

February 4, 2020

Seward County Board of Commissioners

State of Nebraska)
County of Seward) ss.

A regular meeting of the Seward County Board of Commissioners was convened in open and public session at 8:30 a.m. on February 4, 2020 in the Commissioner's room at the Seward County Courthouse. Notice of the meeting was posted on the Courthouse bulletin board and on the Commissioner's Room door. The agenda for all meetings is kept continually current and is available for public inspection at the County Clerk's Office during normal business hours. The agenda is held open until one business day prior to the meeting for appearance before the Board. The Board of Commissioners has the right to modify the agenda to include items of an emergency nature only at such public meeting.

The Seward County Board of Commissioners convened on February 4, 2020 at 8:30 a.m.

Present: Chairperson: John Culver
Members: Bob Vrbka, Ken Schmieding, Becky Paulsen
County Clerk: Sherry Schweitzer
Absent: Member: Mike Mundhenke

The Chairperson noted that the public meeting information is posted as required by law and available for public distribution if requested.

The Pledge of Allegiance was recited.

Moved by Paulsen and seconded by Vrbka to approve the minutes of January 28, 2020.

Affirmative Vote: Paulsen, Vrbka, Culver

Abstain: Schmieding as he was not at said meeting

Motion Carried

Those officials present and giving information of their current office activities during their monthly meeting with the Commissioners were: Gary Petersen, Barb Liska, Katrina Cole, Ann Dobesh, Carrie Gottschalk, Brea Ehmen, Kathy Ruzicka, Sherry Schweitzer, and Barb Armstead.

Jonathan Jank, Executive Director of Seward County Chamber & Development Partnership (SCCDP), updated the Commissioners on the activities of his organization.

Moved by Vrbka and seconded by Schmieding to approve the claims for the period through January 24, 2020 as follows:

CLAIMS THROUGH JANUARY 24, 2020

| | | | | | |
|-------------------------|----|-------------|--------------------------|----|------------|
| ADP LLC | FE | \$2,515.43 | MIDWEST OFFICE AUTOM | SU | \$56.99 |
| ADVANCED CORRCT HLTHCR | FE | \$6,598.76 | MIDWEST SPECIAL SERV | SE | \$171.00 |
| ADVANCED OFFICE AUTOM | SU | \$406.76 | MILES PARTNERSHIP | FE | \$3,000.00 |
| AMAZON CAPITAL SERVICES | SE | \$58.78 | MIPS INC | FE | \$579.68 |
| AMERICAN JAIL ASSOC | FE | \$680.00 | NE HEALTH & HUMAN SERV | FE | \$93.00 |
| AMERITAS LIFE INS CORP | FE | \$16,699.88 | NEBRASKA NOTARY ASSOC | FE | \$62.18 |
| KENNETH PANKOKE | SU | \$102.28 | NEBR PUB HLTH ENVIRON LB | FE | \$105.00 |
| BLACK HILLS ENERGY | UT | \$3,199.89 | NMC, INC | SE | \$416.06 |
| BLUE RIVER ELECTRIC LLC | SE | \$647.50 | OFFICE DEPOT | SU | \$132.14 |
| CAPITAL BUSINESS SYS | SU | \$292.03 | OFFICENET | SE | \$24.97 |
| CENTEC CAST METAL | SU | \$725.28 | OREILLY AUTOMOTIVE INC | SU | \$339.79 |
| CENTRAL SAND & GRAVEL | SU | \$7,862.50 | PAC N SAVE | SU | \$118.51 |
| CENTRAL VALLEY AG | SU | \$20,254.05 | PETTY CASH FUND | FE | \$100.00 |
| CITY OF SEWARD | UT | \$62.68 | POSTMASTER | SU | \$200.00 |
| CLEAN PRO CARPET CARE | SE | \$1,600.00 | POTTER REPAIR | SE | \$223.75 |
| COMFORT INN | TR | \$219.90 | RDO TRUCK CENTERS | SE | \$1,383.66 |

| | | | | | |
|------------------------------|----|-------------|---------------------------------------|----|--------------|
| CONCORDIA UNIVERSITY | FE | \$66.68 | REDWOOD TOXICOLOGY LAB | SE | \$296.25 |
| CONSOLIDATED MGMT | SE | \$46.53 | RJ KOOL | SE | \$225.73 |
| CONTINENTAL ALARM | SE | \$139.75 | ROSE EQUIPMENT INC | EQ | \$3,358.51 |
| CONTINUUM | SE | \$3,250.00 | SCHWARZ PAPER CO | SU | \$1,054.32 |
| CREATIVE PRODUCT SRCING | SU | \$320.76 | SEWARD LUMBER | SU | \$129.90 |
| D & J REPAIR | SE | \$35.50 | SIRCHIE ACQUISITION CO | SE | \$53.72 |
| GREGORY C. DAMMAN | SE | \$1,871.50 | SITE ONE LANDSCAPE SUPP | SE | \$291.81 |
| DELTA DENTAL OF NEBRASKA | SE | \$58.34 | SOARIN GROUP, LLC | SE | \$1,124.02 |
| EAKES OFFICE PLUS | SU | \$1,608.88 | SPORTS EXPRESS INC | SU | \$107.00 |
| ENGINEERED CONTROLS | SE | \$6,020.00 | SUMMIT FOOD SERV | SE | \$4,403.28 |
| KEARNEY HOSPITALITY | TR | \$219.90 | THE HOME DEPOT PRO | SU | \$1,114.84 |
| FASTENAL COMPANY | SU | \$178.35 | TRUCK VAULT INC | SE | \$29.60 |
| GALLS LLC | SE | \$475.72 | UNIVERSITY OF NEBRASKA | FE | \$18,511.51 |
| OLIVER J GLASS | SE | \$1,270.00 | UNIVERSITY OF NE-LINCOLN | FE | \$138.00 |
| GREAT PLAINS COMM | UT | \$1,068.95 | UNL PRINT AND COPY SERV | SE | \$93.06 |
| HELMINK PRINTING | SE | \$307.66 | VANGUARD APPRAISALS | SE | \$6,750.00 |
| HILLCREST WEDDING DECOR RENT | SE | \$707.00 | VERIZON CONNECT NWF | UT | \$830.75 |
| INDOFF INC | SU | \$593.16 | VERIZON WIRELESS SERV | UT | \$879.73 |
| J S WURM & ASSOC | FE | \$901.20 | VISA | FE | \$349.92 |
| JOHN DEERE FINANCIAL | FE | \$84.50 | VISION SERVICE PLAN INS | FE | \$23.29 |
| JONES AUTOMOTIVE | EQ | \$638.66 | WINDSTREAM | UT | \$99.21 |
| JONES BANK (FICA) | FE | \$16,894.21 | CANDICE C WOOSTER LAW | SE | \$913.80 |
| KERFORD LIMESTONE CO | SU | \$7,320.83 | SALARIES | | \$244,523.85 |
| KINER SUPPLY COMPANY | SU | \$840.68 | GROSS SALARIES INCLUDE DEDUCTIONS TO: | | |
| KIRBY ROTH INSURANCE | FE | \$50.00 | COLONIAL SUPPLEMENTAL INSURANCE | | |
| LAUBER FUNERAL SERV | SE | \$500.00 | MID AMERICAN CO WISCONSIN | | |
| LEE'S REFRIGERATION | SE | \$2,714.38 | DELTA DENTAL | | |
| MCHENRY HASZARD ROTH HU | FE | \$2,783.50 | VSP VISION | | |
| MEMORIAL HLTH CAR HOSP | SE | \$52.00 | WADDELL & REED | | |
| MIDWEST AUTO PARTS | SU | \$256.76 | | | |

Affirmative Vote: Vrbka, Schmieding, Paulsen, Culver

Motion Carried

Commissioners Reports:

Commissioner Vrbka reported he received a report from a constituent that water was over the road in his area.

Commissioner Culver reported he met with the Highway Supt., checked on road conditions and looked at legislative information concerning counties.

Commissioner Schmieding reported he worked on various correspondences.

Commissioner Paulsen reported she attended a BRIDGES meeting and attended the SCCDP Banquet.

Gary Petersen, Seward/York Emergency Manager, presented a procurement policy that needs to be adopted in order to receive his grant awards.

Moved by Paulsen and seconded by Vrbka to adopt the Seward County Grant and Loan Awards Procurement Policy.

Seward County Federal Grant and Loan Awards Procurement Policy

Adopted February 4, 2020

Ref: 2 CFR 200.317-326

(Uniform Guidance)

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. Seward County will follow all applicable local, state, and federal procurement requirements when expending federal funds. The County Purchasing Act is the applicable state law found at *Neb. Rev. Stat.* § 23-3103-§ 23-3115. Should Seward County have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.

C. Contract Award. All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.

D. 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.

E. 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.

F. Conflict of Interest. 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. Examples of a conflict of interest include, but not limited to: a. When an employee, officer, or agent of Seward County, or 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 or a tangible personal benefit from a firm considered for a contract.

b. The officers, employees, and agents of Seward County may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, Seward County reserves the right to set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.

A violation of this provision will result in disciplinary action, to include but not limited to termination of employment.

G. 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.

H. Approval and Modification. The Seward County Board may change these administrative procedures as necessary to comply with state and federal law.

III. General Procurement Standards and Procedures:

Either the Purchasing Official/Department or the Requesting Official/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 Purchasing Official/Department and/or the Requesting Official/Department should check with the Federal excess and surplus property agency prior to buying new equipment and property when feasible and reduces project costs. Strategic sourcing should be considered with other departments, agencies, interlocal agreements, the State of Nebraska, etc., 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. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if possible. The solicitation shall identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

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.

F. Time and Materials Contracts. Time and materials contracts are contracts whose cost to Seward County is the sum of:

- (i) The actual cost of materials; and
- (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Time and Materials contracts will not be used unless a determination has been made by the Purchasing Official/Department or Requesting Official/Department has determined that no other form of contract is suitable, and the contract includes a “**Not to Exceed**” amount. Time and Materials Contracts require a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

G. Use of Brand Names. When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how they 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.

H. Lease versus Purchase. Under certain circumstances, it may be necessary for the Purchasing Official/Department or the Requesting Official/Department to perform an analysis of lease versus purchase alternatives to determine the most economical approach.

I. 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 (M/WBE). The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.

J. Documentation. Documentation must be maintained by the Purchasing Official/Department and/or the Requesting Official/Department detailing the history of all procurements. The documentation should include the procurement method used, the rationale for the procurement method, 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.

K. Cost Estimate. For all procurements costing \$150,000 or more, the Purchasing Department 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.

L. Contract Requirements. The Requesting Department must prepare a written contract incorporating the provisions referenced in Section II.E of this Policy.

M. Debarment. No contract shall be awarded to a contractor included on the federally debarred bidder's list. The Purchasing Official/Department or the Requesting Official/Department must check the federally debarred bidder's list prior to awarding any contract.

N. Contractor Oversight. The Purchasing Official/Department or the Requesting Official/Department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.

O. 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: 1) Placing unreasonable requirements on bidders in order for them to qualify to do business; 2) Requiring unnecessary supplier experience, excessive or unnecessary bonding; 3) Noncompetitive contracts to consultants that are on retainer contracts; 4) Noncompetitive pricing practices between bidders or between affiliated companies; 5) Organizational conflicts of interest; 6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and 7) Any other unnecessary requirements that have the effect of restricting competition.

P. Geographic Preference. No contract shall be awarded on the basis of a geographic preference, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. This provision does not apply to state licensing laws.

A/E Services. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Q. Prequalified bidders. Seward County shall keep any list of prequalified persons, firms, or products which are used in acquiring goods and services current and include enough qualified sources to ensure maximum open and free competition. Also, Seward County will not preclude potential bidders from qualifying during the solicitation period.

R. Recoverable Materials. Seward County shall comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. Seward County will attempt to procure only items designated in guidelines of the Environmental Protection Agency (EPA) (40 CFR part 247) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

IV. Specific Procurement Procedures **

Either the Purchasing Official/Department or the Requesting Official/Department shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract.

A. Service Contracts (except for A/E professional services) and **Purchase Contracts costing less than \$10,000** shall be procured using the Uniform Guidance "micro-purchase" procedure (2 C.F.R. § 200.320(a)) as follows:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is fair and reasonable.

2. To the extent practicable, purchases must be distributed among qualified suppliers.

B. Service Contracts (except for A/E professional services) and **Purchase Contracts costing \$10,000 up to \$50,000** shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows: 1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the Requesting Department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued). Nebraska State Law requires at least 3 bids (*Neb. Rev. Stat. § 23-3108 (1)(b)*).

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 (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.

C. Service Contracts (except for A/E professional services) and **Purchase Contracts costing \$50,000 and above** shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (*Neb. Rev. Stat. § 23-3108 (1)(a)*) as follows: 1. Cost or price analysis is required prior to soliciting bids to include making an independent estimate before receiving bids or proposals. (See 2 C.F.R. § 200.323)

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 for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the Seward County Board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the Seward County Board 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. The Seward County Board approval is required for purchase contracts unless the County Board has delegated award authority to an individual official or employee. Any and all bids may be rejected only for “sound documented reasons.”

D. (RFP) Service Contracts Request for Proposals (except for A/E professional services) **costing \$50,000 and above** may be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)) when the “sealed bid” procedure is not appropriate for the particular type of service being sought. The procedures are as follows: 1. A Request for Proposals (RFP) must be publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an “adequate number” of qualified firms.

2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.

3. Identify evaluation criteria and relative importance of each criteria (criteria weight) in the RFP.

4. Consider all responses to the publicized RFP to the maximum extent practical.

5. Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.

6. Award the contract to the responsible firm with most advantageous proposal considering price and other factors identified in the RFP. The Seward County Board approval is not required.

7. Award the contract on a fixed-price or cost-reimbursement basis.

E. Construction and repair contracts costing less than \$10,000 shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is fair and reasonable.

2. To the extent practicable, contracts must be distributed among qualified suppliers.

F. Construction and repair contracts costing \$10,000 up to \$50,000 shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:

1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the requesting department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued). Nebraska State Law requires at least 3 bids (*Neb. Rev. Stat.* § 23-3108 (1)(b)).
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, although price estimates may be provided by the project designer.
4. Award the contract on a fixed-price or not-to-exceed basis.
5. Award the contract to the lowest responsive, responsible bidder. Seward County Board approval is not required.

G. Construction and repair contracts costing \$50,000 and above shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (*Neb. Rev. Stat.* §§ 23-3108-§23-3114) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate should be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Formally advertise the bid in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the Seward County Board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the Seward County Board 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 provided under 2 C.F.R. § 200.321.
5. Open the 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 and in paper form. A minimum of 3 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders (a bid that does not include a bid bond cannot be counted toward the 3-bid minimum requirement). Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.
8. Award the contract to the lowest responsive, responsible bidder. Seward County Board approval is required and cannot be delegated. The Seward County Board may reject any and all bids only for “sound documented reasons.”

H. Construction or repair contracts costing \$50,000 and above must comply with:

1. Any additional requirements under state law;
2. The State and Political subdivisions construction project requirements of *Neb. Rev. Stat.* § 81-3445, as amended;
3. Seward County Construction Management at Risk Contract Delivery System Policy when entering into a Construction Management at Risk Contract, in accordance with the Political Subdivisions Construction Alternatives Act (*Neb. Rev. Stat.* §§ 13-2901 to 13-2914).¹

¹ These policies are pursuant to Resolution 3111 adopted by the County Board on the 1st day of July 2014.

I. Contracts for Architectural and Engineering Services costing under \$150,000 may be procured using the “The Brooks Act” (40 USC 1101), and 23 CFR 172.5, requirements as follows:

1. Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321.
3. Evaluate the qualifications of respondents based on the evaluation criteria developed by the Purchasing Official/Department and/or Requesting Official/Department.

4. Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in-state (but not local) firms.
5. Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
6. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Seward County Board approval is not required.

J. Contracts for Architectural and Engineering Services costing \$150,000 or more shall be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)(5)) as follows:

1. Publicly advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify the evaluation criteria and relative importance of each criteria (the criteria weight) in the RFQ.
4. Proposals must be solicited from an “adequate number of qualified sources” (an individual federal grantor agency may issue guidance interpreting “adequate number”).
5. Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
6. Consider all responses to the publicized RFQ to the maximum extent practical.
7. Evaluate qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project.
8. Price cannot be a factor in the initial selection of the most qualified firm.
9. Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
10. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Seward County Board approval is not required.

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:

A. Sole Source. A contract may be awarded without competitive bidding when the item is available from only one source. The Purchasing Official/Department and/or Requesting Official/Department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the Seward County Board.

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 several 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.

**** Micro-purchases and Simplified Acquisition Threshold as of 11/2019 and may change as amended. 2019 Federal micro-purchase threshold - \$10,000 and Federal simplified acquisition threshold (formerly known as the federal small purchase threshold) \$250,000**

Affirmative Vote: Paulsen, Vrbka, Schmieding, Culver Motion Carried

Commissioner Paulsen removed herself from the Board at 9:19 a.m.

Becky Paulsen, Weed/Zoning Administrator, presented 3 short form plats for the Commissioners consideration.

Moved by Schmieding and seconded by Vrbka to adopt Resolution No. 3498 in regard to approving the short form plat for Mundhenke Addition Filing 3 in P Precinct in the S ½ NE ¼ of Section 7 Township 9 North, Range 4 East of the 6th p.m.

**RESOLUTION No. 3498 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Michael M. Mundhenke and Karen T. Mundhenke (owners) have applied for a Short Form Plat Subdivision, and described as a tract of land in the South 1/2 of the North East ¼ of, Section 7, Township 9N, Range 4E, Seward County, Nebraska, and

WHEREAS, the subdivision shall be called MUNDHENKE ADDITION FILING 3 SHORT FORM PLAT, and

WHEREAS, The Seward County Planning Commission held a meeting on January 20th, 2020 to consider the Short Form Plat, and

WHEREAS, the Planning Commission recommended approval of the MUNDHENKE ADDITION FILING 3 SHORT FORM PLAT, with a vote of 6 For, 0 against, and 2 Absent and Not Voting, and

WHEREAS, x No one appeared to oppose the subdivision

 ___ Individuals appeared to oppose the subdivision

 x No one appeared to support the subdivision

 ___ Individuals appeared to support the subdivision

 ___ Individuals appeared without commitment, and

THEREFORE, BE IT RESOLVED that the Seward County Board of Commissioners do hereby Approve X or Deny ___ the MUNDHENKE ADDITION FILING 3 SHORT FORM PLAT with Resolution NO: 3498 .

Paulsen was removed from the Board at the time this Resolution was passed.

Moved by: Schmieding Seconded by: Vrbka Absent: Mundhenke
Ayes: Robert Vrbka, Ken Schmieding, John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk 02/04/2020

Affirmative Vote: Schmieding, Vrbka, Culver Motion Carried

Moved by Vrbka and seconded by Schmieding to adopt Resolution No. 3499 in regard to approving the short form plat for Parks Addition in N Precinct in the S ½ of Section 1 Township 9 North, Range 2 East of the 6th p.m.

**RESOLUTION No. 3499 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Richard F. Cast 111, Martha E Cather, Margaret A. Henderson, Mary E Cast (owners) have applied for a Short Form Plat Subdivision, and described as a tract of land in the South 1/2 of, Section 1, Township 9N, Range 2E, Seward County, Nebraska, and
WHEREAS, the subdivision shall be called PARKS ADDITION

SHORT FORM PLAT, and

WHEREAS, The Seward County Planning Commission held a meeting on January 20th, 2020 to consider the Short Form Plat, and

WHEREAS, the Planning Commission recommended approval of the PARKS ADDITION SHORT FORM PLAT, with a vote of 6 For, 0 against, and 2 Absent and Not Voting, and

WHEREAS, No one appeared to oppose the subdivision

Individuals appeared to oppose the subdivision

No one appeared to support the subdivision

Individuals appeared to support the subdivision

Individuals appeared without commitment, and

THEREFORE, BE IT RESOLVED that the Seward County Board of Commissioners do hereby Approve or Deny the PARKS ADDITION SHORT FORM PLAT with Resolution NO: 3499.

Paulsen was removed from the Board at the time this Resolution was passed.

Moved by: Vrbka Seconded by: Schmieding Absent: Mundhenke
Ayes: Robert Vrbka, Ken Schmieding, John K. Culver, Chair of the Board
Attest: Sherry Schweitzer, Seward County Clerk 02/04/2020

Affirmative Vote: Vrbka, Schmieding, Culver

Motion Carried

Moved by Vrbka and seconded by Schmieding to adopt Resolution No. 3500 in regard to approving the short form plat for Tomes Subdivision in E Precinct in the SE ¼ SW ¼ of Section 34 Township 11 North, Range 1 East of the 6th p.m.

**RESOLUTION No. 3500 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, William D. Tomes and Patricia L. Tomes (owners) have applied for a Short Form Plat Subdivision, and described as a tract of land in the Southeast 1/4 of the Southwest ¼ of, Section 34, Township 11N, Range 1E, Seward County, Nebraska, and

WHEREAS, the subdivision shall be called TOMES SUBDIVISION

SHORT FORM PLAT, and

WHEREAS, The Seward County Planning Commission held a meeting on January 20th, 2020 to consider the Short Form Plat, and

WHEREAS, the Planning Commission recommended approval of the TOMES SUBDIVISION SHORT FORM PLAT, with a vote of 6 For, 0 against, and 2 Absent and Not Voting, and

WHEREAS, No one appeared to oppose the subdivision

Individuals appeared to oppose the subdivision

No one appeared to support the subdivision

Individuals appeared to support the subdivision

Individuals appeared without commitment, and

THEREFORE, BE IT RESOLVED that the Seward County Board of Commissioners do hereby Approve X, or Deny _____ the PARKS ADDITION SHORT FORM PLAT with Resolution NO: 3500.

Paulsen was removed from the Board at the time this Resolution was passed.

Moved by: Vrbka Seconded by: Schmieding Absent: Mundhenke
Ayes: Robert Vrbka, Ken Schmieding, John K. Culver, Chair of the Board

Attest: Sherry Schweitzer, Seward County Clerk 02/04/2020

Affirmative Vote: Vrbka, Schmieding, Culver

Motion Carried

Paulsen led discussion on addressing rural subdivisions in Seward County. Paulsen stated that when there is one lane that leads into a subdivision, there is one address with a unit number. (For example, 1234 Road X, Unit 1.) She stated those type of roads/lanes that lead into a subdivision are not public roads and therefore the county is not liable for them. She stated she has received complaints that there is a problem with deliveries, 911 calls, etc. Nicole Wegman was also in attendance and said she lives in a rural subdivision and has had emergency personnel say the various houses in her area are hard to find and she has problems with deliveries, etc. The County Attorney's office has been asked to look into the legal ramifications of addressing a road that is not a public road and Paulsen suggested a committee be made to look into the situation.

Paulsen then presented a resolution for a Conditional Use Permit to operate a campground in a C-2 Highway Commercial District located in J Precinct in the SE ¼ SE ¼ of Section 20 Township 10 North Range 3 East of the 6th p.m. Alyssa Hendrix was present for the discussion of permit.

A public hearing was held on September 17, 2020 but no action was taken because of a variety of questions. The word "temporary" and other terms were questioned. Barb Armstead, Deputy County Attorney, also suggested that the resolution needs to be re-worded.

Moved by Vrbka and seconded by Schmieding to adopt Resolution No. 3501 in regard to a Conditional Use Permit to operate a campground in a C-2 Highway Commercial District located in J Precinct in the SE ¼ SE ¼ of Section 20 Township 10 North Range 3 East of the 6th p.m.

There was considerable discussion on the wording of the resolution.

Vrbka withdrew his motion and Schmieding withdrew his seconding of the motion.

The County Attorney's office will review the resolution before next week and the item will be on the agenda next week.

Paulsen joined the board at 10:16 a.m.

Moved by Schmieding and seconded by Vrbka to accept the resignation of Mike Janssen, Building and Grounds Supt. effective Feb. 11, 2020.

Affirmative Vote: Schmieding, Vrbka, Paulsen, Culver Motion Carried

Brea Ehmen reported that the current Maintenance Technician is willing to accept the position of *Interim* Building and Grounds Supervisor.

Moved by Vrbka and seconded by Schmieding to appoint Eric Hofer as the *Interim* Building and Grounds Supt. effective February 12, 2020.

Affirmative Vote: Vrbka, Schmieding, Paulsen, Culver Motion Carried

Moved by Schmieding and seconded by Paulsen to approve the Surplus Property Disposal Request from the District Judge's Office.

Affirmative Vote: Schmieding, Paulsen, Vrbka, Culver Motion Carried

Moved by Paulsen and seconded by Vrbka to approve the Special Designated Liquor License for JUNTO LLC for an event on February 29, 2020.

Affirmative Vote: Paulsen Vrbka Schmieding Culver

Moved by Vrbka and seconded by Paulsen to accept the Sheriff's Fee and Mileage Reports in the amount of \$1,380.00 and \$981.63 respectively.

Affirmative Vote: Vrbka, Paulsen, Schmieding, Culver Motion Carried

Known items on the agenda for Board of Equalization on February 11, 2020 are as follows:

8:30 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of January 28, 2020
4. Discuss/Action – Assessor Information Update

Known items on the agenda for Board of Commissioners on February 11, 2020 are as follows:

9:00 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of February 4, 2020

Other Business Matters to Address When Time Allows

4. Discuss/Action - Public/Officials/Boards
5. Commissioners Reports
6. Discuss/Action – Agenda for February 18, 2020

9:15 a.m. Discuss/Action – Exception to Maximum Vacation Accrual for Maintenance Technician due to Extenuating Circumstances

9:30 a.m. Hearing – Rezone a quarter section of land from A-1 to RR-1 District located in A Precinct in the W ½ SE ¼ of Section 13 T12 N R4E

Discuss/Action –Res. - Rezone a quarter section of land from A-1 to RR-1 District located in A Precinct in the W ½ SE ¼ of Section 13 T12 N R4E

Hearing – Revised Edition of the 2020 Seward County Floodplain Maps and Regulations

Discuss/Action – Res. - Revised Edition of the 2020 Seward County Floodplain Maps and Regulations

Moved by Paulsen and seconded by Vrbka to adjourn at 10:37 a.m.

Affirmative Vote: Paulsen, Vrbka, Schmieding, Culver Motion Carried

State of Nebraska)
County of Seward) ss.

I, Sherry Schweitzer, the undersigned County Clerk of Seward County, Nebraska do hereby certify the foregoing minutes are true and are part of the official records of this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 11th day of February 2020.

County Clerk

Chairperson