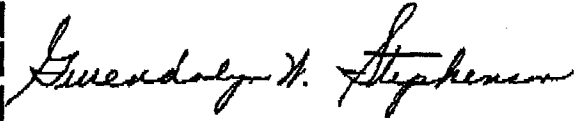


## ADMINISTRATIVE RULES

<b>Title:</b> <b>AUTHORITY TO PURCHASE</b>	<b>Identification:</b> 6HX-10-5.300 <b>Page:</b> 1 of 4 <b>Effective Date:</b> December 15, 1999
<b>Authority:</b> SBE 6A-14.073; 6A-14.0734; 6A-14.0262; 6A-14.0247 FS 240.363; 240.319 120.53; 120.57; 235.31; Chapter 287	<b>Signature/Approval:</b> 

### PURPOSE

The purpose of this administrative rule is to establish College policy for authorizing purchases by the institution.

### RULE

The President, or designee, shall be responsible for all purchasing and contracts for the College within applicable provisions of Florida Statutes and State Board of Education Regulations.

1. **BIDDING** - When purchasing commodities or services through College issued bids or requests for proposals, for those items that exceed the amount specified in Section 287.017, Florida Statutes for Category II, the College shall request at least three (3) bids or proposals. Bids for purchases not exceeding seventy-five thousand dollars (\$75,000) shall be approved or rejected by the President or designee. Bids for purchases exceeding this amount shall be approved or rejected by the College's District Board of Trustees. The College shall accept the lowest bid or best proposal meeting specifications. If other than the lowest bid or best proposal meeting specifications is accepted, the College shall maintain a public record of the justification. The College reserves the right to reject all bids and proposals and request that new ones be submitted.
2. **CONTRACT PURCHASES** - All purchasing shall be accomplished in accordance with procedures as prescribed in State Board of Education Regulations and good business practices. In order to preclude unnecessary bidding and obtain quantity prices, the College may purchase commodities and services through existing state or other governmental agency contracts, including existing bids of other community colleges, as provided in SBE Regulations. Purchases made from those sources as well as purchases of those items exempt from bidding may be made subject to the verification of budgeted funds for those items. Reports of all such purchases over the Category II threshold amount shall be made to the District Board of Trustees on a quarterly basis.

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3. **BIDDING EXCEPTIONS** - Exceptions to the three-bid requirement per State Board of Education Regulations are as follows:
- A. Educational tests, textbooks, printed instructional materials, films, filmstrips, video tapes, disc or tape recordings or similar audio-visual materials, artistic services as defined in Section 287.012(3), Florida Statutes, including, but not limited to film video and television production services, and computer based instructional software.
  - B. Library books, reference books, periodicals, and other library materials and supplies.
  - C. Purchases at the unit prices in county contracts, district school board contracts, Department of Management Services state term contracts/state negotiated agreement for price schedules (SNAPS) contracts, state purchasing commission contracts, state university system cooperative bid agreements, cooperative contracts with other community colleges, and bid agreements of other community colleges.
  - D. Food.
  - E. Noncompetitive items available from one source, items for resale and used books.
  - F. Professional services, including, but not limited to, health services as defined in Section 287.057(3)(f), Florida Statutes; attorneys, auditors, management consultants. Architects, engineers and land surveyors shall be selected and negotiated according to Section 287.055 Florida Statutes.
  - G. Information technology resources as defined in Section 287.303, Florida Statutes. Acquisitions of data processing equipment or software shall be in accordance with the College's long-range Information Resource Technology plan.
  - H. Florida Prison Industries.
  - I. Artistic services, academic program reviews, lectures by individuals, appraisal or mediator services.

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4. **ADVERTISEMENT** - A public notice for an Invitation to Bid or Request for Proposal for purchases in excess of the Category II Threshold will be published in a newspaper of general circulation for a reasonable period prior to the opening of the bid or proposal. Construction advertisements shall be in accordance with the schedule established in State Requirements for Educational Facilities (SREF).
5. **M/WBE POLICY** - In accordance with the Florida Small and Minority Business Assistance Act of 1985, and administrative Rule 6HX-10-5.301, the College will make a good faith effort to encourage use of minority business enterprises in procurement activities for commodities and services and in construction contracts.
6. **CONSTRUCTION** - This administrative rule also applies to contracts for facility construction and the improvement of the educational plant, to the extent that it is supplementary to, and not in conflict with State Requirements for Educational Facilities. The President, or designee, may approve change orders for construction projects, up to the amount designated as the Category II Threshold Amount. Approval of these change orders shall be confirmed by Board action at their next regularly scheduled meeting.
7. **EMERGENCY PURCHASES** - In those situations where competitive bidding is normally required, the President or designee may authorize an emergency purchase without competitive bidding when there is a threat to public health, welfare or safety; or delaying procurement of the item or service would be detrimental to the best interest of the college. Such purchases will be reported to the District Board of Trustees at their next regularly scheduled meeting. The Executive Director of the Division of Community Colleges may waive bidding requirements in emergencies when requested and justified by the District Board of Trustees.
8. **PETROLEUM AND PAPER PRODUCTS** - When a Board of Trustees finds that no valid or acceptable bid has been received for petroleum or paper products within the prescribed time for bidding, it may purchase such products under the best terms it can negotiate.
9. **BID AND AWARD POSTINGS** - The Manager of Purchasing will post a tabulation of competitive sealed bids and proposals after they have been opened. Recommendations for award will be posted at the same site approximately two weeks prior to the regularly scheduled District Board of Trustees meeting that will consider such awards. Postings will be made at the public notice bulletin board outside the Purchasing Office.

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10. **BID PROTESTS** - Vendors wishing to file a protest of plans and specifications in a sealed bid or request for proposal must do so in writing within seventy two (72) hours after receipt of the plans and specifications. The protest of a recommended award must be filed within seventy two (72) hours following the posting of the recommended award. Within seven (7) days following receipt of the formal written protest, the Manager of Purchasing will attempt to resolve the protest. When a protest cannot be resolved by mutual agreement, the President will appoint a presiding officer to conduct an informal proceeding pursuant to the Florida Administrative Procedure Act (refer to Section 120.57(2), F.S.). If the protest is not resolved, the protesting vendor may petition for a formal proceeding under the provisions of the Florida Administrative Procedure Act (refer to Section 120.57, F.S.).

The protesting vendor will have ten (10) working days following the date of the informal hearing to petition for a formal proceeding. The protesting vendor will not be entitled to any costs incurred with the solicitation, which includes bid preparation costs and attorney fees.

11. **VENDOR SUSPENSION AND DEBARMENT** - Vendors may be suspended from the College's vendor data base for failure to respond to three (3) consecutive bid or proposal requests or for financial insolvency. Vendors may permanently be deleted from the College's vendor data base for conviction of fraud or other criminal offenses in connection with the vendor's business enterprise.