Yavapai County Community College District (YCCCD)

Purchasing and Contracting Procedures Manual
# Table of Contents

1.0 INTRODUCTION ................................................................................................................... 6

1.1 Goals .................................................................................................................................. 6

1.2 Authority to Commit College Funds .................................................................................. 6

1.2.1 Authorized Persons ....................................................................................................... 6

1.2.2 Purchasing Card (P-Card) Authority ............................................................................ 7

2.0 ADMINISTRATIVE PURCHASING PROCURES ................................................................. 7

2.1. The Purchasing and Contracting Department ................................................................. 7

2.2 Purchasing Liaisons ......................................................................................................... 8

2.3 Budget Manager ............................................................................................................. 8

2.4 Other Staff and Faculty ................................................................................................... 8

3.0 PURCHASING AND CONTRACTING GENERAL INFORMATION .............................. 9

3.1 Quality Standards .......................................................................................................... 9

3.2 Bidder List ...................................................................................................................... 9

3.3 Selection of Vendors/Sources ......................................................................................... 9

3.4 Vendor Performance ....................................................................................................... 10

3.5 Criteria for Capital Asset Purchases ............................................................................. 10

3.6 Purchasing Used Equipment .......................................................................................... 10

3.7 Sales Taxes .................................................................................................................... 10

3.7.1 In-State and City Sales Taxes ..................................................................................... 10

3.7.2 Sale Use Tax (Out-of-State Purchases) ...................................................................... 10

3.8 Purchasing and Contracting Records ............................................................................. 11

3.9 Insurance Requirements of Both Parties ........................................................................ 11

3.10 Government Surplus ..................................................................................................... 11

3.11 Sales Representatives, Demonstrations and Sample Materials .................................... 11

3.12 Prepayment for Goods and Services ........................................................................... 11

3.13 Personal Orders ............................................................................................................ 12

3.14 Unauthorized Purchases ................................................................................................ 12

3.15 Official Functions .......................................................................................................... 12

3.16 Conflict of Interest ........................................................................................................ 13

4.0 METHODS OF SOURCE SELECTION ......................................................................... 13

4.1 Check Request ................................................................................................................. 14

4.2 Purchasing Card (P-Card) ............................................................................................ 14

4.3 Requisition/Purchase Order ............................................................................................ 14
4.3.1 Standing Orders ................................................................. 16
4.3.2 Change Orders ................................................................. 16
4.4 Sole Source Purchasing .......................................................... 16
4.5 Single Source Purchasing ....................................................... 17
   4.5.1 Certain types of professional services ................................ 17
   4.5.2 Consideration of Overall Impact to College .................... 17
   4.5.3 Other Purchases Exempt from Competition .................... 17
4.6 Joint Purchasing/Purchasing Cooperatives/Purchasing Consortia... 18
4.7 General Services Administration Contracts ............................ 18
4.8 Emergency Orders ............................................................... 19
4.9 Expenditure of Grant Funds .................................................. 19
5.0 THRESHOLDS AND PROCESSES ......................................... 20
   5.1 Requests for Quotations ...................................................... 20
      5.1.1 Purchases between $1,500 to $4,999 ............................. 20
      5.1.2 Purchases over $5,000 but less than $50,000 .................... 20
   5.2 Invitation for Bid (IFB) ....................................................... 21
      5.2.1 Proposal Time ............................................................. 21
      5.2.2 Proposal Submissions .................................................. 21
      5.2.3 Public Notice ............................................................. 21
      5.2.4 Pre-Proposal Conferences .......................................... 22
      5.2.5 Amendments to Invitation for Bid ................................. 22
      5.2.6 Withdrawal and Modification of Bids ......................... 22
      5.2.7 Late Bids ................................................................. 22
      5.2.8 Receipt of Bids .......................................................... 22
      5.2.9 Inspection of Bids ....................................................... 23
      5.2.10 Mistakes and Informalities in Bids ............................... 23
      5.2.11 Bid Evaluation and Award ......................................... 23
      5.2.12 Tie Bids ................................................................. 23
   5.3 Request for Proposals (RFP) ................................................ 24
      5.3.1 Proposal Time ............................................................ 24
      5.3.2 Proposal Submissions ................................................ 24
      5.3.3 Public Notice ............................................................ 24
      5.3.4 Pre-Proposal Conferences .......................................... 25
      5.3.5 Amendments to Requests for Proposals ....................... 25
5.3.6 Withdrawal and Modification of Proposals .......................................................... 25
5.3.7 Late Proposals ................................................................................................... 25
5.3.8 Receipt of Proposals ......................................................................................... 25
5.3.9 Inspection of Proposals .................................................................................... 26
5.3.10 Mistakes and Informalities in Proposals ....................................................... 26
5.3.11 Proposal Evaluation and Award ..................................................................... 26
5.3.12 Single Proposals ............................................................................................. 27

5.4 Construction and Construction Consultant-Related Services ..................... 27
5.4.1 Construction services between $1,500 to $4,999 ........................................... 27
5.4.2 Construction services $5,000 or more but less than $50,000 ....................... 27
5.4.3 Construction purchases $50,000 or more ....................................................... 27
5.4.4 Definitions ...................................................................................................... 27
5.4.5 Design-Bid-Build ............................................................................................ 28
5.4.6 Job-Order-Contracting (JOC) ......................................................................... 28

5.5 Alternative Construction Purchasing Methods ............................................ 29
5.5.1 Definitions ..................................................................................................... 29
5.5.2 Construction-Manager-at-Risk (CMAR) and Design-Build Contracting .... 29
5.5.3 Procurement of All Alternative Construction Services .............................. 30
5.5.4 The One-Step Competitive Process ............................................................... 31
5.5.5 The Two-Step Competitive Process ............................................................... 31
5.5.6 Confidentiality of Process ............................................................................. 33
5.5.7 Registrations, Licensure and Project Definition ........................................... 33
5.5.8 Prohibition against Competing with Private Firms or Contracting with other Agencies for these Services ................................................................. 34

5.6 Architect, Engineer, Land Surveying and Related Services ....................... 34
5.7 Bid Security ........................................................................................................ 34

5.8 Performance and Payment Bonds ................................................................. 35

5.9 Changes in Construction Contracts ............................................................... 35

6.0 CONTRACTS ...................................................................................................... 36
6.1 Vendor Sales Agreements ................................................................................. 36
6.2 Service Contracts .............................................................................................. 36
6.3 Independent Contractor .................................................................................... 36
6.4 Memorandum of Understanding ..................................................................... 36
6.5 Intergovernmental Agreements ........................................................................ 37
6.6 Lease Agreements ................................................................. 37
6.7 Facility Use Agreements ...................................................... 37
6.8 Agency Affiliation Agreements ............................................ 37

7.0 PROTEST AND APPEALS .................................................. 37
7.1 Content of Formal Protest and Appeal Letter ...................... 37
7.2 Filing Procedure ................................................................. 38
7.3 Remedies ........................................................................ 38
7.4 Appeals ........................................................................... 39
7.4.1 Stay of Procurement during Appeal ............................... 39
7.4.2 Dismissal before Hearing .............................................. 39
7.5 Remedies ........................................................................ 39

8.0 ETHICS IN PUBLIC PROCUREMENT ............................... 40
8.1 Code of Ethics .................................................................. 40
8.2 Gifts and Gratuities ............................................................ 40
1.0 INTRODUCTION
This Purchasing and Contracting Procedures Manual is designed to assist staff and faculty through the purchasing and contracting processes. The Director of Purchasing and Contracting or appropriate departmental designees (referred to from this point as the “Purchasing and Contracting Department”) are responsible for the development and enforcement of purchasing and contracting procedures for all College expenditures and contract management.

Pursuant to Arizona Revised Statute 41-2501, political subdivisions are not subject to Arizona’s State Procurement Code, though they may adopt all or some of the Code. Yavapai County Community College District (doing business as Yavapai College and herein referred to as “the College”) is a political subdivision of the State and its Governing Board has not adopted all of the Code. Yavapai College’s Purchasing and Contracting Procedures substantially follow the Arizona State Procurement Code, which is a compilation of Arizona Revised Statutes.

These procedures should be in sufficient detail to obtain all supplies, services and equipment at the lowest cost to the College consistent with the quantity, quality and availability of the items at the time of purchase. These procedures also describe the varying contracts and their required processes. It is recognized that every situation cannot be covered in this manual; therefore, if there are special circumstances, contact the Purchasing and Contracting Department.

1.1 Goals
Support the educational programs of Yavapai College, by obtaining maximum value from the expenditure of College funds.

Promote maximum credibility, efficiency and equity in goods/services received and in relations with requisitioning departments and vendors.

Ensure all contracts are compliant to the applicable laws of the State of Arizona and College policy.

1.2 Authority to Commit College Funds
1.2.1 Authorized Persons
The President of the College has delegated the responsibility for purchasing negotiations and administration of purchasing and contracting procedures to the Director of Purchasing and Contracting. Only the Director of Purchasing and Contracting and those persons designated by that Director are authorized to commit the College’s funds in the purchase of goods and services. Unauthorized purchases may be considered a personal obligation and individuals making unauthorized purchases may be personally responsible for those purchases (see 3.14 Unauthorized Purchases).
1.2.2 Purchasing Card (P-Card) Authority

Individuals who have been issued a purchasing card (P-Card) have, in effect, been granted authority by their budget managers and the Director of Purchasing and Contracting to act as agents or representatives, on their behalf, for the purchase of goods.

2.0 ADMINISTRATIVE PURCHASING PROCURES

2.1. The Purchasing and Contracting Department

The Purchasing and Contracting Department organizes and administers purchasing and contracting services for all units of the College. In providing these services in accordance with sound business practices, the Purchasing and Contracting Department seeks to achieve the maximum value for every dollar expended.

To achieve this, the Purchasing and Contracting Department has the responsibility for the following:

1. Secure competitive bids or proposals whenever possible to obtain maximum value from the expenditures of College funds.
2. Provide consistent updates of current contracted vendors.
3. Maintain communication with vendors on behalf of the College.
4. Coordinate the purchasing of goods, equipment and services for all units of the College from responsible and responsive vendors.
5. Develop strategic sources of supply to assure that the College has an adequate number of vendors from which to obtain supplies, equipment and services.
6. Final authority on selection of vendors for all purchases.
7. Review and approve all contracts, agreements, including but not limited to intergovernmental agreements ("IGA’s"), memorandums of understanding ("MOU’s"), etc. to confirm they are in the best interest of the College.
8. Sign contracts and agreements on behalf of the College. Exceptions include: Intergovernmental Agreements covered in paragraph 6.5 and Leases paragraph 6.6 which are submitted to the District Governing Board for approval and signature by the District Governing Board Chair.
9. Administer the P-Card Program.
10. Conduct training for new liaisons and budget managers and host periodic group training sessions.
12. In accordance with the authority delegated to the Purchasing and Contracting Department all purchases, irrespective of the sources of funding, will be governed by the procedures outlined in this manual.
2.2 Purchasing Liaisons
The purchasing liaison is the designated person responsible for small dollar purchases within each department. The duties of a purchasing liaison include, but are not limited to the following:

1. Understand and follow all purchasing and contracting procedures.
2. Ensure that all College personnel in their respective departments also adhere to all purchasing and contracting procedures.
3. Be fiscally responsible with College funds.
4. Attend all mandatory training sessions including all Banner purchasing training.
5. Know what method should be used for each purchase (per dollar thresholds) such as purchase cards, check request forms or Banner requisitions.
6. Utilize contracted (College, State of Arizona, and cooperative) vendors whenever possible.
7. Complete requisitions in the Banner system with all required information; send back-up documents to the Purchasing and Contracting Department (referencing the Banner requisition number) to be included in the purchase order file.
8. Track electronic budget approvals for all requisitions (budget manager, VP, and President as required).
9. Complete the Purchasing Card Monthly Transaction Detail Report on the JP Morgan Website and return all backup receipts and other documents to the Business Office on or before the 20th of the following month.
10. Forward all contracts, agreements, IGA’s, MOU’s, etc. to the Purchasing and Contracting Department for review and possible signature with pertinent information.

2.3 Budget Manager
The budget manager is responsible for planning and approving the spending of a department’s budget. The budget manager does not have purchasing authority, but works with the purchasing liaison to approve budget spending. It is the responsibility of budget managers to:

1. Review and adhere to all purchasing and contracting procedures and confirm that all College personnel in their respective departments also adhere to all purchasing and contracting policies and procedures.
2. Review and approve all requisitions in the Banner system and manage all budget areas within their area of responsibility.

2.4 Other Staff and Faculty
Other staff and faculty do not have purchasing authority, and must work with the department’s purchasing liaison to purchase equipment, goods or services.
3.0 PURCHASING AND CONTRACTING GENERAL INFORMATION

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

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

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

3.2 Bidder List
The Purchasing and Contracting Department determines the bidder list based on the type of solicitation and estimated total spend amount. For purchases under $50,000, the buyer shall be responsible for researching and creating a list of potential bidders. The requesting party, consultants, directories of suppliers, and Internet research are some of the resources available to provide this information. The College may also solicit quotes via the State of Arizona’s E-Procurement System and Vendor Registration, ProcureAZ.

Prospective vendors can request to be added to the directory of suppliers by completing the online Vendor Registration Form on the Purchasing and Contracting website; however, it will be left to the buyer’s discretion to determine what resource(s) to utilize when compiling the bidder list for each specific solicitation.

For purchase of goods or services anticipated to be $50,000 or more, the buyer will utilize ProcureAZ to select vendors via NIGP (The Institute for Public Procurement) Commodity Code(s).

3.3 Selection of Vendors/Sources
Vendors are selected for their capability to serve the needs of the College in the most economical and efficient manner possible. Purchasing and Contracting will evaluate vendor performance and maintain pertinent records.

Departments are encouraged to suggest sources of supply. Authority for the final selection of the vendor is the responsibility of the Purchasing and Contracting Department; decisions will be made that are in the best interest of the College.

Purchases from individuals, classified advertisements (e.g. Craigslist) and on-line auction websites (e.g. eBay) require prior approval from the Director of Purchasing and Contracting.
3.4 **Vendor Performance**
When vendors do not perform in a satisfactory manner per the contract, it is the responsibility of the requisitioning unit involved to notify the Purchasing and Contracting Department in writing, giving details of the non-performance. The Purchasing and Contracting Department will then take appropriate action to rectify the problem and document the performance history accordingly.

3.5 **Criteria for Capital Asset Purchases**
Equipment purchases of $5,000 or more must be purchased from the Plant Fund (Fund # 9100). Criteria for capitalization of equipment include the following, the item will:

- a. Have a unit cost of $5,000 or more, including tax, shipping and set-up costs.
- b. Have a useful life of one year or more (not a consumable item).
- c. All new construction and renovations with a cost of $5,000 or more.

3.6 **Purchasing Used Equipment**
Used equipment may be purchased if it meets the needs of the College as required by the user. The purchase of used equipment must be in the best interest of the College and result in a cost savings when compared to the purchase of new or refurbished equipment. A statement containing the following information must accompany the requisition:

- a. The requestor has inspected the equipment.
- b. The equipment is in proper working order.
- c. The equipment meets the needs of the user.
- d. It is in the College's best interest to procure the used equipment.
- e. A determination as to price reasonableness.

The statement must be reviewed and approved by the Purchasing and Contracting Director. Methods of maximizing competition, within reason, are to be implemented by the Purchasing and Contracting staff with the approval of the Purchasing and Contracting Director. Purchases of used equipment in excess of $50,000 must adhere to the competitive bid process.

3.7 **Sales Taxes**

3.7.1 **In-State and City Sales Taxes**
The College is responsible for the payment of all applicable sales or use taxes, as required within the State of Arizona.

3.7.2 **Sale Use Tax (Out-of-State Purchases)**
The College is responsible for payment to the State Department of Revenue for any purchases from vendors or suppliers outside of Arizona. This tax is called a State Use Tax. This expenditure is estimated on the purchase order if sales tax was not included as part of the quote.
3.8 **Purchasing and Contracting Records**
All purchasing and contracting records will be retained and disposed of in accordance with records retention guidelines and schedules approved by the Department of Library, Archives, and Public Records and the Arizona State Procurement Office.

3.9 **Insurance Requirements of Both Parties**
Prior to the commencement of any work or services for the College, evidence of appropriate insurance coverage must be submitted by the vendor to the Purchasing and Contracting Department. The College will not provide insurance coverage to any party without a fully executed contract.

3.10 **Government Surplus**
The College shall follow Arizona State Statute 41-2602 when disposing of all College equipment.

3.11 **Sales Representatives, Demonstrations and Sample Materials**
College personnel who have direct contact with sales representatives are reminded that they are representing the College and to conduct business in a professional manner. They are not to verbally authorize any purchasing and are to advise the prospective vendor that a purchase order will be issued by the authorized Purchasing and Contracting representative should a purchasing decision be made.

College personnel who would like to invite vendors for on-site visits or request samples or on-site demonstrations must contact the Purchasing and Contracting Department in advance for assistance. Vendors are to provide proof of insurance coverage for any equipment and/or material left at the College.

3.12 **Prepayment for Goods and Services**
Advance payments or prepayments should be avoided whenever possible. Standard procedure is goods and services provided to Yavapai College are paid for after receipt. The College provides prepayment only for established industry standards and very limited purchases such as memberships, metered postage, customized goods, and maintenance/license agreements. On occasion, it may be necessary to provide known and reputable vendor with a prepayment.

In all cases the prepayment must be in the best interest of the College i.e. timely completion of construction, production/delivery of specialized equipment. In such cases, the requestor must provide the following to the Purchasing & Contracting Office for review:

3.12.1 Written documentation stating why this firm is the best option despite the prepayment requirement. Documentation shall include the specific need for prepayment.

3.12.2 Invoice (or written confirmation of total cost, including all associated costs) for the full amount of the advance payment prior to the issuance of the
advance payment. Subsequent payments (if applicable) will require additional invoices that can be provided after placing the order.

3.12.3 Upon review by the Purchasing & Contracting Office representative, which will include reference checks, Better Business Bureau rating verification, and financial stability inspection, a requisition may be issued upon approval from the Purchasing & Contracting Office and the Controller.

3.12.4 The requisitioning department is responsible for tracking the goods/services associated with the advance payment to insure expected goods/services are delivered per the documentation.

3.13 Personal Orders
The Purchasing and Contracting Department cannot issue purchase orders for personal purchases. Vendors are under no obligation to offer discounts to individuals, and if they do so it must be with the understanding that their offer places the College Purchasing and Contracting Department under no obligation to do business with them except within strict business practices.

3.14 Unauthorized Purchases
Purchases and or contracts that are in violation of the College’s Purchasing and Contracting Procedures are considered serious offenses and will require completion and approval of the Request to Approve Unauthorized Commitment (UAC) of Yavapai College Funds form. Unauthorized purchases may be considered a personal obligation and individuals making unauthorized purchases may be personally responsible for those purchases (ARS 34-154).

3.15 Official Functions
Food/beverages purchased for Official Functions requires an Official Functions form to be approved prior to purchase in accordance with the following guidelines:

Recognizing that there are certain occasions when providing meals or refreshments is appropriate and in the best interest of the College, the following guidelines are examples of permissible events:

3.15.1 A professional development activity in which an entire group or major segment of the group is involved. Examples are faculty and staff in-service days.
3.15.2 An activity at which the College acts as host to invited guests from outside the College. This is limited to situations where there is specific benefit to the College such as advisory committees.

3.15.3 Governing Board meetings held during meals hours except for College employees.

Recognizing that no set of guidelines can respond to all circumstances, the President or his/her designee may approve, on a case-by-case basis, food requests not contemplated by these guidelines.

Food items not considered part of the Official Functions policy includes: food supplies for cooking classes, food purchased for resale by clubs or other College departments, meals for athletic teams when the College food service is closed, campus life programs, meals provided in fees paid by participant, and food provided per contract to non-College groups.

A requisition for Official Functions must be submitted to Purchasing and Contracting if the total event expense for the fiscal year is $1,500 or more. Check requests through Accounts Payable are required for expenses under $1,500.

3.16 Conflict of Interest

The College as a general rule does not purchase goods or services, or enter into any type of contract with students, faculty, staff or members of their immediate families. An acquisition from a business or individual in which an employee or an employee’s immediate family member has an interest is prohibited unless full disclosures of the background facts are presented in writing to the Human Resources Department, who will forward a copy of the form to the Purchasing and Contracting Department. Regardless of the total dollar amount, the Purchasing and Contracting Department will solicit a minimum of three quotes. The employee with a conflicting interest will have no influence on the final decision for award. Interest is deemed present if the employee and/or his or her spouse or un-emancipated minor children own ten percent or more of the assets of a business. Direct purchase by College staff or faculty from a company they have personal interest in is strictly prohibited.

4.0 METHODS OF SOURCE SELECTION

The practice of issuing a series of requisitions for placing multiple orders during a fiscal year to the same vendor for the same commodity or service in order to avoid the appropriate competitive solicitation or approval process is prohibited. Department representatives are required to contact Purchasing and Contracting in the event an additional order increases annual departmental spend to a specific vendor over a threshold amount.
A “responsible” bidder is one who has the capability to perform the required service(s) or deliver the desired products(s). A “responsive” bidder is one who submits a bid that conforms in all material aspects to the quote/bid/proposal request.

Confidentiality of Quotations: Price quotations are given to the College in confidence and shall not be revealed to any other vendor or unauthorized person until after the contract is executed. College personnel:

   a. are not to provide pricing from one vendor to another to achieve better pricing from either.
   b. are not to discuss any aspect of the bid process with any vendor until after a contract is awarded.
   c. will only speak to current vendors, who are part of a solicitation process, specifically about current work.

4.1 Check Request
Services under $1,500 must be paid for via a check request. A check request may also be used with those vendors that do not accept a P-Card for purchases under $1,500; however, these situations should be rare.

4.2 Purchasing Card (P-Card)
Purchasing liaisons will be issued a purchasing card (credit card) upon completion of liaison purchasing training. This card may be used to purchase items with a cost under $1,500.

Purchases $1,500 or more may be paid with an Accounts Payable purchase card; however, these purchases will be reviewed on a case-by-case basis. If there is an item that needs to be paid by P-Card and the item is $1,500 or more, a requisition/purchase order will need to be generated.

Misuse of P-Card. Utilizing the P-Card for unauthorized items, services or to circumvent Purchasing and Contracting Procedures is a violation of the current procedures and will be dealt with in accordance to established procedures set forth in the Purchasing Card Manual including and up to termination.

4.3 Requisition/Purchase Order
The initial tool to request a purchase is a requisition. A requisition serves a dual purpose: it provides a clear and complete description of the requisitioning unit’s need and it transmits authority to the Purchasing and Contracting Department to expend the requisitioning unit’s funds.

All requests to purchase that are over the P-Card/check request threshold must be processed through the Purchasing and Contracting Department via a Banner requisition regardless of the sources of funds. Staff or faculty that obligate the
College without proper authority may be held personally responsible for all amounts owing.

Budget managers are allocated funds in their department budgets for a given period; this allocation is only an authority to request, not to purchase. Each department is assigned an account number or numbers by Business Services. All requisitions must carry the complete number of the account - Fund Organization Account Program (FOAP).

Additional approval(s) may be required on some requisitions for specialized items; such approvals may be made via an e-mail to the purchasing liaison and/or buyer:

a. Printing (except business cards, letterhead and envelopes): advertising media and promotional services require prior approval from the Marketing Department.

b. Any item that will take up floor space (indoors and outdoors), uses electricity, or office furniture requires prior approval from Facilities.

c. Telephones, computer software or hardware require prior approval from ITS.

d. Photocopy equipment requires prior approval from Mail Print and Distribution Services.

e. Items purchased that may affect other departments.

The process is as follows:

1. Requisition is completed in Banner by the department’s purchasing liaison including recommended vendor, adequate description of goods and/or services requested, actual or estimated cost including tax and shipping, date vendor can deliver, budget information for payment and department name and location for delivery; and additional approvals (if required). All required backup is forwarded to the Purchasing and Contracting Department noting the associated requisition number.

2. Requisition is electronically transmitted to the budget manager for review and approval. Their approval confirms they have funds within their area to cover all costs and is coded correctly. The requisition continues through the approval process in Banner until approved by all required parties.

3. Requisition is transmitted to the Purchasing and Contracting Department electronically who reviews all information, reviews backup submitted by the purchasing liaison, confers with suggested vendor when necessary, and creates a purchase order in Banner based on the best value for the College.

4. A purchase order is completed in Banner and sent to the vendor (terms and conditions are available on the College’s Purchasing and Contracting website). Upon acceptance by the vendor the document becomes a contract to purchase. Only the Purchasing and Contracting Department is authorized to assign a purchase order number to a requisition.
5. Item is delivered to Mail, Print and Distribution Services (referred to from here on as Receiving), or designee, verified against purchase order, received in Banner and delivered to the department by Receiving. The end user checks and accepts goods. An invoice or packing slip is denoted as “Ok to pay” by the budget manager and forwarded to Accounts Payable.

6. Invoice is received by Accounts Payable, checked against Receiving and Purchasing and Contracting documents; if all documents match a check is created and mailed to vendor based on payment terms.

4.3.1 Standing Orders
Standing order purchase orders may be issued for a specified time period at an estimated dollar amount to encumber funds, and/or establish a purchasing arrangement with a vendor for a period of time. These types of purchase orders have other names such as “Blanket”, “Open”, “Requirements” “Indefinite Delivery, Indefinite Quantity.” Standing Orders should not be used for Capital Asset items, unless approved by the Business Office. In most cases, a Standing Order should be used rather than repetitive P-Card orders or check requests that will be for more than $1,500 in a fiscal year. This type of purchase order is useful for paying for contracts, services or goods that will be invoiced frequently.

4.3.2 Change Orders
The initiating department may request a change order via email sent to the Purchasing and Contracting Department specifying the applicable purchase order number and necessary changes. Approval for a change order request will follow the same approval requirements set up in Banner based on the new total value of the purchase order. At a minimum, all purchase order change order requests that increase the dollar amount must be approved by the budget manager. The purchase order should always be a match with quantities, unit pricing and the description of items. Any changes to a purchase order must be requested and subsequent change order must be issued prior to fulfillment by the vendor.

A change order may not be required if the change is less than 10% and is due to estimated costs such as shipping and/or taxes. This determination will be made by the Purchasing and Contracting Department.

4.4 Sole Source Purchasing
This is a situation created due to the inability to obtain competition which may result because only one vendor possesses the unique ability or capability to meet the particular requirement of the solicitation. When possible, the Purchasing and Contracting Department will enter into negotiations with sole source vendors to obtain the best pricing. The College requires justification (completed and approved sole source form) from the requisitioning unit to justify why this is the only source for the requirement.
Final responsibility in determining sole source rests with the Purchasing and Contracting Department; this decision may be based on the lack of competition, proprietary technology, copyright or a vendor’s unique capability.

4.5 **Single Source Purchasing**

This is a purchasing decision whereby purchases are directed to one source because of standardization, warranty or other factors, even though other competitive sources may be available. This situation makes it impossible to obtain competitive bids.

When possible, the Purchasing and Contracting Department will enter into negotiations with single source vendor to obtain the best pricing. The College requires documentation from the requisitioning unit to justify why the purchase is a single source. Final responsibility in determining single source rests with the Purchasing and Contracting Department.

4.5.1 **Certain types of professional services**

Consultants, legal services, etc. may be obtained up to $15,000 in expenditures in any fiscal year without the requirement for three written quotations being met. This will be done only with the written approval of the Director of Purchasing and Contracting, with a written determination on file that this action is in the best interest of the College District.

Further, for certain professional services that require specialized expertise in those matters where it is deemed to be crucial that the College obtain the optimum outcome, and/or which may have a significant financial impact on the College, the College may contract with firms or individuals for needed services at no set dollar limit, and without obtaining competitive quotes of any type. This will be done only with the written approval of the Director of Purchasing and Contracting, and the Vice President of Financial and Administrative Services, with a written determination on file that this action is in the best interest of the College District.

4.5.2 **Consideration of Overall Impact to College**

Extension of existing commodities or services contracts determined to be in the best interest of the College due to available internal resources and overall impact of change may be considered Single Source Purchasing. Such purchases will require a justification of determination completed by the requesting department and approved by the Director of Purchasing and Contracting. The determination must include a proposed timeframe for considering other sources.

4.5.3 **Other Purchases Exempt from Competition**

These purchases, should be documented as “Justified per Procedure 4.5.3 (and list the appropriate letter).” The College should incorporate as much competition as is feasible and negotiate a suitable agreement when pursuing the following purchases:
a. Printing of publications and forms that involve proprietary art work or repeat orders where the vendor has retained the design or format.
b. Testing services.
c. Maintenance, service, supplies and parts that are required by contract, warranty or to ensure system integrity.
d. Material or equipment selected after a test of competitive brands.
e. Expenses associated with training or educational courses provided by the College or experiential educational training or programs (e.g. apprenticeships, internships) provided for student of the College. Instructional courses are selected based on capability, course content and teaching ability by appropriate College administrators.
f. Media or newspaper advertising which is based on area covered or target audience.
g. Membership dues and subscriptions.
h. Equipment rentals based on equipment availability.
i. Purchase of used or reconditioned equipment when determined to be the best value for the College.
j. Appraisals and/or purchases of real estate.
k. Expenses paid to city, state, and government agencies.
l. Performing and visual artists.
m. Contractual services where no competition exists, such as electrical energy, telephone service, and other public utility services.
n. Works of art for museum and public display.
o. Contracts for group life insurance, group health and accident insurance, group professional liability insurance, worker's compensation insurance, and unemployment insurance.
p. Purchases of books and periodicals from the publishers or copyright holders.

4.6 Joint Purchasing/Purchasing Cooperatives/Purchasing Consortiums
The Purchasing and Contracting Department is authorized to enter into purchase agreements with the State of Arizona, cities, counties, other public agencies, colleges or universities, and any purchasing cooperative which utilizes a competitive bid process for the purpose of joint bidding and/or utilizing any competitively bid contract. This method will meet all responsibilities for effective competitive purchasing and be documented within the purchase order.

4.7 General Services Administration Contracts
The Purchasing and Contracting Department may purchase products or services using General Services Administration (GSA) schedules or contracts under the following conditions:
a. Use of the GSA contract or schedule is cost effective and in the best interest of the College;
b. Price is equal to or less than the Contractor’s current GSA price;
c. Price is fair and reasonable;
d. Contractor is willing to offer GSA pricing and terms to the College;
e. Comparable products or services are not available under a state or cooperative contract;
f. Comparable products or services are not restricted under a set-aside contract; and
g. Contractor accepts required College contract terms and conditions.

h. The Director of Purchasing and Contracting shall make a written determination that use of the GSA contract or schedule is in the best interest of the College. The determination shall contain the following:
   1. Name of the contractor;
   2. GSA contract or schedule number;
   3. Procurement description;
   4. Analysis of price, quality, and other relevant factors; and
   5. Statement that the price is fair and reasonable.

4.8 Emergency Orders
This is a purchase made due to an unexpected and urgent request where health and safety or the conservation of public resources is at risk. Usually formal competitive bidding procedures are waived. Emergency orders must be kept to a minimum and require approval from the Vice President of Financial and Administrative Services. Failure to anticipate a need is not, of itself, considered a bona fide emergency. The purchasing liaison in the requesting department may send the Purchasing and Contracting Department an email requesting an authorization to purchase. This email should contain:
   a. The actual or estimated cost
   b. Written (email) approvals as required by the dollar value of the purchase
   c. State the nature of the emergency
   d. Include the vendor’s name; contact person’s: name, number and email
   e. A current W-9 if needed

Under circumstances where it is not possible to create a requisition and issue a purchase order prior to order fulfillment, a confirming requisition must be completed within three business days after the emergency request following all other purchasing and contracting procedures.

4.9 Expenditure of Grant Funds
Purchases made with grant funding will follow all applicable guidelines as outlined in the granting agency’s letter of award. For federal grants this may include, but is not limited to, following the guidelines outlined by the Uniform Guidance located at Title 2 CFR Part 200. Purchasing and Contracting will work closely with the grant program manager and the Business Office to obtain any relevant documentation needed to verify allowable expenditures and purchasing requirements of the
grant. This is to ensure a joint effort that all purchases are in compliance with state, federal or other applicable requirements. Ultimately, it is the grant program manager’s responsibility to provide this information to the Purchasing and Contracting Department.

Once a purchase is deemed to be allowable and compliant with all state, federal or other requirements, Yavapai College Purchasing and Contracting procedures are to be followed for the purchasing and contracting process. When creating a requisition for a federal grant, the following statement needs to be included as a printed comment on the requisition: “By authorizing this expense, I certify to the best of my knowledge and belief that the expenditure and/or disbursement are for the purpose and objective set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (§200.415 Required certifications. U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).”

For all vendors being paid more than $25,000 in federal monies, the College’s Purchasing and Contracting Department verifies they have not been suspended or debarred from doing business with governmental entities before incurring expenditures. This verification is accomplished by checking the Excluded Parties List System (EPLS) maintained by the General Services Administration, obtaining vendor certification, or adding a clause or condition to the contract regarding suspension and debarment.

5.0 THRESHOLDS AND PROCESSES

5.1 Requests for Quotations

5.1.1 Purchases between $1,500 to $4,999

One complete, written quote is sent to Purchasing and Contracting with the Banner requisition number. Exceptions:

a. Federal funded (via grants) of $3,500 to $50,000 require at least three written price quotations per Title 2 CFR Part 200.

b. Procedure 8.2 requires competitive bidding for all purchases in consideration directly from employees and their immediate families, regardless of dollar amount.

5.1.2 Purchases over $5,000 but less than $50,000

Three written quotes (for all items or services) must be obtained by departments and provided to Purchasing and Contracting at the time a requisition is issued (or before). Purchasing and Contracting reserves the right to request modified quotations from vendors, and/or additional quotes from other vendors. Purchasing and Contracting determines final vendor selection. Exception:
a. Three quotes do not need to be obtained if the item or service can be obtained under a College, State of Arizona, or cooperative contract where competitive bidding has been previously achieved.

5.2 Invitation for Bid (IFB)
For purchases over $50,000, also known as competitive sealed bids, in which price is the determining factor. Invitation for Bids (IFBs) are solicited by the Purchasing and Contracting Department via ProcureAZ, the State of Arizona’s online procurement portal.

The College will award a contract to the lowest responsible and responsive bidder. All relative charges, including shipping/handling, installation, travel expenses, etc. shall be included in the determination. However, sales or use tax of a political subdivision of the state will not be a factor in determining the lowest bidder. Invitations for Bids do not generally require the assistance of an evaluation committee.

The Invitation for Bid shall include the following:
- Instructions and information to vendors concerning the submission requirements via ProcureAZ including time and date for receipt of questions and bids, relevant Appendices and any other information.
- The purchase description, evaluation factor(s), delivery or performance schedule (if applicable), and such inspection and acceptance requirements.
- The contractual terms and conditions as applicable to the purchases such as: insurance; warranty; bonding; security requirements; etc.

5.2.1 Proposal Time
The proposal time is the period of time between the date of publication of the Invitation for Bid and the time and date for receipt of bids. In each case, a bid time shall be set that affords bidders a reasonable time to prepare the bids. A minimum of 14 calendar days shall be provided unless a shorter time is deemed necessary for a particular purchase as determined in writing by the Director of Purchasing and Contracting.

5.2.2 Proposal Submissions
The Invitation for Bid document shall provide a form or format in which the bidder shall include all pertinent information relative to the goals of the IFB. The bidder shall sign and submit all necessary information called for in the Invitation for Bid document via ProcureAZ.

5.2.3 Public Notice
Adequate public notice of the availability of the Invitation for Bid shall be furnished to a sufficient number of bidders for the purpose of securing competition. Public notice of the Invitation for Bid shall be at least 14 days prior to the date set for receipt of bids by posting on the ProcureAZ website unless a shorter time is deemed necessary for a particular purchase as determined by the Director of Purchasing and Contracting. Public notice may
also be published in a newspaper of general circulation or on other appropriate websites, or both.

5.2.4 Pre-Proposal Conferences
Pre-proposal meetings may be conducted to explain the purchasing requirements. They shall be announced to all prospective vendors known to have received an Invitation for Bid. The meeting shall be held long enough after the Invitation for Bid has been issued to allow bidders to become familiar with the document, but sufficiently before receipt of bids to allow consideration of the conference results in preparation of their bid.

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

5.2.5 Amendments to Invitation for Bid
Amendments to Invitation for Bid shall be identified as such and provided via ProcureAZ. The amendment shall reference the part of the Invitation for Bid that it amends. Amendments shall be issued within a reasonable amount of time for potential bidders to consider them in the preparation of their bids. If the time and date set does not permit sufficient time for bid preparation, the date and time of the bid opening shall be extended in the form of an amendment.

5.2.6 Withdrawal and Modification of Bids
Withdrawal or modification of bids is acceptable if the notification of withdrawal or modification is received prior to the deadline for receipt of the bids at the designated location. All documentation relating to a bid withdrawal or modification shall be kept as part of the solicitation file.

5.2.7 Late Bids
A bid, a request for withdrawal of bid, or a modification of bid is late if not received through ProcureAZ by the time and date listed in the Invitation for Bid. Late bids, late withdrawal of bids, or late modifications will not be submittable through ProcureAZ and shall be rejected.

5.2.8 Receipt of Bids
Bids and bid modifications shall be received online through ProcureAZ and remain unopened until the bid opening. Bids shall be electronically opened publicly at the time, date, and location advertised in the bid document. The name of each bidder and other pertinent information shall be viewable in the Purchasing and Contracting conference room.
5.2.9 Inspection of Bids
Only after formal award of the bid, shall the bids be made available for public inspection. Information deemed proprietary in nature by the bidder and approved as such by the Director of Purchasing and Contracting shall not be included in the materials available for public inspection.

5.2.10 Mistakes and Informalities in Bids
Vendors are responsible for the accuracy of their quoted prices. Where applicable, in the case of discrepancy between the unit price or rate and the extension of that unit price or rate, the unit price or rate shall govern. Mistakes in bids may be corrected by modification or withdrawal as outlined in sections above, if discovered prior to the bid opening.

After bid opening, a bid submitted in error of judgment may not be corrected. If an error is discovered after an opening, the Director of Purchasing and Contracting may permit a bidder to correct a mistake if the mistake is evident in the uncorrected bid. The Director shall not permit a correction that is prejudicial to the College or fair competition. After an order has been issued, no bid may be withdrawn or amended unless the College considers the change to be in its best interest. The College reserves the right to reject any and all bids, or parts of bids, or to waive any informalities, and to select the bid that, in its opinion, best serves the needs of the College.

5.2.11 Bid Evaluation and Award
Award will be issued to the lowest responsive and responsible bidder whose bid meets, in all material respects, the requirements and criteria as defined in the IFB.

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

Records and methods of determining the successful bidder shall be maintained in the solicitation file.

5.2.13 Single Proposals
In instances of only one proposal being received, a determination must be made by the Director of Purchasing and Contracting that the proposal submitted is fair and reasonable and that other prospective vendors had time to respond or that re-solicitation is not possible due to time constraints. In those instances, an award may be made.
If it is determined in writing by the Director of Purchasing and Contracting that the need for the product or service continues and that the acceptance of the single proposal is not advantageous to the College, then the purchase may be conducted in a manner as defined by the Director of Purchasing and Contracting.

5.3 Request for Proposals (RFP)
Purchases of goods and services in the aggregate amount of $50,000 or more that cannot be awarded by a process of competitive sealed bids shall be procured through the use of a Request for Proposal process. This process may also be used for lower dollar purchases if deemed as the best solicitation option as approved by the Director of Purchasing and Contracting. Request for Proposals are solicited by the Purchasing and Contracting Department via ProcureAZ.

The evaluation of proposals is based on various criteria. Pricing is a factor, but generally is not the only determining factor. Consideration is also given, but not limited to: specifications, warranties, liabilities, quality, performance/references, experience, lead-time, delivery, etc. The specific criteria will be listed in the proposal and a committee composed of College staff and/or faculty shall be designated for the purpose of evaluating the proposals.

The Request for Proposal shall include the following:
- Instructions and information to vendors concerning the submission requirements via ProcureAZ including time and date for receipt of questions and bids, relevant Appendices and any other information.
- The purchase description, evaluation factors, delivery or performance schedule (if applicable), and such inspection and acceptance requirements.
- The contractual terms and conditions as applicable to the purchase such as: insurance; warranty; bonding; security requirements; etc.

5.3.1 Proposal Time
The proposal time is the period of time between the date of distribution of the Request for Proposal and the time and date for receipt of proposals. In each case, a proposal time shall be set that affords vendors a reasonable time to prepare the proposals. A minimum of 14 calendar days shall be provided unless a shorter time is deemed necessary for a particular purchase as determined in writing by the Director of Purchasing and Contracting.

5.3.2 Proposal Submissions
The Request for Proposal document shall provide a form or format in which the vendor shall include all pertinent information relative to the goals of the RFP. The vendor shall sign and submit all necessary information called for in the Request for Proposal document online via ProcureAZ.

5.3.3 Public Notice
02/08/2018
Adequate public notice of the availability of the Request for Proposal shall be furnished to a sufficient number of bidders for the purpose of securing competition. Public notice of the Request for Proposal shall be at least 14 days prior to the date set for receipt of proposals by posting on the ProcureAZ website unless a shorter time is deemed necessary for a particular purchase as determined by the Director of Purchasing and Contracting. Public notice may also be published in a newspaper of general circulation or on other appropriate websites, or both. In addition, proposals may be solicited directly from potential vendors.

5.3.4 Pre-Proposal Conferences
Pre-proposal meetings may be conducted to explain the purchasing requirements. They shall be announced to all prospective vendors known to have received a Request for Proposal. The meeting shall be held long enough after the Request for Proposal has been issued to allow vendors to become familiar with the document, but sufficiently before receipt of proposals to allow consideration of the conference results in preparation of their proposal. Generally, the receipt of proposals will be no sooner than seven calendar days after the pre-proposal meeting. Any exceptions must be granted in writing by the Director of Purchasing and Contracting. Nothing stated at the conference shall change the Request for Proposal unless a change is made by written amendment.

5.3.5 Amendments to Requests for Proposals
Amendments to Requests for Proposals shall be identified as such and provided via ProcureAZ. The amendment shall reference the part of the Request for Proposal that it amends. Amendments shall be issued within a reasonable amount of time for potential vendors to consider them in the preparation of their proposals. If the time and date set does not permit sufficient time for proposal preparation, the date and time of the proposal opening shall be extended in the form of an amendment.

5.3.6 Withdrawal and Modification of Proposals
Withdrawal or modification of proposals is acceptable if the notification of withdrawal or modification is received prior to the deadline for receipt of the proposals at the designated location. All documentation relating to a proposal withdrawal or modification shall be kept as part of the solicitation file.

5.3.7 Late Proposals
A proposal, a request for withdrawal of proposal, or a modification of proposal is late if not received through ProcureAZ by the time and date listed in the Request for Proposal. Late proposals, late withdrawal of proposals, or late modifications will not be submittable through ProcureAZ and shall be rejected.

5.3.8 Receipt of Proposals
Proposals and proposal modifications shall be received online through ProcureAZ, and remain unopened until the proposal opening. Proposals shall be electronically opened publicly at the time, date, and location advertised in the proposal document. The name of each vendor and other pertinent information shall viewable in the Purchasing and Contracting conference room.

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

5.3.10 Mistakes and Informalities in Proposals
Vendors are responsible for the accuracy of their quoted prices. Where applicable, in the case of discrepancy between the unit price or rate and the extension of that unit price or rate, the unit price or rate shall govern. Mistakes in proposals may be corrected by modification or withdrawal as outlined in sections above, if discovered prior to the proposal opening.

After proposal opening, a proposal submitted in error of judgment may not be corrected. If an error is discovered after an opening, the Director of Purchasing and Contracting may permit a vendor to correct a mistake if the mistake is evident in the uncorrected proposal. The Director shall not permit a correction that is prejudicial to the College or fair competition.

After an order has been issued, no proposal may be withdrawn or amended unless the College considers the change to be in its best interest. The College reserves the right to reject any and all proposals, or parts of proposals, or to waive any informalities, and to select the proposal that, in its opinion, best serves the needs of the College.

5.3.11 Proposal Evaluation and Award
Prior to evaluation of the proposals, a committee shall be designated for the purpose of scoring the written proposal and qualifications of the firms or individuals submitting proposals. The grading criteria will be published in the Request for Proposal.

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

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

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

5.4 Construction and Construction Consultant-Related Services

5.4.1 Construction services between $1,500 to $4,999
One complete, written quote is sent to Purchasing and Contracting referencing the Banner requisition number.

5.4.2 Construction services $5,000 or more but less than $50,000
a. Three written quotes must be obtained by Facilities and provided to Purchasing and Contracting at the time a requisition is issued (or before). Purchasing and Contracting reserves the right to request modified quotations from vendors, and/or additional quotes from other vendors. Purchasing determines final vendor selection.
b. Three quotes do not need to be obtained if the service can be obtained under a College, State of Arizona, or cooperative contract where competitive bidding has been achieved. This includes job-order-contracting.

5.4.3 Construction purchases $50,000 or more
The College may procure design services, construction and construction services, as applicable under any of the following project delivery methods:
a. Design-bid-build
b. Job-order-contracting (JOC)

Alternate Construction Purchasing Methods
c. Construction-manager-at-risk (CMAR)
d. Design-build

5.4.4 Definitions
Design-bid-build is the process in which separate purchases are conducted for architect/engineer services and general construction. The design provided by the architect/engineer is utilized as part of the bidding document for the general contracting services.
Job-order-contracting is a construction contract used for new construction, maintenance, rehabilitation, and alterations of a recurring nature but which is of an indefinite delivery and indefinite quantity. The job-order-contract shall include comprehensive compilation of detailed real property repair, rehabilitation, alteration, maintenance, and minor construction task descriptions or specifications, a pre-determined and agreed upon pricing, discount coefficient or mark-up pricing structure.

Alternate Construction Purchasing Methods

Construction-manager-at-risk acts as a general contractor at the contracted-for-price and provides consultation to the College regarding construction during and after the design of the facility.

Design-build is a method of contracting in which a single contract is created with a firm or group of firms in partnership to renovate a building or group of buildings. The intent is for the architect/engineer professionals to work more closely with the general contractor and subcontractors to provide a single source of responsibility for the design and construction of the project. This contrasts with the separate contracts with architects/engineers and general contractor involved in the standard design-bid-build of Construction Manager at Risk.

5.4.5 Design-Bid-Build

For the design-bid-build project, the College shall procure the design services according to Section 5.9 Architect, Engineer, Land Surveying and Related Services and the construction by competitive sealed bids according to Section 5.2. Invitation for Bid (IFB), except as otherwise provided in Section 4.4 Sole Source Purchasing, Section 4.5 Single Source Purchasing and Section 4.7 Emergency Orders. This applies to all design-bid-build delivery methods that have a combined estimated cost of $50,000 or more.

5.4.6 Job-Order-Contracting (JOC)

a. The dollar amount of an individual job order shall not be more than $200,000. Requirements shall not be artificially divided or fragmented in order to constitute a job order that satisfies this requirement.

b. If the contractor subcontracts or intends to subcontract part or all of the work under a job-order and if the job-order construction services contract includes descriptions of standard individual tasks or standard unit prices for standard individual tasks, then:

   1. The contractor has a duty to deliver promptly to each subcontractor invited to bid, a copy of the descriptions and the standard unit prices of all standard individual tasks on which the subcontractor is invited to bid.
2. The contractor has a duty to deliver promptly the following to each subcontractor that has agreed to do any of the work included in any job order, a copy of the description, the number of units and the standard unit price of each standard individual task that is included in the job order.

c. The Job-Order Contractor or Consultant must hold a State of Arizona or cooperative contract.

5.5 **Alternative Construction Purchasing Methods**

Professional services and construction services shall be procured with the alternative construction procurement methods as outlined in this section. Exceptions are those instances in which Sole Source Purchasing, Section 4.4, Single Source Purchasing 4.5 or Emergency Orders, Section 4.7 apply. Alternative construction procurement methods as defined in Section 5.4.4, Construction Procurement, are construction-manager-at-risk and design-build.

5.5.1 **Definitions**

For purposes of this section, "construction services" includes: construction-manager-at-risk construction services and design-build construction services. These may or may not contain a professional services component.

For the purposes of this section, "professional services" includes architect services, engineer services, landscape architect services, assayer services, geologist services and land surveying services and any combination of those services, provided by a registered professional.

Request for Qualifications (RFQ) means a solicitation with an intended response that includes initial data about a firm or individual such as experience, references, and approach to the project.

For purposes of this section, the technical and financial portions of the proposal response will be provided at the same time.

5.5.2 **Construction-Manager-at-Risk (CMAR) and Design-Build Contracting**

The College shall procure construction and design services under the construction manager-at-risk and design-build project delivery methods according to Section 5.5: Alternative Construction Procurement Methods. The College does not include design services in a job-order-contracting construction services contract. The College shall procure any design services relating to job-order-contracting construction services projects under the contract according to Section 5.6: Architect, Engineer, Land Surveying and Related Services.

If deemed to be in the best interests of the College in a written determination by the Director of Purchasing and Contracting, purchasing of CMAR services may be obtained through a standard Request for Proposals process. Unlike
the State purchasing process for CMAR services that does not allow pricing to be submitted as part of the request for qualifications process, the College, as an alternative, may issue a Request for Qualifications with the option of having pricing included in the CMAR.

5.5.3 Procurement of All Alternative Construction Services

For procurement of construction-manager-at-risk and design build, the College shall follow these procedures:

The College shall announce and issue the solicitation according to its normal procedures.

The buyer shall initiate an appropriately qualified selection committee. The selection committee shall contain the Facilities Project Manager and no more than six additional members selected from College Administration, Facilities/Maintenance and Operations, and representatives of the project’s user groups. A non-voting representative of Purchasing and Contracting will observe all meetings and selection committee activities.

For projects that include construction with selection made on a qualifications basis, while not required, the selection committee may select one person who is a senior management employee of a licensed contractor and one person who is an architect or engineer registered to practice in the State of Arizona. The contractor or design professional may be an employee of the College and will not count against the six college representative limit.

Outside architects, engineers or contractors serving on a selection committee shall not receive compensation for performing this service. A person who is a member of a selection committee shall not be a contractor under a contract awarded under the procurement or provide any professional services, construction, construction services, materials or other services under the contract awarded through this selection.

The selection committee shall:

A. Independently evaluate and score the written proposals and qualifications submitted by the firms or individuals.

B. If outlined in the solicitation, shall attempt to conduct discussions with at least three of the highest scoring firms or individuals. If only two firms or
individuals respond to the solicitation, the committee may proceed with the selection process or Purchasing and Contracting may re-solicit for additional proposals. If only one firm or individual responds to a solicitation for professional services, the selection committee may choose to proceed with the process with that firm or individual if the Director of Purchasing and Contracting determines in writing that the fee negotiated as a result of the process if fair and reasonable and that other firms and individuals had a reasonable opportunity to respond, or if there is not adequate time for a re-solicitation.

5.5.4 **The One-Step Competitive Process**

Purchasing and Contracting shall enter into contract negotiations with the highest qualified firm or individual for the professional services or construction services as a result of following the processes outline in section 5.5.3. Negotiations shall include fees as well as other contractual terms and conditions deemed fair and reasonable and important to the College. Purchasing and Contracting shall take into account the estimated value, scope, complexity and nature of the procurement. If Purchasing and Contracting is unable to negotiate a satisfactory agreement with the firm or individual considered to be the most qualified, then Purchasing and Contracting shall terminate those negotiations and undertake negotiations with the next most qualified firm or individual in sequence until an agreement is reached. If a construction contract is entered into as a result of this process, construction shall not begin until Purchasing and Contracting and the contractor agree in writing on a price for the construction portion of the contract.

5.5.5 **The Two-Step Competitive Process**

As an alternative to the one-step competitive process outline in Section 5.5.4 above, Purchasing and Contracting may utilize the following process:

A. Purchasing and Contracting shall issue a Request for Proposals to those firms or individuals short-listed as a result of the process outlined above.

B. The selection committee make up shall remain the same as outlined in sections 5.5.3

C. For design-build construction services, the Request for Proposals shall include:

1. Specifically for design-build construction projects, the project schedule, project final design and construction budget or life-cycle budget.

2. For both types of services, a statement that the contract will be awarded to the firm or person whose proposal receives the highest number of points under a scoring system.
3. A description of the scoring method, including a list of factors in the scoring method and the number of points allocated to each factor. Those factors may include:
   i. Proposer's qualifications
   ii. Proposer's financial capacity
   iii. Proposer's proposed compliance with the College's project schedule
   iv. Proposer's quality management plan
   v. Any other evaluation factors as determined by Facilities/Purchasing and Contracting.
   vi. For design-build construction services only, demonstrated compliance with the design requirements.
   vii. For design-build construction services only, if the Request for Proposals specifies the District will spend its project budget and not exceed that budget, and thus is seeking the best proposal for the project budget.

4. A requirement that each proposer submit separately a technical proposal and a price proposal and that the proposer's entire proposal is responsive to the RFP. For design-build construction services, the price in the proposal shall be a fixed price or a guaranteed maximum price (GMP).

5. A statement that the selection committee will separately evaluate the technical proposal and the price proposal, and that they will evaluate and score the technical proposal before opening the price proposal.

D. If determined by Purchasing and Contracting and noted in the RFP, the selection committee or a subcommittee consisting of Purchasing and Contracting and at least one other member may conduct discussions with any or all firms or individuals chosen. Discussions shall be for the purpose of clarification to assure full understanding of the project and responsiveness to the solicitation requirements. Information from proposals submitted and discussions held shall not be disclosed to competing proposers.

E. Best and Final Offer submittals may be requested of any or all finalists. These submittals shall contain both technical and financial information. The final technical proposals shall be evaluated and scored first before opening and evaluating and scoring final financial proposals.

F. Purchasing and Contracting shall award the contract to the responsive and responsible proposer whose proposal receives the highest score.

G. For design-build construction services only, the College shall award a stipulated fee equal to a percentage of the College's project final
construction budget, as prescribed in the RFP, but not less than two-tenths of one per cent of the project final construction budget to each short listed proposer who provides a responsive, but unsuccessful, proposal.

If the College does not award a contract, all responsive short listed proposers shall receive the stipulated fee based on the College's estimate of the project final design and construction budget as included in the request for proposals. The College shall pay the stipulated fee to each proposer within ninety days after the award of the initial contract or the decision not to award a contract. In consideration for paying the stipulated fee, the College may use any ideas or information contained in the proposals in connection with any contract awarded for the project, or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful proposers.

Notwithstanding the other provisions of this paragraph, an unsuccessful short list proposer may elect to waive the stipulated fee. If an unsuccessful short list proposer elects to waive the stipulated fee, the College may not use ideas and information contained in the proposer's proposal, except that this restriction does not prevent the purchasing agency from using any idea or information if the idea or information is also included in a proposal of a proposer that accepts the stipulated fee.

5.5.6 Confidentiality of Process

Until award and execution of a contract by the College, only the names of each firm or individual on the short list may be made available to the public. All other information received by the College in response to the Request For Qualifications or contained in the proposals shall be confidential in order to avoid disclosure of the contents that may be prejudicial to competing proposers during the selection process. The proposals shall be open to public inspection after the contract is awarded and the College has executed the contract. To the extent that the proposer designates and the Purchasing and Contracting Director concurs in a written determination, trade secrets and other proprietary data contained in a proposal shall remain confidential.

5.5.7 Registrations, Licensure and Project Definition

A. The successful contractor for construction-manager-at-risk, design-build or job-order-contracting construction services is not required to be registered to perform design services pursuant to Title 32, Chapter 1 of the Arizona Revised Statutes, if the person or firm actually performing the design services on behalf of the contractor is appropriately registered.

B. Each project under a design-build construction services contract or a construction-manager-at-risk construction services contract shall be a specific, single project. For the purposes of this paragraph, "specific, single project" means a project that is constructed at a single location, at a common location or for a common purpose.
5.5.8 Prohibition against Competing with Private Firms or Contracting with other Agencies for these Services
Notwithstanding anything to the contrary in this procedure, the College shall not:

A. Enter into a contract as a contractor to provide construction-manager-at-risk construction services, design-build construction services or job-order-contracting construction services to others.

B. Contract with itself, with another College, with the state or with any other governmental unit of the state or the federal government to provide construction-manager-at-risk construction services, design-build construction services or job-order-contracting construction services for itself.

C. The prohibitions prescribed in this section do not prohibit the College from providing design or construction services for itself as provided by law.

5.6 Architect, Engineer, Land Surveying and Related Services
If deemed to be in the best interests of the College in a written determination by the Director of Purchasing and Contracting, purchasing of architect services may be obtained through a standard Request for Proposals process. Unlike the State purchasing process for architectural services that does not allow pricing to be submitted as part of the request for qualifications process the College, as an alternative, may issue a Request for Qualifications with the option of having pricing included in the RFQ.

5.7 Bid Security
Bid security shall be used on all competitive sealed bidding for construction contracts $50,000 and higher in value, unless a waiver is deemed appropriate and approved by the Director of Purchasing and Contracting. Bid security protects the College against the failure or refusal of the low bidder to supply the necessary performance and payment bonds, as required, and to proceed with the performance under the contract.

Bid security shall be provided by a surety company licensed to conduct business in the State of Arizona or it shall be in the form of a cashier's check made payable to the College.
Bid security is set at 10% of the bidder's base bid amount. Bid security is required to be submitted at the time of the submittal of the sealed bid. If the bidder fails to accompany its bid with bid security, the bid shall be considered non-responsive, unless the failure to comply is determined by the Director of Purchasing and Contracting to be non-substantial where:

A. Only one bid is received and there is not sufficient time to re-bid the contract;
B. The amount of the bid security submitted, while less than the amount required by the Invitation for Bid, is equal or higher than the difference in the price stated in the next higher acceptable bid; or
C. The bid guarantee becomes inadequate as a result of the correction of a mistake in the bid or bid modification, if allowed, if the bidder increases the amount of the guarantee to required limits within two working days after bid opening.

5.8 Performance and Payment Bonds
A performance bond is required for all construction contracts $50,000 and higher in value, in the amount of 100% of the contract price. A performance bond protects the College against loss resulting from the failure of the contractor to perform a construction contract in accordance with plans and specifications. The performance bond shall be delivered to the College at the same time the contract is executed. If a contractor fails to deliver the performance bond, the contractor's bid shall be rejected, its bid security shall be enforced, and award of the contract shall be made to the next lowest responsible and responsive bidder.

A payment bond is required for all construction contracts $50,000 and higher in the amount of 100% of the contract price. A payment bond guarantees payment and protection for those furnishing labor and materials to the contractor or its subcontractors for the work bonded. The payment bond shall be delivered to the College at the same time the contract is executed. If a contractor fails to deliver the payment bond, the contractor's bid shall be rejected, its bid security shall be enforced, and award of the contract shall be made to the next lowest responsible and responsive bidder.

5.9 Changes in Construction Contracts
At any time, the Director of Purchasing and Contracting may, without notice to the surety, approve a change order that may make:

A. Changes in the work within the scope of the contract; and
B. Changes in the time for performance of the contract that do not alter the scope of the contract.

If this change order increases or decreases the contractor's cost of or the time required for performance of any part of the work under this contract, whether or not changed
by the order, an adjustment shall be made and the contract shall be modified in writing. A change order shall be used for this process.

6.0 CONTRACTS
All contracts, regardless of type, for the purchasing of goods, services or equipment must be reviewed by a member of the Purchasing and Contracting Department. The Purchasing and Contracting Department shall be the holder of all contract documents.

6.1 Vendor Sales Agreements
It is in the best interest of the College to refrain from signing vendor sales agreements. If a vendor requires that a sales document be signed, the originating department should forward it to the Purchasing and Contracting Department (referencing the Banner requisition number) for consideration for signature (for orders $1,500 or more). For those to be paid on a check request, the agreement must be submitted to Purchasing and Contracting first and indicate that payments will be via check request. A copy of the agreement will be retained in the Purchasing and Contracting Department.

6.2 Service Contracts
Certain items of equipment are covered by service contracts in order to assure continuing efficient operation. Forms requiring signature(s) provided by service companies must be submitted to the Purchasing & Contracting Department for review and approval/signature prior to contracting for the services.

In cases where the total service costs are $1,500 and higher, the liaison will issue a requisition and provide the service contract as an accompaniment by referencing the requisition number. If total costs are under $1,500, the liaison will need to ensure the contract is approved/signed by the Purchasing & Contracting Department prior to a check request.

6.3 Independent Contractor
All agreements with consultants, presenters or performers require an Independent Contractor Agreement, a W-9, and an Independent Contractor Status Verification Form. The agreement is signed by the Director of Purchasing and Contracting. If the dollar amount is more than $1,500 a purchase order will be issued. Services under $1,500 will be paid via check request.

6.4 Memorandum of Understanding
MOUs do not require District Governing Board approval. However, once they have been reviewed by Purchasing and Contracting and finalized, they are to be submitted for review and approval by (the appropriate) Vice President and College President. Then the Agreement is signed by the Director of Purchasing and Contracting.
6.5 **Intergovernmental Agreements**

Intergovernmental agreements (IGA’s) should be submitted to the Purchasing and Contracting Department at least two months prior to the need date if at all possible. Intergovernmental agreements generally require written approval (signature on the documents) by the College’s legal counsel. Purchasing and Contracting will obtain these approvals. (Attorney’s signature is not needed for Charter School IGA Dual Enrollment Agreements). Often the documents need revision which may or may not include negotiations between both entities’ legal firms.

Once the IGA is modified as needed, and legal signatures are in place, the IGA will be forwarded to the appropriate Vice President for review and placement on the upcoming District Governing Board meeting.

Only the District Governing Board is authorized to approve IGA’s or other agreement as required by law. These include Dual Enrollment Agreements. All IGA’s and amendments to IGA’s - regardless of whether or not the College has had similar ones previously - must be approved by the District Governing Board.

6.6 **Lease Agreements**

Leases for under a year are signed by the College President or designee. Leases that are one or more years in duration and/or above $200,000 require the District Governing Board’s approval. Legal review and signature will be on a case-by-case basis and is not required.

6.7 **Facility Use Agreements**

The Director of Purchasing and Contracting only reviews and signs those FUA’s for use of the College of outside entities’ facilities, e.g., when the College holds classes at locations that are not on our campus sites.

6.8 **Agency Affiliation Agreements**

These types of agreements include: Economic Development Center Affiliation Agreements; Emergency Medical Services Agreements; Medical Affiliation Agreements; Nursing Affiliation Agreements; Radiology Affiliation Agreements and are signed by the Director of Purchasing and Contracting.

7.0 **PROTEST AND APPEALS**

7.1 **Content of Formal Protest and Appeal Letter**

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

1. The name, address and telephone number of the protester.
2. The signature of the protester.
3. The bid number and date of bid closing.
4. A statement of the legal and/or factual grounds on which the protest or appeal is based, including copies of information relevant to the bid.

5. The form of relief requested

7.2 Filing Procedure

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

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

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

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

7.3 Remedies

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

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

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

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

7.4 Appeals
Appeals are to be filed with the Director of Purchasing and Contracting within 5 days of the receipt of the decision. The notice of appeal shall contain:

The information from the original protest letter, a copy of the decision of the Director of Purchasing and Contracting and the basis for the appeal.

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

The Director of Purchasing and Contracting shall notify the Governing Board or its designee of the appeal. Any hearing or appeal shall be conducted by the Governing Board or its designee as hearing officer. A written decision will be made within 14 days after the appeal has been filed.

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

7.4.1 Stay of Procurement during Appeal
If an appeal is filed before an award of contract and the award of the contract was stayed by the buyer, the filing of an appeal shall automatically continue the stay unless the hearing officer conducting the appeal makes a written determination that the award of the contract without delay is necessary to protect the substantial interest of the College.

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

7.5 Remedies
If the hearing officer sustains the protest in whole or in part and determines that a solicitation, proposed contract award, or contract award does not comply with College policies or procedures, the hearing officer shall implement an appropriate remedy. Remedies shall follow those outlined in the previous section on remedies.
8.0 ETHICS IN PUBLIC PROCUREMENT

8.1 Code of Ethics
Because procurement personnel constantly operate under pressure from conflicting sources, they must have a highly developed sense of professional ethics to resist those pressures and to serve their institution in an honorable way. To strengthen ethical awareness and to provide guidelines for its staff, the College has implemented the following Code of Ethics as established by the National Association of Educational Procurement (NAEP):

1. Give first consideration to the objectives and policies of the institution.
2. Strive to obtain the maximum value for each dollar of expenditure.
3. Decline personal gifts or gratuities.
4. Grant all competitive suppliers equal consideration insofar as state or federal and institutional policy permit.
5. Conduct business with potential and current suppliers in an atmosphere of good faith devoid of intentional misrepresentation.
6. Demand honesty in sales representation whether offered through the medium of a verbal or written statement, an advertisement, or a sample of the product.
7. Receive consent of originator or proprietary ideas and designs before using them for competitive purchasing purposes.
8. Make every reasonable effort to negotiate an equitable and mutually agreeable settlement of any controversy with a supplier, and/or be willing to submit any major controversies to arbitration or other third party for review, insofar as the established policies of the institution permit.
9. Accord a prompt and courteous receipt insofar as conditions permit to all who call on legitimate business missions.
10. Cooperate with trade, industrial and professional associations, and with governmental and private agencies for the purpose of promoting and developing sound business methods.
11. Foster fair, ethical and legal trade practices.

8.2 Gifts and Gratuities
College personnel will not accept personal gifts or gratuities, with a value exceeding $25 from any vendor of goods, services or equipment. College personnel who hold a position of influence on vendor choice will not accept gifts or gratuities of any value or type from a submitting vendor during the bid process or before contract is fully executed. In either of these situations occur, vendors will be disqualified and College personnel will be reported to the respective Vice President.