



Broward  
Community  
College

## Procedure Manual

<b>Title: Bidding, Authority to Purchase, and Contracts Awarded Pursuant to Bids</b>	<b>Number:</b> A6Hx2-7.02
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**I. Authority to Sign:** Authority to sign purchase orders which meet the requirements of Policy 7.02 and the following procedures is designated to the Vice President for Facilities and College Services and the Associate Vice-President for Procurement and Material Services, or designee.

**II. Authority to Purchase:** All materials, equipment, and/or services shall be requested on the purchasing requisition through the computerized purchasing system, approved by the appropriate cost center manager and forwarded to the Procurement Services Department for procurement action, except for those instances where the authority for limited purchases has been previously designated, such as small dollar purchases made via a college issued procurement card.

All employees of the College shall place orders for any materials, equipment or services through the Procurement Services Department. No person may make any purchase unless he is authorized to do so, and then only through this procedure. The payment of any unauthorized purchases shall be the sole responsibility of that person placing the order.

**III. Purchasing and Bid Limits:** An online purchase requisition shall be completed and forwarded through appropriate administrative channels for the necessary approvals and then sent to the Procurement Services Department. The Procurement Services Department shall convert the purchase requisition to a purchase order by following the applicable policies, procedures, and regulations, including the following. Note that Minority/Women Business Enterprise (MWBE) supplier participation is strongly encouraged and that for all of the following thresholds efforts shall be made to contact MWBE suppliers registered in the college's MWBE supplier database, as available for the specific commodity, for participation.

Purchases up to \$4,999.99

In accordance with generally established purchasing practices, as the nature of the item may dictate.

\$5,000.00 – \$9,999.99

Two quotations from responsible suppliers in writing or via telephone or fax.

\$10,000.00 – \$24,999.99

A request for Quotations shall be released by the Procurement Services Department

<b>Recommending Officer's Signature</b> 	<b>Date</b> 01/30/02	<b>President's Signature</b> 	<b>Date</b> 01/30/02
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to a minimum of three responsible suppliers.

\$25,000.00 and up

The Procurement Services Department shall release an Invitation to Bid (ITB) or Request for Proposals (RFP) as defined herein and in accordance with applicable state board rule or statute.

It is the responsibility of the Procurement Services Department to obtain quotations and bids which will determine who is awarded an order.

**IV. Blanket Purchase Orders:** The College authorizes the issuance of specific Blanket Purchase Orders to provide for smooth operations in various areas of the College where it is necessary to obtain materials or maintenance services in an emergency situation or when it is not feasible to purchase specific items through the normal requisition procedure due to insufficient information to predict needs, such as the requirement for material for emergency repairs of equipment or instructional supplies. Each such order shall contain information regarding the type of material to be purchased, a daily dollar limit for purchases and the names of those persons authorized to make purchases against that order. Blanket orders shall only be issued up to the dollar limit established for the formal bid process, unless that vendor has been established as the successful bidder on a formal bid for the material required and specific requirements for this blanket order have been established. The use of blanket purchase orders shall be limited to goods and services necessary for the maintenance or repair of college equipment or facilities, or when necessary for the day-to-day operations of a college unit.

It is the responsibility of the appropriate cost center administrators/manager, to administer these blanket orders and to insure that all documentation regarding payment is processed correctly and in a timely manner.

<b>Recommending Officer's Signature</b> 	<b>Date</b> 01/30/02	<b>President's Signature</b> 	<b>Date</b> 01/30/02
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### V. Exceptions to the Formal Bid Requirement

**Purchase under Governmental Contracts:** The College may make purchases at the unit prices in effect in County contracts, District School Board contracts, Department of Management Services state term contracts/state negotiated agreement for price schedules (SNAPS), State University System Cooperative bid contracts, Cooperative contracts with other community colleges, Cooperative bid contracts with other local governmental entities or non-profit buying cooperatives, and bid agreements of other community colleges as long as those unit prices are in the best interest of the College.

**Sole Source Purchases:** Goods or services available from a single or sole source, or single source purchases for the purposes of economy or efficiency in standardization of materials or equipment. A memorandum from the appropriate administrator justifying the need for the sole source purchase or a complete Sole Source Purchase Justification Form shall be submitted to the Procurement Services Department with the requisition explaining in detail why no competitive brands can be accepted. Include clear and concise rational documenting why this item must be considered as a “Sole Source”.

The following items as referenced in the Community College Rules are considered exempt from the bidding requirement and treated as Sole Source items: food, non-competitive items available from one source, items for resale, used books, items sold by PRIDE Industries (Department of Corrections) and RESPECT (Commission for Purchase from the Blind or Other Severely Handicapped), educational tests, textbooks, printed instructional materials, computer based instructional software, library books, reference books, periodicals, printed library cards purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the State, a governmental agency or recognized educational institution, artistic services as defined in Section 287.012(3), Florida Statutes, including, but not limited to, film, video and television production services.

**Professional Services:** Professional services including, but not limited to, health services as defined in Section 287.057(6)(f), Florida Statutes, attorneys, legal services, auditors, management consultants, artistic services, instructional services, academic program reviews, and lectures by individuals.



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**Information Technology Resources:** Information technology resources as defined as all forms of technology used to create, process, store, transmit, exchange, and use information in various forms of voice, video, and data, shall also include the personnel costs and contracts that provide direct information technology support consistent with the college’s information technology plan.

**Emergency Purchases:** The President or his/her designee may request authorization for an emergency purchase without the formal solicitation process when the situation constitutes a threat to the safety, health, or welfare of the College or the delay of the goods or services would be detrimental to the best interests of the College. All such emergency purchases shall be reported to the Board of Trustees for approval at the next regularly scheduled meeting.

**VI. Formal/Competitive Sealed Bids:** The College shall request formal/sealed bids from at least three sources in accordance with *Florida State Board of Education Administrative Rules*, Chapter 6A-14.0734(1) for purchases exceeding Category Two. This process shall include advertisement as required, listing the date, time, and place for the filing and opening of the bid and notifying vendors on the College bidders list. The advertisement for a construction bid shall also include information concerning plan costs, bonding requirements, project budget, and location of the project.

All bids will be publicly opened and tabulated as specified in the bid documents. The recommendation of award will be publicly posted in the Procurement Services Department on the date specified in the bid documents. The Procurement Services Department shall make a recommendation for award which shall be approved by the President or the Board of Trustees as defined in Policy 6Hx2-7.02 and herein dependent award amount.

**Requirements for Award of a Bid:** The bidder must comply with all bid terms, specifications, and conditions. As the best interest of the College may require, the right is reserved to reject any and all bids and to waive any irregularity in bids received. No bid shall be considered if the bidder fails to comply with the terms and conditions of the bid form, or the procedure for submitting bids and other documents pertaining to the bid.

**Award of Bid:** The President may approve or reject awards for purchases that do not exceed the amount specified in *Section 287.017, Florida Statutes*, for Category Five. Awards for purchases exceeding Category Five shall be approved or rejected by the Board of Trustees. In the event that the recommended bid is not accepted, the justification for such action shall



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be posted in the Procurement Services Department and the rejected bidder shall be notified of such action. Any protests arising out of such action shall be handled by the college as specified in Florida Statutes, Chapter 120.569, the Administrative Procedure Act.

The President or the Board of Trustees, depending on award amount defined herein, may reject the bid of any bidder who:

- has previously failed in the performance of an award
- has not delivered against a contract of similar nature
- is not in the position to perform properly under the award.

The college reserves the right to inspect all facilities of bidders to determine the aforementioned items and also reserves the right to waive irregularities and minor technicalities.

The college may consider several factors, including but not limited to the following, in order to determine the responsible and best bid:

- the bidders length of time in business and experience and ability
- the financial stability and current obligations of the bidder
- the past performance of the bidder with the College
- the ability of the bidder to meet time requirements given his/her current work force and current obligations, facilities, and total capacity.

An award shall not be effective until a purchase order or other written notice of award is issued to the successful bidder.

**VII. Request for Proposals:** When it is determined that the Competitive Formal/Sealed bid process will not allow the College to procure the appropriate material(s) or services(s) required, the College shall issue a Request for Proposal (RFP) as stated in the *Florida State Board of Education Administrative Rules*, Chapter 6A-14.073(1).

**Identifying the RFP Process:** When it is determined that a product or service for use or application by the College will be best procured by the RFP process, the Contract Coordinator and the requester shall prepare a justification document to be included in the



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RFP permanent file. The Contract Coordinator and the requester shall work together to prepare the specifications for the RFP solicitation. They shall also establish the evaluation criteria in order of importance to the acquisition of the material or services, with the weighted percentages which shall be included in the RFP. A committee of responsible and knowledgeable persons shall be designated to participate in the process of selection, including evaluation of the submittals and interviews of the proposers.

**RFP Preparation:** The Contract Coordinator shall issue the RFP according to the standard format established by the Procurement Services Department. As with Formal bids, the Contract Coordinator shall include the following information in the RFP:

- the date and time for submittal
- the date a list of all proposers shall be posted
- the date and time, if already established, when the committee will meet to evaluate the submitted and establish a short list for interviews and the interview date(s). When it is not possible to set the dates for evaluation meetings and interviews for inclusion in the RFP documents and the advertisement for the RFP, this information must be offered to the public in the same media as the original advertisement. If the type of RFP does not demand this procedure, then this information may be excluded.
- the anticipated award date.

**Receipt, Evaluation, Selection and Award of RFP:** After receipt of the submittals, the Contract Coordinator shall:

- A. Post list of proposals submitted.
- B. Examine the submittals for correctness and compliance with the requirements stated in the RFP.
- C. Prepare a list of those RFP submittals which are submitted correctly, if different from original list.
- D. Forward copies of the submittals which comply with the RFP requirements to the selection committee members for their evaluation. An evaluation scoring sheet shall be included for the committee member's use.
- E. Meet with the selection committee to complete the short list process and establish the guidelines for the interviews, if necessary.
- F. Organize the selection committee to interview those firms which have been short listed and select a firm according to criteria guidelines.



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- G. Prepare a recommendation for award to be submitted to the President or the Board of Trustees as stated herein.
- H. Retain the evaluations from the selection committee meetings for inclusion in the permanent record file of the RFP.
- I. Notify the successful proposer and issue the appropriate contract or purchase order to allow the accomplishment of the work of delivery of the material.

**Award of RFP:** The award recommendation for an AFP process shall be the same of the formal bid process stated above.

**VII. Insurance and Payment and Performance Bond Requirement:** Any person or corporation entering into a formal contract with the College for the construction of any facility or for repairs upon a building or facility exceeding \$200,000 shall be required before commencing the work to execute a one-hundred percent (100%) payment and performance bond in accordance with requirements of *Florida Statutes*, Chapter 255.05, and to provide liability insurance coverage as required in the bid documents. The performance and payment bond executed by the bidder must be by a bonding company approved by the Florida Department of Insurance and the U.S. Treasury Department to write such bonds in amounts equal to or exceeding the amount for each contract. The insurance company writing any policy, including liability, must be licensed to do business in the State of Florida, have a Florida resident agent, and shall have a Best rating of “A+7” or above, or verified equivalent.

### **IX. Protests Arising From the Bid and RFP Process**

The College shall follow the procedure for resolution of a bid protest as specified in *Florida Statutes*, Chapter 120.569, the Administrative Procedure Act.

**Entitlement to Costs and Bond Requirement:** Any person or entity who files an action protesting a decision or intended decision, shall, with the formal written protest, include a bond or cashier’s check payable to Broward Community College in the amount of one percent of the College’s estimate of the total cost of the contract contemplated or \$5,000.00; whichever is less, which bond shall be conditioned upon the payment of all costs which may



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be adjudged against him or it in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If after any hearing or any appellate court preceding the College prevails, then the College shall recover all costs and charges which shall be included in the final order of judgment, excluding attorney’s fees. Upon payment of such costs and charges by the person or entity protesting, the bond shall be returned to him or it. If the person or entity protesting prevails, he or it shall recover from the College all costs and charges which shall be included in the final order or judgment, excluding attorney’s fees. If the costs are not paid within 15 days of the issuing of the final order awarding costs to the College, then the College shall be entitled to the costs from the bond.

**X. Authority to Debar or Suspend a Vendor:** (Debar—to prevent a vendor from conducting business with the college; Suspend—to debar temporarily from the privilege of doing business with the college.) After reasonable notice to the vendor involved and reasonable opportunity for the vendor to be heard, the Associate Vice-President for Procurement Services, after consultation with the College Attorney, shall have authority to debar or suspend a vendor from consideration for award of future contracts. The debarment shall be for a period commensurate with the seriousness of the cause(s), and shall continue for the entire time set by the Associate Vice-President for Procurement Services.

Vendors may be determined to be non-responsible and subject to removal from the College vendor list for the following reasons:

1. Conviction under any state or federal statute of any offense indicating a lack of business integrity or honesty which currently, seriously, and directly affects responsibility as a contractor, including state or federal anti-trust statutes arising out of the submission of bids or proposals.
2. Violation of contract provisions which may be regarded to be so serious as to justify debarment.
3. Continued failure to perform in accordance with the terms of a contract or bid.
  
4. Refutation of an offer by failure to provide bonds, insurance, or other required certificates as stated in a bid or request for proposal.
5. Failure to meet reasonable and customary standards for their products or services.
6. Violation of the ethical standards set for the in state law.
7. Debarment by another governmental entity.



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The Procurement Services Department shall, after documenting the cause for the action, consult with the College Attorney and with his/her agreement and after approval by the District Board of Trustees, notify the vendor of the suspension or debarment. This notice shall state the reason for the action taken and the period of the debarment.

Reinstatement: A debarred vendor may only be reinstated upon submission of an application to the Associate Vice-President for Procurement Services, which shall include the following:

1. The name, address, and telephone number of the party making the request.
2. A statement of the financial responsibility of the company.
3. A statement of facts indicating how the circumstances which led to the debarment have been cured.
4. A list of contract performed for other governmental entities during the two years prior to the reinstatement application, including information concerning bonding.
5. Any and all other information which would justify reinstatement including change of ownership, discovery of new and material evidence or other pertinent facts.

Reinstatement shall be based solely on the written request and the evidence and information contained herein. The Associate Vice-President for the Procurement Services, on advice of counsel, shall make a determination whether or not reinstatement is warranted.

[Link to Policy 6Hx2-7.02](#)