

BOARD OF TRUSTEES
February 17, 2022

- ITEM 1 RESOLUTION NO. 2022.01 - Approving Monthly Sponsor Services for Suffolk County Community College**

- ITEM 2 RESOLUTION NO. 2022.02 - Approving Budget Transfers**

- ITEM 3 RESOLUTION NO. 2022.03 - Approving the Agreement Among the Suffolk County Community College (the "College"), the County of Suffolk, and the Guild of Administrative Officers of Suffolk County Community College ("the Guild")**

- ITEM 4 RESOLUTION NO. 2022.04 - Amending the College Operating Budget to Reflect an Increase in the Grant Award from the NYS Education Department for the Science and Technology Entry Program (STEP)**

- ITEM 5 RESOLUTION NO. 2022.05 - Authorizing the College President to Execute a Connection Amendment and Extension Agreement- Suffolk County Sewer District No. 3- Southwest**

- ITEM 6 RESOLUTION NO. 2022.06 - Approving the Requested 2023-2025 Capital Program and 2023 Capital Budget**

- ITEM 7 RESOLUTION NO. 2022.07 - Confirming the Annual Review and Approval of the College's Procurement Policy, as Amended**

ITEM 1

RESOLUTION NO. 2022.01 - Approving Monthly Sponsor Services for Suffolk County Community College

WHEREAS, the State University of New York Regulation No. 602.7 requires the Suffolk County Community College Board of Trustees to review and approve all Sponsor provided services and their estimated value in advance of the service being rendered, and

WHEREAS, the regulation also requires the approval of the payment of each Sponsor Service satisfactorily performed, and

WHEREAS, health insurance is considered a Sponsor Service, be it therefore

RESOLVED, that the health insurance payment to the County of Suffolk in the amount of \$2,076,235.68 for the month of December 2021 (*Attachment I*) is hereby approved by the Board of Trustees.

INVOICE

Suffolk County Employee Medical Health Plan

County of Suffolk
William J. Lindsay Complex
725 Veterans Memorial Highway, Bldg. 158
Hauppauge, NY 11788

DATE: December 9, 2021
INVOICE No.: 21-012
FOR: EMHP of Suffolk County
SCCC Insurance Premium Due
SCCC Employee Contributions Due
Fund 818

Bill To:
Jamie Hahn
Suffolk County Community College - Business & Financial Affairs
FML Rm. 232, College Road
2 North Tamiami Trail, Suite 602
Selden, NY 11784

Health Insurance Coverage	Premium	# Employees	Total
EMHP Indiv.	809.90	571	462,452.90
EMHP Family	1,908.12	1153	2,200,062.36
Leave Adjustments			
EMHP Indiv.	809.90	0	0.00
EMHP Family	1,908.12	9	17,173.08
Surviving Spouse CCR			
	809.90	5	4,049.50
HMO's			
HIP Indiv.	1351.84	1	1,351.84
HIP Family	3,312.00	1	3,312.00
December 2021 Premium Due:		1740	2,688,401.68
EMPLOYEE HEALTH INSURANCE CONTRIBUTIONS			
2021 Payroll 23, Time Period: 11/1/21 - 11/14/21			70,957.46
2021 Payroll 24, Time Period: 11/15/21 - 11/28/21			70,739.74
Employee Insurance Contributions Due:			141,697.20
Total Due:			\$2,830,098.88

**(\$365,150.00)
***(\$388,713.20)
\$2,076,235.68

Payments are to be remitted to Suffolk County via wire transfer within thirty (30) days of this invoice.

If you have any questions concerning this invoice, please call Brooke Deere @ 631-853-4777 or e-mail brooke.deere@suffolkcountyny.gov.

THANK YOU

** Deduction reflects the Medicare reimbursement for the quarter ending December 31, 2021**
*** Decuction reflects the 2019 Medicare IRMAA remibursement given in November 2021***

ITEM 2

RESOLUTION NO. 2022.02 - Approving Budget Transfers

WHEREAS, the Board of Trustees has established a policy on the authorization of budget transfers, and

WHEREAS, according to said policy, budget transfers must be authorized by a resolution adopted by the Board of Trustees, and

WHEREAS, the Vice President for Business and Financial Affairs recommends the budget transfers on *Attachment II* as necessary for the operation of the College, be it therefore

RESOLVED, that the budget transfers shown on *Attachment II* are hereby authorized and approved.

**Suffolk County Community College
Budget Transfer List
As of February 9, 2022**

<u>DOCUMENT #</u>	<u>FUND</u>	<u>ORG</u>	<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>TRANSFER</u>		<u>REASON</u>
					<u>FROM</u>	<u>TO</u>	
J0039835	181800	C86801	712075	Network & Telephone Equipment (non-cap)	50,000		To pay for IT system firewalls college-wide
	181800	C86801	712070	Network & Telephone Equipment		50,000	
J0039836	181800	C86201	713160	Computer Software	51,880		To pay for IT system firewalls college-wide
	181800	C86801	712070	Network & Telephone Equipment		51,880	
J0039837	181800	C59801	712445	Instructional Equipment (non-cap)	112,000		To pay for IT system firewalls college-wide
	181800	C86801	712070	Network & Telephone Equipment		112,000	
J0039838	181800	C59801	712455	Replacement Computers (non-cap)	81,000		To pay for IT system firewalls college-wide
	181800	C86801	712070	Network & Telephone Equipment		81,000	
J0039839	181800	C59801	712070	Replacement Computers	30,000		To pay for IT system firewalls college-wide
	181800	C86801	712070	Network & Telephone Equipment		30,000	
J0039970	181800	C59801	712455	Replacement Computers (non-cap)	19,000		To pay for warranties on servers in IT
	181800	C86801	713651	Maintenance Contracts		19,000	
J0040001	181800	C69001	713650	Building Materials and Supplies	22,932		To pay for Chargepoint software, maintenance and management renewal
	181800	G63501	713160	Software		11,116	
	181800	G63501	713651	Maintenance Contracts		11,816	
					366,812	366,812	

ITEM 3

RESOLUTION NO. 2022.03 - Approving the Agreement Among the Suffolk County Community College (the "College"), the County of Suffolk, and the Guild of Administrative Officers of Suffolk County Community College ("the Guild")

WHEREAS, the College, the County of Suffolk, and the Guild have reached an agreement covering the terms and conditions of employment for College employees represented in the Guild extending from September 1, 2019 to August 31, 2023, and

WHEREAS, said agreement has been set down in a Stipulation of Agreement (Attachment III), and

WHEREAS, said Agreement has been ratified by the Guild membership, and

WHEREAS, the College President recommends the approval of this Agreement, be it therefore

RESOLVED, that the Stipulation of Agreement among the College, the County of Suffolk, and the Guild, annexed hereto as Attachment III, be and the same is hereby approved.

12/2/2021

Board of Trustees
February 17, 2022
Attachment III

**Stipulation of Agreement
Between
The County of Suffolk,
Suffolk County Community College
And
The Guild of Administrative Officers of
Suffolk County Community College**

Stipulation of Agreement made and entered into this ___ day of _____, 2021 by and between the County of Suffolk (“the County”), Suffolk County Community College (“the College”) and the Guild of Administrative Officers of Suffolk County Community College (“Guild”).

1. Term of Agreement:

The collective bargaining agreement is extended for a period of four (4) years, from September 1, 2019 up to and including August 31, 2023, in all of its terms and conditions except as specifically modified herein.

The provisions of the Guild of Administrative Officers bargaining unit will be pursuant to the 1991–1997 Collective Negotiations Agreement, as updated by the 1997–2001 Stipulation of Agreement, as updated by the 2001–2002 Stipulation of Agreement, as updated by the 2002–2005 Stipulation of Agreement, as updated by the 2005–2011 Stipulation of Agreement, as updated by the 2011–2015 Stipulation of Agreement, all of which are memorialized and updated in the draft collective bargaining agreement sent to the Guild on July 29, 2016, which will then be modified pursuant to the terms of the 2015–2019 Stipulation of Agreement and this 2019–2023 Stipulation of Agreement.

The draft 2011–2015 collective bargaining agreement sent to the Guild on December 2, 2017 will be finalized by the County and provided to the Guild for signature. The Guild will sign the agreement and return it to the College and County for signature.

The County will then prepare a draft 2015–2019 collective bargaining agreement within thirty (30) calendar days from the date of approval from the Guild of the 2011–2015 collective bargaining agreement. The Guild will, within thirty (30) calendar days from its receipt of the draft 2015–2019 agreement, provide the College with any objections it has to the draft.

The County will prepare a draft 2019–2023 collective bargaining agreement within thirty (30) calendar days from the date of approval from the Guild of the 2015–2019 collective bargaining agreement. The Guild will, within thirty (30) calendar days from its receipt of the draft agreement, provide the College with any objections it has to the draft.

2. Article II (Wages and Salary Schedules: (Guild Salary Plan)):

Effective September 1, 2020, the full-time salary schedules and the schedule of stipends, including Excellence in Education, will be increased by 1.6% at each step.

Effective September 1, 2021, the full-time salary schedules and the schedule of stipends, including Excellence in Education, will be increased by 1.6% at each step.

Effective September 1, 2022, the full-time salary schedules and the schedule of stipends, including Excellence in Education, will be increased by 1.6% at each step.

Effective August 31, 2023, the full-time salary schedules and the schedule of stipends, including Excellence in Education, will be increased by 1.6% at each step.

Upon complete ratification by the Guild membership, County Executive, and approval by the Board of Trustees and the Suffolk County Legislature, the increase in faculty base pay, including the Excellence in Education stipend if eligible, pursuant to the Faculty Association contract, as applicable, shall be implemented.

Retroactive payments for the scheduled raises effective on September 1, 2020 and September 1, 2021 will be paid not later than ninety (90) days after the date on which this 2019-2023 Stipulation of Agreement is completely ratified and approved. In order to be eligible for the retroactive payments set forth herein, employees must be on active payroll as of the date on which the 2019-2023 Stipulation of Agreement is fully ratified and approved.

3. **Article III(2)(d) (Academic Chair Regular Load):**

Amend to state: "Effective September 1, 2021, excluding the time designated by the Campus Executive Dean for regular Chairs meetings, Academic Chairs shall not be restricted from teaching regular load between the hours of 9:30am and 4:00pm on Wednesday and Friday. Employees will continue to perform administrative functions and/or attend meetings as directed by the College on these days. This is subject to change at the sole discretion of the College as long as notice is given to the Guild President at least thirty (30) days prior to the start of the semester in writing."

a. **Article III(3)(b) (Assistant Academic Chair Workload):**

Paragraph 2, Amend to state, "Assistant Academic Chairs shall be obligated to work (5) workdays excluding holidays preceding the start of spring semester day classes.

4. **Article VI(4) (Benefit Fund):**

The \$50 increase per full-time Unit member added to the contribution rate effective September 1, 2020, and the additional \$50 per full-time member added to the contribution rate effective September 1, 2021, are deemed ratified upon full ratification of the 2019-2023 Agreement by the Guild Unit membership and the County Executive, and approval as set forth below by the Board of Trustees and the Suffolk County Legislature.

Amend to add a new section (c): Upon advance notice of any changes in an employee's employment status, including but not limited to, retirement, lay-off, or leave of absence prior to

the end of the semester, the Benefit Fund will reimburse the College any benefit fund payments made after a minimum 30-day grace period on a pro-rata basis.

5. **Article VII(1)(a) (Sick Leave):**

Upon complete ratification by the Guild membership, County Executive, and approval by the Board of Trustees and the Suffolk County Legislature, amend to add a new sentence after the third sentence in Paragraph 1(a) as follows: "For employees hired or appointed to a Guild position on or after September 1, 2016, such payments shall be paid at the prevailing salary rate."

6. **Amend Article IX (Other Benefits) as follows:**

(a) Effective 9/1/2021, amend Paragraph 7 (Time Off for Union Business) to delete existing language and replace with the following language: "The Guild will have available a total of fifteen (15) credit hours of reassigned time per academic year for distribution by the Guild President, at his/her option, to Guild officers to conduct Guild business. No more than three (3) such credit hours will be distributed to any officer in the academic year, except the Guild President to whom up to six (6) such credit hours may be distributed in the academic year. The Guild President will notify the College's Assistant Vice President for Human Resources of such distribution at least fifteen (15) working days prior to the beginning of each semester."

(b) Delete Paragraph 8 (Telephone Extension) and replace with the following language: "**Guild Office** – An office equipped with an active telephone extension will be made available for use of the President of the Guild for his/her Guild duties within a reasonable period of time following the complete ratification and approval of the 2019-2023 Stipulation of Agreement.

7. **Article XII (Meetings: (Labor-Management Committee)):**

A Labor-Management Committee will be formed consisting of the College President or his/her designee, an additional member of the College Administration designated by the College President, the Guild President or his/her designee, and one additional member designated by the Guild President. The Committee shall meet during the life of the Agreement to discuss only matters that are not terms and conditions of employment will be subject to the committee's jurisdiction. Nothing concerning the committee's jurisdiction, discussions and results, or lack of same, will be subject to the contractual grievance and arbitration procedures, PERB's improper practice, impasse or fact-finding procedures, or any other type of third-party review."

8. **Amend Article XIV (Rights of the Administration) as follows:**

Amend to add new paragraph as follows:

Public Health Emergency:

The Guild agrees that the College will establish and implement reasonable workplace health and safety rules, to ensure the health and safety of employees and students in connection with a public health emergency, including but not limited to a federally declared public health

emergency, a State-declared disaster or emergency involving public health, or a declared outbreak of communicable or infectious disease on campus. The College President (or his/her designee) will provide prior written notice to the Guild President of any such rule affecting Guild-represented employees and provide the Guild President with a reasonable opportunity, under the applicable circumstances, to comment and make recommendations on such rule. The College President (or his/her designee) will consider and respond to such recommendations within a reasonable timeframe prior to implementation of the rule. If the college chooses to not adopt recommendations offered by the Guild, the Guild will be provided written reason as to why the recommendation was not adopted. The Guild's consent to such rule shall not be required prior to implementation of such rule, unless the rule is inconsistent with a stated term of this Agreement. Unless mandated by a State University of New York, Suffolk County, New York State or federal requirement that all College employees who perform all or a portion of their job responsibilities on-campus or in-person are subject to vaccination, the parties agree that this provision shall not be utilized by the College to unilaterally mandate vaccination for Guild-represented employees."

The provisions of this Stipulation of Agreement are subject to ratification by the Guild membership, ratification by the County Executive and the College President, and, for those provisions requiring the appropriation of additional funds, the approval of the College Board of Trustees and the County Legislature.

Dated: _____, 2021

Agreed:

GUILD OF ADMINISTRATIVE OFFICERS SUFFOLK COUNTY COMMUNITY COLLEGE

By: _____
Sean Tvelia
Guild President

By: _____
Edward T. Bonahue, Ph.D.
College President

Angelica Rivera
Assistant Vice President, Human Resources

COUNTY OF SUFFOLK

By: _____
Jennifer K. McNamara, Esq.
Director of Labor Relations

ITEM 4

RESOLUTION NO. 2022.04 - Amending the College Operating Budget to Reflect an Increase in the Grant Award from the NYS Education Department for the Science and Technology Entry Program (STEP)

WHEREAS, the 2021-2022 College operating budget provided \$450,000, including indirect costs, in anticipation of a grant award from the NYS Education Department for the Science and Technology Entry Program (STEP), and

WHEREAS, the grant award has been increased by \$45,482, bringing the total amount of the grant award to \$495,482, including indirect costs, and

WHEREAS, STEP is designed to motivate and prepare financially disadvantaged and underrepresented minority secondary school students for careers in science, technology and mathematics-related disciplines, along with licensed profession, such as nursing and accountancy, and

WHEREAS, it is necessary to amend the 2021-2022 College operating budget in the amount of \$45,482 to provide for the increase in the grant award, and

WHEREAS, no matching funds are required, be it therefore

RESOLVED, that the 2021-2022 College operating budget be amended to reflect an increase in the amount of \$45,482, including indirect costs in the amount of \$3,214, from the NYS Education Department for the Science and Technology Entry Program (STEP), and the College President, or his designee, is authorized to execute any necessary documentation, as approved by the College General Counsel.

Project Director: Arlene Jackson, Assistant Dean, Continuing Education

Note: No full-time positions
No in-kind contribution required

ITEM 5

RESOLUTION NO. 2022.05 – Authorizing the College President to Execute a Connection Amendment and Extension Agreement- Suffolk County Sewer District No. 3- Southwest

WHEREAS, Suffolk County Community College (the "College") pursuant to an Agreement with Suffolk County dated September 7, 1993 connected the Michael J. Grant Campus in Brentwood to the Suffolk County Sewer District No. 3 Southwest (the "District") with a permitted discharge of 20,000 gallons per day, and

WHEREAS, the original Agreement was amended on July 15, 1999 to add an additional 20,000 gallons per day of permitted capacity, and

WHEREAS, the prior Agreements between and among the parties have expired but have proceeded on a year to year extension, and

WHEREAS, the College has requested an extension of the term of the Agreements through 12/31/2039 and the District has determined that it has capacity in excess of its needs and is therefore willing to permit such extension under the terms and conditions of the Connection Amendment and Extension Agreement referred to herein, now therefore be it

RESOLVED that the Board of Trustees approves the Connection Amendment and Extension Agreement with the District referred to herein and authorizes the College President to execute said Agreement on behalf of the College upon such terms and conditions as shall be approved by the Office of Legal Affairs.

ITEM 6

RESOLUTION NO. 2022.06 - Approving the Requested 2023-2025 Capital Program and 2023 Capital Budget

WHEREAS, the College has been requested by the office of the Suffolk County Executive to submit capital budget and program requests in accordance with Article IV, Section A4-1, of the laws of Suffolk County, and

WHEREAS, the capital program requests (Attachment IV) have been solicited from the President, the Executive Vice President, Vice Presidents, Associate Vice President, Campus Executive Deans and Physical Plant Directors, and recommended by the Executive Council and the President, be it therefore

RESOLVED, that the Board of Trustees approves the submission of all capital projects in Attachment IV, and authorizes the President or his designee to submit the projects for the 2023-2025 capital program and 2023 capital budget.

**Board of Trustees
February 17, 2022
Attachment IV**

**RESOLUTION NO. 2022.06
Approving the Requested 2023-2025 Capital Program
and 2023 Capital Budget**

Attachment IV is a 61 page booklet

And is a separate document

ITEM 7

RESOLUTION NO. 2022.07 - Confirming the Annual Review and Approval of the College's Procurement Policy, as Amended

WHEREAS, community colleges must procure goods and services in accordance with Article 5-A of the New York State General Municipal Law in order to ensure the prudent and economical use of public monies, and to guard against favoritism, improvidence, extravagance, fraud and corruption, and

WHEREAS, pursuant to General Municipal Law §104-b, the College's *Procurement Policy* must be annually reviewed and approved by the Board of Trustees, and

WHEREAS, the Office of Business and Financial Affairs and the Office of Legal Affairs have reviewed the *Procurement Policy*, and recommends that certain revisions be made thereto to ensure compliance with NYS law, be it therefore

RESOLVED, that the College's *Procurement Policy*, as amended (see, *Attachment V*), is hereby adopted and approved for the calendar year 2022.



PROCUREMENT POLICY

A. INTENT / GENERAL PRINCIPLES

Community colleges must procure commodities and services in accordance with Article 5-A of the New York State General Municipal Law. This law is designed to ensure the prudent and economical use of public monies and facilitate the acquisition of quality goods or services at the lowest possible cost, as well as to guard against favoritism, improvidence, extravagance, fraud and corruption.

It is the intent of this policy and these procedures to set forth the procurement requirements for Suffolk County Community College, and to ensure full compliance with the law. Such policy and procedures shall be reviewed annually by the Board of Trustees, in accordance with General Municipal Law, Section 104-b.

This policy defines monetary threshold for purchase contracts and public works contracts. The splitting of purchases and public works projects in order to evade the monetary threshold of the NYS General Municipal Law and this Policy is strictly prohibited. Monetary thresholds below those required by the General Municipal Law will be applied to each individual purchase. Departments are expected to use best efforts to evaluate their purchase needs annually and combine those needs for the College fiscal year. In addition, the Procurement Office will monitor and evaluate those purchases that may require the issuance of a bid.

The College's *Code of Professional Ethics* is applicable to College employees in their performance of procurement duties and tasks. College employees are ineligible to contract with the College for the provision of goods or services.

An approved purchase order is the mechanism by which vendors are engaged to provide goods or services to the College. No goods or services shall be requested from a vendor until sufficient funds to cover the expense have been allocated in a purchase order. An after-the-fact purchase is one where a department engages a vendor without having an approved purchase order in place. If there are indications that a requisition is for an after-the-fact purchase, an explanation setting forth the reasoning for such after-the-fact purchase must be provided to the Procurement Office and / or the Office of Legal Affairs.

Establishment of internal procedures and staff training shall be utilized to reinforce this policy and ensure compliance. Policy violations may be considered misconduct, and violators may be subject to disciplinary action in accordance with College policy and /or applicable collective bargaining agreements.

B. ELECTRONIC BIDDING

General Municipal Law authorizes the receipt of electronic bids or offers in connection with purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of public works contracts pursuant to article eight of the Labor Law). The methods used to receive electronic bids or offers must comply with the NY State Technology Law.

C. PURCHASE CONTRACTS: THRESHOLDS

1. Purchase contracts are those solely concerned with the purchase of materials, equipment and supplies ("commodities"), such as paper goods, books, food products, office equipment, various machinery and clothing.

2. All purchase contracts which, on a College-wide basis, are reasonably anticipated to involve an expenditure of more than \$20,000 over the course of a College fiscal year (September 1 – August 31) are to be awarded to the lowest responsible bidder who has furnished the required security after advertisements for sealed bids; or, alternatively, to the bidder whose bid represents the best value to the College. A determination of "best value" shall be based upon an objective and quantifiable analysis of a bidder's ability to optimize quality, cost and efficiency.

3. If the monetary threshold for the purchase of commodities is not reasonably anticipated, on a College-wide basis, to exceed \$20,000 over the course of a fiscal year, the following procedures shall be followed:

(a) **\$0.01 - \$100.00.** Direct purchase at the discretion of the requesting department or office.

(b) **\$100.01 - \$2,000.00.** A written quote must be obtained and submitted to the Procurement Office. The written approval of the Administrative Director of Business Operations is required prior to any purchase being made.

(c) **\$2,000.01 – \$20,000.00.** Written quotes from at least three (3) vendors must be obtained and submitted to the Procurement Office. The written approval of the Administrative Director of Business Operations is required prior to any purchase being made.

(i) Written quotes should be obtained via vendor email, fax or internet quote. Such written quotes shall be submitted to the Procurement Office.

(ii) A good faith effort shall be made to obtain the required number of quotations. If, for any reason, the requesting department or office is unable to obtain the requisite number of quotations, such department or office shall properly document the reasons why such quotes could not be obtained, and the efforts made to acquire the required quotes. The Administrative Director of Business Operations shall be the final arbiter of whether reasonable efforts were made to obtain the required quotes.

All requisitions shall be prepared and submitted for approval via Banner or SharkMart, as appropriate.

D. PUBLIC WORKS CONTRACTS: THRESHOLDS

1. Contracts for public works encompass contracts for nonprofessional services, labor or construction, such as maintenance services, liquid and solid waste removal, painting, and building construction and renovation.

2. All contracts for public works involving an expenditure of more than \$35,000 are to be awarded to the lowest responsible bidder who has furnished the required security after advertisements for sealed bids. Funding or budgetary source of the project is not a consideration in determining monetary thresholds for public works.

3. If the monetary threshold for the procurement of public works projects is not reasonably anticipated to exceed \$35,000, the following procedures shall be followed:

(a) **\$1.00 - \$2,000.00.** Direct authorization at the discretion of the requesting department or office, after submission of a written quote and written approval of the Administrative Director of Business Operations, after his/her determination that such procurement is reasonable and in the best interests of the College.

(b) **\$2,000.01 – \$35,000.00.** Written quotes should be obtained via email, fax or internet from at least three (3) service providers, upon the written approval of the Administrative Director of Business Operations, after his/her determination that such procurement is reasonable and in the best interests of the College.

A good faith effort shall be made to obtain the required number of quotations. If, for any reason, the requesting department or office is unable to obtain the requisite number of quotations, such department or office shall properly document the reasons why such quotes could not be obtained, and the efforts made to acquire the required quotes. The Administrative Director of Business Operations shall be the final arbiter of whether reasonable efforts were made to obtain the required quotes.

All requisitions for capital projects shall be prepared by the College's Office of Facilities and submitted for review and approval by the County of Suffolk. All other requisitions shall be prepared and submitted for approval via Banner or SharkMart, as appropriate.

E. EXCEPTIONS TO PUBLIC BIDDING REQUIREMENTS

The College is not required to competitively bid purchase contracts in excess of \$20,000 or public works contracts in excess of \$35,000 under the following specified circumstances, or as otherwise authorized by New York State or federal law:

1. **Preferred Sources.** A "Preferred Source" is a designated vendor or service provider, who, in an effort to advance certain social and economic goals, has received special provider status, and is exempt from statutory competitive procurement guidelines. The Preferred Sources include the *Department of Correctional Services*, the *Industries for the Disabled*, the *Industries for the Blind* and the *Office of Mental Health*. It is the obligation of the College to procure commodities and services from a designated preferred source whenever possible. The "List of Preferred Source Offerings" can be found on the NYS Office of General Services website at www.ogs.ny.gov/procurecounc/pdfdoc/PSList.pdf
2. **NYS Office of General Services.** Purchases of materials, equipment, food products or supplies (except printed material) and contracts to obtain services may be made through contracts procured by the New York State Office of General Services (OGS). See, <http://ogs.ny.gov/purchase/pdfdocument/Guide.pdf>. Any such contracts for services must specify a prevailing wage rate equal to or higher than the applicable Suffolk County prevailing wage rate.
3. **County Contracts.** Purchases of commodities and contracts to obtain services (*other than services which require the payment of prevailing wages, pursuant to the NYS Labor Law*) may be made through competitively bid county contracts, where such contracts contain language specifically authorizing governmental entities covered by General Municipal Law sec. 103 to do so.

The College may utilize and implement County of Suffolk contracts for services which require the payment of prevailing wages, pursuant to the NYS Labor Law, when such contracts are for public work to County-owned real property and/or County-owned buildings or improvements, held in trust for the uses and purposes of the College, pursuant to the NYS Education Law.

With respect to Suffolk County or other County contracts for services, prior authorization to utilize such contracts must be obtained.

4. **Certain Other Government Contracts.** General Municipal Law §103(16) authorizes the purchase of apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, through the use of contracts issued by the United States or any agency thereof, or any state or any other political subdivision or district therein. There are three prerequisites which must be met in order for this exception to apply:

(a) The contract must have been issued by the United States or any federal agency, or by any state or political subdivision or district thereof;

(b) The contract must specifically state that it is available for use by other public entities; and

(c) The contract must have been issued to the lowest responsible bidder or on the basis of "best value."

5. **Emergencies.** Commodities may be purchased and contracts for public works may be authorized without undergoing the competitive bidding process in the case of a public **emergency arising out of an accident or other unforeseen occurrence or conditions** whereby circumstances affecting public buildings, public property, or the life, health, or safety of persons require immediate action. The determination as to whether an "emergency" exists shall be made prior to any purchase or authorization for a contract for public works by the Office of Legal Affairs, in consultation with the Administrative Director of Business Operations, or his/her designee.

6. **Sole Source Vendor.** This exception applies only when the College requires particular supplies, materials, equipment, or services, which uniquely serve its interests and for which there is no substantial equivalent. Procurement by this method must be documented by the submission to the Administrative Director of Business Operations of a *Sole Source Approval Form*, setting forth the following: (i) the unique nature of the requirement; (ii) the basis upon which it was determined that there is only one known vendor able to meet the need (i.e., the steps taken to identify potential providers); and (iii) the basis upon which the cost was determined to be reasonable (i.e., a fair market price was inferred based upon the sole source provider's product catalogs, published price lists and the like).

7. **Surplus and Second-Hand Supplies.** Purchases of surplus and second-hand supplies, materials or equipment may be made directly from the Federal government, the State of New York or from any other political subdivision, district or public benefit corporation within the State of New York.

8. **Professional Services.** There is a well-established exception to the public bidding requirements for "professional" services. Generally, "professional" services involve specialized skill, training and expertise, use of professional judgment or discretion, and/or a high degree of creativity. **The requirements for procuring professional services are addressed below, at paragraph I.**

F. PREPARATION OF BID SPECIFICATIONS

The College's departments and offices have broad discretion to fix reasonable standards and requirements that bidders are obliged to observe. Specifications must be drafted to allow bidders providing reasonably equivalent commodities (for purchase contracts) or nonprofessional, labor or construction services (for public works contracts) to compete on an equal, common basis. In the event a consultant or vendor prepares or assists in the preparation of bid specifications, such consultant or vendor is ineligible to submit a bid or a proposal for that solicitation.

The term of each contract will be defined in the solicitation documents. Any contract renewal options will be exercised at the College's sole and absolute discretion.

1. Purchase Contracts

(a) The Administrative Director of Business Operations shall coordinate preparation of bid specifications in consultation with the requesting College department or office.

2. Public Works Contracts

(a) The Administrative Director of Business Operations shall coordinate preparation of bid specifications in consultation with the requesting College department or office and/or any engineering or architectural consultant retained by the College for that purpose.

(b) Such bid specifications shall require that bidders submit a statement detailing if and/or how they will utilize the services of Minority and Women-owned Business Enterprises ("MWBEs") if awarded the contract.

(c) Such bid specifications shall also include a copy of the Suffolk County Community College Project Manual, as well as the appendices set forth herein at paragraph (J)(2)(e)(v).

G. DETERMINATION OF THE LOWEST RESPONSIBLE BIDDER

The mere fact that a particular bidder is the lowest dollar bidder does not establish an entitlement to the award of the contract. The awarding officer must examine the low bidder's background and make a factual determination as to whether the bidder is a "responsible bidder." "Responsibility" generally involves a bidder's qualifications and ability to perform in accordance with the terms and conditions of the contract. "Responsibility" also encompasses such factors as financial ability to complete the contract, accountability, reliability, skill, past performance, judgment and integrity.

1. **Purchase Contracts**

(a) The Administrative Director of Business Operations shall coordinate all aspects of the public bid opening, including documenting all proposals submitted. The Director shall thereafter make a determination, in writing, as to which bidder is the lowest responsible bidder, and shall advise the requesting department or office, as well as the Office of Legal Affairs, accordingly. The provisions of Suffolk County Code, Section A4-14 (Local Preference Law), shall be complied with in making such a determination.

(b) If a purchase contract is recommended to be awarded to other than the lowest dollar bidder, the Administrative Director of Business Operations shall submit to the Office of Legal Affairs, in writing, the justification for such a determination, including why such an award furthers the interests of the College.

2. **Public Works Contracts**

The Executive Director of Facilities and/or the Administrative Director of Educational Facilities shall meet, as necessary, to evaluate the public bids received. Where an outside consultant has been retained to provide design services, such consultant shall evaluate the bids and verify references, as appropriate, and provide a recommendation to the Executive Director of Facilities and/or the Administrative Director of Educational Facilities, who, thereafter, shall make a recommendation of the lowest responsible bidder to be awarded a contract to the Administrative Director of Business Operations. The provisions of Suffolk County Code, Section A4-14 (Local Preference Law), shall be complied with in making such a determination.

H. AWARD OF PUBLIC WORKS CONTRACTS

A resolution authorizing the award of a public works contract for construction shall be prepared by the Office of Legal Affairs, in accordance with the requirements of the Board of Trustees. If the Board, in its discretion, approves such a resolution, the Office of Legal Affairs shall coordinate the preparation, execution, distribution and implementation of such contract. For projects where time is of the essence, the Executive Committee of the Board of Trustees is authorized to conditionally approve such award, subject to ratification by the full Board of Trustees at a regular or special meeting.

1. **Change Orders and Amendments to Public Works Contracts for Construction**

(a) In the administration of public works contracts, change orders or amendments might be necessary for prompt and effective completion of a construction project. Such change orders or amendments shall be authorized in accordance with the following rules:

Change orders and amendments shall be divided into two classes – minor and major.

(i) **Minor change orders and amendments** shall be those having a value less than \$35,001 or 10% of the public works contract, whichever is the smaller amount.

(ii) **Major change orders and amendments** shall be all those having greater value than minor change orders and amendments

(b) The President, or his/her designee, is authorized to approve individual minor change orders and amendments, provided there are sufficient appropriated funds to support such change order, and the project cost, together with the change order, remains under the budget allocated for such project. In those cases where the aggregate of the minor change orders and amendments for any public works contract for construction exceeds \$190,000 or 15% of the public works contract, whichever is the smaller amount, that condition with appropriate explanation shall be reported to the Board of Trustees by the Facilities Department at the next scheduled meeting.

(c) The Board of Trustees shall approve all major change orders and amendments.

(d) The President, is authorized to approve major change orders and amendments if there is reason to believe that to wait for the next regularly-scheduled meeting of the Board of Trustees would compromise the progress of the construction project. Such a change order may be authorized only if there are sufficient appropriated funds to support such change order, and the project cost, together with the change order, remains under the budget allocated for such project. In such cases, all relevant information related to the major change order or amendment shall be reported Board of Trustees at the next regularly scheduled meeting.

I. THE PROCUREMENT OF PROFESSIONAL SERVICES

1. Contracts for services that involve specialized skill, training, knowledge, expertise, technical skill and the use of professional judgment are considered "professional service" contracts, which are excluded from the competitive bidding requirements of the General Municipal Law. Even so, such services must be procured in such a manner so as to assure the prudent and economical use of College monies, and to facilitate the acquisition of such services of maximum quality at the lowest possible cost under the circumstances. The *Guidelines for the Procurement of Consultant, Concessionaire and Other Services* or the *Guidelines for Selecting Engineering and Architectural Consultants*, and Suffolk County Code, Section A4-13 (Local Preference Law) shall be complied with in making such a determination.

The term of each contract will be defined in the solicitation documents. Any contract renewal options will be exercised at the College's sole and absolute discretion.

(a) The College's "Request for Proposals (RFP) Model" shall be utilized by all College departments and offices seeking the procurement of professional services, and can be accessed on the College's website. Questions pertaining to preparing such RFPs may be directed to the Administrative Director of Business Operations and/or the Office of Legal Affairs.

(b) The RFP Model shall require that proposers submit a statement detailing if and/or how they will utilize Minority and Women-owned Business Enterprises ("MWBEs") if awarded the contract.

2. Definitions for the Procurement of Consultant, Concessionaire and Other Services

(a) Architectural and engineering services, and all related services (e.g., inspection, sampling, testing, borings and surveys), are addressed in **paragraph I(3)** herein.

(b) "Speaker services" are addressed in **paragraph I(4)** herein.

(c) "Consulting services" shall mean the expertise, advice, professional services, or any other personal services provided by any individual, association, proprietorship, partnership, corporation, or joint venture by contract with Suffolk County Community College including, but not limited to, planning work, grant writing, legal, computer, telecommunications, network, accounting, or educational services.

(d) "Concessionaire services" shall mean any activity to be authorized by the College in which revenue is to be derived by the College, either as a result of the sole efforts of the concessionaire or as a result of joint efforts by the concessionaire and the College. This shall include any arrangement by which the College derives services, without the expenditure of funds, in exchange for services or promotional opportunities provided by the College.

(e) "Other services" shall mean any service not included in the paragraphs (b) or (c) and not excluded by paragraph (a), above, including leases of personal property, providing of customized software or computer systems, providing of software licenses, sign interpreting, and similarly unique services.

3. Guidelines for the Procurement of Consultant, Concessionaire and Other Services

(a) Consultant services having a cost of up to \$1,000 may be procured directly by the initiating department or office, which shall obtain one (1) written quote and submit such quote to the Office of Legal Affairs for the preparation of a contract. The President or his designee shall execute such contract. A purchase order shall be issued prior to the performance of any work.

(b) Consultant services with a cost of \$1000.01 to \$10,000:

The initiating department or office shall obtain three (3) written quotes or proposals which shall be evaluated based on predetermined evaluation criteria with associated weights. The evaluation criteria must be clearly defined and communicated to the prospective proposers at the time the quotes or proposals are requested.

- (i) The initiating department or office shall submit the quotes or proposals to the Administrative Director of Business Operations, along with a preliminary award recommendation.
 - (ii) The Administrative Director of Business Operations shall review all relevant documentation and make a final recommendation to the Office of Legal Affairs, which shall prepare a contract for execution by the President or his/her designee. A purchase order shall be issued prior to the performance of any work.
- (c) Consultant services having a cost greater than \$10,000 require the issuance of a request for proposals (RFP).
- (i) The department or office seeking the issuance of an RFP shall obtain from the Office of Legal Affairs a copy of the current RFP model.
 - (ii) Such department or office shall be responsible for the preparation and development of the RFP, based on the current RFP model. The administrative boilerplate in the RFP may not be changed without authorization from the Office of Legal Affairs. The initiating office shall involve in the development process the Office of Business and Financial Affairs and such other offices as will be affected by the services performed.
 - (iii) The RFP must include an overview of the services to be procured as well as detailed technical specifications, and should include a model contract, which may be subject to negotiation prior to award of the contract. The model contract is to be prepared by the Office of Legal Affairs.
 - (iv) The RFP shall state that the model contract is subject to revision arising out of terms and conditions imposed by law and/or deemed appropriate by the Office of Legal Affairs. The Office of Legal Affairs and the Office of Business and Financial Affairs should be consulted for assistance in structuring and preparing complex RFPs.

(v) The RFP should include such Appendices as shall be determined by the Office of Legal Affairs, including, but not limited to:

- Contractor's/Vendor's Public Disclosure Statement, Suffolk County Administrative Code §A5-8;
- Disqualification of Non-responsible Bidders, Local Law No. 52-2012, Article II of Chapter 189 of the Suffolk County Administrative Code;
- Statement of Non-Collusion in Bids or Proposals, NYS General Municipal Law §103-d
- Local Business Certification Form, Preferences for Business Located within Suffolk and Nassau Counties, Local Law No. 4-1993, §A4-13 of the Suffolk County Administrative Code
- Lawful Hiring of Employees, Local Law No. 52-2006, Article II of Chapter 353 of the Suffolk County Administrative Code

(vi) The department or office is responsible for the production of one electronic copy of the RFP, after the completion of the review process, and for providing an electronic copy of the RFP to the Administrative Director of Business Operations.

(vii) The Office of Business and Financial Affairs shall coordinate the issuance of the RFP, including placing an advertisement in newspapers, mailing (or e-mailing) the RFP to all known qualified service providers or concessionaires, as applicable, placing it on the College website, developing evaluation team procedures, and award of contract.

(viii) The initiating officer (which shall be a Vice President, Executive Dean or Executive Director of Facilities), in consultation with the Procurement Office, shall determine the membership of the evaluation team prior to the issuance of the RFP, subject to the President's approval. The Evaluation Committee shall be comprised of at least three, but no more than seven, College employees. The President, however, reserves the right, in his/her discretion, to increase the maximum number Evaluation Committee members. The Procurement Office facilitates the evaluation committee meetings, oral presentations and all activity required during the evaluation process. Based on the evaluation committee's assessment of proposals, the Procurement Office shall submit an award recommendation to the Office of Legal Affairs.

(vix) The decision to award a contract shall be based on the ability of the service provider or the concessionaire to provide quality services and to comply with all applicable laws, rules and regulations. Evaluation criteria shall include review of the qualifications of the proposer, its financial stability, prior experience with similar projects, proposed

technical strategies/methodologies, and the proposed schedule of fees. Based on the evaluation criteria, the College need not necessarily choose the proposer with the lowest proposed fee for services. The award of any contract will be determined in accordance with the best interests of the College.

(x) The Office of Business and Financial Affairs shall be responsible for notifying the Office of Legal Affairs that the contract is to be awarded so that the contract may be prepared. In the event that further contract negotiation is required with the successful proposer, the Office of Business and Financial Affairs shall arrange such meetings as may be appropriate.

(xi) The Office of Legal Affairs shall prepare a final contract, obtain all required signatures, and distribute copies of the contracts, as appropriate.

3. **Guidelines for Selecting Architectural and Engineering Consultants**

(a) The selection of consultants for architectural, engineering and related services (e.g., inspections, sampling, testing, borings and surveys) shall be governed by the following principles:

(i) If the anticipated value of consulting services for a project will not exceed \$2,000, the College shall solicit at least one proposal from a qualified firm.

(ii) If the anticipated value of consulting services for a project will not exceed \$50,000, the College shall solicit proposals from at least three (3) firms. For cost proposals between \$35,000 - \$50,000, the Office of Legal Affairs will prepare a contract to be executed by the selected Consultant and the President or his/her designee.

(iii) In the event the anticipated value of such services exceeds \$50,000, a Request for Proposals shall be issued and published in a newspaper of general circulation. The RFP shall specify the services required, the selection criteria, and, if known, the budget for the project.

(b) When an RFP is issued, the selection process shall involve criteria and a point system. Each firm shall submit a proposal which includes the special qualifications of the firm for the services requested, included the name(s) of the firm member(s) who will be providing the services and their resumes, references for projects of a similar nature, the availability of the firm's staff for the proposed time table, the strategy or process through which the firm would respond to the College's need, and the cost.

Points will be assigned as follows:

(i) Up to 40 points for the general and specialized qualifications of the firm for the services requested.

(ii) Up to 40 points for the strategy or process proposed to respond to the project.

(iii) Up to 20 points for the cost proposal.

(iv) Depending upon the specific nature of a capital project, the point system may be varied by the College to adjust the importance of individual categories.

(c) Each of the proposals submitted shall be reviewed in accordance with the criteria above by a selection committee consisting of at least three individuals, but no more than seven. At a minimum, one of the members of the Evaluation Committee must be from the College's Central Facilities office. The membership of the committee shall be recommended by the requesting department. Depending upon the size of the project, the recommended committee membership is subject to approval by the President or his/her designee. Firms may be required to provide oral presentations, when appropriate. The selection committee will assign points to each proposal and the best qualified firm will be selected. The President or his/her designee shall be authorized to execute agreements for consultant services.

(d) The award shall normally be for a negotiated, fixed fee, which shall not exceed a designated sum, and payment of said fee shall be calculated in accordance with the consultant's hourly wage rate schedule. In the event additional work is requested in writing by the College following the award of the contract, the consultant shall be entitled to an additional fee. The contract shall specify the basis for computing any additional fees. Additional work would normally only be requested to accommodate a change by the College in the scope of the project or as a result of an unknown condition. In the event the fee agreed upon shall be a percentage of the construction cost, no additional fee shall be payable when the additional services are reflected in the higher cost of the project upon which the fee shall be based. In either a fixed fee or percentage fee situation, no additional fees shall be payable for the additional work of preparing new designs and/or specifications to bring the project within budget when the budget was known to the consultant prior to the award. Additional services involving a fee in excess of \$50,000 shall be subject to approval by the Board.

(e) The Board member designated as the Board's liaison to the College administration on capital projects shall be kept informed of each RFP sent out to architectural or engineering firms, and, if it is for a project with a fee of \$50,000 or more, the Board shall authorize the award to the firm.

(f) The President, or his/her designee, is authorized to approve additional services having a value of less than \$50,000. In those cases where the aggregate of several requests for additional services within any one agreement reaches \$100,000, that condition with appropriate explanation shall be reported to the Board of Trustees at the next scheduled meeting.

4. Speaker Services

(a) The initiating department or office shall assess options for speaker services by obtaining written quotes for such services, while considering the goals of the program and available budget. The departments or office shall document the speakers which have been considered and the rationale for the final selection.

(i) If the fee for a speaker program is below \$2,000, the department or office shall submit a request to the Office of Legal Affairs to prepare an appropriate contract for execution by the President or his/her designee.

(ii) If the fee for a speaker program is \$2,000 or above, the department or office, upon the prior written approval of the Vice President for Academic Affairs or for Student Affairs, as appropriate, shall submit a request to the Office of Legal Affairs to prepare an appropriate contract for execution by the President or his/her designee.

(b) Purchase orders shall be issued prior to the performance of any services.