

April 9, 2019

The Page County Board of Supervisors met in session on this 9th day of April 2019, with Alan Armstrong, Chuck Morris, and Jon Herzberg present. On a motion by Morris, seconded by Herzberg, the board moved to approve the agenda. Present from the public was John VanNostrand and Kris Grebert.

King gave a roads update. On a motion by Herzberg, seconded by Morris, the board moved to approve the public hearing for the DOT budget for FY2020 and the 5 year construction plan. King went through the different bridges and road projects planned over the next five years. Although the upcoming work is on the west side of the county, there was extensive bridgework on the east side of the county from 2014 through 2019. On a motion by Morris, seconded by Herzberg, the board moved to close the public hearing. On a motion by Herzberg, seconded by Morris, the board moved to approve the DOT budget for FY2020. Morris included that just because there is money budgeted for building projects, these funds will be carefully spent once bids are received. On a motion by Morris, seconded by Herzberg, the board moved to approve the 5 year construction plan. King stated motor graders are out, and rock is being hauled. Crews are cutting brush on 270th and A Avenue. Wings were going to be pulled off trucks this week, but due to the snow in the forecast, King decided to wait. King will have bid packets for contractors available and published in the paper April 25th. Contractors will have two weeks to submit sealed bids on the project. All sealed bids will be due by May 13th at 4:00 pm. They will be opened at 9:00 am on May 14, 2019. King stated he met with Alliant to discuss the gas line running through the yard. Morris would like King to discuss the matter with the county attorney. On a motion by Morris, seconded by Herzberg, the board approved the server for the engineer's office.

On a motion by Morris, seconded by Herzberg, the board moved to approve the planting of a memorial tree in the courtyard on Arbor Day, April 26, 2019.

On a motion by Herzberg, seconded by Morris, the board moved to approve the Shenandoah meeting on May 21, 2019 at 4:00 pm.

On a motion by Morris, seconded by Herzberg, the board moved to approve Olsen and Bryant to attend the 40 hour training in one week, advising them to reduce hours in the following weeks.

The board will complete the flood policy for next week. On a motion by Herzberg, seconded by Morris, the board moved to approve applying for flood insurance using home rule authority.

RESOLUTION #23-2019

Applying for Flood Insurance using Home Rule Authority

WHEREAS, certain areas of Page County are subject to periodic flooding causing damages to properties within these areas; and WHEREAS, relief is available in the form of federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of this Board of Supervisors, to require the recognition and evaluation of flood hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Chapter 331, Code of Iowa.

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force in those areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 60 of the National Flood Insurance Program Regulations,
2. Vests Chuck Morris, Board of Supervisor, with the responsibility, authority, and means to:
 - a. Assist the Federal Insurance Administrator, at his request, in his delineation of the limits of the area having special flood hazards.
 - b. Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain areas.

- c. Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain areas, and cooperate with neighboring communities and the county with respect to management of adjoining flood plain areas in order to prevent aggravation of existing hazards.
 - d. When received from the Administrator, complete and submit those reports which advise the Administrator on the progress made within the community in the development and implementation of flood plain management measures.
 - e. Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or loss of authority to adopt and enforce flood plain management regulations for a particular area. Included in such notification will be a map of the community, suitable for reproduction, which clearly delineates the new or deleted areas.
3. Appoints Chuck Morris, Board of Supervisor, to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates any certificates of flood-proofing and information on the elevation (in relation to National Geodetic Vertical Datum) of the level of the lowest floor (including basement) of all new or substantially improved structures, and
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

ADOPTED AND PASSED by the Board of Supervisors of the County of Page this 9th day of April, 2019.

ATTEST:

Melissa Wellhausen
Page County Auditor

Alan Armstrong
Jon W. Herzberg
Chuck Morris
Page County Board of Supervisors

The board would like the safety position posted.

Rich Wallace, Terry Broyles, and Charly Stevens met with the board to discuss Pierce Creek. Herzberg stated he received a complaint regarding Pierce Creek. Broyles stated the primitive campground by the horse area at Pierce Creek is not being used. The conservation board approved to allow the equestrian area to go back to natural habitat.

On a motion by Morris, seconded by Herzberg, the board moved to approve the procurement policy, the fraud reporting policy, and the conflict of interest policy.

RESOLUTION #20-2019
PROCUREMENT POLICY

PURPOSE

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

APPLICATION

This policy applies to the procurement of all supplies, equipment, and construction and services of and for Page County that include any federal program funding. In regards to any such federal programs, all procurement will be done in accordance with 2 CFR; Part 200. Chapter 26 and Section 331.341 of the Iowa Code will be followed on all applicable purchases. All other appropriate sections of the Iowa Code shall also apply. When federal requirements conflict with local or state requirements, the federal requirement, or most restrictive requirement will be followed.

POLICY

METHODS OF PROCUREMENT

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

A. Micro-Purchase Procedures 200.320(a)

- i. The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold - \$10,000 (200.67)
- ii. To the extent practicable, must distribute micro-purchases equitably among qualified suppliers
- iii. May be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable

B. Small Purchase Procedures 200.320(b)

- i. Are those relatively simple and informal procurement methods for securing services, supplies, or other property that does not cost more than the simplified acquisition threshold - \$250,000 (200.88)
- ii. Price or rate quotations are to be obtained from an "adequate number" of qualified sources

C. Sealed Bidding (formal advertising) 200.320(c)

- i. Lowest priced, responsive, responsible, bidder WINS
- ii. The preferred method for construction when sealed bidding is "feasible", which is when certain conditions are present

- iii. Bids must be solicited from an "adequate number of known suppliers", providing them sufficient response time before date for the opening of bids
 - iv. Bids will be opened at the time and place prescribed in the invitation for bids
 - v. Must publicly advertise the invitation for bids
 - vi. Bids must be opened publicly
 - vii. Other procedural requirements at 200.320(c)(2)
- D. Competitive Proposals 200.320(d)
- i. Used when conditions are not appropriate for the use of sealed bids
 - ii. The appropriate method when more than one source is expected to submit an offer and either a fixed-price or cost-reimbursement type contract is awarded
 - iii. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with **price** and other factors considered
 - iv. Requests for proposals **must be publicized** and identify all evaluation factors and their relative importance
 - v. Proposals must be solicited from an adequate number of qualified sources
 - vi. Must have written method for conducting technical evaluations of the proposals received and for selection of the contract
- E. Noncompetitive Proposals 200.320(f)
- i. Procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - a. **One Source:** the item is available only from a single source
 - b. **Exigency/Emergency:** an exigency or emergency will not permit a delay resulting from competitive solicitation
 - c. **Awarding Agency Approval:** the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity
 - d. **Inadequate Competition:** after the solicitation of a number of sources, competition is determined inadequate

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

- A. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- B. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- D. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- E. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- F. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (a) through (e).

CONTRACT PRICING (200.323)

- A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- B. Page County shall perform some form of cost/price analysis for every procurement action, including contract modifications, amendments, or change orders. Page County shall make an independent estimate prior to receiving a bid or proposal.
- C. Page County shall negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. In determining a fair and reasonable profit, Page County must consider the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance and the industry profit rates in the surrounding geographical area.

PROCUREMENT RECORDS

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

- (a) Page County must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition.
- (b) Page County must make available upon request, for the Federal awarding agency or pass-through entity preprocurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
 - (1) Page County's procurement procedures or operation fails to comply with the procurement standards in this Part;
 - (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without

- competition or only one bid or offer is received in response to a solicitation;
- (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
 - (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
 - (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- (c) Page County is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this Part.
- (1) Page County may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;
 - (2) Page County may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from Page County that it is complying with these standards. Page County must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

AWARDED CONTRACTS

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

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

The employee, officer, or agent:

Any member of his/her immediate family;

His/her partner; or

An organization which employs, or is about to employ any of the above; has a financial or other interest in the firm selected for award.

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

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

Passed and adopted this 9th day of April, 2019.

ATTEST:

Melissa Wellhausen
Page County Auditor

Alan Armstrong
Jon W. Herzberg
Chuck Morris
Page County Board of Supervisors

RESOLUTION #21-2019
FRAUD REPORTING POLICY

2 CFR Part 200

200.113 Mandatory disclosures

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment.

If a County department or employee learns of a violation of federal criminal law involving fraud, bribery, or gratuity potentially affecting a federal grant, the department or employee must report the violation to: the Page County Board of Supervisors.

The above named are responsible for reporting the violation to the relevant federal agency or pass-through agency in writing and in a timely matter.

ATTEST:

Melissa Wellhausen
Page County Auditor

Alan Armstrong
Jon W. Herzberg
Chuck Morris
Page County Board of Supervisors

RESOLUTION #22-2019
CONFLICT OF INTEREST POLICY

In addition to State of Iowa, and Local codes, applicable to Conflict of Interest, the following policy, pertaining to Federal Funds shall be applicable.
Per 2 CFR Part 200.112 Conflict of Interest

The Federal awarding agency must establish conflict of interest policies for Federal awards. The non-Federal entity must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy. And per 2 CFR Part 200.319 (c)(1) General Procurement Standards

The non-Federal entity must maintain written standards of conflict covering conflicts of interest and governing the actions of its employees and engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.

Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

However, the non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

To the extent permitted by federal, state, or local laws or regulations, violations of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against officers, employees, or agents.

Passed and adopted this 9th day of April, 2019.

ATTEST:

Melissa Wellhausen
Page County Auditor

Alan Armstrong
Jon W. Herzberg
Chuck Morris
Page County Board of Supervisors

On a motion by Morris, seconded by Herzberg, the board moved to approve the minutes of April 9, 2019.

With no further business, the Board adjourned at 11:15 am and will meet again Tuesday, April 16, 2019.

Alan Armstrong, Chairman
Page County Board of Supervisors

Melissa Wellhausen
Page County Auditor
