



**ARIZONA WESTERN COLLEGE**

**PURCHASING MANUAL**

**PROCEDURE 334.1**

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## 1. INTRODUCTION

The Purchasing Manual is designed to assist faculty and staff through the procurement process from the point at which the user identifies a need for goods or services. It is recognized that every situation cannot be covered in this manual; therefore, if there are special circumstances, please contact the Director of Purchasing.

The Purchasing Department is responsible for procuring supplies, equipment, material and services necessary for the operation of all the departments of the College. It must accomplish its objectives within the framework of the Arizona Procurement Code, Uniform System of Accounting and Financial Reporting for Arizona Community College Districts, Internal Policies and District Governing Board Policies. The Purchasing Department is responsible for Property Control to ensure that all capital property is entered into the College's property control system and tagged accordingly.

### 1.1 Goals

- Support the educational programs of Arizona Western College (AWC) by obtaining maximum value from the expenditure of District funds.
- Promote maximum credibility, efficiency and equity in services provided and in relations with requisitioning units and Contractors.

### 1.2 Objectives

- Procure materials at the lowest cost consistent with quality and service required. Provide prompt and effective service to both user departments and to Contractors.
- Avoid redundancies, waste, and obsolescence.
- Award contracts impartially and in the best interests of AWC.
- While price and personal desires are important, both must be weighed against other factors such as quality, quantity, service, usefulness, and timing in order to ensure the ultimate value and best interests of the College.

### 1.3 Purchasing Process

Purchasing is much more than the single act of making a purchase. It involves planning, scheduling, policy interpretation, research, and selection. It necessitates follow-up to ensure proper delivery, and inspection for quantity and quality before acceptance.

Above all, purchasing requires the understanding of procedures to be followed during the process and the cooperation of all individuals and departments within the District.

## 2. PURCHASING DEPARTMENT GENERAL INFORMATION

### 2.1 Purpose

The purpose of a purchasing system is to identify the goods and services required for District operation as well as to select and procure them as economically as possible within acceptable standards of quality.

The role of the Purchasing Department is not to approve or disapprove a purchase (that is the duty of the division chair, designated director, administrator, or Vice President) but rather to expedite the purchasing process through the best sources and at the best price consistent with quality, delivery, and service, within prescribed guidelines.

In accordance with the authority delegated to the Director of Purchasing, all purchases, irrespective of the sources of funding, will be governed by the regulations and procedures outlined in this manual.

The Purchasing Department has implemented the National Association of Educational Buyers Code of Ethics as its standard (Appendix A).

## 2.2 Authorization to Commit District Funds

Only the Purchasing Department is authorized to obligate District funds through the issuance of a purchase order. **Individuals placing orders without a purchase order may be held personally responsible for their purchase.**

## 2.3 Quality Standards

The responsibility to determine specifications for appropriateness and quality rests with the department responsible for the performance or use of the materials and/or service.

The quality 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 require justifications for that assessment is a responsibility of the Purchasing Department.

## 2.4 Contractor Selection

The Purchasing Department has the final authority for selection of a Contractor. User departments are encouraged to suggest possible sources of supply, and purchasing transactions will be accomplished in close liaison with the requisitioning unit.

## 2.5 Requisition

The initial tool of the procurement system is the 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 Department to expend the requisitioning unit's funds.

The REQUISITION by itself, however, is not a legal document and *cannot* be used to authorize a Contractor to provide materials or services to any person or department within the District, nor can it be used to process payment of an unauthorized transaction.

Each requisitioning unit enters REQUISITION information into the system electronically. Approval is required at the appropriate approval levels for requisitions and budget transfers. Requisitions cannot be used for salaries, wages, and benefits or for travel (with the exception of Travel cost reimbursement).

Authorization levels are as follows:

- Directors, Associate Deans: Approval up to \$4,999.99
- Asst. Controller, Deans: Approval up to \$9,999.99
- Dir. of Facilities Management, CIO: Approval up to \$24,999.99
- Controller, Chief of Staff, Chief of Police, Chief Human Resources Officer: Approval up to \$29,999.99
- Vice Presidents, President's Cabinet, and President: Approval up to \$49,999.99
- V.P. for Finance and Administrative Services up to \$99,999.99 with District Governing Board Approval, if applicable.
- Any purchase of \$100,000 and greater requires approval by the President and the V.P. for Finance and Administrative Services with District Governing Board Approval.

The system will automatically check for budget capacity. If budget capacity is available, the REQUISITION may be approved. Funds will be encumbered until the invoice is paid, and funds deducted from the budget.

REQUISITIONS for goods or services will not be accepted without sufficient funding to meet the purchase obligation. This practice applies to all requisitions regardless of the source of funding. Only the Purchasing Department has the authority to obligate the District for requested items. If a transfer of funds is needed, and it is within the requestor's appropriate approval level, e-mail the request for a budget transfer to the Assistant Controller for action. Otherwise, forward to the next level of approval to initiate the budget transfer process. Budget transfers cannot be made from the 5100 series object codes to any other object codes without the approval of the Vice President for Finance and Administrative Services.

The Controller's Office provides each department with on-line access or monthly reports showing current expenditures, encumbrances, and balances. It is the responsibility of each requisitioning unit to monitor account balances.

All funds deposited with the District, regardless of source, are public funds and must be handled in accordance with District guidelines.

Each department is assigned an account number(s) by the Controller's Office. All REQUISITIONS must include the complete 15-digit account code to be charged.

A PURCHASE ORDER is prepared from a REQUISITION by the Purchasing Department and copies are sent to the Contractor and appropriate departments. The Colleague Software assigns PURCHASE ORDER numbers to REQUISITIONS.

Normally the PURCHASE ORDER will be issued within 24-hours after receipt of an approved requisition by the Purchasing Department. Items subject to bid may take from 6 to 8 weeks, or longer if a Request for Proposal (RFP) is required.

A REQUISITION must be completed and a PURCHASE ORDER issued ***before*** purchases can be made. **Purchases made without proper authorization may become the responsibility of the purchaser.**

The practice of issuing a series of requisitions in any 90-day period to the same Contractor for the same commodity or service in order to avoid the appropriate competitive solicitation or the approval process is prohibited.

## 2.6 Bid Lists

The Purchasing Department does not maintain a Bidder/Contractor list.

To be notified of open solicitations being processed by the College, prospective Contractors should register at [www.AzPurchasing.org](http://www.AzPurchasing.org). There is no cost to the Contractor to register or download from the site.

## 2.7 Joint Purchasing

The Purchasing Department is authorized to enter into cooperative purchasing agreements with the State of Arizona, School Districts and other governmental agencies for the purpose of joint bidding and utilization of existing contracts. This method of purchasing will meet all criteria for obtaining effective price competition.

## 2.8 Educational and Institutional Cooperatives

The Purchasing Department may utilize existing Educational and Institutional contracts for the purchase of materials and services.

## 2.9 Service Contracts and Repairs

Forms required by service companies must be signed on behalf of the District by the Purchasing Department or the Vice President of Finance and Administrative Service and forwarded to the provider with a BLANKET PURCHASE ORDER.

REQUISITIONS for all equipment maintenance contracts should be submitted to the Purchasing Department at least 90 days prior to the contract expiration date. All REQUISITIONS must contain the machine model number, serial number and the location of the equipment.

If an item is covered by a warranty or a service contract, it is the responsibility of the user department to call the manufacturer or service company. A REQUISITION for repair is not necessary as there should not be any charge associated with a warranty covered service or repair.

If the item is not covered by a warranty or a service contract, a REQUISITION for the repair will be submitted which must include the make, model, inventory number, and location of the item. **Certificates of insurance must be obtained prior to any individual coming onto AWC property to conduct a service call.**

When the user is present during repairs or is presented with a repair slip for verification, the slip must be signed, dated, and forwarded immediately to the Accounts Payable Department.

When repair to furniture is simple and requires no carpentry work or re-upholstery, the employee should inform the Facilities Management Point of Contact (POC) for their building. The POC will notify the Facilities Management Department.

## 2.10 Blanket Purchase Orders

BLANKET PURCHASE ORDERS should be restricted to only recurring charges. Examples of appropriate use for BLANKET purchases are AWC bookstore, advertising, maintenance contracts, rents/leases, utilities or those approved by the Director of Purchasing.

Items with a **unit** cost of \$200 or more will be purchased through a separate requisition and purchase order, or via a P-Card Transaction (if less than \$5000).

When the funds encumbered on a blanket purchase order are depleted, the appropriate approver may request Purchasing increase the blanket purchase order. Before making such a request, approvers must verify that the account balance is sufficient to cover the increase. If a budget transfer is needed, please request it first.

## 2.11 Purchasing Card

Please refer to the Purchasing Card Manual for guidelines on the use of Purchasing Cards.

## 2.12 Personal Orders

The Purchasing Department is not authorized to issue PURCHASE ORDERS for personal purchases.

## 2.13 Contracts, Agreements, Leases

Any purchase which requires, or is formalized by a contract or agreement, must be reviewed by the appropriate Vice President prior to the purchase. All contracts, agreements, leases, lease purchases, or rental agreements for the procurement of materials or services must be approved by the Vice President for Finance and Administrative Services or designee.



#### 2.14 Contractor Performance

When Contractors do not perform in a satisfactory manner or in the best interest of the District, it is the responsibility of the requisitioning department involved to notify the Purchasing Department in writing, giving details of the nonperformance. The Purchasing Department will then take appropriate action to rectify the problem and document the performance history accordingly.

#### 2.15 Capitalization Policy

Equipment purchases of \$5,000 or more must be purchased from Capital Outlay Funds. Equipment purchases under \$5,000 must be purchased from Operating Funds. Criteria for capitalization of equipment include all of the following:

- The item must have a unit cost of \$5,000 or more, including tax, shipping and set-up costs.
  - The item must have a useful life of at least one year.
  - The item must be repairable.
  - Computer software with a cost of \$5,000 or more must be purchased from Capital Outlay Funds, and only through Technology Support Services.
  - Capital items with a unit cost of \$5000 or more may **not** be purchased on a Purchasing Card unless it is done by the Purchasing Office.

#### 2.16 Taxes

The District is responsible for the payment of all applicable sales or use taxes, as required within the State of Arizona. Therefore, taxes should be added to the requisition using the appropriate tax code in Colleague.

#### 2.17 Supplies

General office supplies, study aids, paper, forms, etc. may be purchased from the campus bookstore with an approved PURCHASE ORDER. Bulk office supplies are also available through Contract. Contact the Purchasing Department for details.

#### 2.18 Professional Services

Professional services may include but are not limited to consultants, entertainers, lecturers, facilitators, clinical supervisors, accountants, physicians, dentists, attorneys, and artists. Exceptions to these categories may be made upon approval of the Director of Purchasing.

The GUEST SERVICES CLAIM (GSC) form is a standard form designed to ensure that all pertinent information is obtained by and agreed to by the Contractor. In addition to a GSC CLAIM form, an approved REQUISITION is necessary for the creation of a PURCHASE ORDER. The form must be signed by the claimant as well as the College employee to verify that the services have been provided.

GSC forms are not to be used for the employment of staff. In those instances, Payroll Advice Forms (generated by the Human Resources department) are to be used. If the person has assigned hours, is provided a workspace plus equipment and supplies, and is treated or performs such as an employee, they cannot be paid through professional services. Instead, they should be processed through the Office of Human Resources.

#### 2.19 Official Functions

An Official Function is an activity authorized by the appropriate Vice President or the College President to support and further the mission, goals and objectives of the College. The general rule is that the College will not approve expenditures for food

and/or facilities for College meetings or social events. Recognizing that in certain extraordinary circumstances the provision of meals or refreshments is appropriate and in the best interest of the College, exceptions are permissible within the guidelines shown in District Governing Board Procedure 332.1. These items are not considered official function activities: food supplies for cooking classes, food supplies for resale by clubs, meals for athletic teams when College food service is closed, meals provided in fees paid by participant if optional, food provided per contract to non-college groups.

**When processing a requisition for an Official Function, the Expected Benefits/Outcomes to the College must be expressed in the non-printed comments field. All requisitions for an Official Function must have the appropriate Vice President's approval.**

#### 2.20 Hazardous Material

The Director of Risk Management must review and approve a HAZMAT PURCHASE REQUEST before the preparation of a requisition to purchase any potentially hazardous material, whether new or substitute, that has a Material Safety Data Sheet (MSDS). The completed form, along with the MSDS, must be forwarded to the Director of Risk Management who will identify any special storage or personal protective equipment needs prior to ordering, thus precluding any OSHA or EPA violations. After approval, the form will be sent back to the originator who will then process an electronic requisition, write the requisition number on the approved HAZMAT PURCHASE REQUEST and forward it to the Purchasing Department.

Unused portions of Salesmen's samples of potentially hazardous materials that will not be purchased must be given back to the salesperson. If there are plans to purchase the material, the sample and an MSDS should be attached to the completed form and given to the Director of Risk Management for review and approval as stated above.

#### 2.21 Conflict of Interest

The District, as a general rule, does not enter into purchasing contracts with students, faculty and staff, District Governing Board members, or members of their immediate families. An acquisition from a business in which an employee has an interest is prohibited unless full disclosures of the background facts are presented in writing to the Purchasing Department. Interest is deemed present based on the following:

A.R.S. § 38-503 states:

- a. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase, or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.
- b. Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.
- c. Notwithstanding the provisions of subsections A and B, no public officer or employee of a public agency shall supply to such public agency any equipment, material, supplies or services, unless pursuant to an award or contract awarded after public competitive bidding, except that a school district governing board may purchase, without using public competitive bidding procedures, supplies, materials and equipment not exceeding three hundred dollars in cost in any single

transaction, not to exceed a total of one thousand dollars annually, from a school board member and the board policy for such purchases must be approved annually.

#### 2.22 Gifts and Gratuities

College personnel will ***not*** accept personal gifts or gratuities from any past, current or potential supplier of goods or services to the College. This includes, but is not limited to, meals and free merchandise with orders. Free or bonus goods received with orders are to be turned in to Human Resources.

Meals and giveaways that are offered to ***all*** attendees at trainings and seminars are acceptable.

All donations to the college must go through the AWC Foundation to be accepted.

Any gift or award to an employee by the college, with a value of \$25 or more, is taxable as income. All cash or cash equivalent is taxable as income (i.e. gift cards).

Any ***gifts or free merchandise*** received with an order or just sent to the college is the property of the college and ***must not*** be kept by an employee. Turn in all such items received to the ***Human Resources Department***, promptly upon receipt. Using personal membership cards (Fry's, Albertson's, etc.) when making purchases with institutional funds is also not allowed. The Purchasing Department maintains AWC membership cards for use. Please contact Purchasing for more information.

#### 2.23 Procurement Records

All procurement 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 Department.

#### 2.24 Clothing & Apparel Purchases

Purchasing AWC apparel for employees is disallowed except for student groups approved by Cabinet such as ambassadors, resident assistants and student leaders, gym attendants, and as deemed necessary for safety issues. This restriction does not include uniforms for Facilities Management, Campus Police, etc.

#### 2.25 Golf Cart Purchases

Any department wishing to procure a golf cart must obtain approval from the Vice President for Finance and Administrative Services PRIOR to the purchase.

### 3. **METHODS OF SOURCE SELECTION**

#### 3.1 Purchases of Equipment, Supplies and Services, Less than \$10,000

Purchases of less than \$10,000 may be made at the discretion of the Purchasing Department and do not require bidding or quotes. Any technology equipment purchased using ***Federal Grant funds*** will receive a purple tag if less than \$5K, and a crimson tag if \$5K or above. ***Regardless of cost, or source of funding, all technology must be purchased by Technology Purchasing Specialist. This includes software, small peripherals and consumables, like cameras and thumb drives. All software and internet programs must be approved by the Project Management Office and Tech Purchasing prior to purchase or use.***

#### 3.2 Purchase of Equipment, Supplies and Services \$10,000 or More but Less than \$50,000

The Purchasing Department will, whenever possible, obtain at least three price quotations for purchases at or above \$10,000 but less than \$50,000 for materials and services (except construction). The price quotations (solicited by the Purchasing

Department or its designee) shall be shown on, or attached to, the related REQUISITION form. If three quotations cannot be obtained, documentation showing Contractors contacted but not offering price quotations, or an explanation of why price quotations were not obtained, will be shown on or attached to the related REQUISITION form.

3.3 Purchases of Equipment, Supplies and Services, \$50,000 or More

The Purchasing Department will, whenever possible, obtain sealed competitive bids/proposals for all purchases of goods and services (except construction) having an estimated cost of \$50,000 or more per transaction. The requisitioning unit will assist the Purchasing Department in developing specifications and a list of potential Contractors and specifications. This process will be conducted pursuant to A.R.S. § 41-5233, and Title 2, CFR Part 200, where applicable for federally funded procurements.

3.4 DGB Approval for Purchases of Equipment and Supplies of \$50,000 or More

Individual expenditures of equipment and supplies of \$50,000 or more must be approved by the District Governing Board (DGB).

3.5 Construction Less than \$100,000

Construction procurements of less than \$100,000 may be made at the discretion of the Purchasing Department and/or the Facilities Management Director and do not require bidding, but do still require approval by the President, the V.P of Finance and Administrative Services, and the District Governing Board.

3.6 Construction \$100,000 or More

The Purchasing Department will, whenever possible, obtain sealed competitive bids/proposals for all construction having an estimated cost of \$100,000 or more. Bid, Payment and Performance Bonds, as well as DGB Approval will be required for all construction of \$50K and up.

3.7 Sole Source Procurement

The Purchasing Department may award a contract for a material, service, or construction item via Sole Source if it is determined that there is only one available. Proper documentation will be filed. (Sole source procurement will be avoided, except when no reasonable alternative exists).

The Purchasing Department will require documentation from the requisitioning unit to justify why the technical characteristic(s) inherent in an item justify preference over another brand which has similar qualities. The requestor will submit a REQUISITION and a REQUEST/JUSTIFICATION FOR SOLE SOURCE PURCHASE (see Appendix B). The electronic requisition number should be written on the REQUEST/JUSTIFICATION FOR SOLE SOURCE PURCHASE form before it is processed for signature and approval. After signature approval, the signed document will be sent to the Purchasing Department where it will be evaluated before a PURCHASE ORDER is issued. Computer programs determined by the Project Management Office to be the best solution for the college, may be put forth as a Sole Source to the Business Office, prior to purchase. Normal approvals still apply, and funds must be in the appropriate budget code prior to processing Purchase.

The final determination of whether an item is proprietary and may be purchased from a sole source will be made by the Director of Purchasing, and signed by the Vice President for Finance and Administrative Services.

### 3.8 Emergency Procurements

The Purchasing Department may make, or authorize others to make, emergency purchases. Generally, emergency order procedures will not be used unless there exists an immediate risk to the college community. Such transactions may be made without price competition if deemed necessary by the Director of Purchasing. Proper documentation will be filed, and the CFO will be notified in advance of purchase if possible.

### 3.9 Exceptions to the Bid Process

The required bidding process may be waived for items included on state, county, or other cooperative bid agreements, emergencies, sole Contractor source items, equipment maintenance agreements, items for resale, library books, and similar purchases approved by the Vice President for Finance and Administrative Services. Contracts for ongoing services that are providing satisfactory service, e.g., bookstore, food service, property liability insurance, etc., may have the bidding process waived by the Vice President for Finance and Administrative Services (CFO). The CFO may also opt to standardize vendors when it is deemed to be in the District's best interest. These providers will be placed on a Standardized Vendor Memo issued annually by the V.P. for Finance and Administrative Services.

### 3.10 Grants

#### Expenditure of Grant Funds and Allowability

Federally funded ***Micro-purchases and Small Purchases, may be made at the discretion of the Purchasing Department, and do not require bidding processes if under the college's thresholds.*** Requirements for Micro-purchases and Small Purchases, as described by current Title 2, CFR Part 200, shall apply. (As adjusted for inflation by the Federal Acquisition Regulation at 48 CFR Subpart 2.1)

Price quotations in excess of AWC's thresholds shall be submitted to the Purchasing Department at the time the requisition is submitted, for attachment to the Purchasing Department copy of the purchase order. If three quotations cannot be obtained, documentation showing vendors contacted but not offering price quotations, or explanation of why price quotations were not obtained, will be submitted at the time of requisitioning.

It is the responsibility of the Grant director to confirm that all expenditures of grant funds are made only for allowable purchases as defined by the grant and that all purchases are in compliance with applicable regulations. Once a purchase is deemed to be allowable and compliant with all federal or other pertinent regulations, AWC's purchasing policies will be followed for the procurement process. When creating a requisition for Federal Grants, the following statement needs to be included as a printed comment on the requisition or P-Card Statement accompanying memo:

*"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)."*

## 4. BIDDING PROCEDURES

### 4.1 The Invitation for Bid

The Invitation for Bid shall include the following:

- ❖ Instructions and information to bidders concerning the bid submission requirements, including time and date for receipt of bids, the address of the office to which they are to be delivered, and any other information.
- ❖ The purchase description, evaluation factors, delivery or performance schedule, parameters of acceptability and such inspection and acceptance requirements.
- ❖ The contractual terms and conditions, including warranty and bonding or other security requirements applicable to the procurement.

#### 4.1.1 Bidding Time

The bidding time is the period of time between the date of distribution of the Invitation for Bids and the time and date for receipt of bids.

In each case a bidding time shall be set that affords bidders a reasonable time to prepare the bids. A minimum of 14 calendar days shall generally be provided unless a shorter time is deemed appropriate for a particular procurement as determined in writing by the Director of Purchasing. Construction generally requires 30 days to allow for advertising in the Legal Ads of local news publications.

#### 4.1.2 Bidder Submissions

The Invitation for Bids shall provide a form or format in which the bidder shall include the bid price and which the bidder shall sign and submit with all other necessary submissions. Telegraphic, telephone and facsimile transmissions are *not* acceptable for sealed bidding purposes. Electronic offers will be accepted when noted on the bid document.

#### 4.1.3 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 10 days prior to the date set for receipt of bids by publication on the Arizona Purchasing Cooperative electronic procurement website unless a shorter time is deemed necessary for a particular procurement as determined by the Director of Purchasing. Public notice may also be published in a newspaper of general circulation or on other appropriate websites, or both. In addition, bids may be solicited directly from potential contractors.

#### 4.1.4 Bidder's Lists

Bidder's lists are maintained on the Arizona Purchasing cooperative electronic procurement website according to the commodity or service offered by registered Contractors.

#### 4.1.5 Pre-Bid Conferences

Pre-bid meetings may be conducted to explain the procurement requirements. They shall be announced in the bid or to all prospective bidders known to have received an Invitation for Bid if scheduled after bid release. The conference shall be held long enough after the announcement has been issued to allow bidders to become familiar with the document, but sufficiently before bid opening to allow consideration of the conference results in preparing a bid.

Generally the receipt of bids will be no sooner than seven calendar days after the pre-bid conference. Exceptions may be granted in writing by the Director of Purchasing. Nothing stated at the conference shall change the Invitation for Bid unless a change is made via written Addenda.

#### 4.1.6 Addenda to Solicitation

Addenda to Solicitations shall be identified as such and shall require that the bidder acknowledge in their response, receipt of all Addenda issued. The Addendum shall reference the part of the Solicitation that it amends.

Addenda shall be issued within a reasonable amount of time for potential bidders to consider them in the preparation of bids. If the time and date set do not permit sufficient time for bid preparation, an extension may be announced via Addendum.

#### 4.1.7 Withdrawal and Modification of Bids

A bidder may modify or withdraw their bid at any time before bid opening if the modification or withdrawal is received before the time and date set for bid opening in the location designated in the Invitation for Bid for receipt of bids.

All documentation relating to a withdrawal or modification of a bid shall be kept as part of the procurement file.

#### 4.1.8 Late Bids

A bid, withdrawal of a bid, or modification of a bid is late if it is received at the designated location of the bid opening after the time and date of bid opening.

A late bid, late withdrawal of a bid, or late modification of a bid shall be rejected. Bidders submitting bids that are rejected as late shall be notified as soon as practical and late bids will not be opened.

#### 4.1.9 Receipt of Bids

Bids and bid modifications shall be received by appropriate staff, marked with the date and time of receipt and stored unopened in a secure location, until the bid opening. Bids shall be opened publicly at the time, date, and location advertised in the bid document. The name of each bidder, the bid price, and other pertinent information shall be read aloud and recorded. A bid summary shall be made available to the public for review. Proposals will only have the name of the submitter read at the opening. No other information will be given.

#### 4.1.10 Inspection of Bids

Per Arizona Statute, only after formal award of the bid, shall solicitation documents be made available for public inspection via Public Record Request. Information deemed proprietary or confidential in nature by the bidder and approved as such by the Director of Purchasing, shall not be included in the materials available for public inspection.

#### 4.1.11 Mistakes and Informalities in Bids

Mistakes in bids may be corrected by modification or withdrawal as in sections above, if discovered prior to the bid opening. After bid opening, a bid submitted in error of judgment, may not be corrected. A bid may be withdrawn pursuant to the following sections:

Minor informalities in a bid may be waived if the Director of Purchasing deems it advantageous to the District.

A bid may be withdrawn after bid opening only if the mistake is clearly evident to the Director of Purchasing or if the bidder establishes evidence clearly showing a mistake was made.

Mistakes shall not be corrected after award of the bid.

Any withdrawals or corrections to a bid permitted or denied after the bid opening shall have a written determination that is included in the procurement file.

#### 4.1.12 Bid Evaluation and Award

The bid shall be awarded to the lowest *responsive* and *responsible* bidder whose bid meets, in all material respects, the requirements and criteria as defined in the Invitation for Bid. The amount of any applicable transaction privilege or use tax is not a factor in determining the lowest bidder.

Bids shall be evaluated to determine which bidder offers the lowest cost to the District in accordance to the criteria as defined in the Invitation for Bid. Only objectively measurable criteria shall be applied in determining the lowest cost to the District.

A contract may not be awarded to a bidder submitting a higher quality item than designated in the bid document unless the bidder is also the lowest bidder as determined by the criteria outlined above.

#### 4.1.13 Tie Bids

Tie bids are defined as instances of identical pricing from responsible bidders that meet all 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 buyer to ascertain that the tie bidders meet all requirements as outlined in the bid document before declaring a tie bid situation.

Records and methods of determining the successful bidder shall be maintained in the procurement file for all tie or apparent tie bids.



#### 4.1.14 Single Bids

In instances of only one bid being received, a determination must be made by the Director of Purchasing that the price submitted is fair and reasonable and that other prospective bidders 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 that the need for the product or service continues and that the acceptance of the sole bid is not advantageous to the District, then the procurement may be conducted in a manner as defined by the Director of Purchasing.

#### 4.2 Request for Proposal

The Request for Proposal (RFP) Process:

Purchases of goods and services in the aggregate amount of \$25,000 and over which cannot be awarded by a process of competitive sealed bids due to undefined factors may be procured through the use of a Request for Proposal process.

##### 4.2.1 The Request for Proposal

The Request for Proposal shall include the following:

- Instructions and information to proposers concerning the submission requirements, including time and date for receipt of proposals, the address of the office to which they are to be delivered, and any other information.
- The purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements.
- The contractual terms and conditions including warranty and bonding, or other security requirements applicable to the procurement.

##### 4.2.2 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 proposers a reasonable time to prepare the proposals. A minimum of 30 calendar days shall be provided unless a shorter time is deemed necessary for a particular procurement as determined in writing by the Director of Purchasing.

##### 4.2.3 Proposal Submissions

The Request for Proposal document shall provide a form or format in which the proposer shall include all pertinent information relative to the process. The proposer shall sign and submit all necessary information called for in the Request for Proposal document.

##### 4.2.4 Public Notice

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 10 days prior to the date set for receipt of proposals by publication on the Arizona Purchasing cooperative electronic procurement website unless a shorter time is deemed necessary for a particular procurement as determined by the Director of Purchasing.

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 contractors.

#### 4.2.5 Pre-Proposal Conferences

Pre-proposal meetings may be conducted to explain the procurement requirements. They shall be announced to all prospective proposers 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 proposers 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. Nothing stated at the conference shall change the Request for Proposal unless a change is made by written amendment.

#### 4.2.6 Addenda to Requests for Proposals

Addenda to Requests for Proposals shall be identified as such and shall require that the proposer acknowledge receipt of all Addenda issued. The Addendum shall reference the part of the Request for Proposal that it amends.

Addenda shall be issued within a reasonable amount of time for potential proposers 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 addendum.

#### 4.2.7 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 procurement file.

#### 4.2.8 Late Proposals

A proposal, a request for withdrawal of proposal, or a modification of proposal is late if received at the designated location of the proposal receipt after the time and date listed in the Request for Proposal.

Late proposals, late withdrawal of proposals, or late modification of a proposal shall be rejected. Proposers submitting proposals that are rejected as late shall be notified as soon as practical and all documents concerning a late proposal will remain unopened.

#### 4.2.9 Receipt of Proposals

Proposals and proposal modifications shall be received by appropriate staff, marked with the date and time of receipt, and stored unopened in a secure location until the proposal opening.

On time proposals shall be opened publicly at the time, date, and location advertised in the proposal document. The name of each proposer and other pertinent information shall be read aloud and recorded. Pricing information, if part of the Request for Proposal, is not read aloud or recorded at the opening.

#### 4.2.10 Inspection of Proposals

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

#### 4.2.11 Mistakes and Informalities in Proposals

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. A proposal may be withdrawn pursuant to the following sections:

Minor informalities in a proposal may be waived if the Director of Purchasing deems it advantageous to the District.

A proposal may be withdrawn after proposal opening only if the mistake is clearly evident to the Director of Purchasing or if the proposer establishes evidence clearly showing a mistake was made.

Mistakes shall not be corrected after award of the proposal.

Any withdrawals or corrections to a proposal permitted or denied after the proposal opening shall have a written determination that is included in the procurement file.

#### 4.2.12 Proposal Evaluation and Award

Prior to opening 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 and if outlined in the solicitation, the committee may conduct a discussion of the proposal(s) with the top-ranked firm(s) or individual(s). Alternatively, the committee may choose to award to the most qualified proposer based upon the written proposal and without further discussion.

#### 4.2.13 Single Proposals

In instances of only one proposal being received, a determination must be made by the Director of Purchasing that the proposal submitted is fair and reasonable and that other prospective proposers 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 that the need for the product or service continues and that the acceptance of the single proposal is not advantageous to the District, then the procurement may be conducted in a manner as defined by the Director of Purchasing.

### 4.3 Competitive Selection for Construction Services

Construction procurement shall be conducted in accordance with all Governing Board Policies, and District procedures.

The District may procure design services, construction and construction services, as applicable, under any of the following project delivery methods:

- Design-Bid-Build
- Design-Build
- Construction-Manager-at-Risk
- Job-Order-Contracting

#### 4.3.1 Definitions

***Design-bid-build*** is the process in which separate procurements 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.

***Design-build*** is a method of contracting in which a single contract is created with a firm or group of firms in partnership to build or renovate a building or group of buildings. The intent is for the architect/engineering 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 or construction-manager-at-risk.

A ***construction-manager-at-risk*** (CMAR) acts as a general contractor at the contracted-for price and provides consultation to the institution regarding construction during and after the design of the facility.

***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 a 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.

#### 4.3.2 Design-Bid-Build

For the ***design-bid-build*** project, the District shall procure the Design services according to Section 4.5, Architect, Engineer, Land Surveying and Related Services, and the construction by competitive sealed bidding, according to Section 4.1. The Invitation for Bid (IFB) Process, except as otherwise provided in Section 4.1, Bidding Procedures; Sole Source Procurement Section 3.8 and Emergency Procurements, Section 3.9.

#### 4.3.3 Construction-Manager-at-Risk, Design-Build and Job-Order Contracting

The District shall procure construction services under the construction-manager-at-risk, design-build and job-order-contracting project delivery methods according to Section 4.4, Alternative Construction Procurement Methods.

The District shall procure design services relating to a construction-manager-at-risk construction services project according to Section 4.4, Alternative Construction Procurement Methods.

For job-order-contracting construction services projects, if the District does not include design services in the job-order-contracting construction services contract, the District shall procure any design services relating to job-order-contracting construction services projects under the contract according to Section 4.5, Architect, Engineer, Land Surveying and Related Services.

#### 4.4 Alternative Construction Procurement Methods

Professional services and construction services shall be procured for the alternative construction procurement methods as outlined in this section. Exceptions are those instances in which Sole Source Procurement, Section 3.8, or Emergency Procurements, Section 3.9, apply. Alternative construction procurement methods as defined in section 4.3, Competitive Selection for Construction Services, are construction-manager-at-risk, design-build, and job-order-contracting.

##### 4.4.1 Definitions

For purposes of this section, “construction services” includes: construction-manager-at-risk construction services, design-build construction services, and job-order-contracting 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, land surveying services, materials or special testing services and any combination of those services, provided by a registered professional.

RFQ or Request for Qualifications 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, pricing may not be required in the initial solicitation.

RFP or Request for Proposals means a solicitation with an intended response that is fairly detailed. For purposes of this section, it will supplement an initial RFQ response. Also, for purposes of this section, the technical and financial portions of the proposal response will be provided at the same time, but in a separately sealed manner, to enable the committee to review the technical response separately and prior to the review of the financial proposal.

##### 4.4.2 Procurement of All Alternative Construction Services

For procurement of construction-manager-at-risk, design-build and job-order-contracting, the District shall follow these procedures:

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

Project Manager shall assign a selection committee, which shall independently evaluate and score proposals and qualifications. Project Manager shall determine the makeup of the selection committee for all contracts that include construction services. For projects that include construction, the selection committee may, whenever possible, have at least 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 District.

Outside contractors, architects and engineers serving on a selection committee shall not receive compensation from the District for performing these services, but the District may elect to reimburse them for travel, lodging and other expenses incurred in connection with the service on the selection committee. Reimbursement shall be at a rate no greater than the standard rate authorized for District employees on District related travel. A person who is a member of the selection committee shall not be a contractor under the contract or provide construction, construction services, materials or other services under the contract.

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 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 Purchasing determines in writing that the fee negotiated as a result of the process is 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.

#### 4.4.3 The One-Step Competitive Process

Purchasing 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 outlined in section 4.2. Negotiations shall include fees as well as other contractual terms and conditions deemed fair and reasonable and important to the District. Purchasing shall take into account the estimated value, scope, complexity and nature of the procurement.

If Purchasing is unable to negotiate a satisfactory agreement with the firm or individual considered to be the most qualified, then Purchasing 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 the contractor agree in writing on a price for the construction portion of the contract.

#### 4.4.4 Two-Step Competitive Process

For design-build construction services or job-order-contracting, as an alternative to the one-step competitive process outlined in section 4.4.3 above, Purchasing may utilize the following process:

- a. Purchasing 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 makeup shall remain the same as outlined in section 4.4.2 above.

- c. For design-build construction services and job-order-contracting construction services, the Request for Proposals shall include:
  - i. Specifically for design-build construction projects, the project schedule, project final design and construction budget or life cycle budget.
  - ii. 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.
  - iii. 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:
    - 1) Proposer's qualifications
    - 2) Proposer's financial capacity
    - 3) Proposer's proposed compliance with the District's project schedule
    - 4) Proposer's quality management plan
    - 5) Any other evaluation factors as determined by Purchasing.
    - 6) For design-build construction services only, demonstrated compliance with the design requirements.
    - 7) 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.
  - iv. 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.
  - v. 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 noted in the RFP, the selection committee or a subcommittee consisting of Purchasing 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 shall award the contract to the responsive and responsible proposer whose proposal receives the highest score.

- g. For design-build construction services only, the District shall award a stipulated fee equal to a percentage of the District's project final construction budget, as prescribed in the request for proposals, 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.

#### 4.4.5 Job-Order-Contracting Dollar Limits and Subcontracting

For job-order-contracting construction services only:

- a. The dollar amount of an individual job order shall not be more than two hundred thousand dollars (\$200,000.00). 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:
  - i. 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.
  - ii. 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.

#### 4.4.6 Confidentiality of Process

Until award and execution of a contract by the District, 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 District 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 District has executed the contract. To the extent that the proposer designates and Purchasing concurs, trade secrets and other proprietary data contained in a proposal shall remain confidential.

#### 4.4.7 Cancellation of Procurement Process

Purchasing may cancel a request for qualifications or a request for proposals or reject in whole or in part any or all submissions of qualifications or proposals as specified in the solicitation if it is in the best interest of the District. Purchasing shall make the reasons for cancellation or rejection part of the purchasing file.

#### 4.4.8 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. The successful contractor for construction-manager-at-risk, design-build or job-order-contracting construction services is not required to be licensed to perform construction pursuant to title 32, chapter 10 of the Arizona Revised Statutes, if the firm actually performing the construction on behalf of the contractor is appropriately licensed.
- c. 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.

4.4.9 Prohibition against Competing with Private Firms or Contracting with Other Agencies for These Services

Notwithstanding anything to the contrary in this procedure, the District 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 District, 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 District from providing design or construction services for itself as provided by law.

4.5 Architect, Engineer, Land Surveying and Related Services

This procedure relates to the contracting of architect, engineer, land surveying, and related professional services involved in the planning, design, construction and renovation of facilities for the District.

4.5.1 Procurement of Professional Services

For procurement of these professional services the Purchasing Department shall assign a selection committee which shall independently evaluate and score submittals received from firms or individuals responding to the District’s RFP. If possible, the selection committee may conduct discussions with a short list of at least three of the highest scoring firms or individuals, or a qualified Contractor List may be established. Architect services will be obtained from providers on the preapproved list of Architects if one exists at the time of selection.

**5. PROTEST AND APPEALS OF CONTRACTS AND AWARDS**

5.1 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:

The name, address and telephone number of the protester;

The signature of the protester;

The Bid number and date of bid closing;

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;

And the form of relief requested.

## 5.2 Filing Procedure

Protests are to be filed with the Director of Purchasing, 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 makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the 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 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 for a reasonable time not to exceed thirty days. The Director of Purchasing 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.

## 5.3 Remedies

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

In determining an appropriate remedy, the Director of Purchasing shall consider all the circumstances surrounding the procurement or the proposed procurement, including, but not limited to, the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith of the parties, the extent of performance, cost to the government, the urgency of the procurement, and the impact of relief on the district'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 this District's policies and procedures; reject all bids or proposals without further actions; or such other relief as determined necessary to ensure compliance with this District's policies or procedures.

## 5.4 Appeals

Appeals are to be filed with the Director of Purchasing 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 the basis for the appeal.
- The Director of Purchasing 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 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.

#### 5.4.1 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 Director of Purchasing, 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 District.

#### 5.4.2 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.

#### 5.5 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 District policies or procedures, the hearing officer shall implement an appropriate remedy. Remedies shall follow those outlined in section 5.3.

### 6. **RECEIVING INFORMATION**

#### 6.1 Invoices

The College will only pay Contractors after the receipt of the goods or services and the receipt of an invoice. **All invoices received should be forwarded immediately to the Accounts Payable Department.**

#### 6.2 Changes or Cancellations

If an order must be changed, notify the Purchasing Department, justifying the need to cancel and/or reorder. (Orders involving custom work or unique specifications may require authorization from the Contractor.)

Any PURCHASE ORDER that has been signed and delivered constitutes a contract between the District and the Contractor. It may not be broken arbitrarily by either party. One acceptable reason for cancellation is unreasonable lapse of time between order and delivery.

#### 6.3 Delivery

Please see AWC's policy on receiving freight items at the following link. [https://www.azwestern.edu/sites/default/files/awc/purchasing/Central\\_Receiving\\_Policy\\_on\\_Receiving\\_Freight.pdf](https://www.azwestern.edu/sites/default/files/awc/purchasing/Central_Receiving_Policy_on_Receiving_Freight.pdf)

#### 6.4 Incorrect/Damaged Shipments

Any shipments showing obvious signs of damage may be rejected and returned to the Contractor upon arrival. If a requisitioning unit is in receipt of a shipment that is incorrect or damaged, it must immediately notify the Purchasing Department, followed by a written confirmation memorandum listing the following: PURCHASE ORDER number, Contractor name, and the problem with the shipment.

The Purchasing Department will contact, or may authorize the user to contact, the Contractor and request a return authorization for the return and/or exchange of the incorrect materials. Use the RETURNED MERCHANDISE FORM to facilitate this process.

***DEPARTMENTS ARE NOT TO RETURN SHIPMENTS TO CONTRACTORS without first notifying the Purchasing Department to insure that all credits due are obtained.***

If a shipment is returned to a Contractor without proper authorization, it is likely that the Contractor will not know the reason for the return and may refuse to accept the shipment.

There may be a restocking charge assessed to the department when items ordered in error are returned. When return authorization is received, the Purchasing Department will advise the requisitioning unit of any restocking charge.

#### 6.5 Duplicate Shipments

Duplicate shipments are handled in the same basic manner as are incorrect shipments.

The Purchasing Department must be notified immediately if a duplicate shipment is received. This will avoid the possibility of making a duplicate payment. The Purchasing Department will then ensure that the duplicate is returned (through the steps previously outlined) and that credit is issued to offset the duplicate charges.

#### 6.6 Freight Damage Claims

To avoid having to file claims with carriers, whenever possible, ***all freight items are to be shipped in FOB Destination.*** To ensure that a Contractor can file a freight claim on merchandise that arrived damaged:

Each item is to be unpacked and inspected as soon as it arrives, unless load is being rejected.

In the event that damage is found, the Purchasing Department must be given the following information:

- Purchase order number
- Packing slip or invoice number
- Date received
- Nature and extent of damage
- Whether or not the freight bill was marked “damaged”
- Notation of hidden damage

The cartons and packing material must be saved for the freight inspector to examine. This is needed to enable an inspection report to be filed.

Hidden damage must be reported within 48 hours of delivery on campus for a freight claim to be filed in a timely manner.

## 7. **PROPERTY CONTROL INFORMATION**

### 7.1 Lost or Stolen Property

***District personnel are under obligation to report missing furniture and equipment immediately of the loss being noted.***

Contact the appropriate Department Head or immediate supervisor and report the incident to the Campus Police and to Purchasing. Retain a copy of the police report and forward to the Vice President of the affected department.

If the item lost or stolen needs to be replaced and funding is available, submit a REQUISITION for replacement and attach to the DISPOSITION OF PROPERTY form (see Attachment B) before forwarding to the appropriate Vice President.

## 7.2 Unserviceable Items

Plant assets that are worn-out, obsolete or damaged beyond repair, including computer software that has become obsolete, must be reported to the Director of Purchasing. The asset will be physically transferred to the custody of Finance for appropriate disposal with the completed DISPOSITION OF SURPLUS PROPERTY form located online on the Purchasing Page. Once a signed form has been received by the Director of Purchasing, it will be signed and a copy forwarded to Facilities. The transferring department will need to work directly with Facilities to create a work order for the transfer of the item to the surplus area.

## 7.3 Destroyed Items

If a plant asset is vandalized, parted out or accidentally destroyed, the Property Control Department should be promptly notified. Vandalism should be reported promptly to the Campus Police. If the asset is disassembled and used for parts, the inventory tag number must be removed from the asset and returned to the Property Control Department with the completed DISPOSITION OF PROPERTY form. No asset is to be destroyed or used as parts without first completing the disposition form and obtaining all required signatures and approvals on that form. Only then may the item be disposed.

## 7.4 Surplus Items

Saleable surplus items will be disposed of by public sale or donation to another public agency for educational support.

Disposal of any item purchased with Grant Funds must fall within the guidelines of the individual grant requirements. The Grant Manager must ensure compliance. If the grant has ended, and there is no longer a Grant Manager for the grant, the requirements of disposal will be researched by the Purchasing Office prior to disposal.

## 7.5 Transfers

The Property Control Department should be notified on a DISPOSITION OF PROPERTY form whenever an *asset* is transferred from one location to another. The form is located under “Forms” at the bottom of the Purchasing page at the following: <https://www.azwestern.edu/administrative-services/purchasing>

# 8. PURCHASING SUMMARY

Before a REQUISITION is generated, the funds needed must be available in the appropriate budget code. If a transfer of funds is needed, follow procedure 2.5 above.

If the purchase total on the REQUISITION is \$10,000 or more, three quotes must be obtained (solicited by the Purchasing Department or its designee). If the item(s) total is \$50,000 or more, sealed bids need to be obtained (except for Construction) unless an exception is made by the Vice President of Finance and Administrative Services, or President. If the purchase of materials total is \$50,000 or more, the District Governing Board must approve the purchase. Purchases **are not** to be artificially separated to avoid the quote or bid threshold.

The REQUISITION must be approved by the appropriate approver.

A REQUISITION must be completed and a PURCHASE ORDER issued **BEFORE** the purchase can be made. Any purchases made before proper authorization is received **may become the financial responsibility of the buyer.**

All invoices are to be submitted to the Accounts Payable Department immediately upon receipt. The person receiving the items must sign the invoice as proof that the item(s) are received and forward to the department head for signature as well to authorize the Accounts Payable Department to pay the invoice.

WHOM TO CONTACT

Director of Purchasing, 928-314-9515

Buyer, 928-314-9518

Purchasing Specialist, 928-314-9517

Purchasing Card & Asset Management Specialist, 928-344-7530

Technology Purchasing and Asset Management Specialist, 928-317-6189

Mail Room /Receiving Supervisor, 928-344-7511

Accounts Payable Department, 928-344-7513

## CODE OF ETHICS

Because personnel making purchases 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 institutions in an honorable way. To strengthen ethical awareness and to provide guidelines for its staff, the AWC Purchasing Department has implemented the following Code of Ethics as established by the National Association of Educational Buyers (NAEB):

1. Give first consideration to the objectives and policies of my 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 statute 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 of 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 my institution permit.
9. Accord a prompt and courteous reception 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.

## FORMS

1. GUEST SERVICES AGREEMENT
2. HAZMAT PURCHASE REQUEST
3. REQUEST/JUSTIFICATION FOR SOLE SOURCE PURCHASE
4. RETURNED MERCHANDISE FORM
5. CONFLICT OF INTEREST
6. DISPOSITION OF PROPERTY
7. ACH/E-CHECK

FORMS LOCATED ONLINE AT: <https://www.azwestern.edu/administrative-services/purchasing>