



Repealing Resolution 015-23 Procurement Policy and adopting the 2025 SWACO Procurement Policy

The Board of Trustees repealed the 2017 Amended Procurement Policy on April 11, 2023, to align with the anticipation of the Enterprise Resource Planning System ("ERP"). During the implementation and use of the ERP, Staff discovered more revisions that needed to be aligned with the ERP system.

In 2025, SWACO reviewed and revised the Procurement Policy to adjust thresholds and clarify definitions. SWACO staff therefore recommends the adoption of the 2025 SWACO Procurement Policy, attached hereto as Exhibit A, as the Policy for purchasing.

Requested by: Patrick O'Block, Senior Accounting and Finance Manager

BE IT RESOLVED by the Board of Trustees of the Solid Waste Authority of Central Ohio that:


1. Resolution No. 015-23 is repealed in its entirety and the 2025 SWACO Procurement Policy, attached hereto as Exhibit A, is adopted as the policy for purchasing.
2. This resolution shall be in full force and effect from October 1, 2025.

Date Approved: September 9, 2025

Vote:
For: 6 Against: 0 Abs: 0



Susan Tilgner,
Chair, Board of Trustees



Rebecca L. Egelhoff, Secretary

Approved as to Form:



Rebecca L. Egelhoff, Director of Legal Affairs

**2025 PROCUREMENT POLICY FOR
THE SOLID WASTE AUTHORITY OF CENTRAL OHIO**

This 2025 Procurement Policy ("Policy") for the Solid Waste Authority of Central Ohio ("SWACO") sets the standards for the timely, efficient, and economical procurement of all goods, services, materials, supplies, and construction services while adhering to principles of good administrative practices and sound business judgment.

SWACO is a regional solid waste authority established pursuant to Ohio Revised Code §343.011 and organized pursuant to Chapters 343 and 3734 of the Ohio Revised Code ("O.R.C."). SWACO is governed by a Board of Trustees ("Board") and was created to develop and implement a comprehensive solid waste management plan pursuant to O.R.C. §3734.54 for the Franklin County Solid Waste Management District (including Franklin County and parts of five (5) adjacent counties). SWACO is a public entity and is considered a political subdivision of the State. A political subdivision of the State is defined pursuant to the Ohio Revised Code as "a county, township, Municipal Corporation, or any other body corporate or public that is responsible for government activities in a geographic area smaller than that of the state" (O.R.C. §9.23).

Neither the statute forming Solid Waste Management Authorities (Chapters 343 and 3734 of the Ohio Revised Code) nor the statute governing Ohio Political Subdivisions (Chapter 9 of the Ohio Revised Code) imposes any competitive bidding or competitive selection process upon SWACO's contracting authority. As such, SWACO may, by its own actions, commit itself to following established rules, including those governing the evaluation of proposals, where statutory competitive bidding would not otherwise be required.

§1 Purpose

This Policy identifies the regulations and requirements that govern all SWACO personnel involved in the procurement and contract administration process. It aims to produce a transparent procurement system that balances fairness, value, accountability, and flexibility. No employee shall artificially divide purchases to avoid any provisions in the procurement process. Reasonable efforts should be taken to provide opportunities to small businesses, businesses that are minority owned, veteran owned, female owned or other disadvantaged business enterprises to allow for diverse use of Suppliers.

§2 Effective Date

This Policy shall be effective on October 1, 2025, and shall remain in full force and effect until rescinded, replaced, or modified by the Board. The effective date of any modification of this Policy shall be identified on the pages modified and shall affect only the section modified; the sections of the Policy not modified shall remain in full force and effect.

§3 Scope of Policy

Procurement of goods, materials, supplies, services, and all other items listed in §6 shall be in conformance with the requirements contained herein. All Procurements shall be approved by the Board, whether by way of the Annual Budget or pursuant to this Policy.

Notwithstanding the foregoing, a Resolution approval by the Board is not required in the following instances:

- a. Any Procurement not costing in excess of a total Annual Amount of \$100,000.00. that aligns with the requirements of this Policy.
- b. Revenue-producing contracts, agreements, or obligations.
- c. Grant Agreements.

§4 **Delegations of Authority**

§4.1 ***Procurement Responsibility.*** Responsibility for Procurement action lies with the Board. The Board hereby delegates to the Executive Director the following responsibilities:

- a. Reject all Bids, Proposals, and Statements of Qualifications when it is determined to be in the best interest of SWACO.
- b. Determine whether only one (1) source of supply is readily available for the purchase of goods or services.
- c. Determine the lowest and best Responsive Bidder or Proposer.
- d. Terminate all contracts if deemed to be in the best interest of SWACO.

§4.2 ***Monetary Delegations.*** The Board hereby delegates to the Executive Director the following responsibilities pursuant to the monetary limitations in this Policy:

- a. Authorize and approve all purchases, sales, or other Procurement actions.
- b. Cancel Procurements.
- c. Enter into contracts and agreements.
- d. Approve all change orders or Contract Modifications.

§4.3 ***Signature Authority.*** Signature authority to any Contract or agreement is limited to the Executive Director and his/her Designee(s). Such signature authority may be revoked at any time by the Executive Director.

§5 **Conflict of Interest**

§5.1 Any SWACO employee who is confronted with a conflict of interest respecting the engagement of a Vendor, the employee must completely abstain from making decisions about or influencing decisions relating to the selection, approval, or contracting process. An employee who may be unsure of potential conflict(s) is to seek a legal opinion from SWACO Legal Department.

§6 **Procurement Threshold Requirements**

All Thresholds listed in §6 are aligned with the annual Approved Budget. When Threshold Requirements are not followed as stated below, the Procurement must be approved by the Executive Director or his/her Designee(s) for Procurements up to \$100,000.00 and must be approved by the Board of Trustees for Procurements over \$100,000.00, who may waive the Threshold Requirements as identified in §9.

The total Annual Amount is estimated to be the following:

- §6.1 **Goods, Materials, Supplies, or Equipment (Small and Large) ("Goods"), General Services ("GS"), Professional Services or Professional Design Services ("PDS"):**
- a. Up to \$10,000.00 must obtain one (1) Quote.
 - b. More than \$10,000 up to \$100,000.00 must obtain two (2) or more Quotes or Statements of Work.
 - c. More than \$100,000.00 must be competitively procured in compliance with §8 and approved by Board Resolution.
- §6.2 **Construction Services ("CONST") in compliance with §7:**
- a. Up to \$10,000.00 must obtain one (1) Quote.
 - b. More than \$10,000.00 up to \$100,000.00 must obtain two (2) or more Quotes or Statements of Work.
 - c. More than \$100,000.00 must be competitively procured in compliance with §8 and approved by Board Resolution.
- §6.3 **Legal Services or Legislative Services ("LLS") - Must obtain a written Letter of Intent and/or hourly rates:**
- a. More than \$100,000.00 requires approval by Board Resolution.
- §6.4 **Exemptions from Procurement Thresholds ("Exemptions") - Payments for Public Utility services, legally required Governmental Fees, and Credit Card Convenience Fees are exempt from the Procurement requirements.**
- §6.5 **Emergency Procurement ("Emergency")**
- §6.5.1 **Emergency and Planning.** In many situations, effective planning can reduce the need for emergency procurement; an unexpected need or situation of a serious and urgent nature that requires immediate action and is not for satisfying preferences, conveniences, or for preventing funds from reverting at the end of a Fiscal Year.
- §6.5.2 **Emergency Approval.** The Executive Director may approve funding for Emergency Procurement without a Resolution, provided the following conditions exist:
- a. There exists a clear and present danger to public health, safety, or welfare;
 - b. SWACO employees or contractors are unable to work or work safely;
 - c. Cause property damage in excess of \$1,000.00 to occur;
 - d. Results in an impediment to SWACO's nonnal operations or creates significant financial losses; or,
 - e. The work must be in progress prior to the next scheduled Board of Trustees meeting.
- §6.5.3 **Non-Emergency.** Circumstances that do not necessitate emergency purchases, what is not an emergency condition (for purposes of purchasing), are defined as follows:
- a. Urgent situations created by the negligence of an employee;
 - b. Insufficient planning; or

- c. Halt in project – It is understood that a halt in a project will typically result in the worker moving on to another project. However, if the worker moves on to another project, it will result in a condition listed above in 6.5.2. it may qualify as an Emergency Procurement.

§6.5.4. **Board Reporting.** The Emergency Procurement shall be reported to the Board at the scheduled meeting immediately following the emergency.

§7 **Construction Services (O.R.C. §153.12)**

- §7.1 Solicitations for Construction, improvement, or repair of facilities shall be conducted in compliance with the Competitive Procurements pursuant to §8 below. To the extent required by law or regulation, solicitations require that the award shall be given to the Best Bidder submitting the lowest and best responsive Bid for either (1) the sum of bids for various construction trades, including plumbing and gas fittings; steam and hot water heating, ventilation apparatus and steam-power; and electrical equipment, and general work not falling within such trades; or (2) to a single bid for all work within the scope of the solicitation.
- §7.2 The responsibility requirement for such solicitation shall include possessing individual and corporate licenses required under applicable laws, codes, and regulations.
- §7.3 The successful Bidder or Bidders must conform to the prevailing wage requirements defined in O.R.C. §4115.
- §7.4 Contracts for Construction, demolition, alteration, repair, or reconstruction of public improvements shall be procured in compliance with O.R.C. §153, when applicable.

§8 **Competitive Procurements**

All records, notes, materials, or other written evaluation communication used to review or evaluate Bids, Proposals, and Statements of Qualifications may be subject to Ohio Sunshine Laws and the Ohio Public Records Act.

- §8.1 **Request for Bid** (“RFB”) – Contracts for Goods and Construction should be procured using the RFB process. However, staff may also obtain Goods through a Request for Proposal (RFP) process, as described in §8.3 of this Policy, if additional criteria besides price are used in the Bid assessment. SWACO shall award the Bid to the Bidder who meets all of the specifications and contracting requirements and offers the lowest and best price.
- §8.2 **Request for Information** (“RFI”) – Requests for Information should be utilized for collecting written information to learn more about specific products and/or services without pricing. RFI’s may also be used to gain information on potential suppliers that meet the preliminary requirements of intended purchases, but are not legally advertised, evaluated nor result in a contract award.
- §8.3. **Request for Proposals** (“RFP”) – Contracts for Services should be procured using the RFP process. The RFP process is beneficial when it is determined that staff cannot completely describe the services required or when a detailed Statement of Work (SOW) cannot be finalized except through negotiations.
- §8.4 **Request for Qualifications** (“RFQ”) – Contracts for Services that require the hiring of consultants, accountants, and other Subject Matter Experts should be procured using the RFQ process. Such services are often complex and may involve multi-year contracts. No pricing is solicited with an RFQ, and cost or price-related Evaluation factors are either not requested or are received as a separate document. Contracts for professional engineers, architects, and

surveyors should be procured using the RFQ process when appropriate pursuant to O.R.C. §153.65-.73.

§9. Exceptions to Procurement Requirements

- §9.1 The Executive Director or his/her Designee may waive the Procurement requirements up to \$100,000.00, and the Board may waive the Procurement requirements over \$100,000.00, pursuant to §4 Delegations of Authority of the Policy, under the following conditions:
- a. When, after conducting a reasonable investigation, it is determined that only one (1) Vendor is capable of supplying the required Goods or Services, it is therefore considered a Sole Source.
 - b. The Executive Director or Board determines that it is in the best interest of SWACO to waive any of the requirements in the Policy; or,
 - c. When a clear and present danger exists to public health, safety, welfare, or property.

§10. Bonds and Insurance

- §10.1 Any Competitive Procurement pursuant to §8 above for Construction Services should include the requirements for a Bid Guaranty. The Bid Guaranty is surety that if a Bid is accepted, the Bid price will be honored in the Contract. The Bid Guarantee can be in the form of: (i) a bond equal to one hundred percent (100%) of the Bid price; or, (ii) a certified check, cashier's check or letter of credit pursuant to Chapter 1305 of the Ohio Revised Code on a solvent bank note equal to ten percent (10%) of the Bid price.
- §10.2 Competitive Procurement pursuant to §8 above for anything other than Construction Services may include a Bid Guarantee, a Performance Bond or other insurance requirement, when appropriate and will be negotiated on a project-by-project basis.

§11. Multi-Year Contracts

A Contract for Goods and/or Services may be entered into for any period of time if deemed to be in the best interests of SWACO, provided the term of the Contract and conditions of renewal or extension, if any, are aligned with the Procurement Requirements.

§12. Cooperative Purchasing

The requirements for Competitive Procurements in §8 above shall be deemed fulfilled when SWACO utilizes a Contract awarded by a U. S. Federal Agency, the State of Ohio, or any other Governmental Entity or non-profit organization that was competitively bid. When using cooperative agreements, employees should make reasonable efforts to ensure the use of a cooperative agreement is the most cost effective to SWACO.

§13 Definitions

For purposes of this Policy, the following words or phrases shall have the following indicated meanings:

- A. "Annual Amount" shall mean the total amount spent in one (1) fiscal year.
- B. "Approved Budget" shall mean an itemized allotment of funds for a fiscal period that is approved by the Board of Trustees.

- C. “Best Bidder” shall mean the Bidder that is, overall, considering all matters connected with competitive procurement, the Bidder selected as best for SWACO.
- D. “Best Value” shall mean the benefits of purchasing one (1) or more items or services that will result in a greater overall value over the lowest price. Benefits may include installation or life cycle cost, delivery terms, quality, and reliability, etc.
- E. “Bid” shall mean a written offer to supply goods or services in response to written specifications and submission requirements through the Request for Bid process.
- F. “Bidder” shall mean the name describing the Vendor that is expected to respond or has responded to a solicitation for goods or services through the Request for Bid process.
- G. “Board Resolution” or “Resolution” shall mean a document prepared for Board of Trustees approval describing the anticipated purchase of goods and/or services aligned with threshold amounts in §7. The Board Resolution includes a description, purpose statement, procurement process used, and anticipated amount to be spent.
- H. “Competitive Procurement” shall mean the process of obtaining formal Bids, Proposals, or Statements of Qualifications as a result of advertising or distributing a Request for Bids (RFB), Request for Proposals (RFP), or Request for Qualifications (RFQ) in which an analysis or evaluation process takes place in order to select the best vendor.
- I. “Conflict of Interest” shall mean when the ability to be an objective decision-maker is impaired by his/her own interests, or the interests of family members or business associates. This includes when an individual's personal interests or concerns are inconsistent with the best interest for a customer, or when personal interests are contrary to his/her loyalty to public business.
- i. For example, an attorney, an accountant or a business adviser cannot represent two (2) parties in a dispute and must avoid even the appearance of conflict. A common conflict of interest involves a public employee taking official action or making decisions in matters that directly affect themselves, their family members, and/or their business associates.
- J. “Construction” shall mean the process of building, altering, repairing, improving, or demolishing any public structure or building or other public improvements of any kind to any public real property. Construction does not include the routine operation, repair, or maintenance of existing structures, buildings, or other real property, which are instead intended to be included in “services,” or the installation or procurement of computer or computer-related items or services.
- K. “Contract” shall mean any agreement, regardless of what it is called, for the procurement of supplies, services, or construction. All SWACO contracts shall be evidenced by a written document signed by SWACO.
- L. “Contract Modification” shall mean any written alteration in specifications, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.
- M. “Credit Card Convenience Fee” shall mean a fee assessed when using a customer credit card for processing payments.
- N. “Designee” shall mean person(s) selected to carry out a duty or role.
- O. “Director” shall mean any Director identified in SWACO’s approved table of organization as designated by the Executive Director.

- P. "Emergency Procurement" shall mean an unexpected need or situation of a serious and urgent nature that requires immediate action and there is not enough time or money to procure goods or services.
- Q. "Exemption" shall mean free from an obligation or liability imposed.
- R. "General Services" shall mean furnishing labor, time, or effort performed by a Contractor requiring specialized knowledge, experience, or expertise. Such services include but are not limited to janitorial, catering, printing, photography, security, lawn maintenance, and equipment maintenance. Services do not include the furnishing of labor by employees, whether through oral or written employment agreements or collective bargaining agreements.
- S. "Goods, Materials, and Supplies" shall mean all tangible property, including but not limited to, merchandise, small equipment, or materials, excluding real property or a permanent interest in real property.
- T. "Governmental Entity" shall mean any department, commission, council, board, bureau, committee, institution, legislative body, agency, Municipal Corporation, county, township, village, or any other subdivision of the State of Ohio or United States of America.
- U. "Governmental Fee" shall mean a fee that is legally required when doing business with another governmental entity.
- V. "Legal Services" shall mean providing advice, counsel, or assistance involving law-related matters.
- W. "Multi-Year Contract" shall mean any contract that includes more than one (1) budget fiscal period.
- X. "Procurement" shall mean buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services, or construction.
- Y. "Professional Services" shall mean any service which usually requires advanced training and/or a significant degree of expertise to perform, and which often requires official certification or authorization by the State of Ohio as a condition precedent to the rendering of such service, including but not limited to certified public accountants, financial consultants, insurance consultants, and other professional consultants.
- Z. "Professional Design Services" shall mean services within the scope of practice of an architect or landscape architect registered under Ohio Revised Code Chapter 4703 or a professional engineer or surveyor registered under Chapter 4733 of the Revised Code.
- AA. "Proposal" shall mean a written offer to supply goods or services in response to an RFP or other submission as consideration for performing specified services.
- BB. "Proposer" shall mean a vendor that submits a written offer to supply goods or services in response to an RFP or RFQ.
- CC. "Public Opening" shall mean the electronic download and opening of Vendor submission(s) in response to a Competitive Procurement.
- DD. "Public Utility" shall have the same meaning as the Ohio Revised Code (O.R.C. §5727.01) or if the nature of its operation is a matter of public concern, and membership is indiscriminately and reasonably made available to the general public.
- EE. "Quote" shall mean an estimated cost for a particular job, service, or good.

FF. "Request for Bid" (RFB) shall mean a competitive process for selecting the lowest price for goods or services. Submission to SWACO of sealed bids, public opening of sealed bids, evaluation analysis of the bids, and award of a contract to the Bidder submitting the lowest and best responsive bid.

GG. "Request for Information" (RFI) shall mean a process used for the purpose of gathering written information about a good or service from potential Vendors.

HH. "Request for Proposal" (RFP) shall mean a competitive process used for selecting the best qualified or best quality of goods or services.

II. "Request for Qualification" (RFQ) shall mean a competitive process used for selecting the best qualified or best quality of professional or design services, or complicated general services.

JJ. "Sole Source" shall mean one (1) Supplier has the ability or capability to supply the specified Good or Service and consequently would result in an unproductive Competitive Process. Criteria for determining a Sole Source Supplier (must meet at least one):

1. Staff have researched and found that only one (1) Supplier can provide the Good or Service within the state of Ohio.
2. It has been determined there are no other Supplier alternatives for the Good or Service.
3. Supplier has a patented Good or Service or has a unique and specific skill set.
4. When continuing business with the same Supplier is crucial for maintaining consistency and compatibility.

KK. "Statement of Qualifications" (SOQ) shall mean a written document that details a vendor's capability for supplying a product, providing a service, or handling a project in response to an RFQ.

LL. "Statement of Work" (SOW) shall mean a document that captures and defines the work activities, deliverables, timeline, and hourly rates that a Vendor must execute in performance of services for a client. The SOW usually includes detailed requirements and pricing, with standard regulatory and governance terms and conditions.

MM. "Subject Matter Expert" (SME) shall mean a person who provides knowledge and expertise in a specific area or topic.

NN. "Submitter" shall mean a Vendor that submits a bid, proposal, or statement of qualification in response to a competitive procurement.

OO. "Vendor, Contractor, or Supplier" shall mean an individual or company that supplies goods and/or services to another company.