



November 16, 2009

## MEMORANDUM

**TO:** District Board of Trustees  
**FROM:** William D. Law, Jr., President  
**SUBJECT:** Policy Revision - Purchasing and Bidding

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### Item Description:

This item requests the Board to approve a revised policy on purchasing and bidding.

### Overview:

College purchasing policy is governed by rules of the State Board of Education, section 6A-14.0734 of the Florida Administrative Code. This change will bring the College policy into conformity with the Administrative Code.

### Salient Facts:

The current policy is based on the previous State Board of Education rule that required the College to solicit competitive offers for purchases exceeding the amount specified in section 287.017, FS, for Category Two. The State Board of Education has amended the rule to require competitive solicitation for purchases in excess of Category Three.

### Past Actions:

The Board last amended the purchasing and bidding policy on May 21, 2007.

### Future Actions:

No further action is required.

### Funding/Financial Matters:

The change from Category Two to Category Three will raise the required solicitation threshold from \$25,000 to \$50,000.

### Staff Resource:

Teresa Smith

### Recommended Action:

Approve the revised Policy 09-05 for purchasing and bidding.

**TALLAHASSEE COMMUNITY COLLEGE  
DISTRICT BOARD OF TRUSTEES  
P O L I C Y**

<b><u>TITLE:</u></b> Purchasing and Bidding	<b><u>NUMBER:</u></b> 6Hx27:09-05
<b><u>AUTHORITY:</u></b> Florida Statutes: 112.313, 287.017, 1001.64, 1010.02 FAC: 6A-14.0716, 6A-14.0734	<b><u>SEE ALSO:</u></b>
<b><u>DATE ADOPTED:</u></b> May 21, 2007	<b><u>PAGE:</u></b> 1 of 3

The President or designee is responsible for the purchase of materials, equipment, and services for the College in compliance with law and State Board of Education Rules. This includes the signing of contracts for the normal operation of the College.

Code of Ethics and Conduct

The provisions of Section 112.313, FS, "Standards of Conduct for Public Officers and Employees of Agencies," obligate every purchasing official to an impeccable standard of ethics and conduct. All College employees involved in the purchasing process are expected to be familiar with and adhere to the provisions of the statute.

Expenditures before Approval of Budget

In the event that the College's budget is not approved prior to July 1 of any fiscal year, during the period from July 1 to the date the budget becomes official, ordinary expenses may be paid at the same rate the expenditures were budgeted for the preceding year. Expenditures shall be made according to 6A-14.0716, FAC, and shall be limited to the amount budgeted or amended as prescribed by law for each category of expenditure.

Procurement

The College shall take such steps as are necessary to obtain the lowest prices for materials and services best adapted to its needs. In complying with the procedures set forth in Section 6A-14.0734, FAC, the College has established the following policies to be observed in incurring liabilities against College funds.

1. The President or designee shall be authorized to approve or reject the purchase of services or commodities not exceeding the amount specified in Section 287.017, FS, for Category Five, which are to be used in the normal operation of the institution. Purchases of any item exceeding the amount specified in Section 287.017, FS, for Category Five must be authorized by the Board in accordance with Section 6A-14.0734(1) and (2), FAC.



2. Before making any purchase or before recommending any purchase to the Board, the President or designee shall propose standards and specifications insofar as practicable which are to be prescribed for materials to be purchased. The President or designee shall see that all materials thus purchased conform to those standards and specifications and shall take such other steps as are necessary to see that the maximum value is received for any money expended.
3. Institutional memberships in professional organizations and in associations may be paid from College funds.

### Bids and Waivers of Bids

The College shall solicit the submittal of competitive offers from at least three sources when purchasing services or commodities exceeding the amount specified in Section 287.017, FS, for Category Three. The College may accept a bid even if two or fewer bids or proposals are received. When only one responsive offer is submitted, the College may purchase such products or service under the best terms that it can negotiate.

When accepting bids or proposals, the College shall accept the lowest or best bid proposal. If other than the lowest bid or best proposal meeting specifications is accepted, the College shall maintain a public record of the justification.

Exceptions to the three-bid requirement are the following:

1. Educational tests, textbooks, printed instructional materials and equipment, films, filmstrips, video tapes, disc or tape recordings or similar audio-visual materials, and graphic or computer-based instructional software
2. Library books, reference books, periodicals, and other library materials and supplies
3. Purchases at the unit or contract prices established through competitive solicitations by any unit of government established by law or non-profit buying cooperatives
4. Food
5. Services or commodities available only from a single or sole source
6. Professional services, including, but not limited to, artistic services, instructional services, health services, academic program reviews, lectures by individuals, attorneys, legal services, auditors, and management consultants
7. Information technology resources as defined in Section 6A-14.0734(2), FAC
8. Single source procurements for purposes of economy or efficiency in standardization of materials or equipment
9. Items for resale

The President or designee, with the concurrence of the Board Chair or Vice Chair, may waive solicitation requirements in emergencies when there is an imminent threat to students,

employees, or public safety or in cases when necessary to prevent damage to the facilities caused by an unexpected circumstance.

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