



**Central  
Arizona  
College**

**PURCHASING MANUAL**

# **PURCHASING MANUAL**

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# 1. INTRODUCTION

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The Purchasing Manual is designed to assist faculty and staff through the purchasing process from the point at which the user identifies a need for goods or services. It is recognized that every situation cannot be covered in this manual; therefore, if you have special circumstances, contact the Director of Purchasing.

Central Arizona College's Purchasing procedures substantially follow the Arizona State Procurement Code.

The Purchasing Department is responsible for Property Control to ensure that all capital property is entered into the College's property control system and tagged accordingly.

## 1.1 Goals

Support the educational programs of Central Arizona College by obtaining maximum value from the expenditure of District funds.

Promote maximum credibility, efficiency and equity in services to departments and vendors.

## 1.2 Objectives

Procure materials at the lowest cost consistent with quality and service required. Provide prompt and effective service to both user departments and to vendors. Avoid duplication, waste, and obsolescence.

Award contracts objectively.

While price and personal preferences are important, both must be weighed against other factors such as quality, quantity, service, usefulness, and timing in order to insure the ultimate value.

## 1.3 Purchasing Process

Purchasing is much more than the single act of making a purchase.

It involves planning, scheduling, policy interpretation, research, and selection.

It necessitates follow-up to insure proper delivery and inspection as to quantity and quality before acceptance.

Above all, purchasing requires the understanding of procedures and the cooperation of all individuals and departments within the District.

# 2. PURCHASING DEPARTMENT GENERAL INFORMATION

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## 2.1 Purpose

The purpose of a purchasing system is to identify the goods and services required for District operation as well as to select and procure goods and services as economically as possible within

acceptable standards of quality.

In accordance with the authority delegated to the Director of Purchasing, all purchases, irrespective of the sources of funding, are governed by the regulations/procedures outlined in this manual.

## 2.2 Authorization to Commit District Funds

Only the Purchasing Department is authorized to obligate District funds through the issuance of a purchase order. **Individuals placing orders without a purchase order may be personally responsible for the purchase.**

## 2.3 Quality Standards

The responsibility to determine specifications for utility and quality rests with the department responsible for the performance or use of the materials.

The quality of a product is determined by balancing two major factors, the technical consideration of suitability and the economic considerations of price and availability.

The responsibility to question and to require justifications for that assessment is the responsibility of the Purchasing Department.

## 2.4 Vendor Selection

The Purchasing Department has the final authority for selection of the vendor. Requesting departments are encouraged to suggest possible sources of supply, and purchasing transactions will be accomplished in close liaison with the requesting department.

## 2.5 Requisition

The initial tool of the procurement system is the REQUISITION. A REQUISITION serves a dual purpose: it provides a clear and complete description of the department's need and it transmits authority to the Purchasing Department to expend the department's funds.

The REQUISITION by itself, however, is not a legal document and cannot be used to authorize a vendor to provide goods or services to any person or department within the District, nor can it be used to process payment of an unauthorized transaction.

Each department enters REQUISITION information into the ERP system electronically. Approval is required at the appropriate approval levels for requisitions. Requisitions cannot be used for salaries, wages, benefits or travel.

The system will automatically check for budget availability. If budget is available, the REQUISITION may be approved. Funds will be encumbered until the invoice is paid.

REQUISITIONS for goods or services will not be accepted without sufficient funds to meet the purchase obligations. This practice applies to all requisitions regardless of the source of funding.

Only the Purchasing Department has the authority to obligate the District for requested items. If a transfer of funds is needed, initiate an electronic budget transfer before entering a requisition. Budget transfers cannot be made from the 5100 series account codes to any other account codes without the approval of the President.

All funds deposited with the District, regardless of source, are public funds and must be handled in accordance with District guidelines.

Each department is assigned a budget code by the Comptroller's Office. All REQUISITIONS must include the complete 18-digit budget code to be charged.

A PURCHASE ORDER is prepared from a REQUISITION by the Purchasing Department and copies are sent to the vendor and appropriate departments. The Purchasing Department assigns PURCHASE ORDER numbers to REQUISITIONS.

A REQUISITION must be completed and a PURCHASE ORDER issued **before** purchases can be made. **Purchases made without proper authorization may become the responsibility of the employee.**

## 2.6 Bid Lists

The Purchasing Department maintains bid lists for goods and services. Prospective vendors may request to be added to these lists by submitting a letter addressed to the Purchasing Department. Such requests should include name, address, phone number, email, products list, and any additional information pertinent for evaluation of a prospective vendor.

A vendor may be removed from the bid lists by the Director of Purchasing. Such removal can be based only upon incompetence or inability of the vendor to serve the District as a responsible and responsive supplier.

Where no bid lists are available for a given requirement, the requisitioning unit and the Purchasing Department will develop a list. Use of established directories of manufacturers or suppliers is encouraged where applicable.

## 2.7 Joint Purchasing and Purchasing Cooperatives

The Purchasing Department is authorized to purchase goods and services through cooperative contracts competitively bid or negotiated by the State of Arizona, other public agencies, school districts, colleges or universities or purchasing cooperatives of which the college is a member without further competitive quotations or bids.

The vendor must provide a quote with the cooperative contract number indicated. The requestor must note the cooperative contract number on the requisition.

## 2.8 Blanket "Open" Purchase Orders

Blanket "Open" purchase orders may be issued for a specified time period at an estimated dollar amount to encumber funds, and/or establish a purchasing arrangement with a vendor for a period of time. Examples of appropriate use for blanket "open" purchase orders are utilities,

leases/rents, maintenance contracts, advertising, CAC bookstore, or those approved by the Director of Purchasing.

NOTE: Departments using blanket "open" purchase orders must ensure expenditures do not exceed the funds encumbered.

## 2.9 Purchasing Card

The purpose of the purchasing card program was established as an alternative to the traditional purchasing process for supplies. The purchasing card program is more fully described in the Purchasing Card Guide which will be maintained separately from the Purchasing Manual. The Purchasing Card Guide is located in the Purchasing section of the Central Arizona College website. [http://www.centralaz.edu/Home/About\\_Central/Purchasing/Purchasing\\_Card.htm](http://www.centralaz.edu/Home/About_Central/Purchasing/Purchasing_Card.htm)

## 2.10 Personal Orders

The Purchasing Department is not authorized and will not issue purchase orders for personal purchases.

## 2.11 Contracts, Agreements, Leases

Any purchase which requires, or is formalized by a contract or agreement, must be reviewed by the appropriate Vice President prior to the purchase. All contracts, agreements, leases, lease purchases, or rental agreements for the procurement of goods or services must be approved by the Vice President of Finance or designee.

## 2.12 Vendor Performance

When vendors do not perform in a satisfactory manner or in the best interest of the District; it is the responsibility of the department involved to notify the Purchasing Department in writing, giving details of the nonperformance. The Purchasing Department will then take appropriate action to rectify the problem and document the performance history accordingly.

Departments are also encouraged to notify the Purchasing Department when vendors have performed well.

## 2.13 Capitalization Policy

Criteria for capitalization include all of the following:

- The item must have a unit cost of \$5,000 or more, including tax, shipping and set-up costs.
- The item must have a useful life of at least one year.
- The item must be repairable.

## 2.14 Sales / Use Taxes

The District is responsible for the payment of all applicable sales or use taxes, as required within the State of Arizona. Therefore, taxes should be added to the requisition.

## 2.15 Food and Beverages

Food and beverages may not be purchased with district funds unless there is a demonstrated benefit to the public. Food and beverages are not necessarily considered vital in meeting the educational or operational needs of the district.

## 2.16 Official Functions

An Official Function is an activity authorized by the appropriate Vice President or the President to support and further the mission, goals and objectives of the College. The general rule is that the College will not approve expenditures for food, beverages, decorations and/or facilities for College meetings or social events. Recognizing that in certain extraordinary circumstances the provision of meals or refreshments is appropriate and in the best interest of the College and public, exceptions are permissible within the following guidelines:

- Professional development or other staff activities/events in which an entire employee group or major segment of the group is involved (Examples: All College Day, Employee Development Day, Learning College Academy). Departmental and division meetings are NOT eligible.
- An activity at which the college acts as a host to invited guests from outside the college (Examples: Graduation, advisory committees). Providing food/beverages for interview committees is NOT eligible.
- District Governing Board meetings/retreats.

The following examples are not considered official function activities: food supplies for cooking classes, food supplies for resale by clubs, meals for athletic teams when College food service is closed, meals provided in fees paid by participant, food provided per contract to non-college groups.

Requisitions for Official Functions must be approved by the appropriate Vice President and/or President regardless of the dollar amount. The requisition should reference the nature and benefit of the function, location, date and time and the attending groups.

## 2.17 Conflict of Interest

Any District employee or Governing Board member who has, or whose relative has a substantial interest in any contract, sale to, purchase from or service to the District shall refrain from participating in any such contract, sale, purchase or service.

The purchase of goods or services from any employee of the District is not authorized unless it is made through public competitive bidding. The purchasing department is not required to request competitive bids for procurement of small dollar value merely to allow District employees to bid.

## 2.18 Gifts and Gratuities

Purchasing Department staff and other College personnel will not accept personal gifts or gratuities from any past, current or potential supplier of goods or services to the College.



### 2.19 Purchasing Records

All purchasing records will be retained and disposed of in accordance with records retention guidelines and schedules approved by the Department of Library, Archives, and Public Records, and the Arizona State Procurement Department.

### 2.20 Clothing and Apparel Purchases

Purchasing CAC apparel for employees is disallowed except for student groups approved by the Vice President of Finance such as ambassadors, resident assistants and student leaders. This restriction does not include uniforms for athletic teams and facilities employees.

### 2.21 Prepayment for Goods and Services

The District provides prepayments only for very limited types of purchases. These include, but are not limited to, prepayment of memberships, subscriptions leases/rentals, metered postage and certain maintenance and license fees.

### 2.22 Purchases Made with Grant Funding

Purchases made with grant funding will follow all applicable guidelines as outlined in the granting agency's letter of award. For federal grants this may include, but is not limited to, following the guidelines as detailed in Uniform Grant Guidance 2 CFR 200 Subpart D 200.300-345 and Subpart E 200.400-475.

The responsibility for advising the purchasing department of any grant related purchasing restrictions or requirements shall remain with the responsible project grant administrator.

## **3. METHODS OF SOURCE SELECTION**

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### 3.1 Purchases of Equipment, Supplies and Services Less than \$10,000

Purchases of less than \$10,000 may be made at the discretion of the Purchasing Department and are not subject to the competitive process.

### 3.2 Purchases of Equipment, Supplies and Services \$10,000 or More But Less than \$100,000

The Purchasing Department will, whenever possible, have the requesting department obtain at least three written quotes for purchases \$10,000 and over but less than \$100,000. The quotes shall be sent to the purchasing department for approval prior to entering a requisition. If three quotes cannot be obtained, documentation showing the vendors contacted but not offering quotes, or an explanation of why quotes could not be obtained shall be sent to the purchasing department prior to entering a requisition.

The purchasing department reserves the right to request quote modifications from vendors, and/or additional quotes from other vendors. The purchasing department determines final vendor selection.

Confidentiality of Quotes – Quotes are submitted to the college in confidence and shall not be revealed to any other vendor or unauthorized person until after a purchase order is issued. College personnel are not to provide any information about pricing from one vendor to another to achieve better pricing from either vendor.

### 3.3 Purchases of Equipment, Supplies and Services \$100,000 or More

The Purchasing Department will, whenever possible, obtain sealed competitive bids/proposals for all purchases of goods and services having an estimated cost of \$100,000 or more per transaction. The requesting department will assist the Purchasing Department in developing specifications and a list of potential vendors.

### 3.4 Construction Less than \$50,000

Construction projects of less than \$50,000 may be made via written quote .

### 3.5 Construction \$50,000 or More

The Purchasing Department will, whenever possible, obtain sealed competitive bids/proposals for all construction projects having an estimated cost of \$50,000 or more.

### 3.6 Sole Source and Single Source Suppliers

Sole Source Supplier – A sole source supplier is the only supplier who is available to provide a product or service.

Single Source Supplier – A single source supplier is one who the College requires the use of, because of standardization, warranty, or other factors, despite the fact that more than one supplier is available.

The purchasing department requires justification from the requesting department to justify why the purchase is a sole or single source.

Final responsibility in determining sole source or single source purchases rests with the Purchasing Department.

### 3.7 Emergency Procurements

The Purchasing Department may make, or authorize others to make, emergency purchases. This will only occur in instances of a true emergency where there exists a threat to safety, health or welfare of students, staff or the public. In such instances, price competition is less important than the quick and safe resolution to the emergency. The normal quotation/bid process may be waived.

Full back-up materials and justification will be provided to the Purchasing Department.

### 3.8 Exceptions to the Bid Process

The required quotation and bidding process may be waived for items included on state, county, or other cooperative purchasing agreements, emergencies, sole source items, single source items, equipment maintenance agreements, library books, and similar purchases approved by the Vice President of Finance. Contracts for ongoing legal services that are providing satisfactory service may have the bidding process waived by the Vice President of Finance.

## 4. **BIDDING PROCEDURES**

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### 4.1 The Invitation for Bid

The Invitation for Bid shall include the following:

- Instructions and information to bidders concerning the bid submission requirements, including time and date for receipt of bids, the address of the office to which they are to be delivered, and any other information.
- The purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements.
- The contractual terms and conditions, including warranty and bonding or other security requirements applicable to the procurement.

#### 4.1.1 Bidding Time

The bidding time is the period of time between the date of distribution of the Invitation for Bid and the time and date for receipt of bid.

In each case a bidding time shall be set that affords bidders a reasonable time to prepare the bids. A minimum of 14 calendar days shall be provided unless a shorter time is deemed necessary for a particular procurement as determined in writing by the Director of Purchasing.

#### 4.1.2 Bidder Submissions

The Invitation for Bids shall provide a form or format in which the bidder shall include the bid price and which the bidder shall sign and submit with all other necessary submissions. Telegraphic, telephone and facsimile transmissions are not acceptable for sealed bidding purposes.

#### 4.1.3 Public Notice

Adequate public notice of the availability of the Invitation for Bid shall be furnished to a sufficient number of bidders for the purpose of securing competition. Advertisement in a general publication newspaper with a local circulation may be used for competitive sealed bidding. Public notice may also be published in a newspaper of general circulation or on other appropriate websites, or both. In addition, bids may be solicited directly from potential contractors.

#### 4.1.4 Bidder Lists

Bidder lists are maintained on the Arizona Purchasing cooperative electronic procurement website according to the commodity or service offered by registered vendors.

#### 4.1.5 Pre-Bid Conferences

Pre-bid meetings may be conducted to explain the procurement requirements. They shall be announced to all prospective bidders who received an Invitation for Bid. The conference shall be held long enough after the announcement has been issued to allow bidders to become familiar with the document, but sufficiently before bid opening to allow consideration of the conference results in preparing their bid.

Generally the receipt of bids will be no sooner than seven calendar days after the pre-bid conference. Any exceptions must be granted in writing by the Director of Purchasing. Nothing stated at the conference shall change the Invitation for Bid unless a change is made by written amendment.

#### 4.1.6 Amendments to Invitations for Bid

Amendments to Invitations for Bid shall be identified as such and shall require that the bidder acknowledge receipt of all amendments issued. The amendment shall reference the part of the Invitation for Bid that it amends.

All addenda shall be identified as such and shall be sent to all bidders that have acknowledged receipt of the bid. The addendum shall require that the bidder acknowledge the receipt of the addendum.

Addenda shall be issued within a reasonable amount of time for potential bidders to consider them in the preparation of their bids. If the time and date set do not permit sufficient time for bid preparation, the date and time of the bid opening shall be extended either in the addendum or by telephone, fax or email.

#### 4.1.7 Withdrawal and Modification of Bids

A bidder may modify or withdraw its bid at any time before bid opening if the modification or withdrawal is received before the time and date set for bid opening in the location designated in the Invitation for Bid for receipt of bids.

All documentation relating to a withdrawal or modification of a bid shall be kept as part of the procurement file.

#### 4.1.8 Late Bids

A bid, withdrawal of a bid, or modification of a bid is late if it is received at the designated location of the bid opening after the time and date of bid opening.

A late bid, late withdrawal of a bid, or late modification of a bid shall be rejected. Bidders submitting bids that are rejected as late shall be notified as soon as practical and late bids will be returned unopened.

4.1.9 Receipt of Bids

Bids and bid modifications shall be received by appropriate staff, marked with the date and time of receipt and stored unopened in a secure location, until the bid opening. Bids shall be opened publicly at the time, date, and location advertised in the bid document. The name of each bidder, the bid price, and other pertinent information shall be read aloud and recorded.

4.1.10 Inspection of Bids

Only after formal award of the bid, shall the bids be made available for public inspection. Information deemed proprietary in nature by the bidder and approved as such by the Director of Purchasing, shall not be included in the materials available for public inspection.

4.1.11 Mistakes and Informalities in Bids

Mistakes in bids may be corrected by modification or withdrawal as outlined in sections above, if discovered prior to the bid opening. After bid opening, a bid submitted in error of judgment, may not be corrected. A bid may be withdrawn pursuant to the following sections:

Minor informalities in a bid may be waived if the Director of Purchasing deems it advantageous to the District.

A bid may be withdrawn after bid opening only if the mistake is clearly evident to the Director of Purchasing or if the bidder establishes evidence clearly showing a mistake was made.

Mistakes shall not be corrected after award of the bid.

Any withdrawals or corrections to a bid permitted or denied after the bid opening shall have a written determination that is included in the procurement file.

4.1.12 Bid Evaluation and Award

The bid shall be awarded to the lowest responsive and responsible bidder whose bid meets, in all material respects, the requirements and criteria as defined in the Invitation for Bid. The amount of any sales or use tax is not a factor in determining the lowest bidder.

Bids shall be evaluated to determine which bidder offers the lowest cost to the District in accordance to the criteria as defined in the Invitation for Bid. Only objectively measurable criteria shall be applied in determining the lowest cost to the District.

A contract may not be awarded to a bidder submitting a higher quality item than designated in the bid document unless the bidder is also the lowest bidder as

determined by the criteria outlined above.

#### 4.1.13 Tie Bids

Tie bids are defined as instances of identical pricing from responsible bidders that meet all requirements as set forth in the bid documents. Tie bids may be awarded by drawing lots or any other random choice manner. Care shall be taken by the buyer to ascertain that the tie bidders meet all requirements as outlined in the bid document before declaring a tie bid situation.

Records and methods of determining the successful bidder shall be maintained in the procurement file for all tie or apparent tie bids.

#### 4.1.14 Single Bids

In instances of only one bid being received, a determination must be made by the Director of Purchasing that the price submitted is fair and reasonable and that other prospective bidders had time to respond or that re-solicitation is not possible due to time constraints. In those instances, an award may be made.

If it is determined in writing by the Director of Purchasing that the need for the product or service continues and that the acceptance of the sole bid is not advantageous to the District, then the procurement may be conducted in a manner as defined by the Director of Purchasing.

### 4.2 Requests for Proposal

The Request for Proposal (RFP) Process:

Purchases of goods and services in the aggregate amount of \$50,000 and over that cannot be awarded by a process of competitive sealed bids shall be procured through the use of a Request for Proposal process.

#### 4.2.1 The Request for Proposal

The Request for Proposal shall include the following:

- Instructions and information to proposers concerning the submission requirements, including time and date for receipt of proposals, the address of the office to which they are to be delivered, and any other information.
- The purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements.
- The contractual terms and conditions including warranty and bonding, or other security requirements applicable to the procurement.

#### 4.2.2 Proposal Time

The proposal time is the period of time between the date of distribution of the Request for Proposal and the time and date for receipt of proposals.

In each case, a proposal time shall be set that affords proposers a reasonable time to prepare the proposals. A minimum of 14 calendar days shall be provided unless a shorter time is deemed necessary for a particular procurement as determined in writing by the Director of Purchasing.

#### 4.2.3 Proposal Submissions

The Request for Proposal document shall provide a form or format in which the proposer shall include all pertinent information relative to the process. The proposer shall sign and submit all necessary information called for in the Request for Proposal document.

#### 4.2.4 Public Notice

Adequate public notice of the availability of the Request for Proposal shall be furnished to a sufficient number of proposers / bidders for the purpose of securing competition. Advertisement in a general publication may be used for competitive sealed proposals. Public notice may also be published in a newspaper of general circulation or on other appropriate websites, or both. In addition, proposals may be solicited directly from potential contractors.

#### 4.2.5 Pre-Proposal Conferences

Pre-proposal meetings may be conducted to explain the procurement requirements. They shall be announced to all prospective proposers who have received a Request for Proposal. The meeting shall be held long enough after the Request for Proposal has been issued to allow proposers to become familiar with the document, but sufficiently before receipt of proposals to allow consideration of the conference results in preparation of their proposal.

Generally the receipt of proposals will be no sooner than seven calendar days after the pre-proposal meeting. Any exceptions must be granted in writing by the Director of Purchasing. Nothing stated at the conference shall change the Request for Proposal unless a change is made by written amendment.

#### 4.2.6 Amendments to Requests for Proposals

Amendments to Requests for Proposals shall be identified as such and shall require that the proposer acknowledge receipt of all amendments issued. The amendment shall reference the part of the Request for Proposal that it amends.

Amendments shall be issued within a reasonable amount of time for potential proposers to consider them in the preparation of their proposals. If the time and date set does not permit sufficient time for proposal preparation, the date and time of the proposal opening shall be extended in the form of an addendum.

#### 4.2.7 Withdrawal and Modification of Proposals

Withdrawal or modification of proposals is acceptable if the notification of withdrawal or modification is received prior to the deadline for receipt of the proposals at the designated location.

All documentation relating to a proposal withdrawal or modification shall be kept as part of the procurement file.

#### 4.2.8 Late Proposals

A proposal, a request for withdrawal of proposal, or a modification of proposal is late if received at the designated location of the proposal receipt after the time and date listed in the Request for Proposal.

Late proposals, late withdrawal of proposals, or late modification of a proposal shall be rejected. Proposers submitting proposals that are rejected as late shall be notified as soon as practical and all documents concerning a late proposal will be returned unopened.

#### 4.2.9 Receipt of Proposals

Proposals and proposal modifications shall be received by appropriate staff, marked with the date and time of receipt, and stored unopened in a secure location until the proposal opening.

Proposals shall be opened publicly at the time, date, and location advertised in the proposal document. The name of each proposer and other pertinent information shall be read aloud and recorded. Pricing information, if part of the Request for Proposal, is not read aloud or recorded.

#### 4.2.10 Inspection of Proposals

Only after formal award of the proposal, shall the proposals be made available for public inspection. Information deemed proprietary in nature by the proposer and approved as such by the Director of Purchasing shall not be included in the materials available for public inspection.

#### 4.2.11 Mistakes and Informalities in Proposals

Mistakes in proposals may be corrected by modification or withdrawal as outlined in sections above, if discovered prior to the proposal opening.

After proposal opening, a proposal submitted in error of judgment may not be corrected. A proposal may be withdrawn pursuant to the following sections:

Minor informalities in a proposal may be waived if the Director of Purchasing deems it advantageous to the District.

A proposal may be withdrawn after proposal opening only if the mistake is clearly evident to the Director of Purchasing or if the proposer establishes evidence clearly showing a mistake was made.

Mistakes shall not be corrected after award of the proposal.

Any withdrawals or corrections to a proposal permitted or denied after the proposal opening shall have a written determination that is included in the procurement file.



#### 4.2.12 Proposal Evaluation and Award

Prior to opening the proposals, a committee shall be designated for the purpose of evaluating the proposals. The criteria will be published in the Request for Proposal.

After independent review by each of the committee members, scores will be discussed within the committee and if outlined in the solicitation, the committee may conduct a discussion of the proposal(s) with the top-ranked firm(s) or individual(s). Alternatively, the committee may choose to award to the most qualified proposer based upon the written proposal and without further discussion.

#### 4.2.13 Single Proposals

In instances of only one proposal being received, a determination must be made by the Director of Purchasing that the proposal submitted is fair and reasonable and that other prospective proposers had time to respond or that re-solicitation is not possible due to time constraints. In those instances, an award may be made.

If it is determined in writing by the Director of Purchasing that the need for the product or service continues and that the acceptance of the single proposal is not advantageous to the District, then the procurement may be conducted in a manner as defined by the Director of Purchasing.

## **5. PROTEST AND APPEALS OF CONTRACTS AND AWARDS**

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### 5.1 Content of Formal Protest and Appeal Letter

Any participating bidder may file a protest of a contract award or proposed contract award. The protest or appeal must be in writing and contain at least the following information:

- The name, address and telephone number of the protester.
- The signature of the protester.
- The Bid number and date of bid closing.
- A statement of the legal and/or factual grounds on which the protest or appeal is based, including copies of information relevant to the bid.
- The form of relief requested.

### 5.2 Filing Procedure

Protests are to be filed with the Director of Purchasing, within 10 days of award. Failure to timely protest shall be deemed a waiver of all rights to protest.

If a protest is filed before the award of a contract, no award shall be made until the protest has been administratively resolved, unless the Director of Purchasing makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the

community college district.

A written decision will be made within 10 days after the protest has been filed. The decision shall contain an explanation of the basis of the decision. The Director of Purchasing shall furnish a copy of the decision to the protester by certified mail, return receipt requested, or by any other method that provides evidence of receipt.

The time limit for a decision may be extended by the Director of Purchasing for a reasonable time not to exceed thirty days. The Director of Purchasing shall notify the protester in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.

### 5.3 Remedies

If the Director of Purchasing sustains the protest in whole or in part and determines that a solicitation, proposed contract award, or contract award does not comply with District policies or procedures, the Director of Purchasing shall implement an appropriate remedy.

In determining an appropriate remedy, the Director of Purchasing shall consider all the circumstances surrounding the procurement or the proposed procurement, including, but not limited to, the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith of the parties, the extent of performance, cost to the government, the urgency of the procurement, and the impact of relief on the district's mission.

An appropriate remedy may include one or more of the following:

Decline to exercise an option to renew under the contract; terminate the contract; reissue the solicitation; issue a new solicitation; award a contract consistent with this District's policies and procedures; reject all bids or proposals without further actions; or such other relief as determined necessary to ensure compliance with this District's policies or procedures.

### 5.4 Appeals

Appeals are to be filed with the Director of Purchasing within 5 days of the receipt of the decision.

The notice of appeal shall contain: the information from the original protest letter, a copy of the decision of the Director of Purchasing, and the basis for the appeal.

The Director of Purchasing shall immediately give written notice of the pending appeal to the successful contractor if award has been made or, if no award has been made, to interested parties. Any party so notified shall, upon request, be furnished with a copy of the notice of appeal filed in the matter.

The Director of Purchasing shall notify the Vice President of Finance of the appeal. Any hearing or appeal shall be conducted by the Vice President of Finance as hearing officer. A written decision will be made within 14 days after the appeal has been filed.

The time limit for a decision may be extended by the hearing officer for a reasonable time not to exceed thirty days. The hearing officer shall notify the protester in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.

5.4.1 Stay of Procurement During Appeal

If an appeal is filed before an award of contract and the award of the contract was stayed by the Director of Purchasing, the filing of an appeal shall automatically continue the stay unless the hearing officer conducting the appeal makes a written determination that the award of the contract without delay is necessary to protect the substantial interest of the District.

5.4.2 Dismissal Before Hearing

The hearing officer conducting the appeal shall dismiss, upon a written determination, an appeal before scheduling of hearing if the appeal does not state a valid basis for protest; or the appeal is untimely.

## 6. PURCHASING SUMMARY

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Before a REQUISITION is generated, the funds needed must be available.

If the item(s) total is \$10,000 - \$99,999.99, three written quotes need to be obtained by the requesting department.

If the item(s) total is \$100,000 or more, sealed bids/proposals need to be obtained.

Purchases **are not** to be artificially separated to avoid the quote or bid process.

The REQUISITION must be approved by the appropriate Division Chair, Director, Associate Dean, Dean, Vice President or President.

A REQUISITION must be completed and a PURCHASE ORDER issued **before** the purchase can be made. **Any purchases made before proper authorization is received may become the responsibility of the employee.**

All invoices are to be submitted to the Accounts Payable Department immediately. The person receiving the items must sign the invoice as proof that the item was received and authorizing the Accounts Payable Department to pay the invoice.