

## ADMINISTRATIVE RULES

<b>Title:</b>	<b>Identification:</b> 6HX-10-6.08
<b>PROCUREMENT AUTHORITY</b>	<b>Page:</b> 1 of 4
	<b>Effective Date:</b> 06/xx/2019
<b>Authority:</b> SBE 6A-14.0734; FS 112.08; 120.53; 120.57; 255.20; 287.055; 287.133; 1001.64; 1001.65; 1010.02; 1013.45; 1013.46; 1013.48; Code of Federal Regulations 2 CFR Chapter II, Part 200	<b>Signature/Approval:</b>

### PURPOSE

This administrative rule establishes the procurement policy and authorizes procurement by Hillsborough Community College (“the College”).

### RULE

The College may contract for the purchase, lease, rental, license, or acquisition in any manner, including purchase by installment or lease-purchase and may provide for the payment of interest on the unpaid portion of the purchase price and for granting a security interest in the items purchased, which may include goods, materials, equipment, and services required by the College.

It is the policy of the District Board of Trustees that all procurement activity of the College be conducted in accordance with Florida Statutes, State Board of Education Rules, Rules of the District Board of Trustees, applicable federal, state or local laws, regulations, ordinances, and sound business practices.

#### 1. AUTHORITY

The District Board of Trustees delegates the responsibility for procurement to the President, who is authorized to delegate this responsibility to a designee.

In performance of this responsibility, the President or his/her designee is authorized to execute written procurement documents, including, but not limited to, purchase orders and contracts.

#### 2. FUNDING

The President or his/her designee shall ensure that these procurement requirements apply to all procurement expenditures, regardless of the funding source, including federal assistance monies, except as otherwise specified in the Administrative Procedure for Purchasing.

#### 3. REQUIREMENTS

When purchasing or contracting for commodities or services that exceed the amount specified in Section 287.017, Florida Statutes for Category Three, the College shall, as the circumstances require, publicly solicit the submittal of competitive offers from at least three (3) sources. Procurements not exceeding the amount specified in Section 287.017, Florida Statutes for Category Five, as well as procurements that are exceptions to the requirement to

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solicit competitive offers shall be approved or rejected by the President or his/her designee. Recommendations for award of procurements that require publicly solicited competitive offers and which also exceed the amount specified in Section 287.017, Florida Statutes for Category Five shall be approved or rejected by the College's District Board of Trustees. The College may purchase and contract for commodities and services in accordance with SBE Administrative Rule 6A-14.0734 (2) which provides for exceptions to the requirement to solicit competitive offers. Reports of all such purchases and contracts over the amount specified in Section 287.017, Florida Statutes for Category Five shall be made to the College's District Board of Trustees on a quarterly basis. Procurements not exceeding the amount specified in Section 287.017, Florida Statutes for Category Three, shall be made using informal processes. Procurements for commodities and services, generally not exceeding \$2,000 per transaction for staff and faculty and \$3,500 per transaction for administrators may be made using the College's approved purchasing card (p-card).

This administrative rule also applies to purchases and contracts for facility construction and the improvement of the educational plant, to the extent that it is supplemental to, and not in conflict with State Requirements for Educational Facilities (SREF) and other applicable rules, regulations, and statutory provisions. Contractors for construction projects, architects, engineers and providers of related professional services shall be solicited and selected in accordance with SBE Administrative Rule 6A-14.0734, F.S. 287.055, F.S. 1013.45, F.S. 1013.46, and SREF.

For construction projects of three hundred twenty-five thousand dollars (\$325,000) or more, the President or his/her designee may approve change orders of up to twenty-five percent (25%) of the total project cost. For projects less than three hundred twenty-five thousand dollars (\$325,000), the President may approve change orders up to the amount designated in F.S. 287.017 Category Two. Reports of change orders exceeding the amount specified in Section 287.017, Florida Statutes for Category Two, shall be made to the College's District Board of Trustees at their next regularly scheduled meeting.

#### 4. WOMAN, MINORITY, AND SMALL BUSINESS ENTERPRISES

The College will encourage participation of woman, minority, and small business enterprises in procurement activities for commodities and services and in construction contracts. No person shall be excluded from participation in, denied benefits of, or otherwise discriminated against in connection with College procurement on the basis of race, color, religion, national origin, age, sex, disability, marital status, gender ethnicity, sexual orientation (including gender identity), genetic information and protected veteran's status and affiliations. The College will recognize and adhere to the provisions of the Americans with Disabilities Act, the Rehabilitation Act of 1973 and all laws protecting the rights of the disabled. Any complaint of discrimination regarding College procurement will be investigated by the College's Office of Equity and Diversity. The College will ensure all federally funded procurements comply with all applicable federal requirements.

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5. FEDERAL AWARDS / GRANT-FUNDED PROCUREMENTS

For procurements using federal assistance, the federal procurement requirements at 2 CFR Chapter II Part 200 will apply along with any additional procurement requirements of the awarding federal agency or department.

6. EMERGENCIES

The President or designee may waive solicitation requirements in emergencies when there is an imminent threat to students, employees, or public safety or when necessary to prevent damage to the College's facilities caused by an unexpected circumstance in accordance with Florida Statutes and State Board of Education (SBE) Administrative Rules or when delaying procurement of the item or service would be detrimental to the best interest of the College. Such purchases and contracts will be reported to the College's District Board of Trustees at their next regularly scheduled meeting.

For procurements made before, during and subsequent to an emergency or disaster which become eligible or are considered to be of a nature that may become eligible for federal funds via the Federal Emergency Management Agency, the federal procurement solicitation thresholds and other procurement requirements at 2 CFR Chapter II Part 200 ,along with the additional procurement requirements of the Federal Emergency Management Agency and Department of Homeland Security will apply for emergency and exigent procurements as well as for other procurements including permanent work when delaying the procurement would be detrimental to the College.

7. INSURANCE

Insurance shall be procured in accordance with Section 112.08, Florida Statutes.

8. PROTESTS

The College shall provide notice of a decision or intended decision in accordance with Section 120.57, Florida Statutes. Protests arising from the contract solicitation or award process will be handled in accordance with Section 120.57, Florida Statutes, and the College's Administrative Procedure for Purchasing.

9. PUBLIC ENTITY CRIME

The College shall not, in compliance with Section 287.133, Florida Statutes, accept any competitive offers, award any contract to, or transact any business in excess of the threshold amount specified in Section 287.017, Florida Statutes for Category Two, with any person or affiliate on the convicted vendor list for a period of thirty-six (36) months following the date that person or affiliate was placed on the convicted vendor list. Vendors may permanently be deleted from the College's vendor database for conviction of fraud or other criminal offenses in connection with the vendor's business enterprise.

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### 10. CONFLICT OF INTEREST

The District Board of Trustees, President, his/her designee or any other employee of the College, directly involved in any procurement process of the College, shall comply with the Code of Ethics for Public Employees as outlined in 6HX-10-3.16 and State law. No officer or employee of the College can participate in any procurement process, including, but not limited to, the selection, award or administration of a contract, if a real or apparent conflict of interest would be involved.

Such a conflict would arise when any member of the Board or employee of the College accepts, solicits or agrees to accept a gratuity of any kind, form or type, in connection with any procurement. A conflict also exists when any potential vendor offers any member of the Board or an employee of the College, a gratuity of any kind, form or type, to influence the development of a contract or potential contract for procurement.

Additionally, such a conflict would arise when any member of the Board or an employee of the College, officer, or agent, any member of his/her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the vendor selected for award of a procurement.

### 11. FRAUD AND DISHONEST ACTIVITY

The Board and all College employees involved with procurement are committed to the prevention and detection of unethical and dishonest activities as specified in 6HX-10-6.17.

The President shall develop and implement an administrative procedure regarding procurement by the College.

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#### **History:**

Adopted: 09/21/1971; Revised: 01/08/1974, 03/12/1974, 12/18/1974, 11/16/1983, 10/15/1986, 09/21/1988, 02/21/1990, 03/18/1992, 11/22/1997, 12/15/1999, 05/17/2006, 6/27/2012, 12/06/2017; Formerly: 6HX-10-5.300, 6HX-10-4.101, 6HX-10-5.301