

General Policy

The Board gives critical attention to the purchase of goods and services by the College District. In each case, the Board seeks to accept the lowest responsible bid that represents the best value for the College District after considering all legal permissible factors in awarding a contract. In determining the best value, the Board will act faithfully and exercise its best judgment to best serve the interests of the College District and will always exercise its honest discretion in seeking to accomplish the objective sought. The College District will strictly comply with all laws governing the purchase of goods and services. Bids determined to be unsatisfactory may be rejected by administrative or Board action as appropriate.

Purchasing Authority

The Board delegates to the District President or designee the authority to ~~determine the method of purchasing, in accordance with CF(LEGAL), and to~~ make budgeted purchases for goods and services. Purchases that require an amendment to the budget will be taken to the Board for consideration in advance of the purchase, except as authorized under emergency provisions. All purchases valued at \$100,000 or more in the aggregate will be taken to the Board for approval. As a part of the annual fiscal audit, the audit firm will have a plan for reviewing purchases above \$50,000. In addition, a quarterly information report identifying purchases between \$50,000 and \$100,000 will be provided to the Board.

The Board grants the District President the authority to approve amendments to contracts and purchase requests up to ten percent of the approved amount, not to exceed \$50,000, and to accelerate the timing of spending within the contract when needed to conduct College District business and accomplish strategic priorities in a timely manner. Such amendments and rationale will be reported to the Board.

The Board delegates to the District President or designee the authority to contract without prior Board approval for the replacement, construction, or repair of College District equipment or facilities if emergency replacement, construction, or repair is necessary for the health and safety of College District students and staff in the event of a catastrophe, emergency, or natural disaster.

This policy applies to the purchase of tangible property and/or services.

Purchasing Procedures

The District President or designee will develop purchasing procedures to implement the requirements of state and federal law. [See CAAB and CH(Legal)].

Purchasing Methods

The Board delegates to the District President or designee the authority to determine the method of purchasing in accordance with state and federal law.

Competitive Bidding

If competitive bidding is chosen as the purchasing method, the District President or designee will prepare bid specifications for items/services to be purchased. Bids may be submitted electronically or in sealed envelopes prior to the close date and time as indicated in the invitation to bid. Bidders may view the bid tabulation electronically immediately after the invitation to bid is unsealed or may attend a public bid opening in the College District's purchasing office. Any bid may be withdrawn prior to the scheduled date and time for closing. Bids received after the specified time will not be considered. No material changes may be made to a bid once it is submitted.

The College District may reject any or all bids and waive technicalities or informalities in the solicitation process as deemed to be in the best interest of the College District.

Proposals

If competitive sealed proposals are chosen as the purchasing method, the District President or designee will prepare the request for proposals and/or specifications for items/services to be purchased. Proposals may be submitted electronically or in sealed envelopes prior to the close date and time as indicated in the request for proposal. Proposals received after the specified time will not be considered. The name of all proposers submitting proposals will be available online at the time that the request for proposal is unsealed, or proposers may attend a public proposal opening to hear the name of those companies submitting proposals. Proposals may be withdrawn prior to the scheduled time for closing. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

The College District may reject any or all proposals and waive technicalities or informalities in the solicitation process as deemed to be in the best interest of the College District.

Electronic Bids or Proposals

Bids or proposals that the College District accepts through electronic transmission will be administered in accordance with Board-adopted rules. Such rules will safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Responsibility for Debts

The College District will be responsible for debts incurred in the name of the College District so long as those debts are for purchases made in accordance with adopted budget, state law, Board

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policy, and current College District administrative procedures. The College District will not be responsible for debts incurred by persons or organizations who are employees or duly authorized agents of the College District. Persons making unauthorized purchases will assume full responsibility for all such debts.

Purchase Commitments

All purchase commitments will be made by the District President or designee through purchase order, contract, procurement card, or check request, subject to budget availability and in accordance with administrative procedures.

Personal Purchases

College District employees will not be permitted to purchase supplies or equipment, or services for personal use through the College District's business office.

Equal Opportunity

The College District encourages participation in the proposal process by small, minority, and woman-owned businesses. The College District will not discriminate on the basis of race, color, religion, gender, national origin, age, disability, veteran status, or any other basis protected by law.

Delinquent Franchise Taxes

Each corporation contracting with the College District will certify that its franchise taxes are current. If the corporation is exempt from payment of franchise taxes or is an out-of-state corporation not subject to Texas franchise tax, it will certify a statement to that effect. Making a false statement as to corporate franchise tax status will be considered a material breach of the contract and will be grounds for cancellation of the contract.