

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

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**Table of Contents**

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1. Policy
  - 1.1. Procurement Policy
2. MCCC Procurement Organization
  - 2.1. Basis for Procurement Procedures
  - 2.2. Assignment of Procurement Authority
  - 2.3. Delegation of Procurement Authority
  - 2.4. Procurement Goals
3. Source Selection and Contract Formation
  - 3.1. Request for Purchase
    - 3.1.1. Requisition Authorization Levels
  - 3.2. Specifications
    - 3.2.1. Quality Standards
  - 3.3. Bid List and ProcureAZ
    - 3.3.1 Vendor Selection
  - 3.4. Methods of Source Selection
    - 3.4.1. Small Dollar Purchases
    - 3.4.2. Request for Quotations (RFQ)
    - 3.4.3. Competitive Sealed Bidding or Invitation for Bids (IFB)
    - 3.4.4. Competitive Sealed Proposals or Request for Proposals (RFP)

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

3.5. Special Source Selection Methods

3.5.1. Sole Source Procurement

3.5.2. Emergency Procurement

3.5.3. Other Procurements Which cannot be met by Normal Competitive Methods

3.6. Procurement of Construction Services

3.6.1. Design-Bid-Build

3.6.2. Construction Manager-at-Risk

3.6.3. Design Build

3.6.4. Job Order Contracting

3.7. Procurement of Professional Services

3.8. Procurement of Consultants/Independent Contractor Services

3.9. Other Procurement Procedures

3.9.1. Purchasing Card (P-Card) Purchases

3.9.2. Contracts, Agreements and Leases

3.9.3. Blanket Orders

3.9.4. Contract Blanket Orders

3.9.5. Product or Equipment Warranties

3.9.6. Rebates

3.9.7. Personal Orders

3.9.8. Official Functions

3.9.9. Criteria for Capital Equipment Purchases

3.9.10. Sales/Use Taxes

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

- 3.9.11. Supplies
- 3.9.12. Entertainer Fees
- 4. Protest of Solicitations and Contract Awards
  - 4.1. Content of Formal Protest and Appeal Letter
- 5. Contract Administration
  - 5.1. Procurement Record Maintenance and Retention Policy
  - 5.2. Monitoring Contractor Performance and Corrective Actions
  - 5.3. Receiving, Invoicing and Shipment Products and Services
  - 5.4. Contract Modification, Termination and Closeout
- 6. Intergovernmental Procurement
  - 6.1. Educational/Institutional Cooperatives
  - 6.2. State Procurement Contracts
- 7. Materials management
  - 7.1. Management and Disposal of Surplus Property
- 8. Ethics in Public Contracting
  - 8.1. Code of Ethics
  - 8.2. Donations
  - 8.3. Unauthorized Purchases
  - 8.4. Conflict of Interest
  - 8.5. Gifts and Gratuities
- 9. Attachments (If Applicable)

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**1. Policy**

**1.1. Procurement Policy**

**Ref: Policy and Procedure Manual**

**The college shall assure that its procurement procedures adhere to all applicable state statutes and regulations (ARS 15-1445).**

**2. MCCC Procurement Organization**

**2.1. Basis for Procurement Procedures**

**All procurement conducted by MCCC is governed by the following:**

- A. State Statutes and/or
- B. MCCC administrative policies and procedures.

**Pursuant to Arizona Revised Statute 41-2501, political subdivisions are not subject to Arizona's State Procurement Code, though they may adopt all or some of the Code. The Mohave County Community College is a political subdivision of the State and its Governing Board has not adopted some or all of the Code. As such, all procurement conducted by Mohave Community College is governed by relevant Mohave Community College Policies that have been established through guidance from the Arizona State Procurement Code.**

**2.2. Assignment of Procurement Authority**

As approved by the Governing Board, the President of the College shall serve as the Chief Procurement Officer.

The President shall implement in administrative procedures or other pertinent documents purchase procedures which are consistent with the rules, regulations, and statutes of the State of Arizona, which assure equitable treatment for vendors and contractors, and which protect the college from undue liability.

The President or those designated by the President shall be authorized to acquire, lease, lease/purchase and manage equipment, goods and services up to a total contract cost of \$75,000, providing the transactions are within the major object categories of the Board approved budget.

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

The President of the College shall further delegate procurement authority to an expressly designated procurement officer under his authority.

### **2.3. Delegation of Procurement Authority**

The Governing Board and the President of the College shall delegate procurement authority to the Chief Financial Officer to commit College funds in the purchase of goods and services.

Procurement authority is further delegated to the Chief Business Officer and procurement staff.

### **2.4. Procurement Goals**

The goal of the Procurement Department is to support the District by obtaining maximum value from the expenditure of District funds through the acquisition of goods and services.

Ideally, the Procurement Department will promote maximum credibility, transparency, efficiency and equity in services provided and in the relations with requisitioning units and vendors.

## **3. Source Selection and Contract Formation**

Purchasing is much more than the single act of making a purchase. It involves planning, scheduling, policy interpretation, research, negotiation, selection and processing. It necessitates follow-up to ensure proper delivery and inspection, as to quantity and quality before acceptance and payment.

Above all, purchasing requires the understanding of procedures to be followed during the process and the cooperation of all individuals and departments within the District.

The purpose of the purchasing process is to identify the goods and services required for District operation, as well as to select and procure them as economically as possible within acceptable standards of quality.

The Procurement Department shall determine the applicable source selection method for the procurement. The Procurement Department is responsible for expediting the procurement process through qualified sources that provide the best pricing consistent with quality, delivery and service.

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**3.1. Request for Purchase**

The initial tool to request a purchase is a **REQUISITION**. A **REQUISITION** serves a dual purpose: it provides a clear and complete description of the requisitioning unit's need and it transmits authority to the Procurement Department to expend the requisitioning unit's funds.

The **REQUISITION** by itself, however, is not a legal document and cannot be used to authorize a vendor to provide materials or services to any person or department within the College, nor can it be used to process payment of an unauthorized transaction.

Approval is required at the appropriate approval levels for requisitions. Requisitions cannot be used for salaries, wages, or benefits. The Budget Department provides each department with on-line access to monthly reports showing current expenditures, encumbrances and balances. It is the responsibility of each requisitioning unit to monitor account balances.

All funds deposited with the College, regardless of source, are public funds and must be handled in accordance with College guidelines.

Each department is assigned an account number. All requisitions must include the complete 14-digit account number to be charged. Each department budget manager or their assistant enters the necessary information for an order in the on-line electronic system. The system routes the requisition electronically to the proper individuals for approval. The final step of the approval process is the creation of the official purchase order. Purchases made without proper authorization may become the responsibility of the buyer.

The practice of issuing a series of requisitions in any 90-day period to the same vendor for the same commodity or service in order to avoid the appropriate competitive solicitation or the approval process is prohibited.

**3.1.1. Requisition Authorization Levels**

- A. Directors, department heads, budget managers reporting to a Dean or higher  $\leq$ \$1,000.00
- B. Deans  $\leq$ \$5,000.00
- C. Chief Financial Officer  $<$ \$25,000.00
- D. President  $\leq$ \$50,000.00
- E. Board of Governors  $\geq$ \$50,000.00

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

The system will automatically check for budget capacity. If budget capacity is available the requisition may be approved. Funds will be encumbered to reflect a reduced budget capacity.

Requisitions for all equipment maintenance contracts should be submitted at least 30 days prior to the contract expiration date. The requisition must contain the machine model number, serial number and the location of the machine.

### **3.2. Specifications**

Specifications are descriptions of the physical or functional characteristics, or of the nature of a material, service or construction item. Specifications may include a description of any requirement for inspection, testing or preparing a material, service or construction item for delivery.

All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the College's needs and shall not be unduly restrictive.

The Procurement Department shall not use proprietary or restrictive specifications without the prior written approval of the President or his authorized designee.

The use of a brand name only specification may be authorized by the President or his authorized designee only if he determines that only the identified brand name item will satisfy the College's needs.

It is the responsibility of the requisitioning department to provide the Procurement Department sufficient specification criteria, clearly defining the product and/or service requirements. The specifications must be definitive enough to ensure satisfaction, and yet general enough to ensure competition among suppliers.

#### **3.2.1. Quality Standards**

The responsibility to determine specifications for utility and quality rests with the department responsible for the performance or use of the goods or services.

The quality of a product is determined by technical suitability and the economic consideration of price and availability.

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**3.3. Bid List and ProcureAZ**

The Procurement Department may maintain a list of vendors for use in the procurement of materials and services.

The Procurement Department may use the vendor list maintained and regularly updated, free-of-charge, by the Arizona Department of Administration, State Procurement Office (ProcureAZ).

Where no bid lists are available for a given requirement, the requisitioning unit and/or the procurement department shall develop a list. Use of established directories of manufacturers or suppliers is encouraged where applicable.

**3.3.1. Vendor Selection**

The Procurement Department has the final authority for selection of the vendor. User departments are encouraged to suggest possible sources of supply, and purchasing transactions will be accomplished in close liaison with the requisitioning unit.

**3.4. Methods of Source Selection**

**3.4.1. Small Dollar Purchase**

A small dollar purchase is the purchase of a material or service that is under \$10,000 inclusive of tax or freight. Purchases of less than \$10,000 may be made at the discretion of the Procurement Department and do not require a bidding process.

**3.4.2. Request for Quotations (RFQ)**

Purchases of equipment, supplies and services \$10,000 or more but less than \$75,000

The Procurement Department and/or requisitioning unit shall, whenever possible, obtain at least three written price quotations for purchases in excess of \$10,000, but less than \$75,000. The price quotations shall be attached to the related requisition form. If three quotations cannot be obtained, documentation showing vendors contacted but not offering price quotations, or an explanation of why price quotations were not obtained, will be shown on or attached to the related requisition form.



**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**3.4.3. Competitive Sealed Bidding or Invitation for Bids (IFB)**

Competitive sealed bids or Invitation for Bids shall be obtained for all goods and services with an estimated cost of \$75,000 or more.

Purchases of equipment, supplies and services, \$75,000 or more  
The Procurement Department shall obtain competitive sealed bids for all purchases of goods or services having an estimated cost of \$75,000 or more. The requisitioning unit will assist the Procurement Department in developing specifications and a list of potential vendors, if needed.

Purchases of equipment, supplies and services, \$75,000 or more  
Contracts and purchases of \$75,000 or more shall require the approval of the District Governing Board.

The Invitation for Bids shall include the following:

- A. Instructions and information to bidders concerning the bid submission requirements including, time and date for receipt of bids, the address of the office to which they are to be delivered, and any other information.
- B. The purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements.
- C. The contractual terms and conditions, including warranty and bonding or other security requirements applicable to the procurement.

**3.4.3.1. Bidding Time**

The bidding time is the period of time between the date of distribution of the invitation for bids and the time and date for receipt of bids. In each case a bidding time shall be set that affords bidders a reasonable time to prepare and respond to the bid. A minimum of 21 calendar days shall be provided unless a shorter time is deemed necessary for a particular procurement as determined in writing by the Procurement Office

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**3.4.3.2. Bidder Submissions**

The IFB shall provide a form or format in which the bidder shall include the bid price and which the bidder shall sign and submit with all other necessary submissions. Telegraphic, telephone and facsimile transmissions are not acceptable for sealed bidding purposes. In some instances, the sealed bid may be submitted electronically through online Procurement software (i.e. ProcureAZ and Public Purchase) where the bid is unable to be “opened” until the time and date due.

**3.4.3.3. Public Notice**

Adequate public notice of the IFB or notices of the availability of an IFB shall be ~~mailed to or~~ be made accessible by appropriate electronic means to a sufficient number of bidders for the purpose of securing competition. Advertisement in a general publication newspaper with a local circulation may be used for sealed competitive bidding. When the bid list is not sufficient to maximize competition, advertisement shall be utilized. Mohave Community College may release IFB’s on ProcureAZ, Public Purchase and on the Procurement Page of the Mohave Community College website at [www.mohave.edu/procurement](http://www.mohave.edu/procurement), where these sites are appropriate and available.

**3.4.3.4. Pre-Bid Conferences**

Pre-bid meetings may be conducted to explain the procurement requirements. If the meeting is not documented in the IFB it shall be announced to all prospective bidders known to have received an IFB. The conference shall be held long enough after the announcement has been issued to allow bidders to become familiar with the document, but sufficiently before bid opening to allow consideration of the conference results in preparing their bid.

Generally, the receipt of bids will be no sooner than seven calendar days after the pre-bid conference. Any exceptions must be granted in writing by the Procurement Officer. Nothing stated at the conference shall change the IFB unless the change is made by written addendum.

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**3.4.3.5. Amendments to Invitation for Bids**

Amendments to IFB shall be identified as such and shall require that the bidder acknowledge receipt of all amendments issued. The amendment shall reference the part of the IFB that it amends.

All addenda shall be identified as such and shall be sent to all bidders that have acknowledged receipt of the bid. The addendum shall require that the bidder acknowledge the receipt of the addendum.

Amendments/Addenda shall be issued within a reasonable amount of time for potential bidders to consider them in the preparation of bids. If the time and date set do not permit sufficient time for bid preparation, the date and time of the bid opening shall be extended in the addendum.

**3.4.3.6. Withdrawal and Modification of Bids**

A bidder may modify or withdraw its bid at any time before bid opening if the modification or withdrawal is received before the time and date set for bid opening in the location designated in the IFB for receipt of bids.

All documentation relating to a withdrawal or modification of a bid shall be kept as part of the procurement file.

**3.4.3.7. Late Bids**

It is the vendor or supplier's responsibility to ensure that their bids are received no later than the appointed time and place of the bid opening, as specified in the IFB. Late bids will not be considered or opened.

**3.4.3.8. Receipt of bids**

Bids and bid modifications shall be received by appropriate staff, marked with the date and time of receipt and stored unopened in a secure location, until the bid opening. Bids shall be opened publicly at the time, date and location advertised in the bid document. The name of each bidder, the bid price, and other pertinent

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

information shall be read aloud and recorded. A bid summary may be made available to the public for review upon request.

**3.4.3.9. Inspection of Bids**

Only after formal award of the bid, shall the bids be made available for public inspection. All bids received for a solicitation become public information following contract award. Vendors are to clearly mark in their bid documents PRIOR to submission any “confidential” or “proprietary” information and when possible site the appropriate rule. When respondents mark the documents as such, the Procurement Officer will make a determination as to whether the information is truly confidential. If it is not proprietary information the information will not be considered confidential and will be released if requested. Information deemed proprietary in nature by the bidder and approved as such by the College, shall not be included in the materials available for public inspection. Only the submitted Bids/Proposals will be retained in the procurement folder.

**3.4.3.10. Mistakes and Informalities in Bids**

Vendors or suppliers are responsible for the accuracy of their quoted prices. In the event of a discrepancy between unit price and its extension, the price or extension that best favors the College will govern. Bids may be amended or withdrawn by the bidder up to the bid opening. If an error is discovered after an opening, the Procurement Department may permit a bidder to correct a mistake if the mistake is evident in the uncorrected bid. The Procurement Department shall not permit a correction that is prejudicial to the College or fair competition. After an order has been issued, no bid may be withdrawn or amended unless the College considers the change to be in its best interest. The College reserves the right to reject any and all bids, or parts of bids, or to waive any informalities, and to select the bid that, in its opinion, best serves the needs of the College.

**3.4.3.11. IFB Evaluation and Award**

The IFB shall be awarded to the lowest responsive and responsible bidder whose bid meets, in all material

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

respects, the requirements and criteria as defined in the IFB. The amount of any applicable sales/use tax is not a factor in determining the lowest bidder.

**3.4.3.12. Tie Bids**

Tie bids are defined as instances of identical pricing from responsible bidders that meet all the requirements as set forth in the bid documents. Tie bids may be awarded by drawing lots or any other random choice manner. Care shall be taken by the College to ascertain that the tie bidders meet all requirements as outlined in the IFB document before declaring a tie bid situation.

Records and methods of determining the successful bidder shall be maintained in the procurement file.

**3.4.3.13. Single Bids**

In instances of only one bid being received, a determination must be made by the Procurement Officer that the bid submitted is fair and reasonable and that other prospective bidders had time to respond or that re-solicitation is not possible due to time constraints. In those instances, an award may be made.

If it is determined in writing by the Procurement Department that the need for the product or service continues and that the acceptance of the single bid is not advantageous to the College, then the Procurement Department may reject the bid and either resolicit for new bids; cancel the procurement; or use a different source selection method authorized by the College.

**3.4.4. Competitive Sealed Proposals or Request for Proposals (RFP)**

If the Procurement Department determines in writing that the use of Invitation for Bids (IFB) is not practicable or advantageous to the College, a contract for materials or services may be entered into by Request for Proposals (RFP).

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

The Request for Proposal shall include the following:

- A. Instructions and information to proposers concerning the submission requirements including, time and date for receipt of proposals, the address of the office to which they are to be delivered, and any other information.
- B. The purchase description, evaluation factors and the relative order of importance, delivery or performance schedule, and such inspection and acceptance requirements.
- C. The contractual terms and conditions, including warranty and bonding or other security requirements applicable to the procurement.

Request for Proposals differ from bids, in that the lowest bid (monetary) will NOT be the only determining factor for awarding a contract. Other evaluation criteria must be considered to ensure that the awarded contractor is deemed, as a whole, to be the most responsible, most responsive and able to meet the specifications outlined within the RFP. The evaluation criteria are generally developed using a grading or rating matrix that defines various areas of qualifications. These may include, but are not limited to, such areas as: experience, knowledge, certifications, manpower, and availability of resources, lead times, warranties and service response time. All areas deemed important for determining the supplier that would be most advantageous to the College must be considered. The use of a weighted grading system (that is, more points awarded for areas deemed the most critical) is highly encouraged. RFP's are generally reviewed and contracts awarded after the assistance from an evaluation or advisory committee.

**3.4.4.1. Proposal Time**

The proposal time is the period of time between the date of distribution of the request for proposals and the time and date for receipt of offers. In each case a proposal time shall be set that affords proposers a reasonable time to prepare and respond to the RFP. A minimum of 21 calendar days shall be provided unless a shorter time is deemed necessary for a particular procurement as determined in writing by the Procurement Officer.

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**3.4.4.2. Proposal Submissions**

The RFP document shall provide a form or format in which the proposer shall include all pertinent information relative to the process. The proposer shall sign and submit all necessary information called for in the RFP document.

**3.4.4.3. Public Notice**

Adequate public notice of the RFP or notices of the availability of an RFP shall be furnished to a sufficient number of vendors for the purpose of securing competition. Advertisement in a general publication newspaper with a local circulation may be used for RFPs. When the bid list is not sufficient to maximize competition, advertisement shall be utilized.

**3.4.4.4. Pre-Proposal Conferences**

Pre-proposal meetings may be conducted to explain the procurement requirements. If the meeting is not documented in the RFP it shall be announced to all prospective proposers known to have received an RFP. The conference shall be held long enough after the announcement has been issued to allow proposers to become familiar with the document, but sufficiently before proposal opening to allow consideration of the conference results in preparing their proposals.

Generally, the receipt of proposals will be no sooner than seven calendar days after the pre-proposal conference. Any exceptions must be granted in writing by the Procurement Officer. Nothing stated at the conference shall change the RFP unless the change is made by written addendum.

**3.4.4.5. Amendments to RFP**

Amendments to RFP shall be identified as such and shall require that the proposer acknowledge receipt of all amendments issued. The amendment shall reference the part of the RFP that it amends.

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

All addenda shall be identified as such and shall be sent to all proposers that have acknowledged receipt of the RFP. The addendum shall require that the proposer acknowledge the receipt of the addendum.

Amendments/Addenda shall be issued within a reasonable amount of time for potential proposers to consider them in the preparation of proposals. If the time and date set do not permit sufficient time for proposal preparation, the date and time of the proposal opening shall be extended either in the addendum or by telephone or fax.

**3.4.4.6. Withdrawal and Modification of Proposals**

A proposer may modify or withdraw its proposal at any time before proposal opening if the modification or withdrawal is received before the time and date set for proposal opening in the location designated in the RFP for receipt of proposals.

All documentation relating to a withdrawal or modification of a proposal shall be kept as part of the procurement file.

**3.4.4.7. Late Proposals**

It is the vendor or supplier's responsibility to ensure that their proposals are received no later than the appointed time and place of the proposal opening, as specified in the RFP. Late proposals will not be considered or opened.

**3.4.4.8. Receipt of Proposals**

Proposals and proposal modifications shall be received by appropriate staff, marked with the date and time of receipt and stored unopened in a secure location, until the proposal opening. Proposals shall be opened publicly at the time, date and location advertised in the RFP document. The name of each proposer, shall be read aloud and recorded. A bid summary may be made available to the public for review upon request.



**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**3.4.4.9. Inspection of Proposals**

Only after formal award of the proposal, shall the offers be made available for public inspection. All proposals received for a solicitation become public information following contract award. Vendors are to clearly mark in their proposals PRIOR to submission any “confidential” or “proprietary” information and when possible cite the appropriate rule. When respondents mark the documents as such, the Procurement Officer will make a determination as to if the information is truly confidential. If it is not proprietary information the information will not be considered confidential and will be released if requested. Information deemed proprietary in nature by the bidder and approved as such by the College, shall not be included in the materials available for public inspection. Only the submitted Proposals and the Official Score Sheets will be retained in the procurement folder. Informal or personal notes will not be included as public record.

**3.4.4.10. Mistakes and Informalities in Proposals**

Vendors or suppliers are responsible for the accuracy of their proposal prices. In the event of a discrepancy between unit price and its extension, the price or extension that best favors the College will govern.

The College reserves the right to reject any and all proposals, or parts of proposals, or to waive any informalities, and to select the proposal that, in its opinion, best serves the needs of the College.

If a mistake in the proposal is discovered after the award, the proposer may explain the mistake and request for correction or withdrawal. Based on the considerations of fair competition and the best interest of the College, the Procurement Department may allow the correction of the mistake; cancel all or part of the award or deny correction or withdrawal.

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**3.4.4.11. RFP Evaluation and Award**

The Procurement Department may appoint an evaluation or advisory committee to assist in the evaluation of proposals.

The Procurement Department shall evaluate proposals based on the evaluation criteria contained in the RFP. The Procurement Department shall not modify the evaluation criteria or their relative order of importance after proposal due and time.

The Procurement Department may conduct negotiations with responsible proposers to improve their proposals in such areas as cost, price, specifications, performance, or terms, to achieve best value for the College based on the requirements and the evaluation factors set forth in the RFP. Based on their negotiation with the College, proposers may revise their proposals and submit a Best and Final Offer (BAFO) in writing to the Procurement Department. BAFO's shall only be requested once by the Procurement Department.

The Procurement Department shall award the contract to the responsible proposer whose proposal is determined to be most advantageous to the College based on the evaluation factors set forth in the RFP.

**3.4.4.12. Single Proposals**

In instances of only one proposal being received, a determination must be made by the Procurement Officer that the proposal submitted is fair and reasonable and that other prospective proposers had time to respond or that re-solicitation is not possible due to time constraints. In those instances, an award may be made.

If it is determined in writing by the Procurement Department that the need for the product or service continues and that the acceptance of the single proposal is not advantageous to the College, then the Procurement Department may reject the proposal and either resolicit for new proposals, cancel the procurement, or use a different source selection method authorized by the College.

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**3.5. Special Source Selection Methods**

**3.5.1. Sole Source Procurement**

A Sole Source procurement may be allowed when there is only one source available for the required material, service or construction item.

Sole source procurements are to be avoided unless no other alternative exists. Documentation will be required from the requisitioning unit to justify purchase of sole source items. The

Procurement Department may award a sole source order if it is determined that:

- The items or rates are fixed by law, or;
- The items are specifically stipulated by grantors for grant projects, or;
- The items have unique features that are essential and not available from any other source or must be compatible with existing equipment;
- Other buying situations may qualify for sole source based on the nature of the item or service, its usage, product testing or prior decisions based on competition. The following is a partial list that may qualify for sole source:
  1. Copyright, or published materials only available from the source;
  2. When a requirement exists to use authorized parts available only from the product vendor;
  3. Utility services, software licensing/maintenance, licenses or expenses associated with accreditation programs;

Final responsibility in determining sole source purchases rests with the Procurement Department and requires the approval of the Chief Financial Officer and/or designee prior to purchase.

**3.5.2. Emergency Procurement**

The Chief Financial Officer or designee may make, or authorize others to make, emergency purchases. Generally, emergency order procedures will not be used unless the savings realized by normal procurement practices would be offset by a corresponding or greater loss to the department as a result of the delay. Such transactions may be made without price competition and limited

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

only to what is necessary to solve the emergency situation. The requisitioning unit's department head must submit proper documentation, justifying the need for any emergency purchase.

**3.5.3. Other Procurements Which Cannot Be Met By Normal Competitive Methods**

The College should incorporate as much competition as is feasible and negotiate a suitable agreement when pursuing the following procurements:

**3.5.3.1. Printing** of publications and forms that involve proprietary art work or repeat orders where the vendor has retained the design or format.

**3.5.3.2.** Testing services, seminars, workshops, reports, other services etc., based on vendors' professional qualifications.

**3.5.3.3.** Maintenance, service, supplies and parts that are required by contract, warranty or to ensure system integrity.

**3.5.3.4.** Material or equipment selected after a test of competitive brands.

**3.5.3.5.** Expenses associated with training or educational courses provided by the College. Instructional courses are selected based on capability, course content and teaching ability by appropriate college administrators.

**3.5.3.6.** Media or newspaper advertising which is based on area covered or target audience.

**3.5.3.7. Extension** of an existing commodities or services contracts determined to be in best interest of the College.

**3.5.3.8.** Membership dues and subscriptions.

**3.5.3.9.** Equipment rentals based on equipment availability.

**3.5.3.10.** Purchase of used or reconditioned equipment when determined to be the best value for the College.

**3.5.3.11.** Procurement of real estate.

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

### **3.6. Procurement of Construction Services**

#### Construction less than \$75,000

Construction procurements of less than \$75,000 may be made at the discretion of the Chief Financial Officer. Competition for construction procurements should be encouraged to the maximum extent possible.

#### Construction \$75,000 or more

The Procurement Department shall obtain sealed competitive bids or proposals for all construction that have an estimated cost of \$75,000 or more.

Contracts and construction of \$75,000 or more shall require the approval of the District Governing Board.

Construction procurement shall be conducted in accordance with all Governing Board Policies, and College procedures.

The College may procure design services, construction and construction services, as applicable, under any of the following project delivery methods:

- Design-bid-build
- Construction-manager-at-risk
- Design-build
- Job-order-contracting

#### Definitions

Design-bid-build is a process in which separate procurements are conducted for architect/engineer services and general construction. The design provided by the architect/engineer is utilized as part of the bidder document for the general contracting services.

A construction-manager-at-risk acts as a general contractor at the contracted-for price and provides consultation to the institution regarding construction during and after the design of the facility.

Design-build is a method of contracting in which a single contract is created with a firm or group of firms in partnership to build or renovate a building or group of buildings. The intent is for the architect/engineering professional to work more closely with the general contractor or subcontractors to provide a single source of responsibility for the design and construction of the project. This contrasts with the separate contracts

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

with architects/engineers and general contractor involved in the standard design-bid-build or construction-manager-at-risk.

Job-order-contracting is a construction contract used for new construction, maintenance rehabilitation, and alterations of a recurring nature but which is of an indefinite delivery and indefinite quantity. The job-order-contract shall include a comprehensive compilation of detailed real property repair, rehabilitation, alteration, maintenance, and minor construction task descriptions or specification, a pre-determined and agreed upon pricing, discount coefficient or mark-up pricing structure.

### **3.6.1. Design-Bid-Build**

For the design-bid-build project, the College shall procure the Design services for Architect, Engineer, Land Surveying and related professional services involved in planning, design, construction and renovation of facilities for the College. The IFB or RFP process shall be utilized, except as otherwise provided in the Sole Source Procurement Section and Emergency Procurement Section.

Procurement of Professional Services: For procurement of Architect, Engineer, Land Surveying and related professional services, the Chief Financial Officer and/or Procurement Department shall assign an evaluation or advisory committee which shall independently evaluate and score submittals received from the firms or individuals responding to the College's RFP. If possible, the evaluation or advisory committee may conduct discussions with a short-list of at least three of the highest scoring firms or individuals.

### **3.6.2. Construction-Manager-at-Risk, Design-Build and Job-Order - Contracting**

The College shall procure construction services under the **construction-manager-at-risk, design-build and job-order-contracting** project delivery methods according to the Alternative Construction Procurement Methods as stated below.

The College shall procure design services relating to a construction-manager-at-risk construction services project according to Alternative Construction Procurement Methods as stated below.

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

For **job-order-contracting** construction services projects, if the College does not include design services in the job-order-contracting construction services contract, the College shall procure any design services relating to job-order-contracting construction services projects under the contract according to the Procurement of Professional Services Section.

### **ALTERNATIVE CONSTRUCTION PROCUREMENT METHODS**

Professional services and construction services shall be procured for the alternative construction procurement methods as outlined in this section. Exceptions are those instances in which Sole Source Procurement or Emergency Procurements apply. Alternative construction procurement methods as defined in the Competitive Selection for Construction Services Section are construction-manager-at risk, design-build, and job-order-construction.

#### **Definitions**

For purposes of this section, “construction services” includes: construction-manager-at-risk construction services, design-build construction services, and job-order-contracting construction services. These may or may not contain a professional services component.

For the purposes of this section, “professional services” includes architect services, engineer services, landscape architect services, assayer services, geologist services, land surveying services, material or special testing services and any combination of those services, provided by a registered professional.

Request for Qualifications (RFQ) means a solicitation with an intended response that includes initial data about a firm or individual such as experience, references, and approach to the project. For purposes of this section, pricing may not be required in the initial solicitation.

Request for Proposal (RFP) means a solicitation with an intended response that is fairly detailed. For purposes of this section, it will supplement an initial RFQ response. Also, for purposes of this section, the technical and financial portions of the proposal response will be provided at the same time, but in separately sealed manner, to enable the committee to review the technical response separately and prior to the review of the financial proposal.

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

### Procurement of All Alternative Construction Services

For procurement of construction-manager-at-risk, design-build and job-order-contracting, the College shall follow the procedures outlined below:

The College shall announce and issue the solicitation according to its normal procedures.

The Chief Financial Officer and/or Procurement shall assign an evaluation or advisory committee, which shall independently evaluate and score proposals and qualifications. The Chief Financial Officer and/or Procurement shall determine the makeup of the evaluation or advisory committee for all contracts that include construction services. For projects that include construction, the evaluation or advisory committee may have one person or more who is a senior management employee of a licensed contractor and may have one person who is an architect or engineer registered to practice in the State of Arizona. The contractor or design professional may be an employee of the College.

Outside contractors, architects and engineers serving on an evaluation or advisory committee shall not receive compensation beyond a reasonable gratuity from the College for performing these services, and the College may elect to reimburse them for travel, lodging and other expenses incurred in connection with the service on the evaluation or advisory committee. Reimbursement shall be at a rate not greater than the standard rate authorized for College employees on College related travel. A person who is a member of the evaluation or advisory committee shall not be a contractor under the contract or provide construction, construction services, materials or other services under the contract.

The evaluation or advisory committee shall:

- Independently evaluate and score the written proposals and qualifications submitted by the firms or individuals.
- If outlined in the solicitation, shall attempt to conduct discussions with at least three of the highest scoring firms or individuals. If only two firms or individuals respond to the solicitation, the committee may proceed with the selection process or Procurement may re-solicit for additional proposals. If only one firm or individual responds to a solicitation for professional services, the selection committee may choose to proceed with the process with that firm or individual if Procurement determines in writing that the fee negotiated as a result of the process is fair and reasonable



## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

and that other firms and individuals had a reasonable opportunity to respond, or if there is not adequate time for a re-solicitation.

### The One-Step Competitive Process

Procurement shall enter into contract negotiations with the highest qualified firm or individual for the professional services or construction services as a result of following the procedures outlined in the Request for Proposal process. Negotiations shall include fees as well as other contractual terms and conditions deemed fair and reasonable and important to the College. Procurement shall take into account the estimated value, scope, complexity and nature of the procurement.

If procurement is unable to negotiate a satisfactory agreement with the firm or individual considered to be the most qualified, then procurement shall terminate those negotiations and undertake negotiations with the next most qualified firm or individual in sequence until an agreement is reached. If a construction contract is entered into as a result of this process, construction shall not begin until procurement and the contractor agree in writing on a price for the construction portion of the contract.

### Two-Step Competitive Process

For design-build construction services or job-order-contracting, as an alternative to the one-step competitive process outlined above, procurement may utilize the following process:

- Procurement shall issue a Request for Proposal (RFP) to those firms or individuals short-listed as a result of the process outlined above.
- The evaluation or advisory committee makeup shall remain the same as outlined in Procurement of All Alternative Construction Services Section outlined above.
- For design-build construction services and job-order-contracting construction services, the Request for Proposal (RFP) shall include:

Specifically for design-build construction projects, the project schedule, project final design and construction budget or life cycle budget.

For both types of services, a statement that the contract will be awarded to the firm or individual whose proposal receives the highest number of points under the scoring system.

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

A description of the scoring method, including a list of factors in the scoring method and the number of points allocated to each factor. Those factors may include: proposer's qualifications, financial capacity, proposed compliance with the Colleges project request, quality management plan. Any other evaluation factors as determined by the College. For design-build construction services only, demonstrated compliance with the design requirements. For design-build construction services only, if the RFP specifies the College will spend its project budget and not exceed that budget, and thus is seeking the best proposal for the project budget.

A requirement that each proposer submit separately a technical proposal and a price proposal and that the proposer's entire proposal is responsive to the RFP. For design-build construction services, the price in the proposal shall be a fixed price or a guaranteed maximum price.

A statement that the evaluation or advisory committee will separately evaluate the technical proposal and the price proposal, and that they will evaluate and score the technical proposal before opening the price proposal.

- If determined by procurement and noted in the RFP, the evaluation or advisory committee or a subcommittee consisting of procurement and at least one other member may conduct discussions with any or all firms or individuals chosen. Discussions shall be for the purpose of clarification to assure full understanding of the project and responsiveness to the solicitation requirements. Information from proposals submitted and discussions held shall not be disclosed to competing proposers.
- Best and Final Offer submittals may be requested of any or all finalists. These submittals shall contain both technical and financial information. The final technical proposals shall be evaluated and scored first before opening and evaluating and scoring final financial proposals.
- Procurement shall award the contract to the responsive and responsible proposer whose proposal receives the highest scores.
- For design-build construction services only, the College shall award a stipulated fee equal to a percentage of the College's project final construction budget, as prescribed in the RFP, but not less than two-tenths of one per cent of the project final construction budget to each short-listed proposer who provides a responsive, but unsuccessful, proposal.

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

### Job-Order-Contracting Dollar Limits and Subcontracting

For job-order-contracting construction services only:

- The dollar amount of an individual job order shall not be more than two hundred thousand dollars (\$200,000). Requirements shall not be artificially divided or fragmented in order to constitute a job order that satisfies this requirement.
- If the contractor subcontracts or intends to subcontract part or all of the work under a job order and if the job-order construction services contract includes descriptions of standard individual tasks or standard unit prices for standard individual tasks, then:

The contractor has a duty to deliver promptly to each subcontractor invited to bid, a copy of the descriptions and the standard unit prices of all standard individual tasks on which the subcontractor is invited to bid.

The contractor has a duty to deliver promptly the following to each subcontractor that has agreed to do any of the work included in any job order, a copy of the description, the number of units and the standard unit price of each standard individual task that is included in the job-order.

### Confidentiality of Process

Until award and execution of a contract by the College, only the names of each firm or individual on the short list may be made available to the public. All other information received by the College in response to the request for qualifications or contained in the proposals shall be confidential in order to avoid disclosure of the contents that may be prejudicial to competing proposers during the selection process. The proposals shall be open to public inspection after the contract is awarded and the College has executed the contract. To the extent that the proposer designates and Procurement concurs, trade secrets and other proprietary data contained in a proposal shall remain confidential.

### Cancellation of Procurement Process

Procurement may cancel a request for qualifications or a request for proposals or reject in whole or in part any or all submissions of qualifications or proposals as specified in the solicitation if it is in the best interest of the College. Procurement shall make the reasons for cancellation or rejection part of the file.

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

### Registration, Licensure and Project Definition

The successful contractor for construction-manager-at-risk, design-build or job-order-contracting construction services is not required to be registered to perform design services pursuant to title 32, chapter 1 of the Arizona Revised Statutes, if the person or firm actually performing the design services on behalf of the contractor is appropriately registered.

The successful contractor for construction-manager-at-risk, design-build or job-order-contracting construction services is not required to be licensed to perform construction pursuant to title 32, chapter 10 of the Arizona Revised Statutes, if the firm performing the construction on behalf of the contractor is appropriately licensed.

Each project under a design-build construction services contract or a construction-manager-at-risk construction services contract shall be a specific, single project. For the purposes of this paragraph, “specific, single project” means a project that is constructed at a single location, at a common location or for a common purpose.

### Prohibition against Competing with Private Firms or Contracting with Other Agencies for These Services

Notwithstanding anything to the contrary in this procedure, the College shall not:

- Enter into a contract as a contractor to provide construction-manager-at-risk construction services, design-build construction services or job-order-contracting construction services to others.
- Contract with itself, with another District, with the state or with any other governmental unit of the state or the federal government to provide construction-manager-at-risk construction services, design-build construction services or job-order-contracting construction services for itself.
- The prohibitions prescribed in this section do not prohibit the College from providing design or construction services for itself as provided by law.

### Architect, Engineer, Land Surveying and Related Services

This procedure relates to the contracting of architect, engineer, land surveying, and related professional services involved in the planning, design, construction and renovations of facilities for the College.

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

- For procurement of these professional services the Procurement Department shall assign an evaluation or advisory committee which shall independently evaluate and score submittals received from firms or individuals responding to the College's RFQ. If possible, the evaluation or advisory committee may conduct discussions with a short list of at least three of the highest scoring firms or individuals.

**3.7. Procurement of Professional Services**

Professional services such as clergy, physicians, dentists, legal counsel or certified public accountants shall be solicited through a Request for Proposals (RFP). The RFP shall describe the services required and list the type of information and data required of each proposer. The Procurement Department may conduct discussions with any proposer who submit a proposal to determine the proposer's qualifications for further consideration. The Procurement Department's discussion shall not disclose any information derived from proposals submitted by other proposers.

The award shall be made to the proposer determined in writing to be best qualified based on the evaluation factors set forth in the RFP and after a written determination that the compensation is fair and reasonable.

**3.8. Procurement of Consultants/Independent Contractor Services**

Refer to Section 5.077 of the Policies and Procedures Manual before securing consultant/independent contractor services.

When specialized skills, knowledge, resources and experience are needed that cannot be provided reasonably by existing staff, such services may be obtained from firms or individuals outside the College on a fee-for-service or Consultant/Independent Contractor basis.

The contract should require the performance of a task, project or study to be completed within a given time frame. The relationship with the College is that of an independent contractor, and the College has no right to supervise or control how the work required by the contract is done. The independent contractor is solely responsible for the results specified by the contract.

Consultants/Independent Contractors may include, but are not limited to, entertainers, artists, lecturers, research, surveys and studies. Exceptions to these categories shall require a rationale and written request submitted to, and approved by, the Chief Financial Officer.

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**3.9. Other Procurement Procedures**

**3.9.1. Purchasing Card (P-Card) Purchases**

When authorized by the College, P-Card purchases may not require issuance of purchase orders. The Business Services Department shall oversee the P-Card program and is responsible for the following:

- 3.9.2.1.** Issuing P-Cards and conducting P-Card training to qualified College employees.
- 3.9.2.2.** Regularly monitoring P-Card use by College employees.
- 3.9.2.3.** Ensure that P-Cards are solely used for authorized College expenditure incurred while conducting College business during authorized duty hours.  
P-card users must complete annual training.  
See separate P-card manual for more information.  
P-card manual to be updated as necessary.

**3.9.2. Contracts, Agreements and Leases**

All contracts for goods and services, vendor agreements, software licenses and other documents containing terms and conditions binding the College require the approval and signature of the President and/or Chief Financial Officer or designee. If these documents are signed without proper authority, both legal and financial difficulties may result for the unauthorized signatory and the College. Agreements, contracts, leases, lease/purchases or rental agreements of \$75,000 or more shall require approval by the District Governing Board.

In all cases involving lease agreements, an analysis should be made to determine the economic soundness of whether the goods or services should be leased or purchased.

When possible, lease or lease/purchase agreements should have a cancellation provision which allows the College to discontinue such agreements if future appropriation funding from appropriate budget authority is reduced or deleted.

Regardless of the time period involved in these agreements, a formal College Purchase Order will be issued. The requisitioning

## MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL

unit must define the type of agreement on the requisition, indicating whether it is a new or renewal agreement. A copy of the agreement shall accompany the requisition.

### Requisitions for Service and Maintenance Contracts

Requisitions for all equipment maintenance contracts should be submitted to the Procurement Department at least 30 days prior to the contract expiration date. All requisitions must contain the machine model number, serial number and the location of equipment. Warranty information, including coverage and expiration, is the responsibility of the user/department.

If an item is covered by a warranty or service contract, it is the responsibility of the user department to call the manufacturer or service company. A requisition for repair is not necessary.

If the item is not covered by a warranty or service contract, a requisition for the repair will be submitted which will include the make, model, inventory number (if applicable, and location of the item.

Once a purchase order has been generated, the user department may then make arrangements with the service company to perform the repairs or maintenance. When service has been completed and the user department is presented with a repair slip or invoice, the slip/invoice must be signed, dated, ensure the PO number is identified and forwards all documentation immediately to accounts payable.

When repair to furniture is simple and requires no carpentry work or re-upholstery, the employee should inform the maintenance department.

The President and/or Chief Financial Officer shall sign all contracts (excluding purchase orders), agreements, leases, lease/ purchases or rental agreements on behalf of the College that total \$75,000 or more. Signed documents shall be forwarded to the provider with a purchase order.

### **3.9.3. Blanket Orders**

Blanket orders are issued for a specified time period at an estimated total dollar amount to encumber funds, and/or establish a purchasing arrangement with a vendor for a period of time

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

(e.g., monthly, quarterly, annually) for orders of miscellaneous items or recurring order of small value items.

NOTE: Departments using blanket orders must ensure expenditures do not exceed the funds encumbered.

### **3.9.4. Contract Blanket Orders**

Contract blanket orders are used to purchase supplies or secure services when the cost covered by the blanket order has been established. Normal competitive purchasing methods are used to select vendors/suppliers. The Procurement Department has determined a fixed price, terms, conditions, and duration of the transactions.

### **3.9.5. Product or Equipment Warranties**

Product or equipment procured by the College should be fully guaranteed by the contractor for a minimum period of one year from the date of acceptance by the College.

It is the responsibility of the user/requisitioning department to ensure that warranty information cards that are included with products or equipment, received by those departments, are filled out completely and sent back to the manufacturer or processing center in a timely manner.

For an additional charge, many manufacturers include the option of extended warranties on their products or equipment. It will be the determination of the requisitioning department whether to recommend this option. This may be done at the original time of purchase, included as an additional line item, or done later as a separate purchase.

### **3.9.6. Rebates**

Rebate cards/information shall be completed by the requisitioning unit and attached to the requisition. Rebate information must be clearly stated on the requisition and purchase order. All rebate checks are to be made payable to Mohave Community College and not to individual employees. Under no circumstances may employees' cash rebate checks issued for college purchases. All rebate checks must be sent to the accounts payable department.



**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**3.9.7. Personal Orders**

Other than purchases approved under the CLIP program, purchases for employees' personal usage shall not be allowed.

**3.9.8. Official Functions**

Auxiliary funds may be used for food, non-alcoholic beverages, and decorations, etc., provided the funds have been appropriated and budgets have been established according to the criteria listed below:

An Official Function is an activity authorized by the Chief Financial Officer or the College President to support and further the mission, goals and objectives of the College. The general rule is that the College will not approve expenditures for food, beverages, decorations and/or facilities for College meetings or social events. Recognizing that in certain circumstances the provision of meals or refreshments is appropriate and in the best interest of the College and public, exceptions are permissible within the following guidelines:

- Professional development or other staff activities/events in which an entire employee group or major segment of the group is involved. (Examples: Annual Staff meeting, Orientation for Associate Faculty, etc. (Departmental and division meetings are NOT eligible).
- An activity at which the College acts as host to invited guests from outside the College (Examples are Commencement, Career Fair, Senior Day, Advisory Committees. Providing food/beverages for interview committees and applicants are not eligible).
- District Governing Board meetings/retreats.
- Approval may be granted for use of facilities both on-campus and off-campus. Use of off-campus facilities requires advance approval of the President.
- The President, on a case-by-case basis, may approve food requests for events not included in the guidelines
- Alcoholic beverages may not be purchased with College funds and these costs are not reimbursable
- Requisitions for Official Functions must be approved by the Chief Financial Officer and/or President regardless of the dollar amount. The requisition should reference the nature of the function, its location, date and time, and the attending groups.

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**3.9.9. Criteria for Capital Equipment Purchases**

Equipment purchases of \$5,000 or more must be purchased from Capital Outlay Funds. Criteria for capitalization of equipment include the following:

- The item must have a unit cost of \$5,000 or more, including tax, shipping, and set-up costs.
- The item must have a life-cycle expectancy of two years or more (not a consumable item).
- The item must be repairable.
- Computer software with a cost of \$5,000 or more must be purchased from Capital Outlay Funds.

**3.9.10. Sales/Use Taxes**

The College is responsible for the payment of all applicable sales or use taxes, as required within the State of Arizona. Taxes should be added to the requisition.

**3.9.11. Supplies**

General office supplies are available through the College's current office supplies contractor. Contact the Procurement Department for details.

**3.9.12. Entertainer Fees**

A properly executed contract shall authorize payment for entertainer fees. In order to expedite payment to the entertainer (to meet many entertainers' requirements for payment immediately after the performance), an Independent/Professional Services contract shall be approved and signed by the Chief Financial Officer or designee at least 10 days prior to the performance.

**4. Protest of Solicitations and Contract Awards**

**4.1. Content of Formal Protest and Appeal Letter**

Any participating bidder may file a protest of a contract award or proposed contract award. The protest or appeal must be in writing and contain at least the following information:

- The name, address and telephone number of the protester
- The signature of the protester
- The Bid number and date of bid closing

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

- A statement of the legal and/or factual grounds on which the protest or appeal is based, including copies of information relevant to the bid
- The form of relief requested.

### File Procedures

Protests are to be filed with the Procurement Department within 10 calendar days of Notice of Award. Failure to timely protest shall be deemed a waiver of all rights to protest.

If a protest is filed before the award of a contract, no award shall be made until the protest has been administratively resolved, unless the Chief Financial Officer or designee makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the College.

A written decision will be made within 10 calendar days after the protest has been filed. The decision shall contain an explanation of the basis of the decision. The Procurement Department shall furnish a copy of the decision to the protester by certified mail, return receipt requested, or by any other method that provides evidence of receipt.

The time limit for a decision may be extended by the Procurement Department for a reasonable time not to exceed 30 calendar days. The Procurement Department shall notify the protester in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.

### Remedies

If the Procurement Department sustains the protest in whole or in part and determines that a solicitation, proposed contract award, or contract award does not comply with College policies or procedures, the Procurement Department shall implement an appropriate remedy.

In determining an appropriate remedy, the Procurement Department shall consider all the circumstances surrounding the procurement or the proposed procurement, including, but not limited to, the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith of the parties, the extent of performance, cost to the government, the urgency of the procurement, and the impact of relief on the College's mission.

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

An appropriate remedy may include one or more of the following:

- Decline to exercise an option to renew under the contract;
- Terminate the contract;
- Reissue the solicitation;
- Issue a new solicitation;
- Award a contract consistent with College policies and procedures;
- Reject all bids or proposals without further actions;
- Other relief as determined necessary to ensure compliance with College policies and procedures

### Appeals

Appeals are to be filed with the Procurement Department within 5 calendar days of the receipt of the decisions. The notice of appeal shall contain:

- The information from the original protest letter, a copy of the College's decision, and the basis for the appeal.
- The Procurement Department shall immediately give written notice of the pending appeal to the successful contractor if award has been made or, if no award has been made, to interested parties. Any party so notified shall, upon request, be furnished with a copy of the notice of appeal filed in the matter.
- The President or Chief Financial Officer shall notify the Governing Board of the appeal. Any hearing or appeal shall be conducted by the Governing Board or its designee as hearing officer. A written decision will be made within 14 calendar days after the appeal has been filed.
- The time limit for a decision may be extended by the hearing officer for reasonable time not to exceed 30 calendar days. The hearing officer shall notify the protester in writing that the time for issuance of a decision has been extended and the date by which a decision will be issued.

### Stay of Procurement During Appeal

If an appeal is filed before an award of contract and the award of the contract was stayed by the Procurement Department, the filing of an appeal shall automatically continue the stay unless the hearing officer conducting the appeal makes a written determination that the award of the contract without delay is necessary to protect the substantial interest of the College.

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

### Dismissal Before Hearing

The hearing officer conducting the appeal shall dismiss, upon a written determination, an appeal before scheduling of hearing if the appeal does not state a valid basis for protest; or the appeal is untimely.

### Remedies

If the hearing officer sustains the protest in whole or in part and determines that a solicitation, proposed contract award, or contract award does not comply with College policies or procedures, the hearing officer shall implement an appropriate remedy.

An appropriate remedy may include one or more of the following:

- Decline to exercise an option to renew under the contract;
- Terminate the contract;
- Reissue the solicitation;
- Issue a new solicitation;
- Award a contract consistent with College policies and procedures;
- Reject all bids or proposals without further actions;
- Other relief as determined necessary to ensure compliance with College policies or procedures.

## **5. Contract Administration**

Contract administration includes all the administrative activities associated with the handling of contracts. The Procurement Department shall be responsible for contract activities such as storage and contract renewal dates. The Business Service Department and/or the Chief Financial Officer are responsible for contract renewal, monitoring contract relationship, addressing contract-related problems, incorporating necessary changes or modifications in the contract, ensuring both parties meet or exceed each other's expectations, actively interact with the contractor to achieve the contract's objective(s) and approval of payments to the contractor.

### **5.1. Procurement Record Maintenance and Retention Policy**

All procurement records will be retained and disposed of in accordance with records retention guidelines and schedules approved by the Department of Library, Archives and Public Records, and the Arizona State Procurement Department.

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**5.2. Monitoring Contractor Performance and Corrective Actions**

The affected department in conjunction with the Chief Business Officer shall ensure that the contractor(s) perform in accordance with all terms and conditions and requirements of the contract. They should review the scope of the contract and contractor performance issues such as delivery, responsiveness and service. If there are contractor non-performance issues, the Department or Chief Financial Officer should document the event and resolve the issues through formal discussions with the contractor.

**5.3. Receiving, Invoicing and Shipment of Products and Services**

Invoices

The College will only pay vendors after the receipt of the goods or services and the receipt of an invoice. All invoices received should be immediately forwarded to the Accounts Payable Department.

Changes or Cancellations

If an order must be changed, notify the Business Services Department, justifying the need to cancel and/or reorder. (Orders involving custom work or unique specifications may require authorization from the vendor).

Any Purchase Order that has been delivered constitutes a contract between the College and the vendor. It may not be broken arbitrarily by either part. One acceptable reason for cancellation is unreasonable lapse of time between order and delivery.

Delivery

Shipments are ordinarily delivered to Receiving at the Neal Campus Kingman, while the other three campuses receive through the Facilities Department. A copy of the packing/delivery slip will be sent to the requisitioning unit.

If delivery is made directly to the requisitioning unit, the merchandise must be inspected for damage or problems and reported to the mail room clerk and accounts payable. The packing/delivery slip must be signed, dated and immediately forwarded to Accounts Payable.

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

### Incorrect/Damaged Shipments

If a requisitioning unit is in receipt of a shipment that is incorrect or damaged, it must immediately notify Procurement and Accounts Payable Departments, followed by a written confirmation memo listing the following: Purchase order number, vendor name, the problem with the shipment.

The Procurement Department will contact, or may authorize the user to contact, the vendor and request a return authorization for the return and/or exchange of the incorrect materials. Use the RETURNED MERCHANDISE FORM to facilitate this process.

Departments are not to return shipments to vendors without first notifying the Procurement Department to ensure that all credits due are obtained.

If a shipment is returned to a vendor without proper authorization, it is likely that the vendor will not know the reason for the return and may refuse to accept the shipment.

There may be a restocking charge assessed to the department when items ordered in error are returned. When return authorization is received, the Procurement Department and/or Accounts Payable will advise the requisitioning unit of any restocking charge.

### Duplicate Shipments

Duplicate shipments are handled in the same basic manner as are incorrect shipments.

The Procurement and Accounts Payable must be notified immediately if a duplicate shipment is received. This will avoid the possibility of making a duplicate payment. The Procurement Department will then ensure that the duplicate is returned (through the steps previously outlined) and that credit is issued to offset the duplicate charges.

### Freight Damage Claims

To ensure that a freight claim can be filed on merchandise that arrived damaged:

Each item is to be unpacked and inspected as soon as it arrives.

In the event that damage is found, the Procurement Department and Accounts Payable must be given the following information:

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

- Purchase Order Number
- Packing slip or invoice number
- Date received
- Nature and extent of damage
  
- Whether or not the freight bill was marked “damaged”
- Notation of hidden damage

The cartons and packing material must be saved for the freight inspector to examine. This is needed to enable an inspection report to be filed.

Hidden damage must be reported within 48 hours of delivery on campus for a freight claim to be filed in a timely manner.

**5.4. Contract Modification, Termination and Closeout**

During the term of the contract, it may be necessary to allow contract changes or modifications to meet the changing needs of the parties. Contractor requests for contract changes should follow the approval requirements of the contract, unless the changes were mere corrections to errors made against what was originally authorized.

The contract may be modified only through a contract amendment within the scope of the contract. Changes to the contract, including the addition of work or materials, the revision of payment terms, or substitution of work or materials, directed by a person who is not specifically authorized by the President or Chief Financial Officer or made unilaterally by the contractor are violations of the contract and applicable law.

The college reserves the right to terminate a contract, in whole or in part at any time when the contractor fails to comply with any term or condition of the contract or when it is in the best interest of the College, without penalty or recourse. Upon receipt of the written notice, the contractor shall stop all work, as directed in the notice, notify all subcontractors of the effective date of the termination and minimize all further costs to the College. All documents, data, and reports prepared by the contract under the contract shall become property of and be delivered to the College upon demand. The contractor shall be entitled to receive just and equitable compensation for work in progress, work completed and materials accepted before the effective date of the termination.

Contract closeout begins when all the terms, conditions and requirements of the contract have been complete or the contract has reached the end of its term, including any extension options. Contract closeout is complete



**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

when all administrative actions have been completed, all disputes settled, and final payment has been made.

**6. Intergovernmental Procurement**

The College may enter into purchasing agreements with the State of Arizona, School Districts and other governmental agencies for the purpose of joint bidding and utilization of existing contracts. This method of purchasing will meet all criteria for obtaining effective competition. Intergovernmental Agreements require the approval of the District Governing Board.

**6.1. Educational/Institutional Cooperatives**

The College may utilize existing or future Educational/ Institutional Cooperative contracts for the purchase of supplies, equipment and services, providing these Cooperatives solicited bids or proposals utilizing the appropriate provisions in accordance with the Arizona Revised Statutes.

**6.2. State Procurement Contracts**

Contracts of the State Procurement Office for the procurement for certain supplies and equipment are available for the College to use. These contracts will be used when they are in the best interest of the College.

The purchase of items from State Contract does not require additional competitive bidding, as a sealed bid process already has determined vendors and pricing, however the College may choose to do so.

**7. Materials Management**

Lost or Stolen Property

College personnel are under an obligation to report missing furniture and equipment immediately to their department head or immediate supervisor and to report the incident to Business Services and the Campus Dean.

If the item lost or stolen needs to be replaced and funding is available, College personnel shall submit a requisition for replacement and attach to the DISPOSITION OF PROPERTY FORM before forwarding to the Chief Financial Officer for approval. Any and all theft shall be reported as an incident to Business Services and the Campus Dean.

## **MOHAVE COUNTY COMMUNITY COLLEGE (MCCC) PROCUREMENT MANUAL**

### Unserviceable Items

Plant assets that are worn-out, obsolete or damaged beyond repair, including computer software that has become obsolete, should be reported to the Office of Business Services. The asset should also be physically transferred to the custody of the campus facilities manager for appropriate disposal with the completed DISPOSITION OF PROPERTY FORM.

### Destroyed Items

If a plant asset is vandalized, cannibalized or accidentally destroyed, the Office of Business Services should be promptly notified. Vandalism should be reported promptly to the Campus Dean. If the asset is cannibalized, the inventory tag number should be removed from the asset and returned to the campus facilities manager with the completed DISPOSITION OF PROPERTY FORM.

### Surplus Items

Surplus assets will be disposed of by public sale if deemed to have material value via salvage or repurpose. Exceptions may be made as deemed appropriate by the President or Chief Financial Officer.

### Transfers

The Business Office should be notified on a DISPOSITION OF PROPERTY FORM whenever an asset is transferred from one location to another.

## **8. Ethics in Public Contracting**

### **8.1. Code of Ethics**

Because procurement personnel constantly operate under pressure from conflicting sources, they must have a highly developed sense of professional ethics to resist those pressures and to serve their institution in an honorable way. To strengthen ethical awareness and to provide guidelines for its staff, Mohave Community Colleges has implemented the following Code of Ethics as established by the National Association of Educational Buyers (NAEB):

1. Give first consideration to the objectives and policies of the institution.
2. Strive to obtain the maximum value for each dollar of expenditure.
3. Decline personal gifts or gratuities.
4. Grant all competitive suppliers equal consideration insofar as state or federal and institutional policy permit.

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

5. Conduct business with potential and current suppliers in an atmosphere of good faith devoid of intentional misrepresentation.
6. Demand honesty in sales representation whether offered through the medium of a verbal or written statement, an advertisement, or a sample of the product.
7. Receive consent of originator of proprietary ideas and designs before using them for competitive purchasing purposes.
8. Make every reasonable effort to negotiate an equitable and mutually agreeable settlement of any controversy with a supplier, and/or be willing to submit any major controversies to arbitration or other third party for review, insofar as the established policies of the institution permit.
9. Accord a prompt and courteous receipt insofar as conditions permit to all who call on legitimate business missions.
10. Cooperate with trade, industrial and professional associations, and with governmental and private agencies for the purpose of promoting and developing sound business methods.
11. Foster fair, ethical and legal trade practices

**8.2. Donations**

Donations to the College may only be accepted by the College President or designee. The President's Office will often direct the donor to submit the donation in writing and provide the value of the item(s) to the Mohave Community College Foundation, a non-profit organization. College employees may not accept donations.

**8.3. Unauthorized Purchases**

Unauthorized purchases may be considered a personal obligation and individuals making unauthorized purchases may be personally responsible for those purchases (ARS 34-154). Vendors regularly doing business with the College are aware of this policy and are advised that all purchases chargeable to the College must be authorized by an official College purchase order.

The College may choose not to reimburse employees for the cost of any purchase on behalf of the College when the date of the purchase is prior to the date of administrative and funding approvals.

**NOTE:** The College is not obligated to pay for unauthorized purchases. Unauthorized purchases become the personal obligation of the individual who made the purchase.

**MOHAVE COUNTY COMMUNITY COLLEGE  
(MCCC) PROCUREMENT MANUAL**

**8.4. Conflict of Interest**

The College, as a general rule, does not enter into purchasing contracts with employees or District Governing Board members, or members of their immediate families. An acquisition from a business in which an employee or relative has an interest is prohibited unless full disclosure of the background facts is presented in writing to the Chief Financial Officer. In such cases, competitive bidding procedures shall apply.

A.R.S. 38-503 states:

- A. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase, or service such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.
- B. Any public officer or employee who has, or who's relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.
- C. Notwithstanding the provisions of subsections a and b, no public officer or employee of a public agency shall supply to such public agency any equipment, material, supplies or services, unless pursuant to an award or contract let after public competitive bidding, except that [the]district governing board may purchase, without using public competitive bidding procedures, supplies, materials and equipment not exceeding \$300 in cost in any single transaction, not to exceed a total of \$1,000 annually, from a board member and the board policy for such purchases must be approved annually.

**8.5. Gifts and Gratuities**

College employees shall not accept personal gifts or gratuities from any past, present or potential supplier of goods or services to the College.

**9. Attachments**