

BOARD OF TRUSTEES
January 16, 2020

- Item 1 RESOLUTION NO. 2020.01 - Supporting a Permanent Funding Floor for Community College Base State Aid Formula for Fiscal Year 2020**

- Item 2 RESOLUTION NO. 2020.02 - Confirming the Approval to Increase the Hourly Wage for Certain Part-Time Employee Titles of Suffolk County Community College**

- Item 3 RESOLUTION NO. 2020.03 - Confirming the Annual Review and Approval of the College's Procurement Policy, as Amended**

ITEM 1

RESOLUTION 2020.01 - Supporting a Permanent Funding Floor for Community College Base State Aid Formula for Fiscal Year 2020

WHEREAS, community colleges serve as economic engines that provide a trained workforce and educated citizenry for the State of New York and the local communities in which they are located, and

WHEREAS, community colleges are anchor institutions that help keep their communities strong and vibrant by serving as major employers, community hubs, and social centers, and

WHEREAS, community colleges are the primary catalyst to the middle class by serving more low-income students than any other sector of higher education, and

WHEREAS, community colleges anticipate and respond to the emerging needs of their local communities and remain the most adaptable sector of higher education, and

WHEREAS, community colleges serve nearly half of all undergraduates enrolled in the SUNY system, along with nearly as many life-long learners through non-credit classes, and

WHEREAS, a level of predictability in State funding is essential to provide community colleges the ability to plan and budget accordingly and recognizes each college's annual fixed costs, and

WHEREAS, the 98% of the previous year or \$100 increase per FTE, whichever is greater, language added to the community college funding model for fiscal year 2019 was a step in the right direction and appreciated, and

WHEREAS, the funding floor should be set in State statute at 100% of the previous year or \$100 increase per FTE, whichever is greater, be it therefore

RESOLVED, that Suffolk County Community College fully supports the proposal that New York State set the base state aid formula allocation for each community college at 100% of the previous year or \$100 increase per FTE, whichever is greater for fiscal year 2020.

ITEM 2

RESOLUTION NO. 2020.02 - Confirming the Approval to Increase the Hourly Wage for Certain Part-Time Employee Titles of Suffolk County Community College

WHEREAS, pursuant to a resolution adopted on December 5, 2019, the Board of Trustees authorized an increase to the hourly wage rate for part-time employees of Suffolk County Community College whose wages were impacted by the minimum wage increase to \$13.00 mandated by NYS law, and

WHEREAS, the College recommends a proportionate increase to the hourly wage rates of other part-time employees in similar titles to be implemented effective December 23, 2019, and

WHEREAS, pursuant to Article V (F) of the College Bylaws, on December 20, 2019, the Executive Committee of the Board of Trustees approved an increase to the hourly wage rate for certain part-time employee titles of Suffolk County Community College, be it therefore

RESOLVED, that the conditional approval by the Executive Committee of the Board of Trustees for an increase to the hourly wage rate for certain part-time employee titles, as reflected on *Attachment I*, annexed hereto, effective December 23, 2019, is hereby confirmed in all respects.

PART-TIME SALARIES

Title	Current Rate	Proposed Rate (Effective 12/23/2019)
<u>RECREATION AIDE</u>		
STEP 4	\$13.30	\$13.75
STEP 5	\$13.75	\$14.00
<u>RECREATION INSTRUCTOR</u>		
STEP1	\$13.00	\$14.25
STEP2	\$13.65	\$14.50
STEP3	\$14.35	\$14.75
STEP4	\$15.10	\$15.25
STEP5	\$15.85	\$15.85 (<i>no change</i>)
<u>LIFEGUARD (STILL WATER)</u>		
STEP2	\$13.35	\$13.50
STEP3	\$13.75	\$14.00
STEP4	\$14.35	\$14.50
STEP5	\$14.95	\$15.00

ITEM 3

RESOLUTION NO. 2020.03 - 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 College has reviewed the *Procurement Policy* and recommends that certain revisions be made in order to improve purchasing and procurement efficiencies, be it therefore

RESOLVED, that the College's *Procurement Policy*, as amended (*see, Attachment II*), be, and the same, hereby, is adopted and approved for the calendar year 2020.



PROCUREMENT POLICY

A. INTENT

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.

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 SharkMark, 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 issue 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.”

This exception does not apply to contracts for professional services or services which require the payment of prevailing wages, pursuant to the NYS Labor Law.

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.

Board of Trustees
January 16, 2020