

Morehouse College

Procurement Policies and Procedures

Effective as of December 1, 2021

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I. Purpose/Scope

These Procurement Policies and Procedures (the “Procedures”) of Morehouse College (the “College”) provide information on procurement practices, bidding requirements, and procedures relating to the College’s solicitation and acquisition of goods and/or services. The Procedures reflect the requirements of the College and applicable federal law with respect to procurement of good and/or services with federal funds, as well as business best practices. Responsibility for the interpretation and administration of the Procedures lies with the Chief Procurement Officer and the College’s Office of Procurement & Contracts.

The Procedures apply to the College’s acquisition of all goods and services including, but not limited to, equipment, furnishings, supplies, construction services, maintenance services, and contractual services. Diversity, social responsibility, and environmental sustainability are central to the mission of the College. Accordingly, the College is committed to providing business opportunities to suppliers who help the College honor these values.

As reflected in these Procedures, the College has delegated significant authority to individual departments to make purchasing decisions at the College. Consequently, all College employees involved in making purchasing decisions or approvals must have a comprehensive understanding of these Procedures. No College employee or department may make a commitment to a vendor for the purchase of goods or services on behalf of the College without adherence to these Procedures. The College shall not be obligated to make payment to any vendor other than pursuant to a purchase order or contract generated or issued by the College’s Office of Procurement & Contracts. Any purchase order or contract must include the College’s General Contract Terms and Conditions without deviation or exception unless otherwise expressly approved in writing by the College’s Chief Financial Officer or Chief Procurement Officer.

The Procedures cover most, but not all, issues involving procurement of goods or services by the College. In exceptional circumstances, or for further information, the Office of Procurement & Contracts should be contacted at procurement.support@morehouse.edu for assistance regarding specific procurement matters or issues not addressed herein.

II. Conflicts of Interest

In general, employees of the College may not purchase a commodity or service from a source in which he/she, or a member of his/her immediate family, has a financial interest. Any exception to this policy must demonstrate that comparisons with other providers or vendors support the decision and must be approved by the College’s Executive (Senior) Vice President for Business and Finance.

No College employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest arises when the College employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in, or receives

a tangible personal benefit from, a firm considered for a contract or the contract being procured by the College.

Officers, employees, and agents of the College must neither solicit nor accept gratuities, favors, or anything of monetary value (other than of nominal value) from entities that contract with, or that are seeking to contract with, the College; nor may any College officer, employee or agent solicit or accept anything of value from any subcontractor performing work, or seeking to perform work, on any College contract. "Nominal value" for purposes of this section shall mean no greater value than \$50.00 per occurrence from a single source (individual or business). Further, it shall be a breach of ethical standards for any officer, employee, or agent of the College to solicit, demand, accept, or agree to accept, a gratuity of any kind in connection with any decision, approval, disapproval, or recommendation affecting a purchase by the College.

If there is evidence or appearance of a conflict of interest with any organization, Morehouse College prohibits engagement in any contractual relationship with a parent, affiliate or subsidiary of the organization with the conflict or apparent conflict, other than a state government, local government, or Indian Tribe.

Regarding purchases by the College with U.S. federal government funds, the College will require that the sub-recipient provide a copy of its conflict-of-interest policy to ensure no conflicts of interest exist, in accordance with 2 CFR § 215.42 "Codes of Conduct." The sub-recipient's conflict of interest policy shall include elements to ensure employees, officers, or agents that participate in the selection, award, or administration of a contract supported by U.S. federal government funds do not have a real or apparent conflict of interest.

III. Purchasing Authority

Each purchase of goods or services by the College requires multiple levels of approvals, in order to ensure that the purchase is in the best interest of the College and is as cost effective as possible. The number and nature of approvals required for each purchase depends on the amount of the respective purchase. Below is a listing of the approvals required depending on the amount of the relevant purchase. The College shall not be responsible for payment of any invoice prior to all approvals being obtained and generation of a purchase order or execution of a contract as required by these Procedures. Any purchase order shall include the College's General Contract Terms and Conditions or such other terms and conditions as expressly agreed to by the vendor and the College.

A. Purchases of \$10,000.00 or less

For purchases \$10,000.00 and less, the purchase must be approved by one of the following: (i) a Vice President of the College or their designee; or (ii) another individual with approved budget authority for the proposed purchase.

Prior to contracting with any vendor for goods or services, except in emergencies as determined by the College's Chief Financial Officer, the relevant College department or unit must complete and submit a requisition. As used in these Procedures, any reference to a requisition means a requisition or Contract Approval Routing Form submitted in any approved medium including the electronic version through Tiger Express. The relevant approving individual must

sign (electronically or otherwise) the requisition. After the necessary approvals are obtained, the requisition will be forwarded to the Office of Procurement & Contracts, where a purchase order will be generated. The purchase order authorizes the selected vendor to provide the requested goods or services to the College.

B. Purchases of \$10,000.01 to \$25,000.00

For purchases ranging from \$10,000.01 to \$25,000.00, the purchase must be approved by a Vice President of the College who must sign (electronically or otherwise) the requisition. The Office of Procurement & Contracts will generate a purchase order which authorizes the selected vendor to provide the requested goods or services to the College.

C. Purchases of \$25,000.01 to \$1,000,000.00

For purchases ranging from \$25,000.01 to \$1,000,000.00, the purchase must be approved by the College's Chief Business Officer and the Chief Financial Officer who must sign (electronically or otherwise) the requisition. The Office of Procurement & Contracts will generate a purchase order which authorizes the selected vendor to provide the requested goods or services to the College. In addition to a purchase order, any purchase ranging from \$25,000 to \$1,000,000 should be memorialized in a contract between the vendor and the College which includes, among other things, the College's General Contract Terms and Conditions or such other terms and conditions as agreed by the parties.

D. Purchases Exceeding \$1,000,000.00

For purchases exceeding \$1,000,000.00, the purchase must be approved by the College's Board of Trustees. Upon the Board of Trustees approving a purchase, the Office of Procurement & Contracts, will generate a purchase order, which authorizes the selected vendor to provide the requested goods or services to the College. In addition to a purchase order, any purchase in excess of \$1,000,000.00 should be memorialized in a contract between the vendor and the College which includes, among other things, the College's General Contract Terms and Conditions or such other terms and conditions as agreed by the parties.

IV. Competitive Procurement Requirements

Other than for limited exceptions discussed in Section V of these Procedures, and subject to the purchasing thresholds below, all College purchases for labor, services, work, property, materials and supplies must be procured through a competitive procurement process to the maximum extent as is practical subject to the requirements of quality, price and performance. The competitive procurement requirements depend on the total amount of the relevant purchase. The total amount of a purchase includes the total of blanket and agreement orders, or the total of smaller orders when identified contractually over a period of time. Under no circumstances shall purchases be divided in an effort to cause a purchase to fall below a particular purchasing threshold. Below is a description of which competitive procurement requirements apply to each purchasing price level.

A. Purchases \$10,000.00 or less

For purchases \$10,000.00 or less, at least two written price quotes should be received by the College, where practical and where time permits, but a purchase of \$10,000.00 or less may be made upon receipt of just one price quote. The quote(s) received must be attached to a requisition. The relevant College Department shall have the responsibility for managing the procurement process.

B. Purchases from \$10,000.01 to \$250,000.00

For purchases ranging from \$10,000.01 to \$250,000.00, at least three written price quotes should be received by the College. A fewer number of price quotes received in response to a request for written quotations will suffice only where reasonable efforts have been made to obtain at least three price quotes and such efforts are documented and retained in the procurement file. All quotes received must be documented and attached to a requisition. The relevant College Department and the Office of Procurement & Contracts shall have joint responsibility for this procurement process. Award shall be made to the responsible entity submitting the lowest responsive quotation unless a determination is made in writing that the responsible entity submitting the lowest responsive quotation will not provide the best value to the College in which case the contract shall be awarded to the responsible entity that will provide the best value to the College. As used in these Procedures, best value means the highest overall value to the College based on factors that may include but are not limited to price, quality, design, and workmanship. The names of the entities submitting written quotations, as well as the date and amount of each written quotation, shall be recorded and maintained by the Office of Procurement & Contracts.

C. Purchases Exceeding \$250,000.00

For purchases exceeding \$250,000.00, a formal procurement process utilizing either an Invitation for Bids (“IFB”) or a Request for Proposals (“RFP”) is required. The results of the formal procurement process must be documented on a Bid Form and attached to the requisition. The Office of Procurement & Contracts shall have sole responsibility for this procurement process. Award shall be made to the responsible entity submitting the lowest responsive bid in the case of an IFB, or to the responsible entity submitting the responsive proposal determined to be of best value to the College in the case of an RFP. The names of the entities submitting written bids or proposals, as well as the date and amount of each written bid or proposal shall be recorded and maintained by the Office of Procurement & Contracts.

V. Exceptions to Competitive Procurements Purchases

In the circumstances described below, certain College purchases do not require the use of competitive procurements. Each exception has specific circumstances in which it can be utilized, and the requirements for employing the specific procurement method are indicated.

A. Sole Source Purchases

Competitive requirements can be waived for College purchases of any amount if the relevant purchasing authority makes a written determination that the good or service to be purchased is only available from one source or vendor. This includes the purchase of a product or

service covered by an exclusive license, such as software services. The College having a prior relationship with a vendor does not justify a sole source purchase.

A sole source purchase requires the documenting of a written price/cost justification, which must be approved by the College's Chief Financial Officer. This justification must document cost analysis efforts such as market research (including screenshots, emails, and/or catalog prices), pricing information obtained from colleagues at peer institutions that have purchased the same or similar items, and prices of similar items.

For sole source purchases to be made with federal funds, the written justification must include a description of why the good or service to be purchased is only available from one source, and an explanation that the awarding federal agency or pass-through entity expressly authorizes contracting for the good or service without the receipt of competitive bids or proposals.

B. Emergency Purchases

Competitive procurement can be waived for College purchases of any amount where the relevant procurement authority makes a written determination that there exists a public exigency or emergency for the goods or services sought to be purchased by the College, such that the exigency or emergency will not permit the kind of delay that would result from a competitive solicitation. An "emergency" for purposes of this section is defined as a sudden, unexpected occurrence that poses a clear and imminent danger, such that it requires swift action to prevent the loss or impairment of life, health, property, or essential College services. Failure to anticipate an operating need is not, in and of itself, a legitimate emergency. The determination that a sufficient emergency exists to utilize an emergency purchase exception to competitive procurement requirements shall be made by the College's Chief Financial Officer.

In the event of an emergency, pricing information should be obtained from at least two prospective vendors unless the College determines in writing that the time required to obtain pricing information would increase the immediate danger to the public health, safety, or welfare, or to the College. An emergency contract should have a term that is no longer than necessary in light of the emergency.

C. Cooperative Purchases

Morehouse College may use a cooperative purchasing method to join in with one or more other entities in collectively conducting a competitive procurement for a contract to be used by all such entities. The College may use cooperative purchasing where determined to be in the best interest of the College. In a cooperative purchase, a competitive procurement is conducted by a designated lead entity with the resulting contract being available to all entities involved in the cooperative purchasing endeavor.

To the extent that the College joins with one or more other entities in a cooperative procurement contract, the ultimate contract signed by the College with the relevant vendor shall have the same terms as the cooperative procurement contract, except that the College contract may contain:

- (i) Pricing or compensation terms equivalent to, or more favorable to, the College than those contained in the cooperative procurement contract. However, a College contract shall not contain higher pricing than is contained in the cooperative procurement contract;
- (ii) a period of duration, i.e., a term, which varies from the term of the cooperative procurement contract;
- (iii) such additional provisions as the College Associate Vice President/Chief Procurement Officer determines to be in the best interests of the College; or
- (iv) such insertions to, or deletions from, the cooperative procurement contract as are required by law or ordinance applicable to the College.

D. Piggyback Purchases

Piggyback purchasing is a form of cooperative purchasing which extends the pricing and terms of a competitively procured contract entered into by a contractor with one contracting entity (i.e. another educational institution) to a contract with the College. Generally, a larger educational institution or other entity will competitively award a contract that will include language allowing other entities to utilize the contract which may be to their advantage in terms of pricing, thereby gaining economies of scale that they normally would not receive if they competed on their own.

This method is used when, after considering all options for obtaining the goods or services, piggybacking off an existing contract is determined to represent the best value for the College. For example, if the market research shows that the piggyback contract has the most favorable pricing, the contract is needed immediately and/or a bridge contract is needed for a short-term solution until a contract can be established, piggybacking may be the best solution. Piggybacking contracts help to facilitate awards and can result in savings in cost, time and effort. A piggybacking contract may differ from the contract competitively procured in the same manner as described above for a cooperative purchasing contract.

E. Change Orders

The College may make changes to an existing purchase order pursuant to a change order request, without the need for a competitive procurement process. The relevant College department user seeking a change order must submit a change order request to the Office of Procurement & Contracts, which has sole authority to make changes to existing purchase orders. The Office of Procurement & Contracts may approve a change order if the price difference in the requested change order is 15% or less than the total purchase order. If the requested change order exceeds 15% of the original purchase order, the change order request must be approved by the Chief Procurement Officer.

F. Specific Exemptions

Contracts for the following goods and services are specifically exempt from all competitive procurement requirements:

- electricity, water, gas, telecommunications service, or other public utility services;
- legal or auditing services;
- insurance, including, but not limited to, health, general liability and property insurance;
- items necessary for trial use or testing from a sole supplier;
- professional services where the Board has decided to retain a contractor providing the relevant professional services without competitive procurement because: (1) the cost or delay associated with competitive sealed bids would not be in the best interest of the College; (2) it unlikely that multiple proposals would be submitted in response to an IFB or an RFP; or (3) the particular contractor's specialized experience or skill in dealing with the matter under consideration makes it appropriate to retain that contractor without recourse to competitive procedures. When the Board retains a contractor to provide professional services without competitive procedures under this exemption, the Board shall issue a written statement identifying the selected contractor and the reasons for dispensing with competitive procedures in selecting that contractor.

VI. Types of Competitive Procurement Vehicles

Regardless of the specific type of competitive procurement vehicle chosen, all vendors must be provided with the same information and deadlines to avoid any competitive advantages for one vendor over any other. Further, the contents of bids or proposals submitted as part of a competitive procurement process may not be publicly disclosed during the pendency of the procurement process, except for the name of the prospective vendor. No College employee should provide any prospective vendor with directions regarding the amount that should be submitted within any bid or proposal to the College.

A. Invitations for Bids (“IFB”)

i. Overview

An IFB is a competitive process through which the College solicits sealed bids. An IFB is used when the required specifications can be clearly and completely defined. Price is the basis for award.

ii. Advantages/Disadvantages

In order for the IFB process to be feasible, a complete, adequate, and realistic specification or purchase description must be available, and two or more bidders are expected to be willing and able to compete effectively for the contract to be awarded through the IFB. An IFB lends itself to a firm fixed price contract, and the selection of the awarded bidder can be made principally on the basis of price.

iii. Process

1. Issuance of Invitation

An IFB will be publicly advertised. The IFB shall include instructions and information to bidders concerning the bid submission requirements, including: (1) the time and date set for receipt of bids; (2) the address of the office to which bids are to be delivered; (3) a detailed description of the goods or services being procured; (4) a description of the proposed contract or agreement in sufficient detail to enable prospective bidders to know what their obligations would be; (5) delivery or performance schedule; and (6) any other information necessary for bidders to provide bids responsive to the College's requirements.

In addition to being publicly advertised, a notice of the IFB may be sent to known suppliers. A sufficient response time will be given to prospective bidders. All bidding will stop at the deadline time and date prescribed in the solicitation. All bids will be sealed until the deadline time and date prescribed in the solicitation has passed.

2. Receipt/Evaluation of Bids

Bids received by the College should be opened shortly after the deadline for submission of bids in the presence of two or more employees of the College's Office of Procurement & Contracts. At the bid opening, the name of the bidder should be read aloud, recorded in writing, and added to the file for the procurement conducted through the IFB.

Following the bid opening, the bids shall be evaluated to determine if they are responsive to the IFB requirements. The bids shall be tabulated and the bidders ranked from lowest to highest price. The bid tabulation shall be verified to ensure accuracy.

3. Notice of Award

The contract shall be awarded to the lowest responsible, responsive bidder whose bid meets the requirements and criteria set forth in the IFB.

Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs may be considered in determining which bid is lowest.

B. Request for Proposals ("RFP")

i. Overview

An RFP is a formal written solicitation prepared and issued for the purpose of seeking responses from prospective offerors by a certain date and time as established by the College.

An RFP may be used when: the scope of work cannot be completely defined by the College; the required goods or services can be provided in several different ways; qualifications, experience, or the quality of the goods or services to be delivered are significant factors of consideration, in addition to price; or the responses may contain varying levels of service or alternatives which lend themselves to negotiation.

An RFP may be used when the qualifications of proposers are an important selection criterion, and a particular solution or performance outcome has been established. An RFP may include, but is not limited to, applicable laws, rules, scope of services, proposer qualifications, proposal instructions, and terms and conditions of the contract. An RFP must include the evaluation/selection criteria pursuant to which the contract will be awarded. Contract award is not based solely upon price; rather, there is an evaluation which may include criteria in addition to price such as corporate qualifications; qualifications and experience of principals and staff; methodology and management approach; understanding of the project and the College's objectives; technical superiority; financial stability; experience and history of the firm; and references.

ii. Advantages/Disadvantages

RFPs are used when the basis of award is an offer that represents best value (which includes the evaluation of criteria in addition to price), more than one source is expected to submit an offer, and either a fixed price or cost-reimbursement type contract is expected to be awarded.

In determining whether or not to utilize an RFP process instead of an IFB process, the following are some of the factors to be considered:

- An RFP process allows for an award determination where price is not the sole or primary factor, allowing for more flexibility in determining which factors are determinative of a contract award;
- An RFP process allows the College to conduct oral or written discussions with offerors concerning technical and price aspects of their respective proposals;
- An RFP process allows the College greater flexibility in allowing offerors to revise their respective proposals, including price;
- An RFP process allows the College to make an award decision based on other factors besides just price, and award can be made to an offeror that did not submit the lowest-priced proposal;
- An RFP process allows for a more detailed evaluation and analysis of proposals relating to the solicitation of professional contract services.

iii. Process

1. Issuance of Solicitation

An RFP will be publicly advertised. The RFP shall include instructions and information to offerors concerning the submission requirements, including:

- (a) the time and date set for receipt of proposals, as well as the address of the office to which proposals are to be delivered;
- (b) description of the requested goods/services;

- (c) evaluation criteria and their relative weight to the overall evaluation of proposals;
- (d) delivery or performance schedule;
- (e) a statement that discussions may be conducted with offerors who submit proposals selected for award, but that proposals may be accepted without such discussions;
- (f) a statement of when and how price should be submitted, how price will be scored, and the relationship of price to the other evaluation criteria; and
- (g) the process for determining the contract award arising out of the RFP

In addition to publication of public notice of the RFP, a notice of the RFP will be sent to an adequate number of known prospective offerors. A sufficient response time will be given to prospective offerors. Proposals will no longer be accepted after the deadline time and date prescribed in the RFP. All proposals will be sealed until the deadline time and date prescribed in the RFP has passed.

2. Receipt of Proposals

Proposals and any modifications received shall be time-stamped upon receipt and held in a secure place.

Proposals shall be opened shortly after the deadline for submission of proposals in the presence of two or more employees of the College's Office of Procurement & Contracts. Proposals received by the College shall be opened so as to avoid disclosure of contents to competing offerors during the procurement process. After the proposal opening, a register of proposals shall be prepared, which shall include the name of each offeror timely submitting a proposal in response to the RFP.

3. Evaluation of Proposals

Proposals shall initially be classified as either responsive or non-responsive, as set forth in Sections Vi.C.ix. and x of these Procedures. Proposals that are not responsive or responsible shall not be considered for contract award.

Proposals will be evaluated and ranked by a selection committee or review team, in accordance with the evaluation criteria established in the RFP. The relevant weight of the evaluation criteria shall be disclosed in the RFP.

Numerical rating systems may be used but are not required. Evaluation factors not specified in the RFP shall not be considered.

The evaluation of proposals may include oral presentations or demonstrations by the relevant offerors. Oral presentations or demonstrations may be limited to those offerors who are within a competitive range susceptible to contract award. The range may include one or more offerors. Such oral presentations may help to promote the College's understanding of the unique approaches by each offeror.

The College shall have the discretion in any RFP process to request Best and Final Offers (“BAFOs”) from any or all proposers, to be submitted at a designated date and time. BAFOs may be requested from all offerors, or only those determined to be in the competitive range, which may include one or more offerors.

The College also reserves the right in an RFP process to negotiate with one or more offerors determined to be in the competitive range following the initial evaluation of proposals to obtain the best value for the College. Negotiations may be conducted with one or more offerors and may be conducted sequentially or simultaneously. The College may employ any procedures in the negotiation process to obtain best value for the College.

4. Contract Award

The College shall award the contract to the responsible, responsive offeror whose proposal provides the best value to the College based on the evaluation factors in the RFP.

C. Procedures Applicable to All Competitive Procurements

i. Notice of Solicitation

Notice of a solicitation shall be provided not less than ten (10) calendar days prior to the date set forth therein for the opening of bids/proposals. The notice shall state the place, date, and maximum time for submission of bids/proposals.

ii. Pre-Bid or Pre-Proposal Conferences

Pre-bid or pre-proposal conferences may be conducted to explain the procurement requirements to all prospective bidders or offerors. Such conferences shall be announced in the solicitation advertisement or by written solicitation amendment to all prospective bidders or offerors known to have received the IFB or RFP. The conference should be held long enough after the IFB or RFP has been issued to allow offerors to become familiar with it, but sufficiently before the deadline for submission of bids/proposals to allow consideration by the prospective bidders or offerors of the conference results in preparing their respective bids/proposals. Nothing stated at the pre-proposal conference shall change the terms of the IFB or RFP unless a change is made by written addendum to the solicitation.

iii. Questions and Answers

The College requires prospective vendors to submit all questions regarding a solicitation by a stipulated deadline contained within the subject solicitation. Such deadline permits all questions to be answered before the deadline for submission of bids or proposals. All questions are answered in the form of an addendum to the solicitation. Any and all changes to the solicitation (i.e. deadlines, changes to terms, conditions or scope, and clarifications) are issued through formal addenda to the solicitation.

iv. Pre-Qualified Offerors

Where the relevant Associate Vice President or Chief Procurement Officer determine that the complexity of the solicited goods or services makes it more advantageous and/or practical for the College to limit the number of bids/proposals to be received and considered in response to a solicitation, the Associate Vice President or Chief Procurement Officer may give notice of the solicitation to no fewer than three prospective bidders or offerors who are pre-qualified to provide the solicited goods/services by the College within a two year period preceding the bid/proposal submission deadline.

The prequalification process shall include a request for qualifications that requires submission of information from prospective bidders/offerors including, but not limited to: (i) financial and business references; (ii) information on experience and areas of expertise; and (iii) other information demonstrating the corporate capabilities, qualifications, and experience of the prospective bidder/offeror as required. Determinations of pre-qualification shall be based upon: (i) the firm's previous experience with providing similar types of goods or services as those being solicited; (ii) the firm's ability to handle projects of similar scale and complexity as the project being solicited; (iii) the firm's corporate capabilities including financial stability; and (iv) any additional criteria that the College may establish for prequalification. If a prospective bidder/offeror is prequalified to provide particular goods or services for the College, the name of such prospective bidder/offeror shall be placed on a list of pre-qualified prospective bidders/offerors to be maintained by the Associate Vice President or Chief Procurement Officer. The prequalification list shall be maintained for two years, after which the prequalification status will expire.

v. Addenda to Solicitations

Amendments to published solicitations shall be identified as such, made through an addendum to the solicitation, and shall require that the bidder or offeror acknowledge receipt of the addenda. The addenda shall reference the portions of the solicitation it amends, and may be used to, among other things:

1. Make changes to the terms of the solicitation, such as changes in quantity, purchase descriptions, delivery schedules, and opening dates;
2. Amend the scope of work or scope of services for what is being procured;
3. Correct defects or ambiguities in the solicitation;
4. Respond to questions regarding the solicitation; or
5. Furnish to bidders/offerors information that will assist all bidders/offerors in submitting bids/offers.

Any amendments to the solicitation shall be published in an addendum to the solicitation which shall be sent to all prospective bidders/offerors known to have received the solicitation. Addenda to a solicitation shall be distributed within a reasonable time to allow prospective bidders/offerors to consider the addenda in preparing their respective bids/proposals.

Any oral statements by any officer, employee, or agent of the College, including during a pre-bid or pre-proposal conference shall not be deemed to amend the solicitation. Any IFB or RFP may only be amended by a written addendum to the solicitation.

vi. Late Bids, Modification and Withdrawals of Bids/Proposals

Any bid/proposal received after the time and date set for receipt of bids/proposals in the relevant solicitation is considered to be a late submission, and will not be considered for award. Bidders submitting late bids shall be so notified as soon as practicable of the rejection of their bid/proposal as untimely and the bid/proposal shall be returned unopened.

No changes, modifications or additions to bids/proposals will be accepted after the submission deadline. A prospective bidder/offeror may withdraw its bid/proposal by written notice to the contact person for the solicitation prior to the deadline specified in the solicitation for receipt of bids/proposals. After the deadline for submission, bids/proposals are irrevocable until contract award.

Records shall be made and kept in the file for each procurement regarding any request for a withdrawal of a bid/proposal or any modification or amendment of a bid/proposal.

vii. Waiver of Minor Irregularities

The College reserves the right, in its sole discretion, to waive minor irregularities in any bid/proposal. A minor irregularity is a variation that does not affect price, does not give one bidder/offeror an unfair competitive advantage or benefit not enjoyed by other bidders/offerors, and does not adversely affect the College's interests.

viii. Rejection of Bids/proposals and Cancellation of Solicitation

The College reserves the right to reject any and all bids or proposals, or postpone or cancel an IFB or RFP at any time if the College determines, in its sole discretion, that such action is in the best interest of the College.

Documentation of any solicitation cancellation or bid/proposal rejection shall be made part of the procurement file.

Each solicitation issued by the College should include a statement of reservation of rights to cancel the solicitation or reject any or all bids/proposals for any reason pursuant to this subsection of the Procedures.

ix. Responsiveness of Bid/Proposal

A “responsive” bid or proposal is a bid/proposal that conforms in all material respects to the solicitation.

Each bid or proposal received by the College shall be initially reviewed for responsiveness. All bids/proposals deemed to be non-responsive shall be rejected by the College, subject to the College’s right to waive minor irregularities.

A record shall be kept regarding the basis for determining that any bid/proposal is non-responsive, and such record shall be included in the procurement file.

x. Contractor Responsibility

A “responsible” bidder or offeror is a vendor that has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance.

In determining bidder/offeror responsibility, the College may consider factors including, but not limited to:

- past performance of the vendor, its principals, affiliates, or supervisory personnel in the execution of prior College contracts;
- any information the College may obtain relating to the performance of the vendor, its principals, affiliates, or supervisory personnel on contracts with third parties, including without limitation, contracts with other educational entities;
- financial performance and capability, including without limitation, pending and unsatisfied claims;
- qualifications and past performance of the personnel who will have supervisory responsibility for the performance of the specific College contract;
- any investigations or legal proceedings that would call into question the integrity and reliability of the bidder/offeror or proposed key personnel who would work on the contract being procured;
- licensing, certifications and other permits, and
- any significant changes in the vendor’s financial position or business organization.

The College shall only contract with entities deemed to be “responsible” bidders or offerors. A record shall be kept regarding the basis for determining that any bidder/offeror is not responsible, and such record shall be included in the procurement file.

xi. Restrictions on Communications

Each solicitation shall identify a contact person for the solicitation. Each solicitation shall prohibit communications with any officer, employee, or agent of the College regarding the solicitation other than the designated point of contact from the issuance of the solicitation until the contract award. The restriction on communications does not apply to requests for information or inquires initiated by the College, oral presentations or demonstrations, or negotiations initiated by the College. Violation of the restrictions on communications may be grounds for rejection of a bid/proposal by the College in its discretion.

xii. Electronic Signatures

Any bid/proposal or contract, affidavit, certification, or form required by or submitted in connection with a College procurement process may be accepted in electronic format, subject to compliance with accepted means and methods of verification and authentication of electronic signatures. Nothing herein shall require a vendor to submit any materials electronically.

VII. Particular Requirements Applicable to Contracts for Construction Services

All contracts for construction services must be reviewed by the College General Counsel and the Office of Grants Accounting. A bond may be required for contracts or subcontracts concerning construction/facility improvements. In cases where a performance bond is required, the bond required by the College should equal no less than 5% of the overall bid price. The solicitation of sealed bids or proposals through an RFP or IFB competitive procurement process is the preferred procurement method for all contracts relating to College construction projects, including those utilizing federal funds.

VIII. Small, Minority-Owned, and Women-Owned Business Enterprise Program

The College strives to promote the development of business relationships with small, diverse, inclusive and local businesses and contractors. The College is committed to developing mutually beneficial relationships with small business enterprises, including: minority-owned, women-owned, disadvantaged, veteran-owned, HUB zone, LGBT, and local business enterprises. The College's Small and Minority-Owned and Women-Owned Business Enterprise Program is the initiative that will assist in creating opportunities for small business enterprises, including minority-owned, women-owned, disadvantaged, veteran-owned, HUB zone, LGBT and local business enterprises to market their products and services to the College and encourage College Departments, leadership, and staff to offer opportunities to such suppliers.

The College supports small business enterprises, including local, diverse, and disadvantaged businesses in its procurement processes, as diversity fosters positive economic impacts and increases competition within the College's pool of contractors and suppliers for goods and services.

As part of its program, the College, where workable, feasible, and resources permit, will consider utilizing and employing measures to assist its efforts to increase participation of all these businesses, that may include, but are not limited to, the following:

- Providing assistance in overcoming bonding and financing obstacles, which may include relaxation of bonding requirements;
- Providing technical, managerial and financial assistance;
- Establishing programs to assist start-up firms;
- Simplification of bidding procedures;
- Training;

- Mentor-protégé programs and mentoring;
- Efforts to address prompt payments to smaller businesses;
- Small contract solicitations to make contracts more accessible to smaller businesses;
- Expansion of advertisement of business opportunities;
- Outreach programs and efforts;
- “How to do business” seminars;
- Sponsoring networking sessions throughout the Atlanta Metropolitan Area to acquaint small firms with large firms;
- Streamlining and improving the accessibility of contracts to increase small business participation;
- Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability; and
- Assisting small businesses, including all these businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

IX. Contractor Debarment and Suspension

A College Associate Vice President or Chief Procurement Officer may recommend to the Board a request to debar a vendor from consideration for award of contracts with the College. The Associate Vice President or Chief Procurement Officer shall consult with the vendor, the user department of the College, and the College's Legal Department prior to issuing such a recommendation to the Board. Further, such a recommendation shall only be made after reasonable notice of the recommendation and an opportunity to be heard has been provided to the subject vendor.

The College may debar a vendor for:

- (i) Violation of the terms of a College contract or subcontract, such as willful failure to perform in accordance with the terms of one (1) or more contracts; or the failure to perform, or unsatisfactory performance of one (1) or more contracts; or
- (ii) Any other cause of so serious or compelling a nature that it affects the responsibility of a College vendor in providing goods or services to the College.

The Board shall have exclusive authority to debar a vendor, and has the discretion to make the period of debarment for a temporary period of time or permanent.

A College Associate Vice President or Chief Procurement Officer may recommend to the Board a request to suspend a vendor from consideration for award of contracts with the College. The Associate Vice President or Chief Procurement Officer shall consult with the vendor, the user department of the College, and the College's Legal Department prior to issuing such a recommendation to the Board. Further, such a recommendation shall only be made after reasonable notice of the recommendation and an opportunity to be heard has been provided to the subject vendor.

The College may suspend a vendor for documented poor or inadequate performance on a contract with the College.

The Board shall have exclusive authority to suspend a contractor or offeror, but any suspension shall not be for a period exceeding three (3) months.

X. Federal Contracting Requirements

In conducting procurements that use federal funds, the College shall use procedures and methods conducive to full and open competition, include required federal forms and language in the solicitation, and take into account and give effect to competition requirements that are contained in any regulation, statute or guidance that applies to grant funds used in the procurement, including, but not limited to, the following, as applicable:

- 2 CFR §§ 200.317 – 200.327, Procurement Standards.
- 2 CFR §§ 200.334 – 200.338, Record Retention and Access.
- 4 CFR Part 60-2, Affirmative Action Programs.
- The Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-332), the Fair Labor Standards Act (29 U.S.C. § 201 *et seq.*), and 29 CFR §§ 4.180 – 4.182, Overtime Pay of Covered Employees, relating to overtime pay.
- The Clean Air Act (42 U.S.C. § 7401 *et seq.*).
- The Federal Water Pollution Control Act (33 U.S.C. §1251 *et seq.*).
- Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §6901 *et seq.*) including, but not limited to, the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR Part 247.
- The Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352) and 48 CFR §§ 3.800 – 3.808, Limitations on the Payment of Funds to Influence Federal Transactions.
- 2 CFR Part 180, OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) and 2 CFR Part 3000, Nonprocurement Debarment and Suspension. The vendor shall verify that neither the vendor, its principals (defined at 2

CFR § 180.995), or its affiliates (defined at 2 CFR § 180.905) are excluded (defined at 2 CFR § 180.940) or disqualified (defined at 2 CFR § 180.935).

- Pursuant to 2 CFR § 200.318(i), the College shall maintain records sufficient to detail the history of partially or fully federally funded procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Further, the College shall comply with all applicable requirements in 2 CFR §§ 200.334 – 200.338, Record Retention and Access.
- For federally-funded contracts awarded pursuant to sealed bids, the College shall only make firm, fixed-price contracts, in accordance with 2 CFR § 200.320(b)(1). For federally-funded contracts awarded pursuant to requests for proposals, the College may either award a firm, fixed-price contract or a cost reimbursement contract, in accordance with 2 CFR § 200.320(b)(2).