

Procedure Title: Procurement
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Board Policy Reference: IV.H. Asset Protection

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Purpose/Principle/Definitions:

The College seeks to obtain goods and services that represent optimal value to the College, in accordance with applicable federal and state regulations. Consideration of "optimal value" consists of, but is not limited to: goods and services obtained in a timely manner; product and service quality; product performance and/or technical competence of supplier/contractor; and competitive price.

Guidelines:

Community College Rules of Procurement

In February 2005, in accordance with ORS 279A.065(6)(a) and ORS 279A.070 Blue Mountain Community College's Board of Education adopted the Community College Rules of Procurement (CCRP) and as amended on May 1, 2019. These rules consist of The Department of Justice Model Rules of Procurement as codified in division 46-49 and are based upon the statutory requirements of Oregon Regulatory Statutes 279, sections A, B & C. Divisions 46-49 are reflected as Oregon Administrative Rules 137-046-100 through 137-049-910 which covers general provisions, procurement for goods and services, consultant selection and public contracts for construction services (full detail, see CCRP document effective 02-03-2010).

The Oregon Administrative Rules 137-046-100 through 137-049-0910 are further modified, in compliance with the law, by Sections 100, 200 and 300 as drafted by the Participating Oregon Community College collective purchasing group with the intent that Sections 100 and 200 be adopted in their entirety and remain unchanged by their respective institutions unless modified by participating committee members at a later date and subsequently ratified by all their Local Contract Review Boards. Section 300 is specifically set aside to address the unique philosophies, cultures, and/or concerns of the various community colleges, voting districts, and Local Contract Review Boards. In the event of conflict between rules or sections within

these Community College Rules of Procurement, the rules in Section 300 shall take precedence over the rules in Sections 100 and/or 200 except as otherwise expressly provided in Sections 100 and 200.

These rules remain in effect unless modified, in writing, and adopted by the College's Local Contract Review Board through board resolution. The Community College Rules of Procurement have been updated in December 2018 in order to adopt changes in Sections 100 and 200 incurred since the Rules inception. Blue Mountain Community College is currently a member of the eleven college Participating Oregon Community College collective purchasing group.

Budgeting

All College purchases begin with budgetary appropriations through submission of an approved budget from the appointed budget committee and adopted by the College's Local Contract Review Board in accordance with ORS 294. By Oregon budget law, the Board must adopt a budget prior to beginning our fiscal year (July 1 through June 30) and before expenditures of College funds may occur. The adopted budget document outlines departmental or program expenditures allowed within a fiscal year and appropriation levels are established by fund. Once the proposed budget is approved by the Local Contract Review Board, the amounts approved are loaded into the General Ledger, RaPS and Authorize modules and are utilized as a budgetary control—referred to as budget authority. Budgeted authority to expend is applied through the purchase order approval process for goods and services prior to purchases being made.

Definitions:

1. **“Goods”** shall have the meaning set forth in ORS 279A.010 (i) which includes supplies, equipment, materials, and personal property.
2. **“Personal Services”** is a Public Contract that calls for specialized skills, knowledge, and resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment and designated as such by the College’s Local Contract Review Board pursuant to ORS 279A.055.
3. **“Services”** shall have the meaning as set forth in ORS 279A.010(kk) which means services other than Personal Services.

Methods of Source Selection - See CCR 314, Section 300 of the CCRP

Based upon the estimated amount of expenditure, the following purchasing thresholds must be applied in collecting and submitting documentation of competitive procurement and optimal value to the College.

1. Small procurements-less than \$10,000.

- (a) When the amount of the procurement for Goods or Services does not exceed \$10,000, the College may award in any manner the college deems practical or convenient, including by direct selection or award, obtaining competitive quotes, where feasible
 - i Small purchases less than \$25 can be paid through the Cash Paid Out reimbursement process located at the Pendleton Campus Service Center. You will be required to complete the **“Cash Paid Out”** form, submit an original receipt of purchase, signature of the purchaser and the

authorizing authority, and include the correct 20-digit account code. All of these requirements must be met to process a Cash Paid Out reimbursement.

- ii All purchases above \$25 must be entered and processed through the RaPS and Authorize modules.

(b) All procurement for Services also require a fully signed Contract before the work begins.

2. Intermediate Procurements (\$10,000 - \$150,000)

(a) Procurement of Goods or Services within this range require a minimum of three informal competitive quotes. At this purchasing threshold, selection of the Goods or Services need not be the lowest cost; however, selection of a higher priced vendor must include documentation of how this vendor provides optimal value to the College. Additional questions concerning Request for Quotations can be directed to the procurement officer.

(b) All procurements for Services also require a fully signed Contract before the work begins.

3. Formal Procurement (Greater than \$150,000)

Formal procurement processes are dictated by Oregon Regulatory Statute and may require publications, protest periods and specific scoring requirements prior to making a purchasing decision. See the College procurement officer for assistance regarding purchases at this threshold.

4. Personal Services Contracts – See CCR.250 – CCR.260, Section 200 of the CCRP

- (a) Prior to selection of a contractor, verify with the Human Resources Director, that the work required is that of a contractor and not an employee.
- (b) A fully signed Contract is required before the contractor can begin work.
- (c) For Personal Services less than \$100,000 (Minimum threshold), the College may directly negotiate with the contractor for services or may follow the Informal Selection Procedure.
- (d) For Personal Services more than \$100,000 and less than \$150,000 (Intermediate threshold), the College shall follow the Informal Selection Procedure to obtain services.
- (e) For Personal Services anticipated to be more than \$150,000 the College shall use a Formal Selection Procedure to obtain a contractor for services.

5. Sole Source Procurement

In some situations, the type of goods or service is so unique that only a certain vendor can be considered. A contracting agency may award a contract for goods or services without competition when the Local Contract Review Board determines in writing, in accordance with rules adopted under ORS 279B.075, that the goods or services, or class of goods or services, are available from only one source. The determination of a sole source must be based on written findings that include:

(a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services;

(b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source;

- (c) That the goods or services are for use in a pilot or an experimental project; or
- (d) Other findings that support the conclusion that the goods or services are available from only one source. To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.

Completed, signed “*Request for Exemption from Competitive Procurement*” form required

6. Emergency Procurement

The President of Blue Mountain Community College, or a person designated under ORS 279A.075, may make or authorize others to make emergency procurements of goods or services in an emergency. The contracting agency shall document the nature of the emergency and describe the method used for the selection of the particular contractor in accordance with ORS 279B.080

7. Special Procurements

The College shall submit a written request to the Local Contract Review Board that describes the contracting procedure, the Goods or Services or the class of Goods or Services that are the subject of the special procurement and the circumstances that justify the use of a special procurement under and the other requirements prescribed in ORS 279B.085

8. Cooperative Procurements

Procurement conducted on behalf of more than one governmental body. Cooperative procurement includes but is not limited to multi-agency contracts and price agreements. Cooperative procurement does not include an agreement formed among only governmental bodies under ORS chapter 190 or by a statute, charter provision, ordinance or other authority for establishing agreements between or among governmental bodies or agencies or tribal governing bodies or agencies (ORS 279A.200, OAR 137-046-0400 - 137-046-0480)

9. Other Procurements

- (a) For the procurement for a consultant for Architectural, Engineering and Land Surveying Services and/or related services see CCR.301 and Division 48 Rules in Appendix A.
- (b) For the procurement for Public Improvement contracts as well as Public Contracts for ordinary construction Services see CCR.280 – CCR.283 and Division 49 Rules in Appendix A.

Other allowable paths of procurement:

Questions concerning applicability should be forwarded to the College procurement officer.

Preapproval and Authorization Level Requirements:

- (a) Procurements between \$25 and \$2,500 require Supervisor and budget manager or Associate Vice President authorization prior to purchase.
- (b) Procurements above \$2,500 but less than \$5,000 require supervisor, budget manager and/or Associate Vice President authorization prior to purchase.
- (c) Procurements above \$5,000 but less than \$10,000 require supervisor, budget manager, associate vice president and/or Vice President authorization prior to purchase.

- (d) Procurements above \$10,000 but less than \$20,000 require supervisor, budget manager, Associate Vice President and Vice President authorization.
- (e) Procurements above \$20,000 but less than \$100,000 also require College president approval
- (f) Procurements above \$100,000 require supervisor, budget manager, Associate Vice President, Vice President, President and Board of Education authorization.

Statement of Principles & Ethics regarding Purchasing and Procurement

Blue Mountain Community College subscribes to the following principles and ethics.

- We believe in the dignity and worth of the service rendered by education and our own social responsibility as trusted public servants.
- We consider, first, the interest of the College in all transactions and carry out and believe in the College's established policies and procedures and the laws of the State of Oregon.
- We do not seek or dispense personal favors. We handle each administrative problem objectively, without discrimination, on the basis of principle of justice.
- We strive to foster competition in order to obtain goods and services that represent optimal value to the College, and to provide all interested suppliers with the opportunity to offer their products to the College.
- We strive to give a prompt and courteous reception to all those calling on us to conduct business.
- We believe that personal gain or benefit obtained through misuse of personal relationships is dishonest.

UNETHICAL CONDUCT

- No College member, officer, employee, or agent of this College shall use or attempt to use his/her official position to obtain financial gain or for avoidance of financial detriment for himself/herself, a relative (spouse, children, sibling or parents or spouse's children, sibling or parents), or for any business with which the College member or a relative is associated. Acceptance of any gratuities, financial or otherwise, from any supplier of materials or services to the College by any College member, officer, or employee of the College is prohibited in accordance with ORS 244.
- Kickbacks are prohibited. Any member of the college board or staff is prohibited from accepting directly or indirectly rebate, gifts, money, service, promise of contract for future award or compensation from any person to whom any contract, service, or purchase order is awarded in which the college is involved or interested. (ORS 244.020, 244.040) No offeror shall pay or give to any person or entity anything of value for work done on or in connection with the response to any purchase upon the offeror being selected to proceed to a second step of procurement.
- Splitting/fragmenting purchase orders or purchase order bundling is prohibited. Splitting orders of like items or portions of a project with intent to circumvent competition or exceed one's delegated authority is prohibited (ORS 279B.065, 279B.070). Assigning any purchase order additional charges that have not been approved on a line-item basis through the authorization module is

prohibited. Invoices should have only the goods or services prescribed on the approved purchase order.

- Release of confidential bid information is prohibited. Staff shall use care and discretion when obtaining quotations from vendors (e.g., pricing shall NOT be obtained for the purposes of leveraging deeper discounts—department staff are strictly prohibited from sharing vendors' quotations with competing vendors).

Other Documents: Community College Rules of Procurement (effective 5/1/19) – Available upon request
Purchasing Guidelines Flowchart 2019

Forms: Cash Paid Out form
Request for Exemption from Competitive Procurement