EASTERN WEST VIRGINIA COMMUNITY & TECHNICAL COLLEGE
REGULATION No. – AR- 7.10

TITLE: **PURCHASE OR ACQUISITION OF MATERIALS, SUPPLIES, EQUIPMENT, SERVICES AND PRINTING**

General Summary Statement of Administrative Regulation purpose. The purpose of this regulation is to set forth the procedures for the procurement of goods or services, including contracted services, as well as bid retention requirements. In addition the regulation outlines conditions for sole source, single source, State of West Virginia statewide contracts, open-ended and Federal contracts, essential services, motor vehicle purchase, leasing, lease-purchase and emergency procurement, along with stated vendor rights and responsibilities. These procedures are required to comply with State law, State Purchasing Rules and Regulations, and auditing standards. All of the guidelines and directives governing College purchasing policy are described in detail in State law, the Higher Education Purchasing Procedures Manual and/or this regulation.

EFFECTIVE DATE: **MARCH 31, 2005; REVISED: MARCH 8, 2011**

PROCEDURE:

DEFINITION:

PURCHASE ORDERS – FOR PURPOSES OF THIS REGULATION, THE TERMINOLOGY "PURCHASE ORDERS" APPLIES TO BOTH PROCUREMENT THROUGH THE PURCHASE ORDER FORM FOR GOODS AND MATERIALS, AS WELL AS WV-48 AGREEMENTS FOR CONTRACTED PROFESSIONAL SERVICES.

PURCHASES NOT EXCEEDING $10,000

1. Purchase orders with total amounts less than $10,000 do not require the retention of bids. For purchases in excess of $5,000 to obtain the most competitive price the responsible department should contact three vendors.

PURCHASES EQUAL TO OR GREATER THAN $10,000 BUT NOT EXCEEDING $25,000

2. Purchase orders with total amounts between $10,000 and $25,000 require verbal price quotes from three different vendors, to insure competitive pricing.
3. The purchase order responsible department must document the verbal price quotes in writing on the WV-49 State of West Virginia Verbal Bid Quotation Summary form. The WV-49 form must be attached to the PO form.
4. If there is a substantial price difference in items quoted by different vendors, it would be beneficial to order the goods or merchandise from more than one vendor for cost effectiveness.

PURCHASES GREATER THAN $25,000

5. All purchases greater than $25,000 shall be awarded by competitive bidding except:
    a) Competitive sealed proposals;
    b) Competitive selection procedures for professional services;
    c) Sole source and single source procurement;
    d) Emergency procurement;
    e) Open end and federal contracts; and
    f) Essential services.

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6. Competitive sealed bidding is the preferred method for purchase and acquisition of materials, supplies, equipment services, construction and printing greater than $25,000. The Business Office is responsible for preparing bids and administering the bid processes.

7. The Business Office staff, in conjunction with the PO originating employee or department, will be responsible for preparing the bid specifications, issuing them to vendors, and obtaining the written price quotes or proposals.

8. Written vendor price quotations or proposals shall include the following information, which must be maintained in the Business Office files:
   - Vendor name and address
   - Name and title of individual making price quote
   - Manufacturer and model number or description of items
   - Unit Price and extended price for each item. (The unit price shall prevail when there is a discrepancy between the unit price and extended price.)
   - Payment terms, FOB point, and other applicable conditions.
   - Delivery date.
   - Signature of individual quoting the price if the quotation is prepared by vendor.

9. The Business Office will adhere to the guidelines and directives governing College purchases greater than $25,000 as described in detail in State Law and the Higher Education Purchasing Procedures Manual.

COMPETITIVE SEALED PROPOSALS

10. For purchases above $25,000, competitive sealed bids are the preferred method of procurement; however, if it is either not practicable or advantageous, a contract may be entered into by a request for proposals (RFP). The Business Office staff, in conjunction with the RFP originating employee or department, will be responsible for preparing the bid specifications, issuing them to vendors, and obtaining the written proposals.

11. The request for proposals is used to obtain goods and services when sufficient knowledge or expertise does not exist to adequately specify the details of the desired result. The desired result is written into the request for proposals. The vendor responds to the request for proposals with a proposal identifying its intended approach to meet the desired result along with a proposed price or fee. Terms and conditions of the contract shall be included in a request for proposals, along with a pre-established award criteria based on value or points. Whenever desirable, interviews may be conducted with interested parties for clarification and/or determination of qualifications and experience prior to award. Requests for proposals go beyond price alone. They also look at the vendor's ability and resources to furnish the desired service to get the desired result. Quality of service and performance are important considerations. Requests for proposals are primarily used for large dollar projects requiring a high level of expertise on the part of the vendor.

12. The Business Office will adhere to the guidelines and directives governing College purchases made through requests for proposals as described in detail in State Law and the Higher Education Purchasing Procedures Manual.

COMPETITIVE SELECTION PROCEDURES FOR PROFESSIONAL SERVICES

13. These procedures apply to procurement of services of accountants, land surveyors, clergy, physicians, lawyers and others as applicable. Except as authorized under Sole/Single Source Procurement or Emergency Procurement, formal competitive selection procedures shall be used for procurement of professional services in excess of $25,000.

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14. The competitive selection procedure for professional services is similar to the process used for competitive sealed proposals (RFP); however, greater weight is given to the ability to perform the service as reflected by technical training, education and experience, and in some cases artistic and aesthetic values and capabilities. In these cases, price may be a secondary consideration.

15. Hiring Architects and Engineers: The process for hiring architects and engineers is set forth in Chapter 5G of the West Virginia Code. The Legislature has decided that it is the policy of the state, and its political subdivisions, to procure architectural or engineering services or both on the basis of demonstrated competence and qualification for the type of professional services required. The contract for architectural and engineering services shall be AIA Document B141, Agreement Between Owner and Architect, with the standard Supplementary Conditions for the agreement having been approved by the Attorney General.

16. Notice of the need for professional services shall be made by the Chief Procurement Officer in the form of a Request for Proposals or Request for Expressions of Interest (REI).

17. The Business Office will be responsible for preparing RFP or REI for competitive selection for professional services.

18. The Business Office will adhere to the guidelines and directives governing College purchases made through competitive selection for professional services as described in detail in State Law and the Higher Education Purchasing Procedures Manual.

SOLE SOURCE PROCUREMENT

19. The Chief Procurement Officer may approve a purchase directly from a vendor without competitive bid or proposals, if any of the following conditions exist:
    - The item cannot be obtained through ordinary purchasing procedures
    - The item is of unique nature and not available from any other source.

20. If designating a sole source vendor, the requesting employee must provide appropriate written documentation of the sole source justification, which specifically addresses one of the above conditions for exception to bid processes.

SINGLE SOURCE PROCUREMENT and STATEWIDE CONTRACTS

21. The Chief Procurement Officer may approve a purchase order designating a single source vendor, without competitive bid or proposals, if the merchandise, goods, or services is the subject of a statewide purchasing contract. Further, a single source may be approved for items available from a state spending unit or other institution with preference under the West Virginia Code provided the price, availability and quality are comparable to those in the open market. The determination and basis for single source procurement shall be documented in writing.

EMERGENCY PROCUREMENT

22. Emergency purchases exceeding $25,000 must receive prior written approval from the President, unless made in according to number 25 below.

23. An emergency purchase must be the result of unforeseen events or circumstances, including delays by contractors, delays in transportation, or an unanticipated volume of work. Emergency purchases shall not be used for hardship resulting from neglect, poor planning, or lack of organization.

24. Whenever possible, competitive bids must be obtained.

25. The College shall maintain a purchasing card for use in and for situations declared an emergency by the President and approved by the Chancellor. Such emergencies may include but are not limited to

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partial or total destruction of campus facility; loss of a critical component or utility infrastructure; heating, ventilating, or air conditioning failure in an essential academic building; loss of campus road, parking lot or campus entrance; or a local, regional, or national emergency situation that has direct impact upon the campus.

26. In the event of an emergency declared by the President and approved by the Chancellor, the President or designee may authorize the use of an emergency purchasing card by a designated representative in accordance with the procedures set forth in the State Auditor's Legislative Rule for the purchasing card program.

OPEN END CONTRACTS AND FEDERAL CONTRACTS

27. The College may enter into open end contracts for materials, supplies, equipment, services, construction and/or printing to supply their respective needs in the form of statewide contracts, blanket purchase orders or price agreements. Once issued, purchases and acquisitions may be made from these contracts without securing any other bids or quotations. The contracts may be made available to the other institutions, the Commission and Council for their use.

28. The College may, without securing any other bids or quotations, make purchases from cooperative buying groups, consortia, the federal government and from federal government contracts if the materials, supplies, equipment, services, and printing to be purchased are available from these groups, consortia, or the federal government and its contracts, and if this is the most financially advantageous manner of making the purchase.

ESSENTIAL SERVICES

29. Essential services may be purchased and paid for by the College without securing competitive bids or proposals or issuing purchase orders. Commodities of this category may include but are not limited to utilities of all kinds; postage; items for resale; municipal, county, state and federal fees; student awards, stipends, loans and grants; shipping and freight charges; tuition and registration fees and refunds thereof; professional dues; etc. The Vice Chancellor of Administration shall issue guidelines for the purchase of and payment for essential services.

MOTOR VEHICLE PURCHASES

30. Purchase and leasing of motor vehicles will adhere to the guidelines and directives governing College purchases of motor vehicles described in detail in State Law and the Higher Education Purchasing Procedures Manual.

LEASES FOR GROUNDS, BUILDINGS, OFFICE SPACE OR OTHER SPACE

31. As provided in West Virginia Code §18B-5-4(r), the Council, Commission and the Governing Boards have the authority, in the name of the state, to lease, or offer to lease, as lessee, any grounds, buildings, office or other space, the rental to which is required by the Council, Commission or the Governing Board for the institutions under their jurisdiction.

32. The President shall certify that following before entering into a lease agreement:
    a. That the grounds, buildings, office space or other space requested is necessarily required for the proper function of the College;
    b. That the College will be responsible for all rent and other necessary payments made in connection with the contract or lease; and
    c. That satisfactory grounds, buildings, office space or other space is not available on grounds and in buildings now owned or leased by the College.

33. The President may sign leases and other instruments for grounds, buildings, office or other space, once approved by the Commission or Board of Governors.

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34. The President and the Business Office will adhere to the guidelines and directives governing College leases for grounds, buildings, office space or other space as described in detail in State Law and the Higher Education Purchasing Procedures Manual.

LEASE-PURCHASES OF CAPITAL IMPROVEMENTS AND EQUIPMENT

35. As provided in West Virginia Code §18B-5-4(q), the Council, Commission and Governing Board may enter into lease-purchase agreements for capital improvements and equipment. As provided in the Commission's procedural rule for Capital Project Management, Title 133, Series 12, the council or Commission, in addition to the Governing Board, must grant prior approval for lease-purchase agreements of $1,000,000 and above. Lease-purchase agreements shall be presented by the Council or Commission to the Joint Committee on Government and Finance for prior review. Lease-purchase agreements less than $1,000,000 shall be approved according to procedures of the Governing Board and do not require Council or Commission approval.

36. The Business Office and the Board of Governors will adhere to the guidelines and directives governing College lease-purchase of capital improvements and equipment as described in detail in State Law and the Higher Education Purchasing Procedures Manual.

PURCHASING FILE

37. The Chief Procurement Officer shall maintain the purchasing file so that it will adhere to the guidelines and directives governing College purchasing files as described in detail in State Law and the Higher Education Purchasing Procedures Manual.

VENDOR'S RIGHTS AND RESPONSIBILITIES

38. Each vendor is solely responsible for delivery of its bid or proposal to the designated location for the receipt of bids or proposal prior to the specified date and time of the bid or proposal opening.

39. If there is a conflict between the extension price and the unit price, the unit price shall prevail.

40. Any changes made by the vendor in the specifications listed in the bid request must be clearly stated. If changes are not stated in writing, it will be assumed that items offered meet the specifications in all respects.

41. Vendors are responsible for the accuracy of the information in their bid or proposal and on the bid or proposal envelope.

42. All sales to the College are exempt from West Virginia consumer sales tax or excise tax by blanket state exemption and blanket federal exemption.

43. It is the vendor's exclusive duty and obligation to file protests and requests for reconsideration of suspension, in accordance with the requirements of Section 7, and Section 8 of the Higher Education Purchasing Procedures Manual; otherwise, they shall be waived.

The Chief Procurement Officer is responsible for implementation, interpretation, and review of the Purchase or Acquisition of Materials, Supplies, Equipment, Services and Printing procedures. Failure to comply with these procedures may result in the departmental or individual employee loss or suspension of purchasing privileges, as well as other appropriate corrective action.

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DR. CHARLES TERRELL, PRESIDENT	**DATE**

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