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Reviewed (Date):	2000			
Revised (Date):	2000			

PROCUREMENT AND MATERIALS HANDLING

PROCUREMENT

General Policy

The President is the College’s designated procurement authority with the right and responsibility to establish and oversee a procurement system, consistent with sound business practices, which will control and identify the need, use, quantity and quality of materials and services ordered and received by the College.

The President is authorized to delegate this authority to the Vice President for Administration and Treasurer.

A centralized purchasing mechanism will be used in the procurement system to minimize cost, maintain uniform quality control and reduce waste and duplication.

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Conflict of Interest

All decisions made in the course of their professional responsibilities by members of the Board of Trustees, administrators, faculty and other employees of Delaware County Community College are to be made solely on the basis of a desire to promote the best interests of the College. A potential conflict of interest occurs when an individual's personal or private interests might lead an independent observer reasonably to question whether the individual's professional actions or decisions are influenced by considerations of significant personal interest, financial or otherwise. In the event that a trustee, faculty member, administrator or other employee of the College shall have a significant financial, personal or professional interest that could potentially create a conflict of interest or the perception of one in any transaction involving the College or being considered by the Board of Trustees (including any committee of the Board) or College administrators and faculty (including any committee or other group of administrators or faculty), such person shall, as soon as he or she has knowledge of the transaction, take the following actions:

1. Disclosure - Disclose fully in writing the precise nature of his or her interests in such transaction to those at the College involved with the transaction, or to his or her dean, department chairperson, supervisor or other independent responsible authority.
2. Non-Participation – Refrain from participation (including acting individually or as a member of a committee or other group) in the College's consideration of the proposed transaction unless expressly permitted to do so by the President or designee.

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Consultants

It will be necessary from time to time to engage consultants in areas where additional expertise is needed. All requests for consulting services, within budgetary limitations, must be approved by the President and the Board of Trustees as indicated below:

1. All contracts for consulting services for amounts over \$15,000 and less than \$25,000 or those of a recurring or continuous nature shall be reported to the Board of Trustees for information.
2. Consulting services in amounts exceeding \$25,000 must be awarded by the Board of Trustees upon recommendation of the President.
3. Before entering into a contract for consulting services, all consultants shall be required to sign a conflict of interest statement disclosing any personal or professional relationship with any member of the Board of Trustees, administration, faculty or staff, or with any outside enterprise that may be a supplier to the College.

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RECEIVING, SHIPPING AND WAREHOUSING

Central Receiving

The receipt of supplies and equipment purchased by the College will be centralized in order to provide control and to expedite receipt and in-house delivery.

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PROCUREMENT

A. *Bidding, Quoting and Awarding of Contracts*

Contracts for \$20,000 or more require competitive bids with public notice and will be awarded to the lowest responsible bidder by the Board of Trustees. Bids for construction and repair contracts in excess of \$20,000 shall be accompanied by cashier's check, certified check, or a bond with a corporate surety, in the amount of five percent of the amount bid. Bids on all other contracts shall not require bid security except as deemed appropriate by the President or designee and in such cases may be a lump sum bid deposit or bid security not to exceed five percent of the amount bid in the form described above.

1. General Requirements

<u>Contract Amounts</u>	<u>Bidding/Quoting</u>	<u>Bid Security</u>	<u>Award</u>
\$5,000 or Less	3 phone quotes	None	By President or designee
Over \$5,000 but less than \$20,000	Written quotes from at least 3 responsible quoters when possible	None	To lowest responsible quoter by President or designee
\$20,000 or more	Competitive bids with public notice	5% of bid	To lowest responsible bidder by BOT

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**BOARD OF TRUSTEES
REGULATION**

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A. *Bidding, Quoting and Awarding of Contracts – continued*

2. In lieu of formal competitive bids, two or more written proposals may be solicited on technical equipment, technical equipment service contracts, and other service contracts or agreements for which contractor input is required in lieu of formal detailed specifications. Upon analysis, the contract award will be made to the lowest responsible quoter on proposals above \$5,000 but less than \$20,000 by the President or designee and on proposals \$20,000 and above by the Board of Trustees.
3. Due to its nature, the purchase of real property does not require the solicitation of competitive bids, but must be approved by the Board of Trustees.
4. Construction Contracts – Additional Requirements
 - a. Awarding of contracts must be in accordance with applicable State Law including regulations of the State Board of Education (22 Pa. Code Section 35.51, 35.52 and 35.53).
 - b. For contract amounts over \$5,000 but less than \$20,000, competitive quotes must be solicited from at least 3 responsible quoters when possible.
 - c. For contract amounts over \$20,000, competitive bids must be solicited from at least 3 responsible bidders when possible.
 - d. Performance Bonds
 - i. Before any contract exceeding \$20,000 for construction, reconstruction, alteration or repair of any building is awarded, the prime contractor must furnish performance and payment bonds for 100% of the contract amount.
 - ii. Such bonds must be in compliance with Act 385, Public Works Contractors’ Bond Law of 1967.
 - iii. Failure to supply such bonds shall void the award.

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A. *Bidding, Quoting and Awarding of Contracts – continued*

5. Public Bidding

- a. Notice must be published at least 10 days before bid opening in one or more newspapers, qualified to accept legal advertising, of general circulation in Delaware County.
- b. Bids may also be solicited directly from persons deemed reliable and competent to furnish the required items.
- c. Bid proposals, in sealed form, must be received by the President or designee.
- d. Bids will be opened publicly in accordance with the general conditions established in the bid specifications. All communication between the College and prospective bidders shall be done through the office of the Director, Business Services.
- e. In an emergency in which part of the College plant may become unusable, a contract may be awarded without soliciting competitive bids, on the approval of the President or designee.
- f. Under urgent circumstances, the Board of Trustees or its Executive Committee, may, upon affirmative majority vote, permit less time for public notice and subsequent award than is otherwise required. At a minimum, notice shall be published on two separate days prior to the opening of bids.
- g. Any publicly bid contract must be awarded/rejected by the Board of Trustees.
- h. Any or all bids, or selected item(s) from any bid, can be rejected at the sole discretion of the Board of Trustees.

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A. *Bidding, Quoting and Awarding of Contracts - continued*

6. Exceptions to Bidding Regulations – To be awarded by the President or designee (except for real property as noted below) and reported to the Board of Trustees in accordance with its guidelines.
 - a. Unique items:
 - i. Real Property – Due to its nature, the purchase of real property does not require the solicitation of competitive bids, but the purchase contract must be awarded by the Board of Trustees.
 - ii. Patented, copyrighted or manufactured products offered for sale in a noncompetitive market or solely by an authorized dealer.
 - iii. Supplies, replacement parts, or technical support services from the manufacturer of purchased or leased equipment where data is inadequate to support substitutions.
 - iv. Professional services
 - b. Items for resale in the College Bookstore
 - c. Public utility contracts
 - d. Governmental contracts
 - e. Joint or cooperative contracts between the College and tax exempt authorities or agencies.
 - f. Insurance coverage – proposals will be solicited from competing brokers at least every six years. The College’s then designated insurance broker will periodically solicit proposals from carriers, on behalf of the College, in accordance with prevailing insurance industry practices.

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B. *Lease/Rental Agreements*

- Award of lease/rental agreements will be made based on the following:

<u>Amount Covering</u>	<u>Length of Contract</u>	<u>Award By</u>
Less than \$8,000 annually	3 years or less	President or designee
\$8,000 or more annually	more than 3 years	Board of Trustees

- All lease/rental agreements entered into by the College must contain a “funding out” clause allowing the College to escape from the lease obligation if, for any reason, funding ceases to be available.

C. *Lease/Purchase Agreements*

- Lease/Purchase agreements are subject to bidding, quoting and awarding regulations, based on the amount of the purchase price. Length of contract period does not apply.
- All lease/purchase agreements entered into by the College must contain a “funding out” clause allowing the College to escape from the lease obligation if, for any reason, funding ceases to be available.

D. *Service and Maintenance Contracts*

All service and maintenance contracts awarded by the College, regardless of value, will be reviewed annually.