure and the support that we need from them. Your misguided allegations are embarrassing and disrespectful to all York County employees and we hope you will work towards unifying our workforce and not dividing it.

Sincerely,

/s/Megan Arsenault

/s/Todd Charles

/s/Wendy Caiazzo

/s/Arthur Cleaves

/s/Linda Corliss

/s/Richard deRochemont

/s/Kathryn Dumont

/s/Jeremy Forbes

/s/Jennifer Gosselin

/s/Casey Hartford

/s/Nancy Hammond

/s/Roger Hooper

/s/Jennifer Kern

/s/William King

/s/Lori Lemieux

/s/Carol Lovejoy

/s/Paul Mitchell

/s/Kathryn Slattery

/s/Nathan Thayer

/s/Gregory Zinser