

202-07 REQUEST FOR BIDS, REQUESTS FOR PROPOSALS AND REQUESTS FOR INFORMATION –PROCEDURE

1. PURPOSE

The purchasing procedures identifies the requirements for bids, proposals and requests for information. It is designed to assist faculty and staff through the procurement process from the point at which the user identifies a need for goods or services to final payment for those goods and services.

2. PROCEDURE

Definitions

Request for Bids: Known as an RFB, this process refers to the solicitation of quotations from vendors and suppliers and is based primarily, if not exclusively, to pricing on the same or like products and services.

Request for Proposals: Known as an RFP, this process refers to the solicitation of quotations from vendors and suppliers and is based on various criteria. Pricing is a factor, but generally is not the only determining factor. Consideration is also given, but not limited to, specifications, warranties, liabilities, quality, performance abilities, experience, lead-time, delivery, and setup references. This process is usually conducted with the assistance of a selection or advisory committee with “grading or rating” of proposals based on various criteria.

Request for Information: Known as an RFI, this process refers to the solicitation of quotations from vendors and suppliers and is intended to provide assistance to the requisitioning unit in determining pricing, specifications and market availability. This is for information purposes only and an actual RFB will follow.

Responsible Bidder: A bidder whose reputation, past performance, and business and financial capabilities are such that the bidder would be judged by an appropriate authority as capable of satisfying an organization's needs for a specific contract.

Sealed: A method to prevent the contents being revealed or known before the deadline for submission of responses.

Solicitation: The process used to communicate procurement requirements and to request responses from interested vendors. A solicitation may be, but is not limited to a request for bid and request for proposal.

1. Competitive Bids and Proposals

- a. Competitive Bids and Proposals: Whenever practical, competitive quotations from vendors or suppliers handling the same or similar products or services will be secured. The Purchasing Department may, at its discretion, choose to bid any item which in its judgment “lends itself” to competitive bidding in each of the subsequent sections.
- b. Locally Funded Purchases of less than \$10,000: Purchases of less than \$10,000 may be made at the discretion of the Purchasing Department and do not require bidding processes.

- c. Locally Funded Purchases of \$10,000 or more, but less than \$50,000: The Purchasing Department is responsible to ensure at least three written price quotations are obtained for purchases of \$10,000 or more, but less than \$50,000. The price quotations shall be submitted to the Purchasing Department at the time the requisition is submitted, for attaching to the Purchasing Department copy of the purchase order. If three quotations cannot be obtained, documentation showing vendors contacted but not offering price quotations, or explanation of why price quotations were not obtained, should be submitted at the time of requisitioning.
- d. Federally Funded Purchases of less than \$10,000 (micro-purchases): Purchases of less than \$10,000 may be made at the discretion of the Purchasing Department and do not require bidding processes. Requirements for micro-purchases, as prescribed by Title 2, CFR Part 200, shall apply.
- e. Federally Funded Purchases of \$10,000 or more, but less than \$50,000 (small purchases): The Purchasing Department is responsible to ensure at least three written price quotations are obtained for purchases of \$10,000 or more, but less than \$50,000. The price quotations shall be submitted to the Purchasing Department at the time the requisition is submitted, for attaching to the Purchasing Department copy of the purchase order. If three quotations cannot be obtained, documentation showing vendors contacted but not offering price quotations, or explanation of why price quotations were not obtained, should be submitted at the time of requisitioning. Requirements for small purchases, as prescribed by Title 2, CFR Part 200, shall apply.
- f. All Purchases of \$50,000 or more (formal purchases): The Purchasing Department will obtain sealed competitive bids or proposals for all purchases of goods or services having an estimated cost of \$50,000 or more and for which an appropriate cooperative purchasing agreement does not exist. The requisitioning unit will assist the Purchasing Department in developing a list of potential vendors and specifications. This process will be conducted pursuant to A.R.S. § 41-2533, and Title 2, CFR Part 200, where applicable for federally funded procurements.
- g. All Purchases of \$100,000 or more: The District Governing Board must approve contracts and purchases of \$100,000 or more in value.

2. Advertisements for Bids and Proposals

a. Publication Information

- i. Newspaper advertising for bids is mandatory for certain types of procurement and desirable for others. When advertising is required it must be published in a newspaper of general circulation within Arizona. Composition and placement of the advertisements with the publishers is the responsibility of the Purchasing Department, at the requisitioning department's cost.
- ii. Advertising content should be kept to a minimum in order to conserve funds. Advertisements should state the description of the procurement, time, date, place of bid opening, and location where plans, specifications and bid packages can be obtained. Other pertinent information may be added if necessary for clarification.

- b. Advertising Required
 - i. The District is mandated by A.R.S. regulations to advertise solicitations for services if it is anticipated that the total cost will exceed \$50,000. Advertisement in the Arizona Daily Sun or other selected newspaper(s) for one (1) or more times is required. Deadline for bids/proposals must not be less than two (2) weeks after the last day of publication.
- c. Advertising Recommended
 - i. Advertising should also be used for the procurement of supplies and equipment if:
 - ii. The Purchasing Department recommends additional competition beyond the vendor list
 - iii. Wide publicity regarding the procurement is needed
 - iv. A concern for community relations exists
 - v. The procurement is of a sensitive nature that would benefit from public advertising.

3. Bid Security, Performance and Payment Bond

- a. Bid security submitted by the bidder guarantees the bidder will execute a contract with the District at the bid price upon award of the bid. If the successful bidder refuses to enter into a contract, the bid security will be forfeited to the District, Pursuant to A.R.S. § 41-2573.
- b. Bid security in the amount of five percent (5%) of the bid price is required with all sealed bids for construction projects when the construction cost is estimated to exceed \$50,000.
- c. If a bidder fails to submit the required bid security with the bid, the bid shall be considered non-responsive and subject to rejection unless the Director for Purchasing and Auxiliary Services determines in writing that the bid substantially complies with the security requirements.
- d. Bid security is not normally required for material or service contracts. The Director for Purchasing and Auxiliary Services is authorized, however, to require a bid security for procurements of this nature, if such a requirement is advantageous to the District.
- e. Acceptable bid security shall be a bond underwritten by a company licensed to issue bonds in Arizona or a certified or cashier's check payable to Coconino County Community College District.

4. Bid Withdrawal

- a. Before Bid Opening
 - If a bid is withdrawn at any time before bid opening, the bid security shall be returned to the bidder
- b. After Bid Opening
 - A Successful bidder may not withdraw the bid after bid opening without forfeiture of bid security unless the bidder can establish by clear and convincing evidence that a non-judgmental mistake was made in the bid. If the Director for Purchasing permits withdrawal of a bid after bid opening, no action may be taken against the bidder or bid security.

5. Performance and Payment bonds

- a. Performance and payment bonds submitted by the successful bidder upon award of the contract guarantee faithful performance of the contract and payment of materials and labor by the contractor to all subcontractors and material suppliers. Performance and payment bonds in the amount of 100% of the contract price shall be required for all construction contracts.
- b. Performance bonds for material or service contracts may be required if the Director for Purchasing determines the requirement is necessary to protect the interests of the District. The Director for Purchasing shall determine the amount of the bond.

6. Bid or Proposal Acceptance

- a. Bids or proposals must be unconditionally accepted without alterations or corrections. Bids or proposals must be evaluated based on the criteria set forth in the RFB or RFP.
 1. Bids
The District will award a contract to the lowest responsible and responsive bidder (monetary). Pricing is generally the only (or greatest) determining factor. A “responsible” bidder is one who has the capability to perform the required service(s) or deliver the desired product(s). A “responsive” bidder is one who submits a bid, which conforms in all material aspects to the invitation for bid. All relative charges, including shipping/handling, shall be included for determination. However, sales or use tax will not be a factor in determining the lowest bidder. RFB’s do not generally require the assistance of a selection or advisory committee.
 2. Proposals
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’s.
- b. 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, 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 District must be considered. The use of a weighted grading system (that is, more points awarded for areas deemed the most critical) is highly encouraged. Requests for Proposals are generally reviewed and contracts awarded after assistance from a selection or advisory committee.

7. Errors in Bids or Proposals

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 unit price will govern. Proposals or bids may be amended or withdrawn by the bidder up to the bid or proposal "opening." If an error is discovered after an opening, the bid may be amended. After an order has been issued, no bid may be withdrawn or amended unless the District considers the change to be in its best interest.

8. Late Bids

It is the vendor or supplier's responsibility to ensure that their bids are received by the Purchasing Department no later than the appointed time of the bid or proposal opening, as specified in the RFB or RFP. Late bids will not be considered or opened and will be returned to the provider.

9. Protests and Appeals of Contracts and Awards

a. Protester and Content of Protest

1. Any participating offeror may file a protest of a contract award or proposed contract award. The protest must be in writing and contain at least the following information:
2. Name, address, and phone number of the protester
3. Signature of the protester
4. Solicitation number and date of closing (due date)
5. Statement of the legal and/or factual grounds on which the protest or appeal is based, including relevant documentation
6. Form of relief requested

b. Protest Filing Procedure

Protests, if regarding the solicitation process, are to be filed with the Director of Purchasing and Auxiliary Services, Coconino County Community College District, prior to the closing date (due date) for the solicitation. Protests concerning award must be filed within ten (10) calendar days following the issuance of a Notice of Intent to Award a Contract. Failure to submit the protest in a timely manner shall be deemed as a waiver of all rights to protest.

A written decision shall be made within ten (10) calendar days after the protest has been filed. The decision shall explain the basis for the decision. The Director of Purchasing and Auxiliary Services shall furnish a copy of the decision to the protester by a means which provides evidence of receipt. The time for a decision to be made may be extended by the Director of Purchasing and Auxiliary Services for a reasonable time, not to exceed thirty (30) calendar days after the protest has been filed, and shall notify the protester of this decision and the date by which a decision shall be issued.

c. Protest Remedies

1. If the Director of Purchasing and Auxiliary Services determines that the protest has merit in that the College District policies or procedures were not followed in the solicitation, proposed contract award, or contract award, he/she shall consider all of the circumstances surrounding the procurement or proposed procurement, including, but

not limited to the following:

- a. Seriousness of the procurement deficiency
- b. Degree of prejudice to other interested parties or to the integrity of the procurement system
- c. Good faith of the parties
- d. Extent of performance
- e. Cost to the government
- f. Urgency of the procurement
- g. Impact of relief on the College District's Mission

2. An appropriate remedy may include one or more of the following as determined necessary to ensure compliance with College District policy or procedures:

- a. Decline to exercise an option to renew under the contract
- b. Terminate the contract
- c. Reissue the solicitation
- d. Issue a new solicitation
- e. Award a contract consistent with College District policy and procedures
- f. Reject all offers without further action

d. Appellant and Content of Appeals

Appeals will be accepted from a participating offeror and must contain the information from the original protest letter, a copy of the decision issued by the Director of Purchasing and Auxiliary Services, and the basis for the appeal.

e. Appeal Filing Procedure

Appeals must be filed with the Director of Purchasing and Auxiliary Services within five (5) business days following the receipt of the decision. Appeals not filed timely will not be considered.

f. Appeal Notifications

The Director of Purchasing and Auxiliary Services shall immediately give written notice of the pending appeal to the successful contractor, if award has already been made, or if no award has been made, to all participating offerors, who may request and be given copies of the pending appeal which has been filed.

The Director of Purchasing and Auxiliary Services shall notify the District Governing Board or its designee of the appeal, as hearing officer. If the appeal has been filed timely and has validity, a hearing will be scheduled to consider the appeal and determine resolution. The hearing officer shall dismiss, upon a written determination, the appeal before scheduling a hearing if the appeal does not state a valid basis for protest or if it has been filed untimely. Any hearing of the appeal shall be conducted by the District Governing Board or the hearing officer. A written decision will be made within fourteen (14) calendar days after the appeal has been filed, or the hearing officer may extend this period for a reasonable period of up to thirty (30)

calendar days upon notification to the protester in writing, designating the date by which a decision will be issued.

g. Stay of Procurement during Protest and Appeal

If a protest was filed prior to the award of a contract, the award may be stayed by the Director of Purchasing and Auxiliary Services unless delaying the award will be detrimental to the substantial interest of the District. Likewise, if the procurement has not been awarded and an appeal is filed, the Director of Purchasing and Auxiliary Services may continue the stay if not detrimental to the substantial interest of the College District.

10. Confidentiality of Quotations

a. Request for Bids

Price quotations are given to the District in confidence and shall not be revealed to any other vendor, supplier or unauthorized person until after the bid opening. Pursuant to A.R.S. § 41-2533, this shall not be open for public inspection until after a contract is awarded.

b. Request for Proposals

No price quotations or other information contained within the submitted RFP's shall be announced until after a contract has been awarded to a vendor or supplier. In accordance with provisions provided under A.R.S. § 41-2534, during the proposal "opening" only the name of the vendor or supplier and other such relevant information shall be publicly read and recorded. All other information contained in the proposals shall be confidential so as to avoid disclosure of content prejudicial to competing offertory during the process of negotiation. The proposals shall be open for public inspection after contract award. Except to the extent the proposed designates and the state concurs, trade secrets or other proprietary data contained in the bid documents shall remain confidential.

3. BACKGROUND

1. References: A.R.S. §: 41-2533, 41-2534, 41-2633, 41-2573
2. Revision history: 10/25/2019 (new)
3. Legal review: none (the contents of this procedure are substantially from state laws and procurement codes)
4. Sponsor: Purchasing and Auxiliary Services

Adopted by Executive Leadership Council: 10/25/2019

COCONINO COMMUNITY COLLEGE