

14.1.0

GENERAL FUNCTIONS AND RESPONSIBILITIES

14.1.1 Responsibility for Purchasing

- A. The District has a centralized purchasing system, which requires the Purchasing Department to place all orders for all campuses.
- B. The Purchasing Department has sole responsibility and authority for procurement, except in those instances where the authority for limited purchases is previously delegated.
 - 1. If an individual obtains merchandise in a manner that does not follow established procedures, that individual:
 - a. enters into a private transaction with the vendor; and
 - b. assumes responsibility for payment.
- C. Consolidates requirements, when feasible, for greater economy.
- D. Analyzes lease versus purchase alternatives which provide the best value to the District.
- E. Determines the method of purchase that provides the best value for the District. Methods include, but are not limited to, Request for Quotes (RFQ), Invitation to Bid (ITB), Request for Proposal (RFP), Request for Qualifications (RFI), Sole Source purchase, Emergency purchase and Cooperative purchase.

14.1.2 Operating Principles

- A. The District purchases all materials, equipment and services in accordance with state statutes and board policy on a competitive basis, except that the Purchasing Department may make small or emergency purchases without issuing solicitations for bids, proposals or quotations.
- B. The Purchasing Department strives to solicit competitive bids and have annual contracts established and available for District departments to use on an as needed basis for those goods and services that annually exceed competitive bidding thresholds and Board approval amounts.
- C. When making purchases, the Purchasing Department strictly adheres to requirements set forth in the Texas Education Code, Subchapter B, Section 44.031 (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.44.htm#44.031>) and other state, federal and local rules as applicable.
- D. Awards are generally made on the basis of the bidder whose bid provides the best value for the District. In determining to whom to award a contract, the District shall consider the following in accordance with 44.031:
 - 1. The purchase price;
 - 2. The reputation of the vendor and of the vendor's goods or services;
 - 3. The quality of the vendor's goods or services;
 - 4. The extent to which the goods or services meet the District's needs;

5. The vendor's past relationship with the District (documentation of past problems must be present before recommending non-award);
 6. The impact on the ability of the District to comply with laws and rules relating to historically underutilized businesses;
 7. The total long-term cost to the District to acquire the vendor's goods or services;
 8. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner:
 - (A) Has its principal place of business in this state; or
 - (B) Employs at least 500 persons in this state; and
 9. Any other relevant factor specifically listed in the request for bids or proposals.
- E. All criteria being equal, the District will award to the "lowest cost" bid.
1. Vendors who have a documented history of poor service or product may be disqualified from award. Documentation of poor service or product must be presented in order to disqualify a bidder for past performance issues.
- F. The District purchasing procedures ensure open and free competition among all bidders.
- G. The District purchasing procedures ensure that all prospective vendors are treated equally.
- H. The Purchasing Department provides a means for prospective vendors to register electronically to receive notifications of bid opportunities via e-mail, based on the commodity codes selected by the vendor's representative.
- I. The Purchasing Department currently uses the Ion Wave Technologies sourcing and e-bidding solution for all competitive solicitations.
- J. The Purchasing Department provides links on the District's Purchasing Internet page where vendor's can go to register, view current bid opportunities, view bid tabulations and view awarded solicitations. Links to instructions on "How to Register" and "How to Submit a Bid Online" are also available.
- K. Vendors can view, download, respond to and submit responses to solicitations online.
- L. Vendors are responsible for maintaining their own vendor profile online. Failure to maintain their profile could result in missed opportunities to bid on District projects.
- M. The District prefers that all responses be submitted online, but continues to accept manual responses for solicitations over \$50,000.
- N. The District encourages participation in the bid process by small, minority, veteran and female-owned businesses. The District does not discriminate on the basis of race, color,

religion, gender, national origin, age, disability or veteran status.

O. As stewards of the tax payers' dollars, it is our duty as public procurement professionals to insure that the procurement process remains independent, free of obligation or suspicion, and completely fair and impartial. The following Code of Ethics has been created for use by Collin College Purchasing and Contracts. The Code governs all transactions and business relationships, internal and external, when procuring goods and services utilizing public funds.

1. To give first consideration to the objectives and policies of the District.
2. Strive to obtain the best value for each dollar expenditure.
3. To conduct ourselves with fairness and dignity and to demand honesty and truth in the procurement process.
4. Grant all competitive suppliers equal consideration insofar as state or federal statute and institutional policy permit.
5. Notify the Director of Purchasing and Contracts and remove him/herself from any procurement in which the employee or employee's immediate family member has a financial interest pertaining to the procurement.
6. Decline personal gifts or gratuities.
7. Encourage participation of historically underutilized businesses in the procurement process.
8. Foster fair, ethical and legal trade practices.
9. Honor our obligations and require that obligations to the District be honored.
10. Handle confidential or proprietary information with due care and proper consideration. Receive consent of originator of confidential information or proprietary ideas and designs before using them for competitive purchasing purposes.
11. Make every reasonable effort to negotiate an equitable settlement of any controversy with a supplier.
12. Cooperate with trade, industrial and professional associations and with governmental and private agencies for the purposes of promoting and developing sound business methods.

P. Separate, sequential and component purchases to avoid competitive bidding requirements are considered unauthorized purchases and are disallowed.

Q. The District reserves the right:

1. to waive any formalities or technicalities; and
2. to accept or reject any or all bids in whole or in part; and
3. to award by line item, section or in whole as deemed in the best interest of the District.

14.1.3 Tax Exempt Status

A. The District is exempt from federal, state, and city taxes except in certain cases.

B. The Purchasing Department furnishes an exemption certificate to all new vendors upon issuance of a purchase order.

14.2.0 CLASSIFICATION OF PURCHASE TRANSACTIONS

14.2.1 The Purchasing Department has divided purchase transactions into classifications and established methods of securing bids and making awards proportionate to the value involved. The purchase of services, as well as goods, falls under this policy. Purchases under \$50,000.00 do not require Board approval. For purchases that are not being made under an existing annual contract established by the Purchasing Department, the following requirements must be adhered to:

- A. Less than \$4,999.99 – requesting department obtains one quote to establish price for requisition. *Grant purchases require three (3) quotes starting at \$3,500.
- B. \$5,000-\$14,999 – Three (3) quotes may be obtained by the Requesting Department or the Purchasing Department. *Grant purchases require three (3) quotes starting at \$3,500.
- C. \$15,000-\$49,999.99 – requires three (3) written quotes be obtained by the Requesting Department or the Purchasing Department.
 - 1. A quote form can be found on the Purchasing Intranet page (<http://inside.collin.edu/purchasing/forms.html>) to assist in acquiring quotes.
 - 2. The Requesting Department should attach a copy of the quote form or copies of written quotes received from the vendors to their requisition in CougarMart for backup. Phone, fax and e-mail quotes are acceptable, but it is recommended that the quotes be in writing from the vendor. Requisitions received without proper documentation may be returned to the requestor by the Purchasing Department if the required quotes are not provided in a timely manner.
 - 3. If pricing is obtained from a cooperative purchasing contract, as listed in this manual, then only one quote based on the cooperative contract pricing is necessary, but must reference the cooperative contract number on the requisition. The vendor should be able to provide this number on their quotation. Purchasing will verify the existence of the contract and verify the contract expiration dates. Multiple quotes from cooperative purchasing vendors are encouraged.
 - 4. The Requesting Department should verify any pricing obtained from a website and also verify that the company will accept a purchase order. Many times the District will be provided discounted pricing from that shown on a public website, so requestors should always call the vendor and ask for a written quote.
- D. All purchases \$50,000 and over - Purchasing solicits formal bids, proposals or requests for qualifications.
 - 1. District contracts, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period shall be made by the method, of the following methods, that provides the best value for the District:

- a. competitive bidding for services other than construction services;
- b. competitive sealed proposals for services other than construction services;
- c. a request for proposals, for services other than construction services;
- d. an interlocal contract;
- e. a method provided by Chapter 2269, Government Code, for construction services;
- f. the reverse auction procedure as defined by Section 2155.062(d), Government Code; or
- g. the formation of a political subdivision corporation under Section 304.001, Local Government Code.

2. All expenditures of \$50,000 or more must have Board approval before a requisition can be processed.

3. Board meetings are generally held the fourth Tuesday of each month with the exception of the December meeting, which is usually scheduled one week early due to the holidays. Bids must be on the preliminary agenda, which is finalized by Purchasing according to the "Purchasing Deadlines for Board Agenda", which can be found on the Purchasing Intranet page (http://inside.collin.edu/purchasing/board_agenda.html).

4. A department representative should be in attendance at the Board meeting to answer any questions pertaining to the purchase.

F. Change orders for purchases that exceed or are expected to exceed \$50,000.00 over the Board approved amount must have Board approval before being processed. If the purchase has previously not exceeded Board approval amount, but will exceed the amount after the change order, the change order must have Board approval before being processed.

14.3.0 EXCEPTIONS TO COMPETITIVE SOLICITATION REQUIREMENTS

14.3.1 The District may purchase an item that is available from only one source, including:

- A. an item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly;
- B. a film, manuscript, or book;
- C. a utility service, including electricity, gas, or water; and
- D. a captive replacement part or component for equipment.
- E. The exceptions do not apply to mainframe data-processing equipment and peripheral attachments with a single-item purchase price in excess of \$15,000.

14.3.2 Sole Source Purchases

A. A Sole Source purchase exists when research has determined there is only one potential provider for an item or service. To be a bona fide exemption to the Texas Education Code purchasing law requirements, there must be no other like items available for purchase that would serve the same purpose or function, and only one price for the product because of

exclusive distribution or marketing rights. The fact that a particular item is covered by a patent or copyright is but one factor in determining if the purchase falls under the sole source exemption to the purchase requirements.(44.031(j)(1), Texas Education Code).

B. The purchase of an item/service could be considered a sole source procurement when one of the following circumstances exists:

1. Patent, Copyright, Secret Process or Monopoly: Identification and confirmation that competition in providing the item or service to be purchased is precluded by the existence of a patent, copyright, secret process or monopoly. (Not all items or services that have a patent, copyright or secret process are considered sole source. There may be other products that can provide the same purpose and/or function without infringing on the copyright, patent or secret process.)
2. Availability/One of a Kind: No competitive product exists or is available from another source.
3. Compatibility: Must match or be compatible with an existing piece or brand of equipment and is available from only one source.
4. Standardization: Equipment has been standardized to provide consistency in training across the District and the standardized product is only available from one source.
5. Educational Discounts: An educational discount is offered by the manufacturer of the product or service and no distributors are able to offer the same discounted price. In some cases, the manufacturer may designate one of their distributors to offer educational discounts that no other distributor can offer.
6. Investment in Existing Equipment: Often times, the District has made a substantial investment in equipment (often times this is software, such as Banner) from one provider and to switch to another provider would be more costly.

C. Procedures

1. Sole Source documentation must be current and may not be more than 12-months old.
2. Market must be researched and results confirming the criteria for a sole source must be attached to the Sole Source Justification Form and attached to the requisition for the purchase of the item(s) or service(s). Some suggested ways for conducting a market search are:
 - a. Internet search by product/service
 - b. Internet search of manufacturer's website for resellers/distributors
 - c. Internet search for like product/service
 - d. Communicate with other colleges, universities and/or public agencies

to see if they have other sources.

e. Check Trade publications

f. Call other potential companies to see if they can provide the goods and services. Provide documentation of the company that was called, to whom you spoke with, their phone number, questions that you asked them and the responses that they provided you with.

g. See if the item is available under a cooperative contract that the District utilizes. (See the list of cooperatives that the District uses in CougarWeb under Intranet Links, Business Administrative Services, Purchasing, General Procedures, Cooperative Purchasing Contracts (http://inside.collin.edu/purchasing/general_procedures.html#coop)). If so, this would not require a sole source justification form, but in all cases the terms and conditions of the contract must be reviewed to determine if the contract meets the requirements of the District, or in the case of a grant, the awarding agency.

3. Provide a completed Sole Source Justification Form, which can be found in CougarMart in the Showcased Services area and approved by the Organization Manager, indicating the reasons that the item(s) and/or service(s) should be declared a sole source procurement.

4. If available, a Signed Statement with proper rationale from the “vendor” certifying that one or more of the following conditions are true should be attached to the sole source justification form in CougarMart after selecting the supplier and entering a note on the form that the signed statement (letter) is attached:

a. The vendor is the manufacturer and is the only source for the item(s) and/or services(s) in question and they hold the production and copyrights to them.

b. Certification from the manufacturer that the vendor in question holds exclusive distribution rights for the item(s) or service(s).

*Note: Just because a vendor holds territorial rights does not mean they are sole source. There could be similar items (or equal), for example John Deere has resellers that can only sell their tractor in their territory, but you can purchase another manufacturer’s tractor.

5. An internal note should be entered on each purchase requisition referencing the approved sole source form (requisition) and will be reviewed by the Buyer assigned the requisition. Should there be any question related to the validity of the sole source justification, the Buyer will consult with the Director of Purchasing or the Assistant Director of Purchasing for guidance.

6. If it is determined that the justification does not provide sufficient information to support a sole source procurement, the Buyer may ask for additional information from the requestor and/or the vendor.

7. If it is determined by the Director of Purchasing or the Assistant Director of Purchasing that there is not enough evidence and/or documentation to support a sole source procurement, then a competitive solicitation will be issued for the goods or services. "When in doubt, bid it out!"

8. In the case of a grant, prior to issuing a competitive solicitation, a request for authorization from the granting agency may be sought and if approved, the competitive solicitation process can be bypassed. Documentation of the approval must be attached to the purchase requisition.

9. If the sole source procurement is approved, then the Buyer, along with the requesting department, shall perform a cost and price analysis. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability, and allowability. This entails verification of the proposed cost data and evaluation of the specific elements of costs and profits, including comparison with the District's prior independent price estimate. Information on the price paid by similar agencies for the same product or service may be obtained to support cost and price analysis.

10. Profit must be separately negotiated in the award of a sole source procurement.

11. The Buyer, along with the requesting department shall negotiate a contract, to the extent practicable, to achieve a contract with the single supplier that is advantageous to the District.

14.3.3 Cooperative Purchasing Contracts

- A. The District participates in several cooperative purchasing programs that offer volume discounts for items commonly purchased by a number of public entities.
- B. Purchases made off of these contracts meet the competitive bid requirements set forth by the Texas Education Code.
- C. These contracts are typically used for smaller dollar purchases where it is not cost effective for the District to put out a bid for an annual contract. These contracts can be used to obtain pricing for those items under the \$5,000 threshold, so departments will not be required to obtain multiple quotes.
- D. Following is a list of some of the cooperative programs that the District participates in:
 - 1. Texas Procurement and Support Services Cooperative Purchasing Program (TPASS)
 - 2. The Cooperative Purchasing Network (TCPN)
 - 3. U.S. Communities

4. Buyboard
5. E&I Cooperative
6. Collin County Governmental Purchaser's Forum
7. Houston-Galveston Area Council of Governments (HGAC)
8. Texas Interlocal Purchasing Systems (TIPS)
9. Harris County Department of Education (HCDE) – Choice Partners
10. National Cooperative Purchasing Alliance (NCPA)
11. National Joint Powers Alliance (NJPA)
12. Region 10 Education Service Center
13. Tarrant County Cooperative Purchasing Program
14. Texas Department of Information Resources (TIPS)
15. U.S. General Services (GSA) – Schedules 70 and 84

14.3.4 Emergency Purchases

A. Emergency purchases must be entered into CougarMart and expedited through the approval path by the requesting department.

1. It is the department's responsibility to call all approvers on the approval path to expedite the requisition.
2. The department is also responsible for checking the status in CougarMart to determine what approval level it is at.
3. Call Purchasing to advise the emergency status and the requisition number so that when it is received by Purchasing, proper action can be taken.
4. If over \$5,000, not covered under a current contract or multiple quotes have not been received, submit a Justification for Emergency Acquisition Form as backup for the purchase, which is available on the Purchasing Department's Intranet site (<http://inside.collin.edu/purchasing/forms.html>).

B. Emergency expenditures are defined as follows:

1. To remove hazards
2. To protect property
3. To protect people
4. To alleviate financial loss
5. To alleviate operation damage
6. To expedite repairs

C. Emergency expenditures, between \$10,000 - \$49,999.99, are defined as follows:

1. If school equipment or a part of a school facility or personal property is destroyed or severely damaged, or as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure and to bid would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment or the part of the school

facility may be made by methods other than a bid.

2. These purchases must be approved by Vice President of Administration/CFO.

D. Emergency expenditures of \$50,000+ are defined the same as expenditures of \$10,000 - \$49,999.99 above, except Board approval is required.

E. Notwithstanding any other provision of the Texas Education Code, 44.031, in the event of a catastrophe, emergency, or natural disaster affecting a school district, the board of trustees of the district may delegate to the president or designated person the authority to contract for the replacement, construction, or repair of school equipment or facilities under this subchapter if emergency replacement, construction, or repair is necessary for the health and safety of district students and staff.

14.4.0 COMPETITIVE SOLICITATION PROCEDURES - \$50,000 +

14.4.1. Upon receipt of a requisition, which has been through the proper approval path with specifications for the goods or services, the Purchasing Department determines the method of purchase that provides the best value to the District.

14.4.2 The Purchasing Department develops the solicitation document.

14.4.3 The Purchasing Department prepares the legal notice.

A. Notice of the time by when and place where the bids, quotes, proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the District's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the District's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately.

B. Bids must be submitted electronically through the District's e-bidding system or in a sealed envelope (no faxes or e-mails), and must be made available to the public either electronically or opened in a public bid opening at the time and place indicated in the legal ad.

C. Notice shall include:

1. a general description of the items and/or services to be bid;

2. where bidders can view and respond to solicitations electronically or download bid specifications for manual submission;

3. whether a pre-bid conference will be held and if so, when, where and whether it is mandatory;

4. the time and date that the bids are to be submitted electronically or time, date and place manual bids are to be received;
5. bonds required;
6. the following clause: "Collin encourages participation in the bid process by small, minority-owned, veteran and female-owned businesses. Collin does not discriminate on the basis of race, color, religion, gender, national origin, age, disability or veteran status."

D. The Purchasing Department determines the commodity code from which to solicit vendors. The Purchasing Department can also add external invitations for suppliers that are not registered, but might be interested and able to provide the goods or services being bid.

E. The Purchasing Department provides a copy of the completed solicitation document to the originator.

F. The originator reviews the document to insure that all items are interpreted correctly. Any changes, additions or deletions should be sent immediately to the Purchasing Department.

G. The Purchasing Department places the bid on the District's e-bidding system.

H. Vendors that are registered for the selected commodity and any external vendors invited will receive an e-mail notification that the bid opportunity is available.

I. All questions related to the solicitation should be addressed to the person listed under "Bid Contact Information" under the Event Details tab of the solicitation. All answers to submitted questions will be issued through the e-bidding system to the Purchasing Department to insure that all vendors are provided the same information.

1. Any interpretations, corrections and/or changes to a bid solicitation will be made by addenda to the respective document when necessary and issued through the e-bidding system by the Purchasing Department.

2. An addendum will be published and notice of the addendum will be distributed by e-mail through the e-bidding system to all that are known to have been notified or viewed the bid and related specifications online.

3. It shall be the sole responsibility of the bidder to verify issuance/non-issuance of addenda and to check all avenues of document availability prior to opening date and time to insure bidder's receipt of any addenda issued.

4. No questions will be responded to forty-eight (48) hours prior to bid opening.

5. Bid closing dates and/or times may be extended through the e-bidding system without issuance of an addendum. Vendors who have been notified or viewed the bid online will receive an e-mail notice that the bid date and/or time has been extended.

14.4.4 Evaluation of Bids

- A. The Purchasing Department receives and publicly opens responses. Public opening can be accomplished either electronically through the system or read aloud in the Purchasing Department, should a vendor be present for a bid opening. Bid tabulations are available once the bid has been unsealed in the system. Manual submissions will not be available on the system until the Purchasing staff member has added the response information. Upon adding the response information, the manual submission will be available to the public electronically.

- B. The bid tabulation is generated by the e-bidding system.
 - 1. The requesting department will either be given view only access to review the bid response information on the e-bidding system or will be provided hard copies, based on their preference. The requesting department is responsible for evaluation of the responses in accordance with the evaluation criteria set forth in the solicitation.

- C. The requesting department is responsible for determining the best value to the District, based on stated evaluation criteria, and whether the costs are within their budget.
 - 1. The supervisor of the requesting department makes the recommendation to the Purchasing Department, indicating their recommendation for award.

 - 2. If the requesting department recommends that the District accept a bid other than the low bid, the originator must furnish written justification, based on the best value evaluation criteria, to support the recommendation on each item that is not the low bid.

 - 3. The Purchasing Department reviews the bid responses and the recommendation from the requesting department to determine if the vendor being recommended meets the minimum qualifications for a responsible bidder and the responsiveness of the bid.
 - a. Should the Purchasing Department disagree with the recommendation of the requesting department and be unable to come to an agreement on the award providing the best value to the District, the recommendation will be presented to the Vice President of Administration/CFO for determination of award.

 - 4. Vendors who have a documented history of poor service or inferior product may be disqualified for award if proper documentation has been provided to the Purchasing Department.
 - a. Documentation of poor performance should be an ongoing process and should be forwarded to the Purchasing Department as issues arise.

- D. The District may reject any and all bids when it is deemed to be in the best interest of the District.

E. After completing the evaluation and receiving the recommendation from the requesting department, the Purchasing Department submits the recommendation to the Board for approval and/or places the order, depending on the dollar amount.

14.4.5 Evaluation of Proposals

A. The Purchasing Department publicly receives responses. Under the competitive sealed proposal method, the names of the companies submitting proposals and all pricing that is stated in the proposal will be read aloud.

B. Competitive Sealed Proposals should be evaluated by a committee of at least two (2) District staff members, to include, but not limited to, representatives from the originating department, a representative from the Purchasing Department and representatives from any other District department that has an interest in the outcome of the awarded contract.

C. The Purchasing Department prepares the evaluation form and forwards to all committee members with a copy of each response.

D. Not later than the 45th day after the date on which the proposals are opened, the District shall evaluate and rank each proposal in relation to the published selection criteria.

D. Committee members read and evaluate the responses based on the evaluation criteria set forth in the request for proposal.

E. Proposal responses should be held confidential prior to award and not discussed with anyone outside of the committee.

F. The District shall select the offeror that offers the best value for the District based on the published selection criteria and on its ranking evaluation. The District shall first attempt to negotiate a contract with the selected offeror. The District may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the District is unable to negotiate a satisfactory contract with the selected offeror, the District shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

G. The District may reject any and all proposals when it is deemed to be in the best interest of the District.

H. After completing the evaluation and receiving the recommendation from the originator, the Purchasing Department submits the recommendation to the Board for approval and/or places the order, depending on the dollar amount.

14.4.6 Construction Services

A. Construction Services are procured under a method provided by Chapter 2267, Government Code.

B. The Board of Trustees must, before advertising, determine which method provides the best value for the District. The District typically utilizes the Construction Manager-at-Risk method for large construction projects.

1. The District selects the Construction Manager-at-Risk in either a one-step or two-step process. The process preferred by the District's Board of Trustees is the one-step process.

2. The Purchasing Department, with input from others, prepares a request for proposals, in the case of a one-step process, or a request for qualifications, in the case of a two-step process, that includes general information on the project site, project scope, schedule, selection criteria, estimated budget, and the time and place for receipt of proposals or qualifications, as applicable, a statement as to whether the selection process is a one-step or two-step process, and other information that may assist the District in its selection of a Construction Manager-at-Risk.

3. The request for proposal must state the selection criteria in the request for proposals or qualifications, as applicable. The selection criteria may include the Offeror's experience, past performance, safety record, proposed personnel and methodology, and other appropriate factors that demonstrate the capability of the Construction Manager-at-Risk.

4. If a one-step process is used, the District may request, as part of the Offeror's proposal, proposed fees and prices for fulfilling the general conditions.

5. If a two-step process is used, the District may not request fees or prices in step one. In step two, the District may request that five or fewer Offerors, selected solely on the basis of qualifications, provide additional information, including the Construction Manager-at-Risk's proposed fee and its price for fulfilling the general conditions.

6. At each step, the District shall receive, publicly open, and read aloud the names of the Offerors. At the appropriate step, the District shall also read aloud the fees and prices, if any, stated in each proposal as the proposal is opened. Within 45 days after the date of opening the proposals, the District shall evaluate and rank each proposal submitted in relation to the criteria set forth in the request for proposals.

7. The District shall select the Offeror that submits the proposal that offers the best value for the District based on the published selection criteria and on its ranking evaluation. The District shall first attempt to negotiate with the selected Offeror a contract. If the District is unable to negotiate a satisfactory contract with the selected Offeror, the District shall, formally and in writing, end negotiations with that Offeror and proceed to negotiate with the next Offeror in the order of the selection ranking until a contract is reached or negotiations with all ranked Offerors end.

8. The District must document the basis of its selection and make the evaluations public not later than the seventh day after the date the contract is awarded.

D. Performance bonds for the total contract amount are required to be submitted for all public works projects over \$100,000 prior to the commencement of any project. Payment bonds for the total contract amount are required to be submitted for all public works projects over \$25,000 prior to the commencement of any project.

D. A Certificate of Insurance as described in the Request for Proposals/Qualifications must be provided prior to the commencement of any project.

E. Basic Minimum Wage Rates: Contractors and subcontractors shall pay not less than the rates approved by the Collin College Board of Trustees in accordance with Government Code 2258.022.

14.4.7 Professional Services

A. Professional services include the following services:

1. accounting;
2. architecture;
3. landscape architecture;
4. land surveying;
5. medicine;
6. optometry;
7. professional engineering;
8. real estate appraising; or
9. professional nursing

B. The District may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award:

1. on the basis of demonstrated competence and qualifications to perform the services; and
2. for a fair and reasonable price.
 - a. The professional fees under the contract:
 - (1) must be consistent with and not higher than the recommended practices and fees published by the applicable professional associations; and
 - (2) may not exceed any maximum provided by law.

C. In procuring professional services, the District must:

1. first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and
2. then attempt to negotiate with that provider a contract at a fair and reasonable price.

a. If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land surveying services, the District must:

- (1) formally end negotiations with that provider;
- (2) select the next most highly qualified provider; and
- (3) attempt to negotiate a contract with that provider at a fair and reasonable price.

b. The District must continue the process described above to select and negotiate with providers until a contract is entered into.

14.5.0 REQUISITIONING

14.5.1 Planning for Needs

A. Originators should plan for equipment, supply and service requirements well in advance of need, for the following reasons:

1. The lead time required for the vendor to complete the order depends on the merchandise or service involved.

2. Processing a requisition from initiation to issuance of a purchase order may vary from a few days to many weeks, depending upon:

- a. the nature and value of the transaction;
- b. time required for approval of requisition;
- c. the existing work load of the Purchasing Department;
- d. the existing work load of the vendor(s); and
- e. requisition scheduling.

B. Requisitions for items requiring Board approval should be received by the Purchasing Department in accordance with the “Purchasing Deadlines for Board Agenda” calendar, available on the Purchasing Intranet Page. In addition to the time required to prepare the solicitation document, these purchases:

1. may need to be advertised in accordance with 14.4.3;
2. may require at least two weeks of advertising before bids can be opened;
3. must have Board approval.

C. The procedure followed in processing a requisition is:

1. The originator enters the electronic requisition, which is routed electronically through predetermined approval channels to the Purchasing Department.

2. Upon receipt of the requisition in Purchasing, the Purchasing Department:

- a. determines the method of purchase;

- b processes solicitations as outlined under 14.4.0, if deemed necessary;
- c obtains necessary approvals; and
- d issues purchase order(s).

14.5.2 Preparing the Requisition

A. Solicitations will be processed only after the requisition has been through the appropriate approval path and been received in Purchasing.

B. Combine all similar items that can be purchased from same group of vendors on one requisition. Requisitions received of a similar nature will be combined with other requisitions and, unless existing contracts are available, bids or quotes will be requested. Purchasing staff keeps careful watch for the following types of purchases which attempt to avoid the bid/quote/proposal process:

1 "Component purchases" means purchases of the component parts of an item that in normal purchasing practices would be purchased in one purchase.

2 "Separate purchases" means purchases, made separately, of items that in normal purchasing practices would be purchased in one purchase.

3 "Sequential purchases" means purchases, made over a period, of items that in normal purchasing practices would be purchased in one purchase.

4. Suspected purchases of the above nature will be brought into question and the proper procedures for the purchase will be followed.

C. Items to be delivered to different campuses must be entered on separate requisitions.

D. If the purchase is being made under an existing contract, including a cooperative purchasing contract, then the contract bid number must be referenced on the requisition. Contracts are loaded in CougarMart to make it easier for requesters to add the contract number to their requisition. Requisitions issued for many of the District's contracted vendors that have only one contract with the District will have the contract number automatically applied to the order.

E. Printing requirements must first be approved by the Publications Department.

F. The system automatically sets the delivery date to 2 weeks after the date the requisition is created. This automatically set delivery date may not be realistic for the goods or services being purchased. Requestors should state the required delivery date, taking into consideration the approval process and turn-around times required in Purchasing. If the requisition has been held up for any reason, the delivery date may need to be changed. If the system attempts to create a purchase order after the stated delivery date, the purchase order will fail and will need to be restarted after the delivery date has been corrected. When acquiring quotes from vendors make sure and ask about the time required for delivery after the vendor receives the order and add that amount of time to the required by date. Be realistic when entering the

required by date. If the order needs to be expedited, please indicate so in Internal Notes on the requisition and Purchasing will do their best to meet the needs of the departments requirements.

G. When placing an order with a new vendor, the requestor should create a New Vendor Request Form in CougarMart and provide complete and accurate information for the vendor. Information that needs to be included is: Vendor name, contact name, address, phone number, fax number, e-mail address, W9 and the preferred distribution method for purchase orders. (Purchase orders can be distributed via CXML, e-mail, fax or manually.) Make sure that the vendor will accept a purchase order, especially when dealing with internet companies.

H. Be sure to note special delivery requirements in External Notes on the requisition (i.e. installation, contact person to schedule delivery, room number of installation, any time periods that the space would/would not be available for installation, special installation requirements such as weekend installs).

I. Take into consideration issues such as warranty, training, and annual maintenance.

J. The more information that you include with the requisition, the fewer questions that will likely need to be addressed and the quicker the requisition will be processed. If you have backup information such as quotes, sole source documentation, etc., attach the information to the Internal Notes of the requisition in CougarMart.

K. Information that needs to go to the vendor should be included in the External Notes or Attachments section of the requisition. Information that needs to go to Purchasing or the requisition approvers should be included in the Internal Notes or Attachments section of the requisition.

L. The first approval step for all requisitions is Banner Budget Approval. If you do not have funds available in the account selected, the requisition will fail and will be returned automatically. It is the requestor's responsibility to check budget and perform necessary budget adjustments before submitting requisitions for approval.

M. All requisitions for IT related purchases (to include but not limited to software, hardware, printers, memory, etc.) must use the appropriate account code for these type purchases. Selection of the appropriate account code for these items will automatically require the requisition to go through the Technology Approval step.

N. Any requisition received into Purchasing that does not have the required information and/or has not gone through the proper approval path may be returned to the requestor for correction.

O. The largest quantity consistent with need, storage space, and available funds should be requested. Avoid small orders since delivery charges and processing costs may exceed the value of the merchandise;

P. A complete description of the item(s) required should be included on the requisition so

that the correct item is ordered and received.

14.5.3 Special Requirements for Capital Equipment Purchases

- A. Capital equipment that is being delivered to different campuses must be entered on separate requisitions.
- B. Items must be delivered through Central Receiving at the appropriate campus so that they can be tagged and the information recorded. In the case of new project furniture and equipment installations, Purchasing Department staff will coordinate with Central Receiving staff to insure that equipment is tagged and information recorded.
- C. An External Note should be entered on the requisition requiring the vendor to note the purchase order number on shipping labels.
- D. The description entered on the requisition must be adequate to assist in the identification of the item. Listing only a part number is not sufficient. All components that would be used to make up a single unit, such as a desk, should be included as one line item. Each component should be detailed as part of that line item.
- E. An External Note should be included stating the name and complete 10-digit phone number of the person originating the request. This is the person to whom the receiving staff will coordinate delivery to or with whom the vendor should schedule installation with.

14.5.4 Change Orders

- A. Change orders cannot be done on purchase orders that have already been received in Banner. A new requisition must be submitted.
- B. Change orders for additional items, which exceed \$500, must be placed on a new requisition. Exception would be for repair of equipment, building, etc. where the cost of the repair is estimated on the original order.
- C. Change order requests will be reviewed on an individual basis. It is the department's responsibility to make sure that funds for the additional cost are available in their budget. Change orders go through Banner Budget Authorization and will fail if funds are not available.
- D. Change orders should be submitted on the Purchasing Change Request form available under Showcased Services on the landing page of CougarMart

14.5.5 Open Purchase Orders

- A. Open purchase orders should be reviewed at the end of the fiscal year to determine if there is a need to issue an open purchase order to that vendor for the new fiscal year. The amount spent per vendor should be reviewed to determine the amount needed for the upcoming fiscal year. Open purchase orders should be issued for the amount that the department estimates they will spend for the upcoming fiscal year. Open purchase orders should be used for: 1) emergency purposes, when it is not feasible to enter a requisition and go through the proper purchasing procedures; or 2) many small dollar purchases are anticipated for supplies throughout the year.

- B. Single item purchases of \$500 or greater should not be purchased through an open purchase order and a new requisition should be entered into CougarMart and a purchase order issued prior to making the purchase.
- C. The proper procedure for emergency purchases, where an open purchase order is not in place or the item is over \$500, is for the department to: 1) enter a requisition in CougarMart; 2) call each person on the approval path to expedite the approval process; 3) make Purchasing aware that the requisition is an emergency and will need to be processed immediately upon final approval; 4) Purchasing will process the requisition and distribute the purchase order to the vendor.
- D. Open purchase orders must be created using the Declining Balance/Open Purchase Order form found under Showcased Services on the CougarMart homepage.
- E. A receiver must be done on an open purchase order upon issuance so that Accounts Payable will be able to pay invoices as needed.

14.5.6 Receiving orders

- A. Receiving document should be done through CougarMart and include the following information:
 - 1. Quantity received
 - 2. Date received
- B. Document shortages, overages and damages on the receiving report
- C. Only approve payment for quantity received and kept
- D. Do a partial receipt for items that are received when backorders, stockouts, etc. are involved.
- E. Items should be checked-in immediately and a receiver should be done in CougarMart as soon as possible.
 - 1. Insures prompt payment to the vendor
 - 2. May be damages or shortages that need to be reported
- F. Before signing for goods, check boxes for damage.
- G. If there is damage to the box, check to make sure the contents are not damaged.
- H. If contents are not damaged, you can go ahead and accept delivery.
- I. If contents are damaged, refuse delivery.
- J. Make carrier document damage to the box even if contents do not appear to be damaged.

K. If damage that could not be detected upon receipt (latent defect) is noticed when the goods are put to use you need to notify the vendor immediately.

L. Always test goods to make sure there are no latent defects. In most cases, there is a time limit as to when goods can be returned.

14.5.7 Shipping Terms and Shipping Costs

A. F.O.B. (Free on Board) determines the point at which title or ownership transfers and responsibility for the goods while in transit.

1. F.O.B. Destination: Shipper maintains ownership and is responsible for the goods until received by the buyer at the destination indicated on the purchase order.

a. Any loss or damages would be handled by the shipper.

2. F.O.B. Origin: Buyer takes ownership and responsibility once the goods leave the shipper's location.

b. Any loss or damages would be handled by the buyer.

B. Important to include shipping costs on the purchase order.

C. Should ask vendor to include shipping in their price or give a separate price.

1. Ideal shipping term is F.O.B. Destination, freight prepaid and allowed where the shipper pays freight, owns goods in transit and files claims.

14.5.8 Vendor Documentation

A. Always document unsatisfactory performance by a vendor and keep on file. You never know when unsatisfactory performance will become habitual, so keep good records in order to support any future debarment of the vendor or actions against the vendor.

B. Contact Purchasing anytime a problem arises with a vendor that cannot be rectified at the department level.

14.5.9 Inventory Control

A. Keep records to determine usage history in order to maintain adequate inventory levels.

B. Document item usage to get an idea of the volume of usage. This information could be used to establish annual contracts.

C. Have procedures in place to document where inventory is going.

14.6.0 PREPARING SPECIFICATIONS OR ITEM DESCRIPTIONS

14.6.1 Simple Descriptions:

- A. Requesting department describes the goods and/or services in enough detail to insure that the correct goods and/or services are purchased.
- B. Information furnished should include, but is not limited to:
 - 1. quantity;
 - 2. size (packaging size, size of product, etc.) ;
 - 3. color;
 - 4. trade name;
 - 5. catalog or model number;
 - 6. manufacturer;
 - 7. brief description;
 - 8. details of service to be performed;
 - 9. dates services are to be performed; and
 - 10. location where services are to be performed.

14.6.2 Specifications

- A. If the item cannot adequately be described in the manner indicated above:
 - 1. the originator provides the necessary written specifications; and
 - 2. the originator attaches specifications to the requisition.
- B. Specifications should:
 - 1. describe the requirements clearly and in sufficient detail to insure purchase of the correct goods and/or services;
 - 2. provide for open competition in bidding;
 - 3. describe any special delivery or installation requirements; and
 - 4. if possible, permit the procurement of standard products rather than items of special manufacture.
 - a. Originators should consider:
 - 1. the availability of parts;
 - 2. the availability of local repair facilities;
 - 3. warranty;
 - 4. required training; and
 - 5. support.
- C. Specifications for items to be fabricated should include:
 - 1. Exact and detailed information such as
 - a. materials;
 - b. dimensions of major components;
 - c. design features;
 - d. performance standards;
 - e. methods of manufacture;

- f. required inspection and approvals; and
- g. scale drawings.

2. Use of vendor written specifications is considered a conflict of interest and is prohibited. Vendors will not be allowed to bid on goods or services for which they have written the specifications.

3. Peers at other colleges and public agencies are great resources for finding specifications. Specifications can also be obtained from many trade associations and professional organizations. The Purchasing Department can assist in finding legitimate sources for specifications of the goods and/or services.

4. Unless the originator possesses considerable expertise, the assistance of a subject matter expert may be needed to prepare adequate specifications.

D. Originators may list specifications on the requisition or, if lengthy, include them as an attachment in the Internal Attachments section of the requisition.

14.6.3 Printing Specifications

A. The Purchasing Department handles the purchase of publications and printed materials following the same procedures and guidelines as other purchase transactions.

1. All District printing projects and publications are coordinated through the Public Relations Office, which assists the Purchasing Department by:

- a. writing print specifications;
- b. suggesting appropriate vendors for specific projects;
- c. assisting in maintaining an updated list of vendors;
- d. providing publication forms, needed for all printing projects.

B. The Public Relations Office works with the originator to develop a complete description of the project including:

- 1. quantity;
- 2. printed size;
- 3. design;
- 4. typography;
- 5. ink colors;
- 6. paper selection; and
- 7. folding.

C. Factors which have a direct impact on a vendor's ability to perform the work, and increase the cost are also noted, including:

- 1. close registration;
- 2. bleeds;
- 3. halftones;

4. screens;
5. embossing;
6. die cuts; and
7. special printing techniques.

D. Public Relations provides the information that the requestor will need to include on the requisition.

E. It should be indicated on purchase orders for all print jobs that the items are to be delivered to Public Relations. Public Relations staff works directly with the vendor in:

1. correcting and approving proofs;
2. performing press checks; and
3. inspecting final product upon delivery.

F. Any revisions of the specifications (after the purchase order is issued) affecting the cost of the publication must be authorized through the change order process and a change order shall be issued to the vendor by the Purchasing Department prior to any additional costs being incurred.

G. Requests for publications should be made well in advance of the date needed:

1. a **one-month lead time** is requested for most projects; but
2. a **two-month lead time is needed** for projects requiring **board of trustee approval**.

14.7.0 PURCHASE ORDERS

14.7.1 Issuance of Purchase Order

A. After obtaining competitive prices and selecting the vendor(s), the Purchasing Department issues purchase order(s) for items listed on a requisition.

1. Purchase orders are generated through CourgarMart and sent to the vendor via their designated distribution method.
2. The requisitioner will receive a notification when a purchase order has been generated.
3. The Purchasing Department may issue several purchase orders when requisitions require more than one vendor.
4. Each purchase order should include, but is not limited to:
 - a. the standard terms and conditions of the purchase order;
 - b. the ship to location;
 - c. the requestor information;
 - d. the vendor's name, address, phone and fax numbers;

- e. the date the purchase order was issued;
- f. the required date of delivery;
- g. special delivery/installation instructions;
- h. the F.O.B. terms;
- i. the payment terms;
- j. invoicing instructions and information;
- k. quantity, unit of measure, description, unit price and total price of items being ordered;
- l. special clauses; and
- m. supplier attachments and notes.

B. The Purchasing Department has sole authority to issue a change order to the vendor:

- 1. to change quantities;
- 2. to change specifications;
- 3. to change dollar value; or
- 4. to cancel a purchase order.

D. The requestor immediately sends a change order request to the Purchasing Department if:

- 1. an error is discovered on the purchase order;
- 2. circumstances dictate a change, addition or deletion;
- 3. circumstances dictate a cancellation.

E. Necessary changes should be made before the vendor fills the order to avoid extra charges for handling or restocking after delivery.

F. Accounts Payable will handle invoices over the purchase order amount as follows (this does NOT apply to Open Purchase Orders):

- 1. \$50 or less - Payment is automatically processed by Accounts Payable.
- 2. \$50.01 to \$499.99 - Department approval is required, but change order is not processed through CougarMart. Accounts Payable will obtain this approval from the department.
- 3. \$500 and greater - Ordering department must process a change order request in CougarMart and Purchasing will process the change in CougarMart and Banner.

G. Change orders must be done to add new line items.

14.8.0 PURCHASE TRANSACTIONS NOT REQUIRING A PURCHASE ORDER

14.8.1 Purchases using a procurement card:

A. Purchases using a procurement card must follow the guidelines set forth in the P-Card Procedures Manual: G:\Admin\PURCHASE\Revised Documents\Procurement Card.

14.8.2 If the user does not have a P-card then a Check Request should be submitted to Accounts Payable in lieu of submitting a requisition for:

- A. subscriptions;
- B. memberships;

- C. newspaper ads; or
- D. postage (bulk mailings);

14.8.3 Inventory request forms should be used for the following:

- A. items kept in stock by Academic Technology and Networking Services;

14.8.4 Transactions that should be processed on a Contract Labor form:

- A. Campus Security (not under contract)
- B. Athletic Official
- C. Guest Lecturer

14.9.0 PROCUREMENT FILES

14.9.1 The following information is retained in Procurement Files – typically for formal solicitations of \$5,000 and more:

- A. completely executed contract, signed and dated, when applicable;
- B. Justification for Sole Source form, when applicable;
- C. copy of legal notice for solicitations (\$50,000+);
- D. list of prospective vendors that were notified of the bid opportunity;
- E. date the notification was sent;
- F. status of their response;
- G. date and time response was submitted by the vendor;
- H. pre-bid/proposal conference attendance lists, when applicable;
- I. cost reasonableness analysis, when applicable;
- J. copy of bid tabulation and recommendation memo from the requesting department;
- K. copy of awarded vendor's response(s) (non-awarded vendor's responses can be viewed online.)
- L. copies of awarded vendor's response to a request for proposals with evaluation of proposal, signed rating sheets, individual scores aggregated and numerical ratings justifying award;
- M. copy of Board Agenda, if applicable;
- N. copy of the purchase order, if a one-time purchase; and
- O. copy of insurance and bonds, if applicable.

14.9.2 Procurement files will be retained as follows:

- A. Construction project files - Permanently
- B. Formal sealed competitive Bid/RFP Files (\$50,000+) – FE of award plus 5 years
- C. Quotes/purchases of \$2,000 to \$49,999 - One year
- D. Purchase Order and Receipt Records – FE plus 3 years.

14.10.0 FOLLOW-UP AND EXPEDITING OF ORDERS

14.10.1 General

- A. If items ordered are not received when expected, the **requestor** makes follow-up inquiries.
 - 1. If a requisition was submitted, but no purchase order has been issued indicating that the materials or services requested have been ordered:
 - a. the requestor checks the status of the requisition in CougarMart.
 - b. the requestor contacts the approver or Purchasing, whichever is applicable, to expedite approval or determine the reason the requisition has not been approved and must provide the requisition number in question.

2. If a purchase order was issued and the requestor has not received the merchandise or services in accordance with the requested delivery date:
 - a. the requestor contacts the Receiving Department to determine if delivery has been made;
 - b. the requestor furnishes:
 1. the purchase order number; and
 2. the vendor name.
 - c. If the Receiving Department has no record of receiving the order and has no status information, then the requestor contacts the vendor to determine the status of the order;
 - d. documentation of delivery issues should be provided to the Purchasing Department with all files and records necessary to contact the vendor for status information;

B. When vendors fail to respond to a requestors **requests for purchase order follow-up or expedition**, the Purchasing Department:

1. contacts the vendor;
2. requests detailed order status information;
3. relays any information obtained to requestor.

C. If the Purchasing Department obtains information indicating an unsatisfactory order completion date, the requestor may request alternative action:

1. if the Purchasing Department determines that alternative action is warranted, such action may be initiated in a manner that follows established procedures and may include:
 - a. accepting a substitute;
 - b. issuing a cure notice for contracted vendors;
 - c. cancellation of the order and possibly the contract, if applicable and the Purchasing Department finds that the vendor has defaulted on his commitment to furnish the products or services specified; and
 - d. reordering from another vendor.

D. If the Purchasing Department determines that a vendor follows a pattern of non-performance or unsatisfactory performance, that vendor may be disqualified from award of future contracts.

14.11.0 ELECTRONIC RECEIPT OF BIDS

SUMMARY: This procedure will apply to sealed bids and proposals that are estimated to cost \$50,000+ or the sealed bid/proposal dollar levels as defined by current State law. This procedure is to ensure the identification, security and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

WHO	DOES WHAT
Purchasing Staff	Places bid notice advertisements as required by State law. A notification will be added to the bid/proposal ad stating vendors may submit responses electronically through the designated Internet provider, listing the appropriate electronic address. Hard-copy submittals will be accepted as well.
Purchasing Staff	Only a password-enabled purchasing employee will be able to open the electronic responses and only at the established closing time and date. The electronic system used is locked and cannot be unsealed until the date and time indicated.
Purchasing Staff	Bids/proposals and the recap summary will be opened, downloaded and printed by the appropriate Buyer.
Buyer	Will open any hard document (paper) responses received in full sight of any interested party.
Buyer	Will read aloud to interested parties present, all electronic and hard document responses properly received by closing time and date.

14.12.0 GRANT PROCEDURES

- All grant vendors should be checked on SAM.Gov the day the order is issued and the debarment search results should be printed and attached to the requisition.
- The bid checklist, acknowledging each Grant step, should be signed & dated by the Buyer (the date the PO is completed) and attached to the requisition.

The following certifications and provisions are required and apply when Collin expends federal funds for any contract resulting from this procurement process. Pursuant to, all contracts, including small purchases awarded by the District and the District's subcontractors shall contain the procurement provisions of Appendix II to Part 200, as applicable. Departments obtaining quotes shall use the Edgar Vendor Certifications form, which can be found on the Purchasing Intranet site. For goods and services that are bid through the Purchasing and Contracts Department, these certifications and provisions will be included as part of the solicitation process.

REQUIRED CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS APPENDIX II TO 2 CFR PART 200

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

Pursuant to Federal Rule (B) above, when federal funds are expended by Collin reserves the right to immediately terminate any agreement in excess of \$10,000 resulting from this procurement process in the event of a breach or default of the agreement by Vendor, in the event vendor fails to: (1) meet schedules, deadlines, and/or delivery dates within the time specified in the procurement solicitation, contract, and/or a purchase order; (2) make any payments owed; or (3) otherwise perform in accordance with the contract and/or the procurement solicitation. Collin also reserves the right to terminate the contract immediately, with written notice to vendor, for convenience, if Collin believes, in its sole discretion that it is in the best interest of Collin to do so. The vendor will be compensated for work performed and accepted and goods accepted by Collin as of the termination date if the contract is terminated for convenience of Collin. Any award under this procurement process is not exclusive and Collin reserves the right to purchase goods and services from other vendors when it is in the best interest of Collin.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance

of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or sub recipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or sub recipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or sub recipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended— Contracts and sub grants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401- 7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide

exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) **Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)**—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non- Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(j) **CERTIFICATION OF COMPLIANCE WITH 2 CFR Part 200, (Section 200.322) - Vendor agrees it will, when applicable, comply with 2 CFR part 200, (j) Section 200.322, Section 6002 of the Solid Waste Disposal Act, as amended by the Resource and Recovery Act and Environmental Protection Agency guidelines found at 40 CFR part 247.**

RECORD RETENTION REQUIREMENTS FOR CONTRACTS INVOLVING FEDERAL FUNDS

When federal funds are expended by Collin for any contract resulting from this procurement process, Vendor certifies that it will comply with the record retention requirements detailed in 2 CFR § 200.333. The Vendor further certifies that Vendor will retain all records as required by 2 CFR § 200.333 for a period of three years after grantees or sub grantees submit final expenditure reports or quarterly or annual financial reports, as applicable, and all other pending matters are closed.

CERTIFICATION OF COMPLIANCE WITH THE ENERGY POLICY AND CONSERVATION ACT

When Collin expends federal funds for any contract resulting from this procurement process, Vendor certifies that it will comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C 6321 et seq.; 49 C.F.R. Part 18)

CERTIFICATION OF COMPLIANCE WITH BUY AMERICA PROVISIONS

Vendor certifies that Vendor is in compliance with all applicable provisions of the Buy America Act. Purchases made in accordance with the Buy America Act must still follow the applicable procurement rules calling for free and open competition

CERTIFICATION OF ACCESS TO RECORDS – 2 C.F.R. § 200.336

Vendor agrees that the Inspector General of the District or any of their duly authorized representatives shall have access to any books, documents, papers and records of Vendor that are directly pertinent to Vendor's discharge of its obligations under the Contract for the purpose of making audits, examinations, excerpts, and transcriptions. The right also includes timely and reasonable access to Vendor's personnel for the purpose of interview and discussion relating to such documents.

CERTIFICATION OF APPLICABILITY TO SUBCONTRACTORS

Vendor agrees that all contracts it awards pursuant to the Contract shall be bound by the foregoing terms and conditions.

Vendor agrees to comply with all federal, state, and local laws, rules, regulations and ordinances, as applicable. It is further acknowledged that vendor certifies compliance with all provisions, laws, acts, regulations, etc. as specifically noted above.

- Always read any vendor included terms and conditions or agreements before proceeding to ensure they that they do not contradict District terms and conditions or Federal requirements.
- All grant orders MUST follow District guidelines for purchases (i.e. 3 quotes obtained by the department or Purchasing if over \$5,000 or Purchasing to issue formal solicitations if \$50,000 or over). If an existing contract or a cooperative contract is being used, Purchasing should review the contract to insure grant compliance and that they are awarded in compliance with Texas Education Code 44.031. A copy of the cooperative contract should be attached in the CougarMart contract or attached to the order.
- All Sole Source requests shall be in compliance with the Districts' Sole Source Procurement Policy.
- It shall be the responsibility of the Buyer to monitor the vendor's performance during the term of an annual contract or during the performance of a one-time project. Performance shall be documented by attachment to the Purchase Order or attached to the contract in CougarMart.
- Collin encourages participation in the proposal process by small, minority and female-owned businesses. Collin does not discriminate on the basis of race, color, religion, gender, national origin, age, disability or veteran status.