



Pima County Community College District Administrative Procedure

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| <i>Legal Reference:</i> | 2 CFR part 200; FAR 100.200 et.al; Arizona Revised Statutes Title 34 |
| <i>Cross Reference:</i> | Delegation of Authority to the Chancellor, BP 1.05 |

PURPOSE

This Administrative Procedure (“AP”) provides guidelines and parameters to enable the College to acquire goods, services, and construction in an efficient and economical manner. The AP is intended to ensure compliance with the Federal Procurement Requirements under the Uniform Guidance, 2 CFR Part 200.

SECTION 1: Definitions

“CFR” - means Code of Federal Regulations.

“College Monies” – mean all forms of money belonging to, received by, or held by the College or its employees in their official capacity, unless such money is intended solely to be held by the College to be spent for a specific purpose for the benefit of the funder, from a specifically identified source.

“Contract” – means a binding legal agreement obligating the *seller* to furnish goods or services (including construction) and the *buyer* (i.e., the College) to pay for them, including by providing services or some other item of value in exchange. It includes all types of written commitments which obligate the College to an expenditure of College monies, including orders, such as regular purchase orders, under which the contract becomes effective by written acceptance or performance of the seller.

“Director” – means Director of Procurement and Payment Services (“Chief Procurement Officer”).

“Expenditure” – means any monetary payment, or an obligation to pay, by the College to another person or entity in exchange for delivery of a service, product, or a combination of both, to the College.

“Full and Open Competition” - when used with respect to a contract action, means all responsible vendors are permitted to compete for the College purchase.

“Procurement” – means buying, purchasing, renting, leasing, or otherwise acquiring any goods, services, construction, or construction services, and includes description of requirements, solicitation, and selection of sources, preparation, and award of contract, and all phases of contract administration.

“Public Utility” – means a provider has a monopoly on a service necessity to the public at large (such as electricity, water, or natural gas) and is regulated by federal, state, and/or local governments.

“Purchasing (to purchase)” – means an acquisition of goods, services, and construction for use in College’s ongoing operations.

“Simplified Acquisition Threshold (“SAT”) – means the dollar amount determined and published in the Federal Acquisition Regulations (“FAR”), 41 U.S.C. 134. The SAT is the limit below which the College may use certain simplified purchase methods.

SECTION 2: Scope

This AP applies to every Expenditure of College Monies. This AP also applies to Expenditures made with non-College monies when made for selection of vendors that the College requires a person or organization to purchase from.

This AP does not apply to:

- a. Items covered by the Travel policy.
- b. Employee and non-employee business expenses (as defined in College policies and applicable IRS regulations).
- c. Employment agreements and payroll.
- d. Purchase (including lease-purchase) or lease of real property.
- e. Agreements negotiated by legal counsel representing the College in settlement of litigation, an administrative proceeding, or dispute that could result in litigation.

SECTION 3: Purchasing Authority

3.1 **Authority.** Authority for all College purchasing is delegated by the Chief Financial Officer to the Director, who shall serve as the central purchasing authority of the College. The Director shall develop, revise, and adopt operational procedures, consistent with this AP and applicable laws, as needed for the procurement of all goods, services, and construction for the College. The Director shall:

- a. Procure or supervise the procurement of all goods, services, and construction needed by the College;
- b. Prepare, issue, revise, maintain, and monitor the use of specifications for goods, services, and construction required by the College;
- c. Implement and manage the College's procurement card program;
- d. Develop agreements for purchases under this AP, in accordance with College policies governing contracts and signature authority; ensure vendor compliance with and performance under the terms of agreement;
- e. Develop and provide training for procedures implemented pursuant to this AP.

3.2 **Delegation of Authority.** The Director may delegate purchasing functions or responsibilities to other departments and employees of the College on the conditions and within the scope and as defined in this AP and the operational manual.

SECTION 4: General Procurement Standards

4.1 **Conflict of Interest.** All College employees shall comply with procurement-related conflict of interest rules required by Uniform Guidance and specified in College policy, procedures, and the purchasing operational

manual. No employee or agent of the College may participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee or agent, any member of their immediate family, their partner, members of their household, or an organization which employs or is about to employ any of the parties indicated herein, or has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The employees and agents of the College may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Unsolicited gifts of nominal value are excluded.

- 4.2 **Full and Open Competition.** All College procurement transactions shall be conducted in a manner providing full and open competition consistent with the standards and subject to prohibited practices identified in the Uniform Guidance.
- 4.3 **Efficient and Economical Purchasing.** The College procurement practices must avoid acquisition of unnecessary or duplicative items; consideration shall be given to various alternative purchasing mechanisms, including cooperative or joint purchasing arrangements. No College purchase may be divided into smaller projects so as to avoid the requirements of competitive procurement process.
- 4.4 **Commitment to Diversity.** The College shall take all necessary affirmative steps to assure small and minority-owned businesses, and women-owned business enterprises, as these terms are defined in the Uniform Guidance, are used in the College procurement process when possible.
- 4.5 **Cost and Price Analysis; Profit Negotiation; Bonding.** The College shall comply with the cost and price analysis, bonding, and profit negotiation requirements stated in the Uniform Guidance for specified procurement exceeding the SAT amount, construction, and/or non-competitive purchases.
- 4.6 **Documentation and Record Keeping.** The College shall maintain all records sufficient to detail the history of each College procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- 4.7 **Reporting and Certifications.** The College shall comply with all applicable state and federal reporting, vendor certifications, and contractor oversight requirements.

SECTION 5: Methods of Procurement; Solicitations

- 5.1 **Competitive Procurement.** All College contracts for the delivery of goods, services, and construction shall be awarded by one of the methods of source selection specified in the Uniform Guidance and detailed in the operational manual.
- 5.2 **Solicitation Materials; Specifications.** The Specifications may not contain features or characteristics that are unduly restrictive to competition, and may not require a “brand name” product instead of allowing for “an equal or equivalent” product. Any vendor who has developed or assisted in development of the Solicitation Materials or any of its components shall be excluded from competing for such procurements.
- 5.3 **Exceptions for Public Utility.** A public utility is not subject to the requirements to the methods of source selection specified in the Uniform Guidance.

SECTION 6: Vendor Selection; Contract Award and Execution

- 6.1 **Vendor Selection Criteria.** College contracts may be awarded only to responsive, responsible vendors possessing the ability to perform successfully under the terms and conditions of a proposed procurement, considering all factors required by the Uniform Guidance.
- 6.2 **Selection Committees.** The College shall, in all procurements of architect and engineering services and for purchases where it would assist the College in selecting qualified vendors, use a committee consisting of members of the public, students, and/or current College employees, qualified through experience or education. **Exception:** The Chancellor shall not participate in competitive solicitation processes due to the volume of requests and inquiries received in the Chancellor’s role.
- 6.3 **Contracts with Vendors.** All contracts between the College and a successful vendor shall be in writing, and shall be approved and executed in accordance with College policy. The Procurement and Payment Services Department shall submit a report to the Governing Board for authorization to proceed with the procurement of goods, services, or construction as required by AP. 1.05.02, “Signature Authority”.

SECTION 7: Procurement Disputes

Disputes. All claims, controversies, or disputes for matters within the scope of this AP shall be resolved in accordance with College policies and procedures and the operational manual.