

SUBJECT: Competitive Bidding

The following guidelines shall govern competitive bidding.

I. General Conditions of Bidding

- A. Purchases will be awarded to vendors which offer the “best value” as defined by the Texas Education Code in response to either an informal or formal invitation to furnish quotations.
- B. Purchases may be made without bidding when the items are available from only one source because of copyright or franchise rights or to a known suitable vendor when the items required are of a special nature.
- C. If a College building or equipment is destroyed or severely damaged, and it is determined that the time delay posed by competitive bidding would prevent, or substantially impair the conduct of classes, or other essential school activities, contracts for the replacement or repair of such building or equipment may be made without resort to competitive bidding.
- D. Competitive bids are not required for professional services, as defined in §2254 of the Texas Government Code, including but not limited to architects fees, attorney's fees, and fees for fiscal agents.
- E. Purchasing Furniture and Equipment
  - 1. Furniture and equipment requests must be included in the budget request for the year with justification and approval by the Vice President responsible for that area.
  - 2. The Purchasing Department can summarize approved budget requests and put together a bid package in early fall.
  - 3. Purchase requests during the fall would be routed through purchasing.
  - 4. Bid packages would include opportunities for local office supply vendors/cabinet makers to be included.
  - 5. Requests that have not been included and approved in the budget will require approval by the Vice President/President.
- F. No employee except the President, Vice President of Administrative Services, or their designee shall be authorized to request formal bids in the name of the College.

## II. Bidding Requirements

- A. The Purchasing Department will obtain competitive bids for aggregate purchasing agreements on goods and services that are used on a recurring basis such as office and maintenance supplies. Purchases during the year in these categories will be from vendors awarded aggregate purchasing agreements or from state and local government cooperative purchasing contracts. The Purchasing Agent may approve exceptions when competitive quotes indicate that the College can receive better value from another vendor.
- B. Services for contract instructors and technical consulting up to \$49,999, that do not meet the state's definition of professional services, may be contracted based on informal request for qualifications. When specialists with relatively equal qualifications are available, competitive price quotes shall be obtained. Instructional service and consulting contracts that exceed \$50,000 must be procured through a formal request for qualifications.
- C. For purchases up to \$3,999.00, price quotes are not required, but are encouraged.
- D. For purchases between \$4,000.00 and \$9,999.00 a quotation in writing is required from at least three vendors. Purchases between \$10,000.00 and \$34,999.00 must have written quotations obtained by the Purchasing Department.
- E. Purchases of goods or services (including construction) for \$35,000 or more will be competitively procured using one of the nine approved methods provided in §44.031 of the Texas Education Code. This requirement may be waived by the Vice President of Administrative Services for purchases for less than \$50,000.
  - 1. Formal invitations will be published in a local newspaper, in Midland County, once a week for at least two weeks prior to the time set for opening the bid.
  - 2. All invitations to bid will express the fact that the College reserves the right to require pre-qualification of bidders to insure that bidders are able to meet delivery and quality specifications for items or services required.
  - 3. All sealed bids must be opened publicly and bidders invited to be present.
  - 4. The College reserves the right to accept the "best value" bid. If the "best value" is not considered to be the lowest price, written justification must be provided.

- F. Goods and services that have already been competitively procured by, or on behalf of other state and local governments may be acquired through cooperative agreements as an alternative to the methods described above. For cooperative purchases for more than \$10,000 where the contract pricing is based on catalog or vendor discounts, competitive quotes between cooperative vendors will be obtained. This requirement may be waived by the Vice President of Administrative Services.
- G. Annual renewals for licenses, subscriptions, and maintenance agreements purchased from state and local government cooperative purchasing contracts do not require competitive price quotes.

### III. Bidding Contracts

- A. The College reserves the right to reject any and/or all bids/quotes.
- B. Any bid/quote may be withdrawn prior to the scheduled time for opening. Any formal bid received after the time specified shall not be considered.
- C. Local purchasing will be favored whenever the following factors are equal between local and non-local vendors.
  - 1. Quality of product.
  - 2. Suitability of product.
  - 3. Conformation of specifications.
  - 4. Convenience of delivery.
  - 5. General reputation of business firms.
  - 6. Past service to the College.
  - 7. Pricing.

### IV. Purchasing Approval

- A. Purchases less than \$10,000

The Purchasing Agent is authorized to approve bids or price quotes for less than \$10,000. Justifications for not accepting the low bid on purchases of \$5,000 or more must be approved by the Vice President of Administrative Services.

B. Purchases for more than \$10,000, but less than \$50,000.

The Vice President of Administrative Services is authorized to approve bids or price quote purchases of more than \$10,000 but less than \$50,000.

C. Purchases for more than \$50,000

Purchase contracts for \$50,000 or more require approval by the Board of Trustees. The Board of Trustees approval is not required on purchases that are considered sole source or for annual renewals for licenses, subscriptions, and maintenance agreements purchased from state and local government cooperative purchasing contracts. In the event that an order requires expediting, the President is authorized to approve the purchase and submit the action for later ratification by the Board.