

# Policy Manual



<b>Title:</b> Procurement Requirements	<b>Number:</b> 6Hx2-7.02
<b>Legal Authority:</b> Fla. Statutes Florida Department of Education, Rules for Community Colleges, Rule 6A-14.0734; Florida Statutes 287.055.	<b>Page:</b> 1 of 6

~~The President will establish procedures for the efficient and economical purchase of materials and services required for the operation of the College, which will comply with Florida Statutes, Florida State Board of Education Administrative Rules, and State Requirements for Educational Facilities. As his/her designated representative, the Purchasing Department will implement the established procedures.~~

~~The Purchasing Department shall publicly solicit the submittal of competitive offers from at least three (3) sources when purchasing services or commodities exceeding the amount specified in Section 287.017, Florida Statutes, Category Two, unless provision for exemption from this requirement is provided for in Florida State Board of Education Administrative Rules for Community Colleges, Florida Statutes or State Requirements for Educational Facilities.~~

~~The President may approve awards for purchases for the operation of the College 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.~~

~~The President or his designee may remove from the vendor list any source of supply which fails to fulfill any of its duties specified in a contract with the College as per Florida Statutes, Chapter 287.042.~~

## GENERAL STATEMENT

The purpose of this policy is to insure adherence to the general requirements of Florida Statutes, State Department of Education Rules for Community Colleges and State Requirements for Education Facilities as these relate to the acquisition of goods and services. This policy also serves:

- (a) to make consistent the procurement practices among campuses and college divisions; and
- (b) to ensure fiduciary responsibility in College procurement activities and to maximize to the fullest extent practical the purchasing value of the resources of the College; and
- (c) to ensure that small disadvantaged firms, including minority and women-owned businesses, are included in the College's procurement activities and awarding of contracts; and
- (d) to provide safeguards for the maintenance of a procurement system of quality and integrity, and
- (e) to obtain in a cost-effective and responsive manner the materials, services, and construction required by the College in order to better serve its students, and
- (f) to model sound environmental sustainability practices in college procurement activities.

The President shall establish procedures for the efficient and economical purchase of materials and services required for the operation of the College, which shall comply with this policy.

APPROVED VII-H

DATE

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**History:** Revised as Policy 6.12 (Authority to Purchase) on February 17, 1981; reissued on September 21, 1982; revised on January 19, 1988; revised on July 13, 1988; revised on August 22, 1989; revised on November 28, 1989; revised on October 16, 1990; revised on March 19, 1991; revised and re-numbered on July 23, 1997; revised on July 28, 2004.

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## THE POLICY and THE STUDENT

All materials that are procured for student use must also be in compliance with this policy.

## THE POLICY and THE FACULTY AND STAFF.

**I. Applicability.** This Policy shall apply to all expenditures of public funds irrespective of their source, including federal and state grant monies. In cases where the requirements of federal or state grant monies differ from this policy, the stricter of the two shall apply. Nothing in this policy or in procedures promulgated hereunder shall prevent the College from complying with the terms and conditions of any federal, state, or local law or regulation.

**II. Centralization of Procurement Activity.** All rights, powers, duties, and authority relating to the procurement of goods and services shall be vested upon the Procurement Services Department as detailed in this Policy. Strict adherence to this policy is required for all goods and services procured by the College. Only the President (or designee), in declaring an emergency as defined herein, may waive adherence to this policy. Only the President, Chief Financial Officer or Associate Vice-President for Procurement Services (or designee[s]) may release purchase orders which meet the requirements established herein.

**III. Purchase Dollar Thresholds.** For the purposes of carrying out the requirements of this policy and procedure, the following dollar thresholds shall dictate the manner by which procurements shall be processed. Orders or requests shall not be split in order to circumvent the requirements of this policy and the established purchase dollar thresholds. Insofar as practical, orders or requests should be combined and competitively solicited by the Procurement Services Department.

**A. Purchases up to \$4,999.99** - Requesting department shall identify the method providing the best value for the required goods or services. MWBE/SDBE vendors listed on the College's vendor database shall be contacted for participation.

**B. Purchases between \$5,000 & \$14,999.99** - The requesting department shall obtain telephone quotes for the desired commodity or service using the College's standard Vendor Quotation Form. At least three (3) available vendors, of which at least two (2) must be SDBE or MWBE vendors listed on the College's vendor database, shall be contacted for quotation. In those rare instances when the required number of vendors is not available, the requestor must document the situation on the Vendor Quotation Form.

**C. Purchases between \$15,000 & Category 3, Florida Statutes 287.017 (currently \$50,000.00 or as amended in statute)** - The Procurement Services Department shall process a Request to Quote (RTQ) for the required commodity. When services in this dollar threshold are required and an RTQ is not appropriate, the Procurement Services Department may process a Request for Letters of Interest (RLI) to available vendors, including SDBE and MWBE vendors. At least three (3) available vendors, of which at least two (2) must be SDBE or MWBE vendors listed on the College's vendor database, shall be contacted for responses. In those rare instances when the required number of vendors is not available for contacting, the Procurement Services representative processing the request must document the situation in the solicitation file.

**History:** Revised as Policy 6.12 (Authority to Purchase) on February 17, 1981; reissued on September 21, 1982; revised on January 19, 1988; revised on July 13, 1988; revised on August 22, 1989; revised on November 28, 1989; revised on October 16, 1990; revised on March 19, 1991; revised and re-numbered on July 23, 1997; revised on July 28, 2004.

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**D. Purchases exceeding Category 3, Florida Statutes 287.017 (currently \$50,000.00 or as amended in statute) -** The Procurement Services Department shall release a formal competitive solicitation (e.g., Invitation to Bid, Request for Proposals or Invitation to Negotiate, as applicable), in accordance with the requirements of corresponding procedure. MWBE/SDBE vendors listed on the College's database shall be contacted for participation.

**IV. Authority to Award.** The authority to make awards pursuant to this Procurement Policy shall be as follows:

**A. Recommendations for Awards not exceeding Category 5, Florida Statutes 287.017 (currently \$250,000.00 or as amended in statute).** Pursuant to Florida Department of Education, Rule 6A-14.0734, Procurement Requirements, the President (or designee) may approve or reject recommendations for award up to Category 5.

**B. Recommendations for Awards exceeding Category 5, Florida Statutes 287.017 (currently \$250,000.00 or as amended in statute).** Pursuant to Florida Department of Education, Rule 6A-14.0734, Procurement Requirements, recommendations for award exceeding Category 5 shall be approved or rejected by the District Board of Trustees.

**V. Forecasting of Procurement Opportunities.** The Procurement Services Department shall maintain a listing, updated monthly, on the departmental web site of all known competitive solicitations that may be released in the following six (6) month period.

**VI. Specifications.** When drafting specifications for public competitive solicitations, the Procurement Services Department will request input and assistance from the requestor in order to insure that specifications best meet the needs of the requestor. It is the goal of the College to draft specifications that meet requirements, yet allow for competitiveness among available bidders in order to assure the best value is achieved. Specifications may only be limited to a specific brand or product when necessary to supplement existing installations or for the purpose of standardization. Specifications which exceed industry standards for the intended use of the product, as determined by the Associate Vice-President for Procurement Services, must be justified in writing by the requestor and authorized by the President.

**VII. Exemptions to the Competitive Solicitation Requirements.** The requirements for competitive solicitations shall only be waived under the following circumstances:

**A. State Exemptions to the Competitive Solicitation Requirements.** An exception to the requirement to solicit competitive offers has been provided in Florida Statute or in Section 6A-14.0734, Florida State Board of Education, Procurement Rules for Community Colleges. Current exemptions include: educational materials, books, purchases through competitive solicitations established by other units of government or cooperative, food, sole or single source purchases, non-construction professional services, information technology resources defined in technology plan, items purchased for resale.

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**1. Intent to Sole Source.** Whenever the College intends to make an award pursuant to the exemption to solicit competitive offers for services or commodities available only from a single source (sole source purchase), the Procurement Services Department shall release a public notice to applicable potential bidders including, but not limited to, a detailed description of the service or commodity the College intends to purchase; the reasons why the College believes the purchase to be sole source; and the procedure respondents shall use to submit documentation identifying the purchase is not limited to a single source. When evidence is received that the service or commodity is available from more than one source, the College shall follow the competitive solicitation requirements established herein. The Intent to Sole Source results shall be retained in the purchase file.

**B. Emergency Purchases.** The President, or designee, may waive in writing procurement requirements and authorize the purchase of any good(s) or service(s) in the event of an emergency when there is an imminent threat to students, employees, or public safety or when it is necessary to prevent damage to facilities or property due to an unexpected circumstance. Any procurement exceeding Category 3, Florida Statutes 287.017 processed as a result of a declaration of emergency by the President shall be reported to the District Board of Trustees at the next regularly scheduled meeting.

**VIII. Authority to Reject Purchase Requests.** When the Associate Vice-President for Procurement Services, or designee, after consultation with the requesting administrator, decides that processing the purchase request is clearly not in the best interest of the College or that further review is needed, s/he may return such purchase request to the requesting administrator. A statement of the reasons for its return shall accompany the returned request. Only the President may waive rejected requests. Examples of reasons a purchase request may be returned include, but are not limited to:

- (a) the request does not comply with this or any other College procurement policy;
- (b) the request exceeds reasonable standards;
- (c) the supplies, services, or construction requested could be procured more economically at a different time without detriment to the College; or
- (d) the quality requested is inconsistent with College standards and usage.

**IX. Acquisition of Standardized Goods.** The College may maintain a list of items which have been standardized for the purpose of economy and/or efficiency. All College employees, when acquiring items (or like items), for which a College standard exists, shall be required to acquire the standardized item. There shall be no deviation from the established standard unless the waiver from standard has been approved by the President, or designee, prior to the acquisition.

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X. Existing Stock or Purchase Contracts. If an item to be purchased is the same or equivalent to an item stocked in College stores, the item stocked shall be substituted for the item to be purchased. If an item or service to be purchased is the same or equivalent to an item currently on contract, the item currently on contract shall be substituted for the item to be purchased. There shall be no deviation from the established standard unless the waiver has been approved by the President, or designee, prior to the acquisition.

XI. Unauthorized Purchases - All purchases made by an employee of the College shall comply with College policy. In instances in which an order which is not in compliance with this policy has been placed by an employee, the request for payment of said unauthorized purchase must be accompanied by Official Record of Justification for Unauthorized Purchase Form. In the event that the Official Record of Justification for Unauthorized Purchase Form is rejected by the appropriate provost, vice-president, or president, the employee placing the unauthorized order shall be responsible for any and all charges pertaining to said order and may be subject to disciplinary measures in accordance with this policy.

XII. Unauthorized Deliveries - The College shall not be liable for any delivery of services or commodities that has not been pre-authorized by the College. Any unauthorized order shall be returned to the shipping vendor at that vendor's expense or the College shall notify the vendor that it is to arrange for pick-up, within a reasonable timeframe, of said delivery at its expense. Any delivery not picked up, after notice has been given to the shipping vendor, within the pre-determined timeframe may be disposed of according to College policy for disposal of surplus goods.

## IMPLEMENTATION and OVERSIGHT.

The Chief Financial Officer has responsibility for the implementation and oversight of this policy, including the investigation, assisted by the Vice President for Human Resources, of any alleged policy violations.

## VIOLATION OF POLICY.

All individuals in violation of these established policies and procedures may be subject to disciplinary action, up to and including termination. Additionally, individuals placing any orders not in compliance with this policy or corresponding procedure may be responsible for all charges pertaining to said unauthorized order.

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## DEFINITIONS

Goods & Services – the goods (equipment and supplies) and services required by the College to efficiently carry out the mission established by the District Board of Trustees. Where services are provided incidental to a supply of required goods, the entire procurement should be treated as a supply of goods and should be processed accordingly (RTQ, ITB). Similarly, when goods are incidental or supplementary to a supply of services, the entire procurement should be treated as a supply of services and should be processed accordingly (RLI, RFP, ITN).

Invitation to Bid (ITB) – a competitive solicitation for acquisitions exceeding \$50,000 requesting pricing on commodities or services based on clearly definable specifications established in the ITB.

Invitation to Negotiate (ITN) – a competitive solicitation similar to an RFP for acquisitions exceeding \$50,000 requesting proposal solutions and pricing for circumstances when it is not feasible to draft specifications as in an ITB or RFP.

Minority & Women-Owned Business Enterprise (MWBE) – a certified business with at least 51% ownership by an individual of an ethnic or racial minority background or a woman.

Request for Proposals (RFP) – a competitive solicitation typically used for acquisitions exceeding \$50,000 with strong service components requesting proposal solutions, including a detailed scope of work, and pricing based on the specifications established in the RFP.

Request for Letters of Interest (RLI) – similar to a Request for Proposals (RFP) used for acquisitions that are less than \$50,000 and have a strong service component.

Request to Quote (RTQ) – similar to an Invitation to Bid (ITB) used for acquisitions that are less than \$50,000 and have clearly definable specifications.

Small Disadvantaged Business Enterprise (SDBE) – a certified small business owned and controlled by socially and economically disadvantaged individuals as defined in the College's Small Disadvantaged Business Enterprise (SDBE) Program.

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