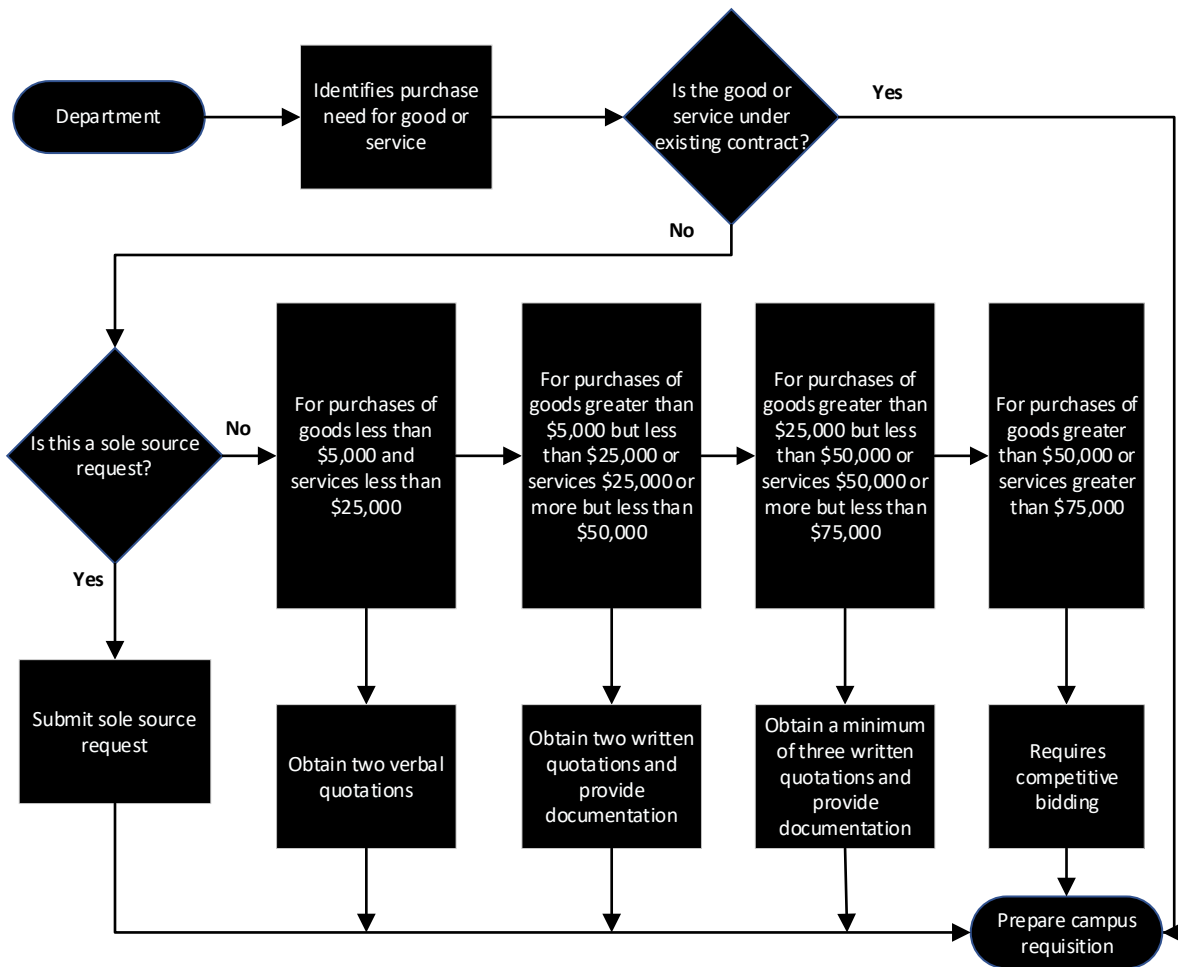


(A) Procurement Procedures

(1) Good business practice and the responsibility for proper and legal expenditure of public funds dictate that the College follows a policy of competitive selection. (see Figure 1)

## Direct Purchasing Policy Flow

*Departments should follow process in figure 1 to procure non-construction goods and services*



(2) Requesting bids is a recognized and accepted means of ensuring effective competition among vendors, and the College will generally receive greater discounts and better service through competitive bidding.

- (3) Neither departments nor individuals are to engage in competitive bidding. In order to maintain the checks and balances at the College, the Purchasing Department is assigned that responsibility for the following reasons:
  - (a) Departments do not always know who is soliciting the College's business.
  - (b) Departments are usually not aware of legal commitments already made.
  - (c) Departments are not knowledgeable of the laws that govern procurement procedures.
  - (d) Not following procedures causes complaints such as: all bidders not being given the same time limitations, specifications, changes, and considerations.
- (4) No personal purchases are permitted to be made, either via the purchase order system, a payment request, the College's purchasing card or other institutional purchasing methodology. In addition, no employee may use the College's name or present him/herself as an agent of the College when making personal purchases.
- (5) Conflict of interest in the purchasing process is to be avoided. It is the responsibility of Purchasing Department staff, and any other individual authorized to conduct purchasing activities, to assure that the College does not knowingly enter into any purchase commitment that could result in a conflict of interest.
- (6) Questionable purchasing situations are referred by the Purchasing Department to the Vice President for Business & Administrative Services.
- (7) Federal Standards related to Federal Grants: The Federal Government employs different procurement standards which conform to applicable Federal laws. Therefore, when placing orders or suggesting vendor requisitions which are funded by federal grant or contract funds, please refer to Federal procurement standards covered in 2 CFR Part 200 Sections 200.317-200.326 in addition to this policy and work with the Purchasing Department.
- (8) Buy Ohio: The College shall give preference in its purchasing activities to products that are produced or mined in Ohio and to bidders that qualify as having a significant Ohio economic presence in accordance with Ohio Revised Code §125.11(B). This requirement may be waived when compliance would result in the College paying an excessive price for the product or acquiring a disproportionately inferior product.
- (9) Buy America: Chapter 125.11 (B) of the Ohio Revised Code stipulates that state agencies and public colleges or universities shall give preference in their purchasing activities to products produced, mined, or manufactured in the United States.

(10) Bio-Based Product Preference Program 125.092

When purchasing equipment, material or supplies, colleges are required to comply with the bio-based product preference program, set forth in R.C. 125.092, found at: <http://codes.ohio.gov/orc/125.092>. Applicable rules are included in O.A.C. 123:5-1-13 and 123:5-1-15, found at: <http://codes.ohio.gov/oac/123%3A5-1>. Language regarding bio-based products is not required to be included in college contracts, but note that language is required in certain types of requests for proposals.

(11) Pursuant to R.C. 4115.34, colleges (as “instrumentalities of the state”, defined in R.C. 4115.31 to include any “college, university, or other educational institution”) are required to procure certain products and services from a community rehabilitation program.

(12) Pursuant to R.C. 5147.07, the state and “its institutions” (“institutions” is undefined for this provision) are required to purchase certain articles and supplies from Ohio Penal Industries. Additional information, including available products, may be found at: <http://www.opi.state.oh.us/opi/oos/welcomemenu.aspx>

(13) The College shall make a good faith effort to solicit business from certified minority owned businesses (MBE). The College will utilize the State of Ohio, Equal Opportunity Division’s webpage to access certified MBE’s. <http://das.ohio.gov/Eod/MBESearch>

(B) Process for Direct Purchases

Direct purchases should be made according to the following dollar amounts and requirements to ensure efficient and effective cost benefit and utilization of College resources. The purchaser will work with the Purchasing Department to get necessary quotations:

When in the judgment of the Purchasing Department in consultation with the Vice President for Business & Administrative Services and the appropriate budget administrator, such procurement would serve the best interest of the College Competitive quotations may also be solicited for purchases below the established competitive bidding limits whenever it would best serve the interests of the College.

Competitive bidding requirements might be waived under the following circumstances with the approval of the Vice President for Business & Administrative Services.

When it is impractical to obtain competitive bids or when it is certain that substitutes are not acceptable described as sole source.

When the President or his/her designee has determined that an emergency situation exists requiring such action.

Apply to true emergency situations (emergency is not defined by statute but is generally recognized as events that are truly out of the institution's control, such as damage by weather, fire, or mechanical failure of essential equipment, etc.).

- (1) **For purchases of goods less than \$5,000 and services less than \$25,000**
  - Obtain a minimum of two verbal quotations
- (2) **For purchases of goods \$5,000 or more but less than \$25,000 or services \$25,000 or more but less than \$50,000**
  - Obtain a minimum of two written quotations that are documented and maintained to record the vendors that were contacted, the supplies or services sought, the quoted price and the vendor selected. Where the vendor selected was not the vendor that provided the lowest quote, a reason for the selection must be noted. A copy must be sent to the Purchasing Department
- (3) **Purchases of goods \$25,000 or more but less than \$50,000 and services \$50,000 or more but less than \$75,000**
  - Require a minimum of three written quotations that are documented and maintained to record the vendors that were contacted, the supplies or services sought, the quoted price and the vendor selected. Where the vendor selected was not the vendor that provided the lowest quote, a reason for the selection must be noted. A copy must be sent to the Purchasing Department.
  - Services over \$50,000.00 or more require a Service Contract to be completed. (A personal service contract is for an individual and a service contract is for a company.)
- (4) **Purchases \$50,000 or more for goods and \$75,000 or more for services**
  - Purchases of goods greater than \$50,000 and services greater than \$75,000 require competitive bidding. It should be understood that price quotations obtained by individual staff or faculty, regardless of their source, may not be acceptable, in this case the Purchasing Department will notify the department.

The solicitation will be posted on the NC State Website. Minimum competitive requirements would include a completed RFP. Inter-University Council contract pricing to the College can be utilized as a source for an established price for goods and Services.

- a) When procuring equipment, materials, supplies totaling more than \$50,000 and services totaling more than \$75,000
- b) When procuring like equipment, materials, supplies totaling more than \$50,000 and services totaling more than \$75,000 within a twelve-month

period unless the same are covered by contracts or existing competitive bids.

- c) When procuring printed material services totaling more than \$5,000. To the extent the required printed products are available, the printing contracts are to go to Ohio vendors.

#### Sole Source of Supply

- (1) When it is impractical to obtain competitive bids or when it is certain that substitutes are not acceptable, a full explanation is required from the requisitioning department covering the reason(s) for those restrictions. Explanations may include but are not limited to:
  - (a) Availability of emergency or sole source repair or replacement parts.
  - (b) Requesting supplementary components from the original vendor.
  - (c) Requirements to meet physical design or quality requirements.
  - (d) Embodying specific characteristics essential to the proposed application, which are not found in items of other manufacturers.
- (2) If a department wishes to designate “sole source supplier” or wishes to select a ‘brand’ name, a letter of justification must be forwarded to the Vice President for Business & Administrative Services with the requisition. This letter must describe, in detail, the advantages of the preferred item over an alternate item and must be signed by the user and department head, and approved by the appropriate Vice President.
- (3) Claims that a specific product is available from a sole source are not sufficient justification for a sole source purchase. The bid process will either serve to confirm the finding or uncover alternate solutions.

#### **(4) Improvement Contracts**

- (1) Contracts for capital improvements, whether local or state funded, in amounts exceeding two hundred thousand dollars (\$200,000) must be bid in accordance with sections 9.312, chapter 153, or 3357.16 of the Ohio Revised Code.
- (2) Contracts exceeding one hundred and fifty thousand dollars (\$150,000) for Federal funds should refer to 2 CFR Part 200 Sections 200.317-200.326 in addition to Ohio Revised Code requirements.

- (3) Improvement contracts exceeding two hundred thousand dollars (\$200,000) shall be advertised after the notice calling for bids has been published once a week for three consecutive weeks in at least one newspaper of general circulation within the North Central State College district where the work is to be done. The Board of Trustees of the College shall award such contract to the lowest responsive and responsible bidder. Such contract shall be accompanied by or shall refer to plans and specifications for the work to be done. Such contract shall be approved by the Board of Trustees and signed by the chairperson of the Board and by the contractor. The College Treasurer shall certify there are sufficient funds for the project in accordance with section 3357.10 of the Revised Code.

(G) Award Decisions

- (1) The College shall award the project to the most responsive and responsible bidder considering the bidder criterion set forth in section 9.312 of the Revised Code.
- (2) In the event the College determines to reject a bidder, the College shall follow the procedure set forth in section 9.312 of the Revised Code.
- (3) Bid information is not to be discussed or shown to any vendor by anyone other than the Purchasing Department.
- (4) Clarification of bids or additional information on bids will be sought only through the Purchasing Department.
- (5) No changes to specifications or prices may be made after bid due date. Any change to specifications may require a rebid from all bidders.

Effective: June 28, 2022

Expires: June 1, 2027

Review Dates: 5/1/03, 5/1/08, 1/26/16, 2/1/16, 6/28/22