

Collin County Community College District
Business Administrative Services Policies and Procedures Manual
Section 14 – Purchasing

Revision Log:

Sub Section	Revision Date	Summary of Change
14.2.1 14.3.3 14.3.4	3/31/2017	Updated thresholds, paragraphs A through C Updated Cooperative Purchasing Programs, paragraph D Updated Emergency Purchase threshold, paragraph A4
14.4.6 14.5.5 14.7.1	3/31/2017	Revised Basic Minimum Wage Rates, paragraph E Revised Open Purchase Orders, paragraph D Issuance of Purchase Order, paragraphs F and G
14.8.1	3/31/2017	Purchases using a procurement card.
14.1.2	4/23/2018	Updated Ethics information, paragraphs O & P, previous paragraph Q was changed to P and previous paragraph R was changed to Q.
14.12.0	8/31/2018	Update to grant purchases in accordance with Uniform Guidance.
	7/16/2021	Total Revision
	8/6/2021	Added exemption for advertising
	2/17/2023	Various formatting and language updates made.
	4/26/2023	Additional formatting and language updates made.

Purchasing Mission Statement

Our mission is to provide guidance and leadership to District educators, staff and administrators by working with the supplier community in the procurement of high-quality goods and services, while ensuring compliance with state and federal laws, Board policies, and administrative requirements. The Purchasing Department strives to provide systems and procedures that will make the procurement process more efficient, cost effective and user friendly. We are committed to maximizing the tax payer’s dollar while maintaining the highest

standards of ethics, integrity, public trust and transparency.

14.1.0 GENERAL FUNCTIONS AND RESPONSIBILITIES

More information on the Purchasing Department can be found at www.collin.edu/purchasing.

14.1.1 Responsibility for Purchasing

A. The District has centralized the purchasing process, which requires the Purchasing Department to place all orders for all campuses and all departments.

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, Competitive Sealed Proposals (CSP), Invitation to Bid (ITB), Request for Proposal (RFP), Request for Qualifications (RFQ), Request for Information (RFI), Sole Source purchase, Emergency purchase and Cooperative purchase.

TYPES OF SOLICITATIONS Note: Construction may have different opening procedure. See Government Code 2269. See Attachment A, for more information on selecting the procurement method.

Quote or Informal Bid	Solicitation for goods or services under the statutory sealed bid limit. Does not require advertising. Awarded to the lowest responsible bidder or bidder providing best value. This method will be used by departments for needs under \$50,000. Best used when price is the deciding factor.	Opening Procedure: Does not have to be publicly opened.
RFQ – Request for Qualifications	Request for demonstrated competence and qualifications, usually but not limited to statutory professional services. The RFQ process gives the opportunity to select the firm that best meets the using department’s needs without price being the deciding factor in the initial phase of the selection process.	Opening Procedure: Does not have to be publicly opened. Release only names.

<p>CSP – Competitive Sealed Proposal</p>	<p>The district should select the offeror that offers the best value for the district based on the published selection criteria and its ranking evaluation. The district should 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 should end negotiations with that offeror, formally and in writing, and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.</p>	<p>Opening Procedure: The district should receive, publicly open, and read aloud the names of the offerors, and all prices stated in each proposal, if any are required to be stated. The district should evaluate and rank each proposal submitted in relation to the published selection criteria no later than the 45th day after the date on which the proposals are opened.</p>
<p>RFP – Request for Proposal</p>	<p>A request for proposals (RFP) is a part of the competitive sealed proposal process. (RFP can also refer to an alternative purchasing method authorized by the TEC, 44.031(a), and is further explained below.) RFP is the mechanism that generates the receipt of competitive sealed proposals and should contain the following key elements: • newspaper advertisement • notice to proposers • standard terms and conditions • special terms and conditions • scope of work • scope and intent • definitions and applicable documents • requirements • quality assurance • acknowledgment form/response sheet • felony conviction notice • contract clause Some differences between RFP as an alternative purchasing method, competitive bidding, and competitive sealed proposals include the following: • An RFP is not required by law to be sealed. That is, a district may begin negotiating with a proposer upon receipt of the proposal, rather than waiting until the opening time specified in a competitive sealed proposal solicitation. • An RFP may be used where a district’s requirements are less narrowly defined. • A competitive sealed proposal must be used when awarding a construction contract.</p>	<p>Opening Procedure: Publicly opened and read aloud only the names.</p>

	<ul style="list-style-type: none"> • A competitive procurement limit summary is identical to competitive bidding. • A newspaper advertisement is identical to competitive bidding. • A notice to proposers is identical to competitive bidding. • There must be impartiality and equal access and opportunity to competitive bidding. 	
RFI – Request for Information	A research tool for gathering information when the requirements/specifications cannot be clearly identified. Would not be used as a basis for award.	This is not a solicitation process. Specifying a closing time and date is optional but will assist in obtaining information within a specified timeframe.
ITB – Invitation to Bid - Formal	<p>A solicitation method that must be submitted in a sealed manner and in conformance with a prescribed format, to be received and opened on a specific date and at a specified time. Awarded to the lowest responsible bidder or bidder providing best value. Formal bids must be used for purchases greater than \$50,000 and have specific advertising requirements.</p> <ul style="list-style-type: none"> • Bids are considered best and final, neither negotiations nor changes are allowed by either party • Pricing offered is firm and fixed for the term of the agreement. • Best used when very specific requirements can be communicated (brand name or equal) and when price is the main deciding factor 	Opening Procedure: Publicly opened and read aloud.
Alternative Construction Delivery Methods	Legislation has created separate statutes for construction, repair, or renovation of a facility. Please refer to the Public Works section of this manual for details. (GC 2269)	Opening Procedure: Varies depending on which construction method chosen.
Bid	Term usually meaning an ITB but can be used interchangeably with all of the above. Be specific about the solicitation method requested.	

14.1.2 General Operating Procedures

- 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 award competitive solicitations and have term 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>), Collin College Board Policy CF (LOCAL) and other state, federal and local rules as applicable. CF (LOCAL) can be found here: [https://pol.tasb.org/Policy/Download/304?filename=CF\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/304?filename=CF(LOCAL).pdf).
- D. Awards are generally made on the basis of the bidder whose response to the solicitation 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 and efforts to cure any 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 and maintenance, 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.
- 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 notification of solicitation opportunities via e-mail, based on the commodity codes selected by the vendor's representative.

I. The Purchasing Department currently uses an electronic solution for all competitive solicitations. See Attachment B for electronic bid procedures.

J. The Purchasing Department provides links on the District's Purchasing Internet page to the electronic bidding site where vendors can register, view current solicitation opportunities, view tabulations and view awarded solicitation information. Links to instructions on "How to Register" and "How to Submit a Bid Online" are also available on the District's Purchasing Internet page.

K. Vendors can view, download, respond to and submit responses to solicitations online.

L. Vendors are ultimately responsible for maintaining their own vendor profile online. Failure to maintain their profile could result in missed opportunities to bid on District opportunities. The third-party provider of the electronic bidding system automatically processes emails that result in a permanent bounce or emails marking messages as spam.

M. The District prefers that all responses be submitted online but continues to accept manual responses for solicitations over \$50,000. Faxed or emailed responses for solicitations requiring a sealed response are not acceptable and will not be considered.

N. The District encourages participation in the solicitation 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 taxpayers' dollars, it is our duty as public procurement professionals to ensure 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. **Quiet Period:** Prior to submittal and during the period between submittal submission date and the executed contract award, Bidders, including their agents and representatives, shall not directly discuss or promote their submittal with any member of the District Board of Trustees, District staff, their agents or representatives except in the course of District- sponsored inquiries, briefings, interviews, or presentation, unless requested by the District. This provision is not meant to preclude Respondents from discussing other matters with Board members or District staff. This policy is intended to create a level playing field for all potential Bidders, assure that contract decisions are made in public, and to protect the integrity of the solicitation process. Violation of this provision may result in rejection of the Respondent's submittal.

Q. Separate, sequential and component purchases to avoid competitive bidding requirements are considered unauthorized purchases and are disallowed. Violation of purchasing procedures may result in legal action taken against the individual(s) involved in accordance with Texas Education Code 44.032:
<https://statutes.capitol.texas.gov/Docs/ED/htm/ED.44.htm#44.032>.

- R. 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 a tax exemption certificate to all new vendors upon request.

14.2.0 CLASSIFICATION OF PURCHASE TRANSACTIONS

14.2.1 The Purchasing Department has divided purchase transactions into classifications and established methods of securing solicitations and making awards proportionate to the value involved. The purchase of services, as well as goods, falls under this policy. Purchases under \$100,000 do not require Board approval. Aggregate spend thresholds are determined based on fiscal year and District-wide spend. 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 \$10,000 requesting department obtains one current price quote to establish price for requisition.
- B. \$10,000 – 49,999.99– Three (3) written price quotes must be attached to the requisition in Workday. Quotes may be obtained by the Requesting Department or the Purchasing Department. Supplier’s providing a written “No Bid” is considered a quote.
 - 1. A quote form containing all of the information that should be requested of the vendors 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 Workday 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 will be returned to the requestor by the Purchasing Department.
 - 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 the quote attached to the requisition must reference the cooperative contract number. 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 pricing shown on a public website, so requestors should always contact 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. For the 12-month period indicated in Section D. 1. above, the spend is determined based on the fiscal year.

3. All expenditures of \$100,000 or more during a 12-month period must have Board approval before a requisition can be processed. The Purchasing Department submits a list of annual contracts being procured through a cooperative contract, sole source, or a method exempt from competitive bidding, which are expected to exceed \$100,000 during the fiscal year, to the Board of Trustees in August for approval.

4. Board meetings are generally held the fourth Tuesday of each month with the exception of July and November. The December meeting is usually scheduled early due to the holidays. In determining timelines for order processing and Board approval, see the Procurement Planning document found on the Purchasing Department Intranet Page (http://inside.collin.edu/purchasing/board_agenda.html).

5. Cabinet members are typically listed as the resource personnel for questions during the Board meetings, but it is recommended that a department representative attend the Board meeting to answer any questions pertaining to the purchase that the cabinet member cannot answer.

F. Change orders for purchases that exceed the Board approved amount must have Board approval before the change order will be processed and any deliverables under the change order shall not commence until after Board approval. If the purchase has previously not exceeded Board approval amount, but will exceed the amount after the change order, the item must be submitted for Board approval before the change order will be processed and any deliverables under the change order shall not commence until after Board approval.

G. The Board grants the District President the authority to approve amendments to contracts and purchase requests up to ten percent of the approved amount, not to exceed \$50,000, and to accelerate the timing of spending within the contract when needed to conduct College District business and accomplish strategic priorities in a timely manner. Such amendments and rationale will be reported to the Board.

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 <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.44.htm#44.031>).

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: While not a sole source if available elsewhere, an educational discount could be considered a best value procurement if offered by the manufacturer of the product or service provider 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, from one provider and switching to another provider would cost the District more.

C. Procedures

1. Sole Source documentation is required for any purchase over \$10,000 for which multiple quotes or a competitive procurement method has not been conducted. The Sole Source documentation must be current and may not be more than 12-months old.

2. Department must conduct market research and document results confirming the criteria for a sole source. The documentation must be submitted using the Sole Source requisition type in Workday and the Sole Source questionnaire must be completed as a step in the requisition process.

3. Prior to conducting market research, see if the item is available under a cooperative contract that the District utilizes. (See Section 14.3.3 below for information on cooperative contracts.)

4. If no cooperative contract exists, use the suggested methods below for conducting a market search.

- 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.

5. Submit a Sole Source requisition, which can be found in Workday. The requisition will require electronic approval within the system by the Cost Center Manager. The questionnaire must indicate the reason(s) that the item(s) and/or service(s) should be declared a sole source procurement.

6. If available, a Signed Statement should be attached to the sole source justification form in Workday with proper rationale from the "vendor" certifying that one or more of the following conditions exist:

- 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. Vendor does not sell the item(s) and/or services(s) through distributors.
- 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 production, copy or distribution rights does not mean they are sole source. There could be similar items (or equal), for example a heavy equipment manufacturer has resellers that can only sell the specified equipment in their territory, but you can purchase another manufacturer's product that will perform the same function.

7. All sole source requests 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 Executive Director Procurement Services, Director of Purchasing or the Assistant Director of Purchasing for guidance.

8. 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.

9. If it is determined by the Executive Director Procurement Services, 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 formal Request for Information (RFI) may be issued to determine if an equivalent is available. If responses to the RFI indicate an equivalent is available, then a competitive solicitation will be issued for the goods or services. “When in doubt, bid it out!”

10. 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.

11. If the sole source procurement is approved and the goods/services are being funded with Federal funds, 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.

12. Profit must be separately negotiated in the award of a sole source procurement funded with Federal funds.

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

14. Sole source documentation is not required for advertising in publications or platforms such as, but not limited to, newspapers, billboards, movie theaters, booster club programs, television or radio.

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 using these contracts meet the competitive solicitation requirements set forth by the Texas Education Code.
- C. These contracts are effectively used for smaller dollar purchases where it is not cost effective for the District to issue a solicitation for an annual contract, but can also be used for larger purchases. These contracts can be used to obtain pricing for those items under the \$50,000 threshold, so departments will not be required to obtain multiple quotes.
- D. Each August, a list of the cooperatives that the District is authorized to use will be presented to the Board of Trustees for approval. Additional approvals may be sought throughout the fiscal year, as needed. The list of cooperatives that the District uses can be found on the Purchasing Departments Intranet page. (http://inside.collin.edu/purchasing/general_procedures.html#Cooperative).

14.3.4 Emergency Purchases

- A. Emergency purchases must be entered into Workday and expedited through the approval path by the requesting department.
 - 1. It is the department's responsibility to contact all approvers on the approval path to expedite the requisition.
 - 2. The department is also responsible for checking the requisition in Workday to determine its approval status.
 - 3. Contact Purchasing to advise the emergency status and the requisition number so that when it is received by Purchasing, proper action may be taken.
 - 4. If over \$10,000, not covered under a current contract, or multiple quotes have not been received, submit sufficient documentation to justify the emergency.
 - 5. T-cards may be used to purchase small dollar emergency goods and services from non-contracted suppliers if needed.
- 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 the Chief Financial Officer.

D. Emergency expenditures of \$50,000 or more are defined the same as expenditures of \$10,000 - \$49,999.99 above, except approval by the District President is required and ratification of the District President's approval will be reported to the Board.

E. The Board has delegated to the District President, or designee, the authority to contract without prior Board approval for the replacement, construction, or repair of College District equipment or facilities if emergency replacement, construction, or repair is necessary for the health and safety of College District students and staff in the event of a catastrophe, emergency, or natural disaster.

14.4.0 COMPETITIVE SOLICITATION PROCEDURES - \$50,000 +

Upon receipt of an approved requisition (or verification that funds are available and the procurement is approved by the appropriate cabinet member) and draft specifications have been submitted, the Purchasing Department:

14.4.1 determines the method of procurement that provides the best value to the District.

14.4.2 develops the solicitation document.

14.4.3 prepares the legal notice.

A. Notice of the time by when and place where the solicitations 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 responses to the solicitation. 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 solicitation responses will be received are not required to be published separately. The District utilizes the McKinney Courier Gazette to satisfy the statutory requirement of advertising.

B. Legal Notice shall include:

1. Bid Name and Number

2. Closing Date and Time

3. Location of Bid Opening or link to bid opportunities to view tabulations upon closing
4. Delivery Address for manual responses to solicitations, if different from the location of the Bid Opening
5. The following language needs to be added to the legal notice: Vendors can register to receive District bid notices, view current bid opportunities, download and respond to bids by visiting the District's website at www.collin.edu/purchasing.
6. The following clause: "Collin encourages participation in the solicitation 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."

C. The Purchasing Department determines the commodity code(s) from which to solicit vendors. The Purchasing Department can add external invitations for suppliers that are not registered, but might be interested and able to provide the goods or services being solicited. Departments should submit names of vendors to be notified to the Purchasing Department on the requisition or with the specifications.

D. The Purchasing Department provides a copy of the completed solicitation document or access to the e-bidding system to the originator or requisitioner for review prior to issuing the solicitation.

E. The originator or requisitioner reviews the document to ensure that all requirements and specifications are interpreted correctly and notifies the Purchasing Department that the document is ready for issuance. Any suggested changes, additions or deletions should be provided in writing to the Purchasing Department.

F. The Purchasing Department issues the solicitation through the District's e-bidding system.

G. Vendors that are registered for the selected commodity and any external vendors invited will receive an e-mail notification that the solicitation opportunity is available. Other vendors that hear about the solicitation may register in the system and submit responses to solicitations as well.

H. In an effort to increase competition, all solicitations are also advertised on the State of Texas Electronic State Business Daily (ESBD): <https://www.txsmartbuy.com/esbd>.

H. All questions related to the solicitation should be submitted through the Questions tab of the solicitation within the District's e-bidding system. All answers to submitted questions will be issued through the e-bidding system to ensure that all vendors are provided the same information.

1. Any material interpretations, corrections and/or changes to a 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 solicitation and related specifications online.
3. It shall be the sole responsibility of the bidder to verify issuance/non-issuance of addenda and to check the e-bidding system prior to closing date and time to ensure bidder's receipt of any addenda issued.
4. Questions received prior to the question and answer deadline listed in the e-bidding system will be responded to at least forty-eight (48) hours prior to the closing date and time of the solicitation.
5. Solicitation 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 solicitation online will receive an e-mail notice that the solicitation date and/or time has been extended.
6. Competitive sealed bids must be submitted electronically through the District's e-bidding system or in a sealed envelope (no faxes or e-mails), and results of the bids received 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.

14.4.4 Evaluation of Invitation to Bid Solicitations

- A. The Purchasing Department receives and publicly opens responses. Public opening can be accomplished either electronically or read aloud in the Purchasing Department, should a vendor be present for a solicitation opening. Tabulations for an Invitation to Bid are available once the solicitation has been unsealed in the system. Manual submissions will not be available in 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 auto generated by the electronic bidding system.
- C. The Purchasing Department staff member handling the solicitation must create the evaluation in the electronic bidding system and add evaluators. Instructions for creating evaluator in the electronic bidding system are available in the J:\PURCHASE\Checklists & Instructions shared folder.
- D. The designated evaluators will receive an email inviting them to perform the evaluation within the electronic bidding system. The requesting department is responsible for evaluation of the responses in accordance with the evaluation criteria set forth in the solicitation. Instructions for evaluators is available when the evaluator logs into the

system to evaluate responses to a solicitation.

- E. The Purchasing Department staff member handling the solicitation should conduct a pre-award compliance check to ensure compliance with applicable Texas statutes and District policies and procedures, to include:
 - a. applicable internal reviews and approvals from oversight departments such as; Information Technology, Public Relations Department, or similar Departments have been performed,
 - b. legally required contractor disclosures are completed,
 - c. return of all required documents, licenses, certifications etc.
 - d. compliance of all required documents with requirements
 - e. verification that the selected vendor is not on the federal list of debarred or suspended contractors, and
 - f. Verification that the selected vendor does not owe delinquent taxes
 - g. Verification of authorized signature
 - h. Vendor has not had a contract with the District terminated due to poor performance

- F. The Purchasing Department staff member handling the solicitation should perform the evaluation of Buyer entered criteria, such as evaluation of pricing and State of Texas vendor information.

- G. 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 Purchasing Department staff member will notify the requesting department of the results of the evaluation and confirm the recommendation for award based on the evaluation results.

 - 2. Evaluators must furnish written justification within the evaluation tool to support scores given for each criterion.

 - 3. The Purchasing Department reviews the solicitation responses and the completed evaluations to look for large discrepancies in scores between evaluators. Should any discrepancies be found, the Purchasing staff member may ask the evaluators for additional justification for their scores or ask them to review their scores for mistakes when entering their scores.
 - a. Should the Purchasing Department have a concern regarding the evaluation scores and are unable to resolve the issues with the evaluator(s), the Executive Director Procurement Services or the Chief Financial Officer may be asked to review the evaluations to determine if the evaluation scores have been submitted objectively.

 - 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 shall be an ongoing process and should be forwarded to the Purchasing Department as issues arise.
- H. The District may reject any and all bids when it is deemed to be in the best interest of the District.
- I. After all evaluations are completed and the best value award recommendation is agreed upon by 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 Competitive Sealed Proposals (Ed Code 44.0352)

- 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 three (3) 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 issues the evaluation in the e-bidding system.
- 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.
- E. Committee members read and evaluate the responses based on the evaluation criteria set forth in the request for proposal.
- F. Proposal responses shall 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 2269 Government Code: <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.2269.htm>.

B. If using a construction method other than competitive bidding, the Board of Trustees must, before advertising, determine which method provides the best value for the District. The District has historically utilized the Construction Manager-at-Risk (CMAR) method for large construction projects.

1. The District selects the Construction Manager-at-Risk in either a one-step or two-step process.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

E. Performance and Payment Bond. (a) If a fixed contract amount or guaranteed maximum price has not been determined at the time the contract is awarded, the penal sums of the performance and payment bonds delivered to the governmental entity must each be in an amount equal to the construction budget, as specified in the request for proposals or qualifications. (b) The construction manager-at-risk shall deliver the bonds not later than the 10th day after the date the construction manager-at-risk executes the contract unless the construction manager-at-risk furnishes a bid bond or other financial security acceptable to the governmental entity to ensure that the construction manager will furnish the required performance and payment bonds when a guaranteed maximum price is established. In lieu of a bid bond or other financial security, the CMAR may submit a letter of intent from a surety company indicating your firm's ability to bond for the entire construction cost of the project. The surety shall acknowledge that the firm may be bonded for each stage/phase of the project, with a potential maximum construction cost of equal to or greater than the construction budget.

D. A Certificate of Insurance as described in the Request for Proposals/Qualifications must be provided and approved 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 or
10. interior design services provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Chapter 1053, Occupations Code

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);
- e. requisition scheduling; and
- f. supply chain issues.

B. Requisitions for items requiring Board approval should be received by the Purchasing

Department in accordance with the “Purchasing Planning” diagram, 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 Texas Education Code 44.031 (g);
 2. may require at least two weeks of advertising before solicitations can be opened;
 3. must have Board approval.
- C. The procedure followed in processing a requisition
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, if deemed necessary;
 - c. obtains necessary approvals; and
 - d. issues purchase order(s).

14.5.2 Preparing the Requisition

Help guides and videos for creating a requisition can be found through the Workday Resources link on CougarWeb. These instructions should be followed closely to ensure all required information is included on/with the requisition.

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

B. Similar Items: Combine all similar items to be purchased from same vendor 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 required depending on dollar value. Purchase requisitions submitted that appear to be split to avoid bids or quotes being required will be brought into question and the proper procedures for the purchase will be followed. Purchasing staff keeps careful watch for the following types of purchases which attempt to avoid the solicitation 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.

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

D. Existing Contracts: 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 Workday to make it easier for requesters to add the contract number to their requisition.

E. Print Orders: Printing requirements must first be approved by the Public Relations Office.

F. Delivery Dates: Requestors should state the required delivery date, taking into consideration the approval process and turn-around times required in Purchasing, as well as supplier estimates of delivery after receipt of the order. If the requisition has been held up for any reason, the delivery date may need to be changed. It is recommended to give at least a two week out date to allow time for approvals and delivery, unless the vendor indicates a longer lead time.

1. 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.
2. Be realistic when entering the required by date.
3. 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 department's requirements, but it is the requesters responsibility to contact approvers to expedite approvals.

G. New Vendor: When placing an order with a new vendor, the requestor should create a Supplier Request Form in Workday and provide complete and accurate information for the vendor. Make sure that the vendor will accept a purchase order, especially when dealing with internet companies. A W-9 is required to be attached to the Supplier Request Form.

H. Special Delivery Requirements: 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. Additional Requirements: Take into consideration issues such as warranty, training, and annual maintenance.

E. Supporting Documentation: 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 in the Internal Notes of the requisition in Workday.

F. Requisition Notes: Information that needs to go to the vendor should be included in the Memo field or Attachments section of the requisition. Information that needs to go to Purchasing or the requisition approvers should be included in the Internal Memo field or Attachments section of the requisition.

L. Budget Approval: The first approval step for all requisitions is Budget check. 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. Technology Purchases: All requisitions for IT related purchases (to include but not limited to software, hardware, printers, memory, etc.) must use the appropriate spend category for these type purchases. Selection of the appropriate spend category for these items will automatically route the requisition to go through the Technology Approval step.

N. Return of Requisition: 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. Order Quantity: 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. Description: 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 ensure 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 description.

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 for additional items, which exceed \$5,000, 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.
- B. 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 Budget Authorization and will fail if funds are not available.
- C. Change orders should be submitted by typing "create change order" or by clicking the related actions button next to the PO number in Workday and selecting "create change order".

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. Purchases of goods of \$5,000 or greater should not be purchased through an open purchase order and a new requisition should be entered into Workday and a purchase order issued prior to making the purchase. If an item is considered furniture, equipment, IT equipment or software which would use Spend Category SC1001 or SC1045 and would require a transaction detail worktag, then a new requisition will need to be created regardless of the dollar value. See Workday instruction for Creating a Procurement Request found in the Workday Resources through CougarWeb.
- C. The proper procedure for emergency purchases, where an open purchase order is not in place or the item is over \$5,000, is for the department to:
 - 1. enter a requisition in Workday;
 - 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 Open Purchase Order requisition type in Workday.

14.5.6 Receiving orders

- A. Receiving document should be done through Workday and include the following information:
 - 1. Quantity/Cost 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 Workday 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. At time of delivery, require carrier to document damage to the box/package on both the District receiving document and the document the carrier retains, 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 and the Buyer in Purchasing 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.

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

- B. Important to include shipping costs on the requisition.
- C. Ask vendor to include shipping in their price or give a separate price. Indicate how shipping costs will be invoiced.

14.5.8 Vendor Documentation

- A. Always document unsatisfactory performance by a vendor and share with the buyer to 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: (Brand name or equal)

- A. Requesting department describes the goods and/or services in enough detail to ensure 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 and Scope/Statement of Work (SOW)

- A. Specifications are provided by the user department to assist in the development of the solicitation of goods and services.
1. 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.
 2. 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.
 3. Unless the originator possesses considerable expertise, the assistance of a subject matter expert may be needed to prepare adequate specifications.
 4. Originators may list specifications on the requisition or, if lengthy, include them as an attachment in the Internal Attachments section of the requisition.
- B. Attachment C provides detailed information published by NIGP on developing specifications.
- C. The Scope of Work is prepared at the beginning of a procurement and becomes the basis for the solicitation.
- D. A Statement of Work is a written description in the contract detailing performance expectations and deliverables between the contracting parties.
- E. Attachment D, published by NIGP, provides detailed information on the difference between and Scope of Work and a Statement of Work, as well as information to include in each.

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 Communications 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 Communications 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. The Communications Office staff 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 The Communications Office. Communications 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 Workday and sent to the vendor via email.

2. The requisitioner will receive a notification when a purchase order has been generated.
3. 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 with supporting documentation 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. \$50/10% or less - Payment is automatically processed by Accounts Payable.
 2. \$50.01/10% or greater increase - Ordering department must process a change order request in Workday.

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 (T-card):

- A. Purchases using a procurement card must follow the guidelines set forth in the T-Card Procedures Manual: <http://inside.collin.edu/businessoffice/accountspayable.html>.

14.8.2 If the user does not have a T-card a Supplier Invoice Request should be submitted through Workday in lieu of submitting a requisition for:

- A. subscriptions;
- B. memberships;
- C. newspaper ads; or
- D. postage (bulk mailings);

14.8.3 Transactions that should be processed through a Supplier Invoice Request with a Contract for Services form attached in Workday include, but not limited to:

- A. Campus Security (not under contract)
- B. Athletic Official
- C. Guest Lecturer
- D. Life Models
- E. Guest Performers
- F. Obtaining services for events, such as bounce house or game rentals, face painting, henna artist, caricature artists, etc.

14.9.0 PROCUREMENT FILES

14.9.1 The following information is retained electronically in the contract management software or e-bidding software – typically for formal solicitations of \$50,000 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 solicitation opportunity;
- E. date the notification was sent;
- F. status of their response;
- G. date and time response were submitted by the vendor;
- H. pre-bid/proposal conference attendance lists, when applicable;
- I. cost reasonableness analysis, when applicable;
- J. copy of tabulation and recommendation memo from the requesting department, when applicable;
- 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;
- 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 solicitations (\$50,000+) – FE of award plus 5 years

- C. Quotes/purchases of \$2,000 to \$49,999 - One year
- G. 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 **requisitioner** 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 Workday.
 - 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. Assigned buyer should communicate any delays that may have occurred to keep the requestor informed.
 - 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; the requestor furnishes:
 - 1. the purchase order number; and
 - 2. the vendor name.
 - b. 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;
 - c. 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 requestor's requests for purchase order follow-up or expedition, the Purchasing Department buyer listed on the PO:
 - 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 will be disqualified from award of future contracts.

14.11.0 ELECTRONIC RECEIPT OF SEALED SOLICITATIONS

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

WHO	DOES WHAT
Buyer	Places solicitation legal notice advertisements as required by State law. A notification will be added to the solicitation ad stating vendors may submit responses electronically through the designated Internet provider, listing the appropriate electronic address. Hard-copy submittals will be accepted.
Buyer	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.
Buyer	Solicitations and the recap summary will be opened and downloaded 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 as required by law.

14.12.0 GRANT PROCEDURES

14.12.1 All suppliers for purchases using grant funds over \$25,000 must be checked on SAM.Gov the day the order is issued and the debarment search results shall be saved and attached to the requisition or to the contract. 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.

14.12.2 All grant orders MUST follow the whichever more restrictive guidelines, District or Federal. Regardless of the grant source, at a minimum, District guidelines for purchases (i.e. 3 quotes obtained by the department or Purchasing if over \$10,000 or Purchasing to issue formal solicitations if \$50,000 or over) must be followed. If an existing contract or a cooperative contract is being used, Purchasing must review the contract to ensure compliance with grant requirements and that they have been awarded in compliance with Texas Education Code 44.031. A copy of the cooperative contract should be attached to the contract in Workday or attached to the purchase order.

14.12.3 Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- (1) The item is available only from a single source;
- (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- (4) After solicitation of a number of sources, competition is determined inadequate.

14.12.4 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. End users should notify the Buyer promptly and in writing if the vendor or vendors goods fail to perform in accordance with the specifications of the contract. Performance shall be documented by attachment to the Purchase Order or attached to the contract in Workday.

14.12.5 Collin encourages participation in the solicitation 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.

14.12.6 All requisitions over \$10,000 will need the following termination clause added. Note – This clause is included in the District's standard terms and conditions for solicited purchases.

- (1) Termination for Cause or Convenience: The District, at any time, by thirty (30) days written notice to the Vendor, has the absolute right to terminate this Contract/PO, in whole or in part, for cause or for convenience (that is, for any reason or for no reason whatsoever). "Cause" means the Vendor's refusal or failure to perform or complete its obligations under this Contract/PO within the time specified and to the District's satisfaction, or failure to meet the specifications, quantities, quality and/or other requirements specified in the Contract/PO. If the District terminates this Contract/PO for cause, the Vendor shall be liable for any damages suffered by the District. If the agreement is terminated for convenience, the Vendor has no further obligation under this Contract/PO. Upon receipt of a notice of termination, Vendor shall promptly cease all further work pursuant to the Contract/PO, with such exceptions, if any, specified in the notice of termination. Payment shall be made to cover the cost of goods delivered and services performed, and obligations incurred prior to the date of termination in accordance with the terms hereof. However, in no event shall the vendor be paid an amount, which exceeds the bid/offer price for the work performed. The vendor shall not be reimbursed for any profits which may have been anticipated but which have not been earned up to the date of termination.

14.12.7 The certifications and provisions contained in the Federal Grant Compliance Form (Attachment E) are required and apply when Collin expends federal funds for any contract

resulting from a 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 Federal Grant Compliance Form. For goods and services that are formally solicited through by the Purchasing and Contracts Department, these certifications and provisions will be included as part of the solicitation process.

Selecting the Procurement Method
Attachment A

<u>Activity Description</u>	<u>Invitation to Bid</u>	<u>Request for Proposals</u>	<u>Request for Qualifications</u>	<u>Request for Quotes</u>
When to Use	When specification or statement of work is well-defined. Typically better suited for goods but could be used for services with well defined routine type services.	When you are requesting that each proposer develop or provide ideas or solutions because you don't have complete specifications. You know the desired outcome, but not how to get there. Services would typically be better done with an RFP.	When contracting for professional services that don't require the competitive solicitation process or when doing a two step process that starts with qualifications only and then pricing requested in the second step.	When the cost of goods or services will be between \$10,000 and \$49,999.99 but will be used by multiple campuses/end users. You might also use this if you are unaware of what vendors can provide the goods or services.
Advertisement	Required	Required	Not required but preferred	Not Required
Opening	Public: price and all data announced and available to the public. Pricing should be submitted in the line items section of lonwave so that this is available when the bid opens.	Public: only names of proposers are read/available; pricing and all other data not available until after award. Exception for RFPs for construction: price is required to be made public at opening. Make sure in lonwave you only have the vendor submit a line item price with \$.01. Price should be submitted as an attachment so that it is not made public until after award.	Public: only names of proposers are read/available; pricing and all other data not available until after award.	Not applicable
Evaluation	Based strictly on technical specifications with no material changes.	Based on quality with multi-criteria evaluation assigning weighted values to various parts of each proposal. The evaluation and weighted values needs to be included in the specification documents.	Based on qualifications and experience with multi-criteria evaluation assigning weighted values to various parts of each proposal. Pricing cannot be requested of professional services. The evaluation and weighted values needs to be included in the specification documents.	Treat this the same as either ITB or RFP depending on your specifications and the goods/services being requested
Discussion	none	Discussions may ensue with top scored proposers to gain a better understanding of proposal	Discussions may ensue with top scored respondent to gain a better understanding of qualifications	Treat this the same as either ITB or RFP depending on your specifications and the goods/services being requested
Negotiations	none	May request best and final offer from proposer or make changes to proposed product/service	Price is only requested from the most qualified and must be provided at a fair price. Negotiations on price and scope can be done. If negotiations fail, you move on to the next most qualified respondent and cannot go back to the initial respondent.	Treat this the same as either ITB or RFP depending on your specifications and the goods/services being requested
Award	Typically lowest responsive and responsible bidder but per the education code we can use best value	Best value proposal	Most qualified response	Treat this the same as either ITB or RFP depending on your specifications and the goods/services being requested

**Collin College Purchasing Department
Internal Operating Procedure
Receipt of Electronic Sealed Bids or Proposals**

SUMMARY: This procedure will apply to sealed bids and proposals that are estimated to cost \$50,000 plus, or the sealed bid/proposal dollar levels as defined by current State law or Board Policy. 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.

Responsible Staff	Procedure
Purchasing Staff	Places solicitation notice advertisements as required by State law. A notification will be added to the solicitation advertisement stating vendors may submit responses electronically through the electronic bid system, listing the appropriate address.
Purchasing Staff	Will prepare the solicitation document within the system and add commodity codes, which will automatically select vendors to receive notification of the solicitation based on the commodity codes. Vendors that are not registered in the system may be manually added prior to or after issuance of the solicitation. The system will send an email notification to all vendors that have been added. The email notification will include a link to the solicitation.
Vendor	Can view the solicitation without being registered in the system, but must register in order to submit the solicitation electronically. Must provide all required information in the system and upon completion will submit the response electronically. If all required information is not provided, then the vendor will receive an error message that tells them what they still need to complete. Upon successful submission of the response, the vendor will receive a message indicating that their response has been submitted. Vendors are encouraged to submit responses to solicitations online, as online submission will eliminate errors and unnecessary work and is more environmentally friendly.
Purchasing Staff	Only a password-enabled purchasing employee will be able to unseal 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. The date and time can be extended, if needed.
System	A bid tabulation will automatically be populated by the system and available for public viewing after being unsealed by a purchasing staff member. Request for Proposal pricing and content remains confidential until after award of the contract.
Buyer	Will read aloud all electronic bid responses successfully submitted by closing time and date to interested parties that may be present. Vendors can view the bid tabulation from any web browser without having to attend a bid opening. Any manual responses received will not be readily available on the bid tabulation. Manual responses will be added by the Buyer.

System	<p>Will post recap electronically as appropriate with the following statement being included as an attribute in the bid document:</p> <p><i>All bids submitted electronically for the designated project will be reflected on bid tab sheets available for download upon closing of the bid. The listing of a bid on these tabulation sheets should not be construed as a comment on the responsiveness of such bid or as any indication that the District accepts such bid as responsive. Bids submitted manually will not be reflected in the online bid tabulation. The District will notify the successful bidder upon award of the contract. Request for Proposal pricing and content shall remain confidential until after award of the contract.</i></p>
Purchasing Assistant	<p>Makes the award of the contract within the system, which sends an email notification to the awarded and non-awarded vendors. The award information is available publicly through the system.</p>

STANDARD

Specifications define precise requirements of commodities (i.e., goods and services) sought through a solicitation process. To understand the context in which the commodity will be used and with clear knowledge of statutes, regulations, policies, market availability, budget, and the strategic plan of the entity, procurement professionals collaborate with end users to translate a particular need into detailed requirements. Written with an intent to maximize competition, specifications should use language that is relevant to and understood by potential offerors.

Definition

Specification:

A precise description of the physical characteristics, quality, or desired outcomes of a commodity to be procured, which a supplier must be able to produce or deliver to be considered for award of a contract.

There are two types of specifications, Design and Performance.

Element 1: Specifications should be written using attributes of design and performance, as required by the procurement.

A design specification details physical characteristics, materials, and product features, as well as details of the manufacturing methodology for the commodity. A performance specification describes the desired end result or outcome for the commodity.

A specification may incorporate features of both design and performance. Specifications may be viewed on a continuum with pure performance on one end and pure design on the other. Each requirement in a specification falls somewhere on this continuum.

Element 1.1: Design specification

A design specification establishes the characteristics a commodity must possess, including details of how the commodity will be manufactured; engineering plans, drawings, or blueprints may be included. The design specification states in prescriptive terms what the potential offeror must provide to the buyer.

The objective of a design specification is to meet a custom or unique requirement. A design specification is complete and limits the options of the contractor or manufacturer, placing high risk on the buying entity for design errors or omissions within the specification. For example, if the desired outcomes from a solicitation are not achieved, the supplier may argue that any poor performance is due to the design that was specified and not the supplier's assembly.



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Element 1.1.1: Design specifications may include any or all of the following:

- Drawings (e.g., engineering plans, blueprints)
- Dimensions that allow for tolerance levels and ranges
- Definition of terms
- Description of materials for cost determination, process of construction, delivery, and implementation of requirements by supplier
- Minimum requirements
- Detailed test, sample, and inspection methods to ensure compliance with the specification
- Industry standards
- Alternatives that may be considered

Technical specifications are a subset of design specifications, often used when precise shapes, dimensions, close tolerances, and a high degree of manufacturing precision are required (e.g., construction and heavy equipment).

Element 1.1.1a: Advantages of design specifications

- Provide the end user with increased certainty about the commodity
- Allow for objective evaluation of offers
- Award is based on compliance with the specification and made to the lowest responsive offer and responsible offeror

Element 1.1.1b: Disadvantage of design specifications

- Prescriptive, may limit competition
- Increased risk to entity
- Loss of innovation
- Expensive and time consuming to prepare, may require the services of engineers, architects, and other technical resources, as well as multiple levels of review and approval
- Implementation may be expensive and time consuming. The entity is responsible for inspections, testing processes and associated costs, as well as prototype costs

Element 1.2: Performance specification

A performance specification describes the desired outcome or intended use of a commodity and how the commodity will perform (e.g., number of items, distance to travel, time required). Performance metrics¹ are essential to define acceptance testing and successful achievement of outcomes. The metrics may be linked to incentives or disincentives.

Performance specifications:

- Allow offerors to use their expertise, creativity, and innovation to provide a solution. The offeror chooses the method of achieving the outcome.
- Are used when the method and means of achieving the outcome are unknown.
- Place a higher degree of risk on the awarded supplier, who is responsible for achievement of the outcome and will be evaluated based on defined criteria.
- May describe a commodity that will be integrated into existing systems and be interchangeable with parts, services, or other basic elements.

¹ Supply Chain Process Improvement, Inc. (2003-2008). SCOR Metrics. <http://www.scpitem.com/SCOR%20Metrics.htm>

(Cont'd)

Element 1.2a: Advantages of performance specifications

- Provide opportunity for innovation; allow offerors to put forth unique solutions to defined needs
- Allow end user to benefit from the latest products and technologies
- Corrective action may be applied if service levels are not achieved

Element 1.2b: Disadvantages of performance specifications

- Well-defined performance metrics are needed to ensure that the specified performance will achieve the desired outcome
- Require reliable, practical, economical tests of performance
- Evaluations are subjective and require additional time and effort to complete

Performance specifications may include functional; brand name; or brand name or equivalent descriptions.

Element 1.2.1: Functional descriptions

A performance specification may utilize a functional description to define the task or desired result of the commodity. Functional descriptions are commonly used for technology-related commodities, and focus on observations or experiences during system usage (e.g., the program, computer peripherals, or other computers).

Example:

Upon landing on the website home page, the user is prompted to enter their password and confirm their status using Captcha.

Element 1.2.1a: Advantages of functional descriptions

- Well suited for information technology products
- Well suited when the options available in the marketplace are unknown
- Provide clarity to offerors on the desired results from the commodity

Element 1.2.1b: Disadvantages of functional descriptions

- May result in a wide range of offers that are not necessarily comparable
- Take more time and effort to develop and to evaluate

Element 1.2.2: Brand name descriptions

A brand name description is a title, term, symbol, design, or any combination thereof used to describe a product by a unique identifier and its producer. Performance specifications may use brand names to describe the desired output and quality levels of a commodity.

Element 1.2.2a: Advantages of brand name descriptions

- Allow for agency standardization (e.g., fleet standardization for purposes of training and maintenance)
- Meet the expectations of the end user by providing the exact commodity needed
- Reduce the time required to develop the specification



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Element 1.2.2b: Disadvantages of brand name descriptions

- Very restrictive; limit competition
 - Potentially equivalent products are not considered for award; alternative brands would be excluded from consideration
 - May result in increased price
 - May lead to a sole source procurement and create dependency on a specific supplier
- Requires significant justification (e.g., maintenance, compatibility of parts)

Element 1.2.3: Brand name or equivalent descriptions (also referred to as “brand name or equal”)

- A brand name or equivalent description provides one or more manufacturers’ brand names with identifying model numbers. In a performance specification, a brand name or equivalent description states the standards of quality, performance, and characteristics needed to meet the requirements of the end user.² To meet the standard of performance of “or equivalent,” the commodity must be functionally equivalent to the brand name product but not necessarily the same in every detail.³ A checklist may be included for suppliers to identify how their commodity meets or could be modified to meet the specification requirements. When appropriate, the description should include at least two acceptable brand name products.

Example:

Comparable pickup trucks might be the Ford F150, Chevrolet Silverado, Ram 1500, or Toyota Tundra.

Element 1.2.3a: Advantages of brand name or equivalent descriptions

- Aid in communicating the desired quality and performance levels to potential offerors
- Reduce the time required to develop the specifications

² Federal Acquisition Regulation (FAR) 52.211-6 Brand Name or Equal.

As prescribed in FAR 11.107(a), insert the following provision: Brand Name or Equal (Aug 1999)

(a) If an item in this solicitation is identified as “brand name or equal,” the purchase description reflects the characteristics and level of quality that will satisfy the Government’s needs. The salient physical, functional, or performance characteristics that “equal” products must meet are specified in the solicitation.

(b) To be considered for award, offers of “equal” products, including “equal” products of the brand name manufacturer, must-

- (i) Meet the salient physical, functional, or performance characteristic specified in this solicitation;
- (2) Clearly identify the item by-
 - (i) Brand name, if any; and
 - (ii) Make or model number;
- (3) Include descriptive literature such as illustrations, drawings, or a clear reference to previously furnished descriptive data or information available to the Contracting Officer; and
- (4) Clearly describe any modifications the offeror plans to make in a product to make it conform to the solicitation requirements. Mark any descriptive material to clearly show the modifications.

(c) The Contracting Officer will evaluate “equal” products on the basis of information furnished by the offeror or identified in the offer and reasonably available to the Contracting Officer. The Contracting Officer is not responsible for locating or obtaining any information not identified in the offer.

(d) Unless the offeror clearly indicates in its offer that the product being offered is an “equal” product, the offeror shall provide the brand name product referenced in the solicitation.

³ The Court of Claims has specifically rejected the Government defense that it is entitled to get exactly what it specifies. The substitute does not have to comply with every detail of the specification, but only function as well as the specified product. *Aerodex, Inc. v. United States*, 417 F.2d 1361 (Ct.Cl.1969); *Jack Stone Co. v. United States*, 344 F.2d 370 (Ct.Cl.1965). See also *Ocean Elec. Corp., NASA BCA No. 371-8, 73-2 BCA p 10,355*.

(Cont'd)

Element 1.2.3b: Disadvantages of brand name or equivalent descriptions

- Considered to be restrictive
- Require justification
- May deter competition, which may increase price
- Must define criteria to determine responsiveness to “or equivalent”
- Risk of litigation by brand name manufacturer
- Brand name must be well known throughout a particular industry

Element 2: When procuring commodities, procurement professionals must provide the needed context to achieve the expected and desired outcomes of the end user.

Context refers to how the commodity will be used and conform to an existing environment. Providing context should result in:

- Specification requirements that will accurately define, represent, and fully express end user needs.
- Potential offerors who can provide responsive solutions.
- Full and open competition, which allows for unbiased decision-making.
- The ability of the purchasing entity to monitor the procurement and achieve the desired end results.

Element 3: Specifications should be written clearly, concisely, consistently, and precisely, using plain language.

Well-written specifications allow potential suppliers to easily read and understand the requirements. Well-written specifications encourage suppliers to make offers, thereby maximizing competition and increasing the likelihood of receiving a commodity that achieves the objectives of the procurement.

- Use language that is consistent, concise, plain, and precise.
 - Avoid ambiguous language
 - Choose simple words over complex ones
 - Avoid use of acronyms and clichés
- Use proper grammar and punctuation.
- Use consistent style and formatting.
- Categorize or group similar items for ease of readability.
- Organize specification content with a consistent numbering system.
- Maximize full and open competition.
 - Provide allowable variation in measurement or other characteristics of the commodity
 - Avoid suggestions of bias
- Ensure specifications are current and relevant.
- Identify physical, functional, environmental, and quality characteristics of the commodity (e.g., design, size, weight, power capacity, output, grade).
- Identify minimum requirements.
- State the required/optional outcomes.
- Clearly convey to potential offerors and other relevant stakeholders the application or intended use of the commodity.
- Identify acceptable commercial standards (e.g., Underwriters Laboratory (UL), Military Specifications (MILSPEC), National Electrical Manufacturers Association (NEMA), International Organization for Standardization (ISO), British Pharmacopoeia (BPUK), United States Pharmacopoeia (USP)).
- Include acceptance criteria.
- Detail how the commodity will be tested or evaluated for conformance.



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- Provide reproducible test methods.
- Include performance metrics for assessing the achievement of performance outcomes.
- Include a mechanism allowing for specification revision during the course of the contract.
- If using a brand name or equivalent, cite the specific brand name of the manufacturer to establish the standards of quality and required performance.
 - Include details on how the comparison of an “equivalent” or better is to be manufactured
 - When possible, specify at least two acceptable brand name products

Poorly written specifications may result in:

- Less competition; potential offerors may choose not to submit offers.
- A commodity that does not meet expectations.
- Additional costs due to subsequent changes made to the specification.
- Poor relationships with the supplier, end user, and others involved.
- Inappropriate contract awards and potential unfair competitive advantages.
- Protests.

Avoid the following when writing specifications:

- Conjunctions (e.g., and, or, also, with)
- Escape clauses (e.g., if, when, but, except, unless, although)
- Mixing different types of requirements (e.g., combining system, business, and design requirements in the same section of a specification)
- Run-on sentences
- Speculative language (e.g., usually, generally, often, normally, and typically)
- Unverifiable or vague terms (e.g., flexible, proper, suitable, reasonable, appropriately, user-friendly, approximately, as possible)
- Absolute terminology (e.g., 100% safe, totally reliable, runs on all platforms, functioning 100% of time, fully compatible)
- Ambiguous punctuation (e.g., use of slash “/”)
- Assumptions
- Over or understating the desired quality, output, or function

Steps for developing specifications

1. Meet with end users, clients, other stakeholders, and the evaluation committee to understand needs.
2. Seek external assistance, when needed, to provide expertise to clearly and correctly state what is required in terms of capability and capacity.
3. Conduct thorough research of market and trends.
4. Understand the capability and capacity of the supply chain, as well as potential influences (e.g., energy availability, storage for contaminated material).
5. Choose the type of specification based on the identified needs.
6. Conduct analyses (e.g. life cycle cost (LCC), value analysis, value engineering, best value).
7. Clearly identify the supplier’s obligations (e.g., risk and responsibility) according to the type of specification chosen.
8. Explain, clarify, and define all compliance obligations.
9. Include essential characteristics and a clear statement of intended use.
10. Include a clear and consistent methodology for determining if all the requirements have been met by offerors.
11. Ensure there is an internal review process by members of the solicitation team to help identify inconsistencies and ambiguities.

Specification Checklist

Consider the following list when developing specifications, only including the items that are applicable and relevant to the commodity being procured, as well as the chosen specification type.

- Intended use/purpose
- Detailed good/service requirements
- Performance requirements
- Traceability
- Inspections - Acceptance
- Compliance (e.g., safety, environmental, industry standards)
- Any restrictions that a local agency might impose
- Delivery locations
- Installation
- Available facilities and utilities
- Entity-provided items or services
- Guarantees/Warranty
- Training requirements
- Delivery/Completion
- Quantity
- Key deliverables
- Responsibilities
- Packaging
- Quality control
- Contract transition
- Services provided by third parties

Background

This public procurement practice provides entities with guidelines that should be considered when preparing specifications for solicitations and contract documents. Since the specifications will be read and interpreted by multiple persons of various skill levels and backgrounds, specifications must be written in a manner that minimizes multiple interpretations and gives all parties a clear understanding of what is to be produced or delivered.

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Attachment D

Public Procurement Practice

PRACTICAL GUIDANCE FOR DISTINGUISHING BETWEEN SCOPE OF WORK AND STATEMENT OF WORK



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INTRODUCTION

Historically, the terms **scope of work** and **statement of work** have been used interchangeably, inconsistently, or in contradictory ways. Some entities have specifically defined these terms for their own usage. As a result, definitions that form the basis for discussions and clear, more universal guidance must be established. This practice provides those definitions, distinguishes between the two terms, and sets a standard for how these terms are used in the professional language of public procurement.

STANDARD

The **scope of work** is prepared at the beginning of any procurement and becomes the basis for any resulting solicitation. A well-written scope of work provides the supplier with a clear understanding of entity needs to ensure a successful procurement. In addition, a well-written scope of work contributes to an entity's reputation and credibility for performing due diligence and acting with impartiality.

The **statement of work** becomes the basis of a contract. A well-written statement of work in the contract captures the agreement between the entity and supplier, and may mitigate or avoid disputes.

Definition: Scope of Work

A scope of work is developed at the beginning of the procurement cycle and is a written description of the entity's needs and desired outcomes for the procurement and becomes the basis for any resulting solicitation. The scope of work helps to ensure that the product or service meets the stated outcome and establishes the parameters of the resulting contract.

A scope of work must provide sufficient information for the supplier to:

- Determine whether the solicitation aligns with the supplier's business.
 - Decide whether responding to the solicitation is profitable and worth the effort.
 - Determine whether the supplier is responsible and can submit a responsive offer.
-

Element 1: The scope of work identifies the entity needs and desired outcomes and is directed to potential suppliers.

The procurement professional collaborates with stakeholders to write, revise, and refine the scope of work. As procurement planning progresses, market research is conducted to better define the needs and desired outcomes and to identify the availability of suppliers in the marketplace.



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PRACTICAL GUIDANCE FOR DISTINGUISHING BETWEEN SCOPE OF WORK AND STATEMENT OF WORK

(Cont'd)

The entity will determine the content, format, and detail of the scope of work depending on the:

- Knowledge of the relevant industry and essential qualities and features of the good or service.
- Availability of what is in the marketplace.
- Ability and willingness to include flexibility in the specification to allow the supplier to use creativity and innovation in the proposal.
- Entity's tolerance for risk.
- Budget for the project.

Element 2: Development of the scope of work will help determine the most appropriate procurement method.

The procurement professional must consider the scope of work in relation to available sources internally and in the current market environment. The procurement professional will select the best source to meet the need and, if a procurement is necessary, decide which method (e.g., non-competitive or open, competitive procurement) to use. The scope of work for a competitive procurement will determine whether the solicitation evaluation criteria will be based solely on price or on price and other criteria.

Regardless of the procurement method, the scope of work must:

- Identify the needs and desired outcomes in one section of the solicitation.
- Allow potential suppliers to understand and respond to the entity's needs.
- Use clear and concise language.
- Avoid overly restrictive specifications.
- Group together similar requirements (technology, reporting, billing).
- Use consistent formatting.

Revisions to the scope of work

The scope of work may change as a result of the chosen procurement method. If the procurement method does not involve negotiation, the scope of work remains unchanged as stated in the solicitation, unless addenda are issued to modify the scope of work and/or the specifications during the solicitation process. With a procurement method that involves negotiation, the scope of work and other terms and conditions of the contract may be discussed. A best value procurement method may revise the scope of work in response to proposer feedback.

The solicitation should include general questions that elicit responses from proposers that may cause revisions to the scope of work. The proposer may be asked to:

- Critique the scope of work described in the solicitation (e.g., what works, what deletions, changes, or options for achieving desired outcomes does the proposer recommend).
- Describe the key issues required to achieve success specific to the project and the best approach to address key issues.
- Provide detailed alternatives that impact quality, time, price, and deliverables.

(Cont'd)

Definition: Statement of Work

The statement of work is a written description in the contract detailing performance expectations and deliverables between the contracting parties. After a supplier has been selected, the statement of work becomes the basis for the contract and must provide sufficient information to:

- Meet the entity's needs and achieve successful outcomes.
- Describe and define the expectations of the parties.
- Set price and payment schedules.
- Mitigate or avoid disputes.

Element 3: The statement of work is shaped by the agreement of the contract parties and is dependent upon the selected procurement method.

The statement of work describes the who, what, when, where, why, how, and price and payment schedule components of the contract.

- Who will perform the tasks
- The agreed-upon tasks, including measurable level of effort; what tools and materials are needed; and deliverables or acceptance criteria
- The schedule for completing those tasks or deliverables
- The location for the performance or delivery of the good or service
- The purpose, goals, and objectives for the project and functions as the preamble to the contract
- The process for making decisions and accomplishing the stated purpose, goals, and objectives
- Price and payment schedule: The price for the work and the payment schedule type, which could be defined at the task level, milestone level, or at the project level

Negotiation considerations

Typically, there is no negotiation when a bidder submits a bid in response to an Invitation for Bids (IFB). The entity will either reject the bid or, if accepted, will combine the bid and the scope of work to form the statement of work and finalize the contract.

Negotiation may be conducted in response to a Request for Proposals (RFP) or similar method such as a Request for Qualifications (RFQu) or Qualifications-Based Selection (QBS). The selected proposal becomes a reference for the eventual statement of work. The negotiations will further define the components mentioned previously, transforming the scope of work into the statement of work.

The statement of work should explicitly state the expectations of the parties and restate the requirements and deliverables from the scope of work and specifications, including any addenda.

Contract format

Clause titles within the contract may vary according to what the parties find most useful. The statement of work may include labeled sections that list and describe:

- Contract management responsibilities for the parties.
- Contract tasks and deliverable products.
- Inspection and acceptance criteria for deliverables.
- Delivery schedules.
- Information related to determining prices and costs.



PRINCIPLES AND
PRACTICES OF
PUBLIC PROCUREMENT



Public Procurement Practice

PRACTICAL GUIDANCE FOR DISTINGUISHING BETWEEN SCOPE OF WORK AND STATEMENT OF WORK

(Cont'd)

- Communication of expectations and level of reporting and monitoring.
- Decisions to be made by the entity and decisions that may be delegated to the supplier.
- Final tasks (e.g., punch list, walk-through), timeline, schedule, price, and costs.
- Close-out requirements (e.g., final presentations, documentation).

The statement of work may also incorporate exhibits and attachments (e.g., pipe schedules, safety and security standards, technology standards, implementation or testing plan, Federal E-Verify requirements for public works) related to:

- Industry specifications and standards.
- Government specifications and standards.

Element 4: The content, format, and detail of the statement of work will vary depending on the detail of the scope of work.

The degree of detail and flexibility in a statement of work depends on how general or specific the scope of work was written. A statement of work for a contract with performance specifications may be less prescriptive about process and more focused on outcomes and deliverables. A statement of work for a contract with design specifications may be more prescriptive and include detailed tasks, deliverables, schedule, standards, expectations, limitations, and industry requirements (security standards, inspections, testing).

Content, format, and detail of the statement of work will vary according to different factors and may include:

- The degree to which the scope of work is descriptive and open to creative solutions.
- The proposal and its range of known alternative approaches as well as the supplier's recommended approach.
- The desired roles and responsibilities of the parties. If the entity is more involved in the work process, less prescriptive detail in the statement of work may be appropriate.
- The expertise of the parties. The supplier may be able to function as a self-contained expert, while at other times, the entity may hold much of the necessary expertise.
- The degree of risk involved in solving the need and the amount of risk each party will accept.

Reviewing the statement of work within the context of the entire contract ensures that both parties agree to all expectations, requirements, and deliverables, and all contract terms and conditions are appropriate to and consistent with the statement of work. A contract with a less detailed statement of work with more risk may include other contract conditions to offset the risk. If the statement of work involves use or creation of intellectual property, the contract must include provisions relating to use and ownership of intellectual property. If the definition of later project steps depends on what is discovered during earlier steps, the contract must describe the decisions and authorizations needed for the project to proceed.

Contract drafters and reviewers must carefully choose the legal order of precedence between the statement of work and all other sections of the contract, including any documents incorporated by reference.

Conclusion

The terms Scope of Work and Statement of Work indicate the solicitation and contract phase of the public procurement process, respectively. This practice effectively defines the two terms and outlines their significance in each phase.

**Attachment E
FEDERAL GRANT COMPLIANCE**

The following provisions are required and apply when federal funds are expended by Collin College for any contract resulting from this procurement process. The Collin College is the subgrantee or subrecipient by definition.

In addition to other provisions required by the federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, is applicable.

- (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 such sanctions and penalties as appropriate.**

Pursuant to Federal Rules (A) above, when federal funds are expended by Collin College, Collin College reserves all rights and privileges under applicable laws and regulations with respect to this procurement in the event of breach of contract by either party.

Does vendor agree? YES _____ Initials of Authorized Representative of Vendor

- (B) **Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)**

Pursuant to Federal Rules (B) above, when federal funds are expended by Collin College, Collin College reserves all rights and 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 vendors 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 College also reserves the right to terminate the contract immediately, with written notice to vendor, for convenience, if Collin College believes, in its sole discretion that it is in the best interest of Collin College to do so. The vendor will be compensated for work performed and accepted and goods accepted by Collin College as of the termination date if the contract is terminated for convenience of Collin College. Any award under this procurement process is not exclusive and Collin College reserves the right to purchase goods and services from other vendors when it is in the best interest of Collin College.

Does vendor agree? YES _____ Initials of Authorized Representative of Vendor

- (F) **Rights to Inventions Made Under a Contract Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2(a) and the recipient or subrecipient 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 subrecipient 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.**

Pursuant to Federal Rule (F) above, when federal funds are expended by Collin College, the vendor certifies that during the term of an award for all contracts by Collin College resulting from this procurement process, the vendor agrees to comply with all applicable requirements as referenced in Federal Rule (F) above.

Does vendor agree? YES _____ Initials of Authorized Representative of Vendor

- (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 subgrants 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).

Pursuant to Federal Rule (G) above, when federal funds are expended by Collin College, the vendor certifies that during the term of an award for all contracts by Collin College resulting from this procurement process, the vendor agrees to comply with all applicable requirements as referenced in Federal Rule (G) above.

Does vendor agree? YES _____ Initials of Authorized Representative of Vendor

- (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 contain 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.

Pursuant to Federal Rule (H) above, when federal funds are expended by Collin College, the vendor certifies that during the term of an award for all contracts by Collin College resulting from this procurement process, the vendor certifies that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation by any federal department or agency.

Does vendor agree? YES _____ Initials of Authorized Representative of Vendor

- (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 certified 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 take place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

Pursuant to Federal Rule (I) above, when federal funds are expended by Collin College, the vendor certifies that during the term and after the awarded term of an award for all contracts by Collin College resulting from this procurement process, the vendor certifies that it complies with all applicable provisions of the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). The undersigned further certifies that:

- (1) No Federal appropriated funds have been paid or will be paid for on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Stand Form-LLL, “Disclosure Form to Report Lobbying”, in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all covered sub-awards exceeding \$100,000 in Federal funds to all appropriate tiers and that all subrecipients shall certify and disclose accordingly.

Does vendor agree? YES _____ Initials of Authorized Representative of Vendor

**RECORD RETENTION REQUIREMENTS FOR CONTRACTS PAID FOR
WITH FEDERAL FUNDS – 2 CFR § 200.333**

When federal funds are expended by Collin College for any contract resulting from this procurement process, the 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 subgrantees submit final expenditure reports or quarterly or annual financial reports, as applicable, and all other pending matters are closed.

Does vendor agree? YES _____ Initials of Authorized Representative of Vendor _____

**CERTIFICATION OF COMPLIANCE WITH THE ENERGY POLICY AND
CONSERVATION ACT**

When federal funds are expended by Collin College for any contract resulting from this procurement process, the vendor certifies that it will comply with 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; Pub. L. 94-163, 89 Stat. 871).

Does vendor agree? YES _____ Initials of Authorized Representative of Vendor _____

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.

Does vendor agree? YES _____ Initials of Authorized Representative of Vendor _____

CERTIFICATION OF NON-COLLUSION STATEMENT

Vendor certifies under penalty of perjury that its response to this procurement solicitation is in all respects bona fide, fair, and made without collusion or fraud with any person, joint venture, partnership, corporation or other business or legal entity.

Does vendor agree? YES _____ Initials of Authorized Representative of Vendor _____

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.

Company Name: _____
Address: _____
City: _____ State: _____ Zip: _____ Phone Number: _____
Fax #: _____
Email Address: _____
Printed Name of Authorized Representative: _____
Signature of Authorized Representative: _____ Date: _____