



## **POLICY 6800**

### **PROCUREMENT**

**Policy Category:** Finance and Business Services

**Area of Administrative Responsibility:** Finance

**Board of Trustees Approval Date:** March 21, 2017

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## **PURPOSE**

As a municipal educational corporation, Nassau Community College is committed to procuring goods and services, as well as negotiating contracts for public improvement works via a process which assures the prudent and economical use of public moneys for the benefit of all constituents of Nassau Community College and Nassau County. This policy lays out the process for the College's acquisition of goods and services of maximum quality at the lowest possible cost, and sets out the steps to be followed to ensure that the College's procurement process guards against favoritism, improvidence, extravagance, fraud and corruption.

The College Procurement Office is responsible for purchasing commodities and services for the entire College community.

All purchasing is carried out in strict accordance with State and County ethics codes, State University of New York regulations concerning community colleges and public purchasing laws and regulations. All statutory procurement requirements and procedures, including publication, evaluation, and awarding of bids, awarding of contracts, and retention of procurement records, are performed in accordance with Article 5-A, sections 103 et seq., of the General Municipal Law (GML).

The Nassau County Code of Ethics is applicable to all College employees in their performance of procurement duties and tasks, including the prohibitions on College employees contracting with the College for the provision of goods and services.

## **ZERO TOLERANCE POLICY**

- A. All College employees, agents, consultants, construction managers, or other persons or firms representing the College (a "College Representative"), including their immediate family

members, are prohibited from accepting gifts of any kind, form, or value from any College Vendor in connection with the performance by such College Representative of duties involving transactions with College Vendors on behalf of the College.

- B. Additionally, all College Representatives, including their immediate family members, are prohibited from offering gifts, gratuities, or payments of any kind, form, or value to any College Vendor in connection with the performance by such College Representative of duties involving transactions with the College Vendor on behalf of the College.
- C. As used herein, “anything of value” or “of any kind, form, or value” shall include, but not be limited to, meals, holiday gifts, holiday baskets, gift cards, tickets to golf outings, tickets to sporting events, currency of any kind, cash discounts not available to all College employees, or any other gifts, gratuities, favorable opportunities or preferences. As used herein, “immediate family members” shall include a spouse, child, parent, or sibling. This policy also applies to subcontractors of College Vendors that have been engaged under any College contract.

## SCOPE

This policy applies to all College employees and consultants and to all organizational units of the College, including departments and programs. This policy also applies to purchases funded by federal, state, or private grant funds.

## DEFINITIONS

- A. **Aggregate Buy:** A procurement method whereby the total estimated campus-wide demand for a commodity or service is bid collectively in order to achieve the lowest possible pricing. An aggregate buy is generally conducted on an annual, biannual, or quarterly basis.
- B. **Annual or Annually:** Refers to the twelve-month period in the fiscal year, beginning on September 1 and ending on August 31, or the term of a contract from date of execution to date of expiration.
- C. **Pricing Agreement:** A written agreement between the College (the Buyer) and a seller (the vendor). These documents specify various terms and conditions to which the parties must adhere. Some examples of these terms and conditions include, but are not limited to, price, delivery terms, description of the commodity or service being procured, payment terms, duration of the contract, and liability clauses and any other requirements of either the buyer or seller.
- D. **Contract:** A written agreement that creates a legally binding obligation between the College and one or more outside parties, to purchase goods, commodities, and/or services, including, but not limited to:
  - a. **Construction Contract:** A contract awarded to the lowest responsible bidder after advertising an Invitation for Bid (IFB), also called a Formal Sealed Bid in the manner prescribed in General Municipal Law §103(2) for capital improvements to the College’s infrastructure.
  - b. **Grant-Funded Pass-Through Service Contract:** A contract entered into with another agency (i.e., a local school district, local job training agency, etc.), whereby the College is a recipient of grant funding intended solely to be passed through to such

- agency, and the College is not receiving any goods or services from the agency selected to receive the pass-through funds.
- c. **On-Call Agreements:** A business process where an RFP for architectural, engineering and construction management services results in the award of contracts for future work for the same services to multiple firms.
  - d. **Personal Service Contract:** is a contract for services which are unique to an individual, such as, but not limited to, a visiting lecturer, art model, artist, etc.
  - e. **Professional Service Contract:** A contract with a company, partnership, corporation, or a professionally licensed individual to provide services requiring licensing, special technical skills, professional judgement, training or expertise.
- E. **Contractor/Vendor:** Any person or entity receiving an award to perform services or provide goods.
  - F. **Blanket Order (BO):** Funding encumbrance document, issued by the Procurement Office, pursuant to terms and conditions of a pricing agreement or a contract. A BO usually consists of the vendor's name/address, a description of the item or service, a reference to the contract or pricing agreement, and data for College's use (BO number, funding source, and ordering department).
  - G. **Discretionary Purchase:** Purchases below an established dollar level authorized by the Board of Trustees to be made without a competitive process.
  - H. **Emergency:** Commodities may be purchased and contracts for public works may be authorized without undergoing a competitive bidding process in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property, or the life, health and safety of persons require immediate attention (GML 103.4)
  - I. **Formal Sealed Bid:** An advertised competitive solicitation seeking bids for a specified commodity or service, pursuant to which award is made to the responsive and responsible bidder(s) submitting the lowest price.
  - J. **Informal Bid:** A written competitive solicitation in lieu of an Invitation for Bid (IFB) for purchases below an established dollar level (currently \$20,000.00) but above the discretionary purchase threshold, which is awarded to the lowest responsible bidder after at least three (3) written or electronic quotes are received or requested
  - K. **Minority or Women Owned Business Enterprise (M/WBE):** A business certified under Article 15-A of the Executive Law that is independently owned, operated and authorized to do business in New York State; and is owned and controlled by at least fifty-one percent women or minority group members who are citizens of the U.S. or permanent resident aliens. Such ownership must be real, substantial and continuing; and the minorities or women must have and exercise the authority to control independently the day-to-day business decisions of the enterprise.
  - L. **Procurement Record:** Documentation of the decisions made and the approach taken in the procurement process (State Finance Law §163(f)). The Procurement Record, including the solicitation documents, should contain all the materials necessary for contract review purposes and must include each amendment to a contract and the justification for the same.

- M. **Public Work:** Construction projects and maintenance work on municipal property where improvements become municipal property, project is subject to municipal control and approval, and contractor will receive consideration from the municipality for the cost of the project.
- N. **Purchase Order (PO):** Basic contractual document issued by the Procurement Office, which is generally for a “one time” purchase. A PO usually consists of the vendor’s name/address, a description of the item, quantity, cost per item, shipping terms, total cost and data for College’s use (PO number and funding source). The PO solidifies the terms of the purchase. An approved PO is the mechanism by which a vendor is engaged to provide goods and services. No goods or services shall be requested from a vendor until sufficient funds to cover the expense have been allocated in a purchase order or blanket order.
- O. **Request for Proposals (RFP):** An advertised competitive solicitation seeking proposals for a specified service or technology which is exempt from competitive bidding requirements of the General Municipal Law §103, pursuant to which an award is made by an RFP evaluation committee to the responsive and responsible proposer(s) offering the best value and skill set.
- P. **Request for Qualifications (RFQ)/Request for Expression of Interest (RFI):** A document used to obtain qualifications of firms when the College is seeking services to address a particular need. This process is used to develop a “short list” of qualified firms to be invited to respond to an RFP.
- Q. **Single Source:** A procurement in which only one offeror is determined to be capable of supplying the required commodity or service, but where alternatives may theoretically exist in the marketplace.
- R. **Sole Source:** A procurement in which only one offeror is capable of supplying the required commodities or services (GML §103. 5).

## POLICY

The GML 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 8 of the Labor Law). The methods used to receive electronic bids or offers must comply with the NY State Technology Law, Article 3.

### A. PROCUREMENT THRESHOLDS:

The purchase of commodities, non-professional services and public works contracts shall comply with the following processes and thresholds. The splitting of purchases to evade the monetary thresholds of the GML and this Policy is strictly prohibited (GML 103 (1)). 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 additional quotes or the issuance of a bid. When practical, as determined by the Procurement Office, the College will initiate an Aggregate Buy whereby the total estimated campus-wide demand for a commodity or service is bid collectively in order to achieve the lowest possible pricing.

**1. Purchase of Commodities and Services other than Public Works:**

- a. Purchases which, on a College-wide basis, are reasonably anticipated to involve an annual expenditure of more than \$20,000 are to be awarded to the lowest responsive and responsible bidder after the advertisement of a Formal Sealed Bid consistent with GML 103 (2). Alternatively, purchase contracts may be awarded through a request for proposals (RFP) process on the basis of best value. A determination of best value shall be based on an objective and quantifiable analysis of a bidder's ability to optimize quality, cost and efficiency.
- b. Any award made pursuant to a formal sealed bid must be documented, stating that the award was made in accordance with the Nassau Community College Procurement Policy. The award affidavit must be signed by the Director of Procurement, and included in the procurement record.
- c. If an award is made to other than the lowest bidder or highest ranked proposer, the rationale for accepting the higher bid or a lower ranked proposer must be documented in the procurement record.
- d. If the monetary threshold for the purchase of commodities is not reasonably anticipated to exceed \$20,000 on an annual basis, the following procedures shall be followed:
  - i. Any annual expenditure up to \$5,000 is awarded at the discretion of the Director of Procurement in accordance with the Nassau Community College Board of Trustee Resolution, dated June 8, 1999, which references Nassau County Resolution No. 928-1993. Alternatively, the Director of Procurement may require competitive bidding/proposals to obtain the lowest price for such contract.
  - ii. Any annual expenditure of over \$5,000 up to \$20,000 is awarded to the lowest responsive and responsible bidder/proposer after at least three (3) written or electronic quotes or proposals are requested or received. If after every attempt was made to obtain at least three quotes or proposals, the buyer is unsuccessful, then the name and contact information of the vendors to which the requests were made must be documented on the procurement record.

**2. Public Works:**

- e. Contracts for Public Works encompass contracts for non-professional services, labor or construction, including maintenance services, building construction and renovation.
- f. All contracts for Public Works with an anticipated annual expenditure of more than \$35,000 are to be awarded to the lowest responsive and responsible bidder after advertisement for sealed bids. Funding or budgetary source is not a consideration in determining monetary thresholds for Public Works.
- g. If the monetary threshold for the procurement of Public Works is not reasonably anticipated to exceed \$35,000, the following procedures shall be followed:

- i. Any annual expenditure up to \$5,000 is awarded at the discretion of the Director of Procurement in accordance with the Nassau Community College Board of Trustee Resolution, dated June 8, 1999, which references Nassau County Resolution No. 928-1993. Alternatively, the Director of Procurement may require competitive bidding/proposals to obtain the lowest price for such contract.
  - ii. Any annual expenditure of over \$5,000 up to \$35,000 is awarded to the lowest responsive and responsible bidder after at least three (3) written or electronic quotes or proposals are requested or received. If after every attempt was made to obtain at least three quotes or proposals, the buyer is unsuccessful, then the name and contact information of the vendors to which the requests were made must be documented on the procurement record.
- h. The procurement procedures for projects and services funded by the Capital Plan are further defined in Section E of this policy.

**B. PREPARATION OF SPECIFICATIONS**

College departments and offices shall be responsible for the preparation of the specifications and requirements for all bids and RFPs in collaboration with the Procurement Office. Departments and offices have discretion to prepare reasonable standards and requirements that bidders are obliged to observe. Specifications must be drafted to allow bidders to provide reasonable equivalent commodities or services, and to compete on an equal, common basis.

In the event a vendor or consultant assists in the preparation of bid specifications, such vendor or consultant shall be ineligible to submit a bid or a proposal for that solicitation.

**C. EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS**

The following purchases are exempt from competitive bidding requirements of GML §103.

- 1. **Preferred Sources:** In order to advance special social and economic goals, State Finance Law §162 requires that a governmental entity purchase commodities and services from designated organizations when the commodities or services meet the "form, function and utility" requirements of the governmental entity. The New York State preferred sources currently include:
  - a. New York State Department of Correctional Services Division of Industries (Corcraft);
  - b. Industries for the Blind of New York State, Inc. (IBNYS);
  - c. New York State Industries for the Disabled, Inc. (NYSID); and
  - d. Office of Mental Health
- 2. **New York State Office of General Services (“OGS”):** Purchases of materials, food products, equipment or supplies and contracts to obtain services may be made through contracts procured by the New York State OGS.
- 3. **Federal Contracts:** purchases under certain federal General Service Administration (GSA) contracts are permitted and include information technology and

telecommunications software, hardware and professional services through cooperative purchasing, security systems as well as certain products and services to be used during major disaster recovery efforts.

4. **Certain other Governmental Contracts:** GML §103(16) authorizes the purchase of apparatus, materials, equipment and supplies, and contracts 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. Three prerequisites 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 other political subdivision or district thereof;
  - b. The solicitation must have been publicly advertised;
  - c. The contract must specifically state that it is available for use by other public entities; and
  - d. The contract must have been issued to the lowest responsible bidder or on the basis of best value.

However, the Director of Procurement may require competitive bids or proposals if it is felt that lower prices or a best value can be obtained.

5. **Sole source:** Procurements wherein only one vendor is capable of supplying the required commodities and/or services, are exempt from competitive bidding requirements. See GML §103, Note 76. This exception only applies when the College requires particular supplies, materials, equipment, or services, which uniquely serve its interest and for which there is no substantial equivalent. Procurement by this method must be documented by the requesting department and must include the following information:
  - a. The unique nature of the requirement;
  - b. The basis upon which it was determined that there is only one known vendor able to meet the need, including the steps taken to identify other potential providers and the reason why other potential equivalent products do not meet the department's needs; and
  - c. The basis upon which the cost was determined to be reasonable.
6. **Single Source:** Procurements wherein one vendor is determined to be capable of supplying a commodity or service, but where alternatives may theoretically exist in the marketplace. This procurement process is appropriate only in limited circumstances, such as a proprietary software license from the original developer; equipment, parts or accessories required for compatibility or standardization requirements; or, specialized services where one vendor possesses unique expertise, experience or qualifications essential to the College's operational needs. Single source procurement shall not be used for reasons of convenience, preference, or prior satisfactory performance.

The user department must provide a written Single Source Justification Memorandum to the Procurement Office for review and approval. At a minimum, the memorandum

shall include: a detailed description of the goods/services, a clear explanation of the operational need, documentation of market research performed including identification of other vendors or products considered and the reason why they are not acceptable, a justification explaining why competition is not feasible or is impracticable, an analysis demonstrating price reasonableness, and the estimated contract value and proposed term.

7. **Emergencies:** Commodities may be purchased and contracts for public works may be authorized without undergoing a competitive bidding process in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property, or the life, health and safety of persons require immediate action (GML §103.4). The facts upon which the declaration is made and a description of the actions to be taken shall be included in an emergency declaration memorandum. Only the College President or his/her official designee is authorized to declare an emergency. A department's failure to properly plan in advance, which results in a situation where the procurement procedures outlined in this policy cannot be followed, does not constitute an emergency.
8. **Professional Services:** Services requiring licensing, special technical skill, training or expertise and personal services for visiting lectures, artists, etc. are not subject to competitive bidding. Nevertheless, such services must be procured in a manner so as to assure the prudent and economical use of College funds, and to ensure the acquisition of such services at best quality and the lowest possible cost under the circumstances. Procurement of such services will be done in accordance with the procedures outlined in the section entitled "Procurement of Professional or Personal Services" below.
9. **Grant-Funded Pass-Through Contracts:** Recipient selection for grant-funded pass-through contracts shall not be subject to a competitive process, and no Requests for Proposals or price comparisons shall be required. If the recipient agency is not listed by name in the grant award, it will be selected in full compliance with binding grant award documents and with College policies governing Sponsored Programs. A College service agreement must be issued.
10. **Surplus/Second Hand Equipment:** College may purchase surplus and second-hand equipment without undergoing a competitive process as prescribed in GML 103 (6). However, the Director of Procurement may require competitive bids or proposals if it is felt that lower prices or a best value can be obtained.

#### **D. PROCUREMENT OF PROFESSIONAL OR PERSONAL SERVICES:**

Personal and Professional Services will be procured as follows:

1. Services which are unique to an individual, and are to be provided by a person who, in the documented opinion of the appropriate College official and documented approval of the area Vice President is the only qualified provider, will be procured and awarded by the Director of Procurement without a competitive process. Requesting Department shall be required to obtain a proposal from the consultant which shall be included with the documentation provided to the Procurement Office when requesting the preparation and execution of a contract.

2. Personal and Professional Services (other than where unique to an individual, as described above) will be selected under the following guidelines:
  - a. Services with an anticipated cost up to \$5,000.00 or less will be made at the discretion of the appropriate College official or departmental committee and awarded by the Director of Procurement. Requesting Department shall be required to obtain a proposal from the consultant, which shall be included with the documentation provided to the Procurement Office when requesting the preparation and execution of a contract.
  - b. Services with an anticipated cost greater than \$5,000.00 but not more than \$20,000.00 must include documentation that an appropriate College official or departmental committee received and considered proposals from at least three potential consultants, and identify the names of the proposers with their respective costs. The documentation shall include information regarding the selection process and clearly outline the reasons why a firm was selected.
  - c. Services with an anticipated cost greater than \$20,000.00 will be awarded after issuing a Request for Proposals (“RFP”). The RFP shall be advertised, and proposals shall be reviewed by an evaluation committee consisting of at least three individuals. The Procurement Office shall be responsible for managing the RFP process from advertisement to contract execution. The contract will be awarded to the responsive and responsible proposer offering services of the best quality, expertise and cost.
3. If the personal or professional services contract is grant-funded, and the grant award documents direct the College to carry out the grant initiatives by contracting with a particular individual or corporation, then the procurement selection procedures outlined in this Section will not be required. Such grant documentation evidencing the selection of the personal or professional services provider must be included in the procurement record and appended to the requisition.

**E. PROCUREMENT PROCEDURES FOR CAPITAL CONSTRUCTION PROJECTS:**

Procurement of professional architectural, engineering, construction management services and Public Work funded by capital funds shall comply with the following processes and thresholds.

**1. Professional Services:**

- a. The selection of consultants for architecture, engineering, construction management and other related services (i.e. inspections, sampling, testing, borings, surveys) shall be governed by the following principles:
  - i. If the anticipated value of the consulting services for a project will not exceed \$5,000, the Department of Design and Construction (DDC) shall solicit at least one proposal from a qualified firm.
  - ii. If the anticipated value of the consulting services for a project will not exceed \$35,000, DDC shall solicit proposals from at least three (3) qualified firms. The project is to be assigned to the qualified firm that submits the lowest cost proposal.

- iii. In the event the value of the consulting services exceeds \$35,000, a Request for Proposals (RFP) shall be advertised and issued by the Procurement Office. The proposals shall be reviewed by an evaluation committee consisting of at least three individuals. The Procurement Office shall be responsible for managing the RFP process from advertisement to award recommendation. The contract will be awarded to the responsive and responsible proposer offering services of the best quality, expertise, project approach and cost. DDC will prepare the contract for approval by the College's General Counsel Office and the County.
- iv. The College may issue RFPs to award multiple architectural and engineering contracts or multiple Construction Management contracts, known as On-Call contracts. The RFP will identify the number of anticipated contract awards. Contracts will be awarded to the responsive and responsible proposers as ranked by the evaluation committee beginning with the highest ranked proposer until the anticipated number of awards is met, or the Director of Procurement determines that it is in the College's best interest to limit the number of awards under the specific RFP. DDC will prepare the contracts for approval by the College's General Counsel Office and the County. The process for assignment of projects under these contracts is defined in the section below.
- b. In the event the DDC has determined that the requested services are unique to an individual, or are to be provided by a person or firm who, in the documented opinion of the AVP of the Department of Design and Construction is the only qualified provider, the contract award may be exempted from the RFP requirements. Documented approval of the Vice President of Facilities Management, with the concurrence of the Procurement Office, must be submitted to the Director of Procurement. Once approved, DDC will prepare the contract for approval by the College's General Counsel Office and the County.
- c. If the requested services are unique in nature and the DDC determines that the services can only be provided by a limited number of firms, DDC may request the issuance of a Request for Qualifications (RFQ) (as defined in the Definitions) prior to the RFP. The RFQ will similarly be evaluated by an evaluation committee based on pre-established criteria, and a limited number of firms will be selected (short-listed). Those firms will be issued an RFP directly, without further publication. Similarly, if the DDC determines that it is likely that the response to a particular RFP will be too broad and will solicit too many unqualified responses, DDC may decide to issue an RFQ first. An RFQ is NOT a required step in the procurement of professional services but an option afforded to lessen the number of unqualified responses to an RFP.
- d. All Requests for Proposals will specify the services required and the selection criteria. The contract will be awarded to the responsive and responsible firm that offers the best team, expertise, project approach and cost. In the case any further negotiations are required, DDC in collaboration with the Procurement Office will conduct such negotiation and document the same for the

Procurement Record. DDC will prepare the contract for approval by the College's General Counsel Office and the County.

- e. When requested by the professional services consultant, DDC will confer with the Vice President of Facilities Management on all increases in fees and/or amendments to a professional services contract. If approved, DDC will prepare the requisite contract amendment and encumbrance documentation for approval by the College's General Counsel Office and County.

## **2. Assignment of Projects under On-Call Contracts:**

- a. All work authorized utilizing On-Call Agreements (as defined in the Definitions) will be in the format of a task order, to be requested from all On-Call firms and evaluated by DDC. Task Orders will be evaluated based on qualifications and cost.
- b. After the most qualified and cost-efficient proposal is selected, DDC will make a determination of cost reasonableness and further negotiate with the firm to obtain the best pricing for the College, as appropriate.
- c. A recommendation letter will be forwarded to the Vice President of Facilities Management documenting the selection and negotiation process. Upon approval, DDC will process encumbrance documentation for required approvals.
- d. On-Call RFP's will be reissued at least every five (5) years to allow additional firms to compete for on-call contracts.

## **3. Construction Contracts:**

- a. All construction contract IFB's will be prepared by DDC in collaboration with the Procurement Office. The Procurement Office will manage the procurement process and will work collaboratively with DDC on the evaluation of all bids and determination of apparent low bidders. DDC will make IFB awards for projects initiated therein.
- b. After award, DDC will be responsible for managing, preparing and approving all construction contract documentation in conjunction with the Office of General Counsel.
- c. All proposed construction change orders are to be reviewed and approved by DDC and forwarded to the Vice President of Facilities Management for preliminary approval.
  - i. After final costs are determined, a complete change order package (replicating a Nassau County Change Order Package) is to be reviewed and authorized by the College Change Order Committee, comprised of the Vice President of Facilities Management, General Counsel, the College Comptroller and the College Budget Office who will meet regularly to evaluate the need for and appropriateness of construction change orders.
  - ii. After approval, DDC will route the change order for encumbrance.

4. Job Order Trade Construction Contracts:

- a. A construction contract IFB will be prepared by DDC in collaboration with the Procurement Office. The IFB will identify the number of awards that will be made under the specific solicitation. The Procurement Office will manage the procurement process and will work collaboratively with DDC on the evaluation of all bids and determination of apparent low bidders. DDC will make IFB awards for projects initiated therein.
- b. After award, DDC will be responsible for managing, preparing and approving all construction contract documentation in conjunction with the Office of General Counsel.
- c. After initial award of zero-dollar trade contracts, all task orders issued to the on-call construction trade contractors are to be prepared and issued by DDC. Task Order proposals will be evaluated and negotiated by DDC with a recommendation of award approved by the Vice President of Facilities Management.
- d. Encumbrance and management of such Task Order and related construction work will be the responsibility of DDC.

5. Pricing Agreements / Blanket Orders:

When using funds under the management of DDC (i.e., County capital, College capital grants and/or College facilities operating funds) for any blanket orders against established pricing agreements, the requesting department must route the requisition document to DDC before processing through to the Office of Procurement. DDC will review the appropriateness of the proposed work against the identified capital project, and/or funding source, will review the available balance in the funding source project, and will appropriately code the document for use of the funds. DDC will also review the documentation to be included with the blanket order request for completeness in regards to the scope of work being requested.

**F. COLLEGE APPROVAL PROCESSES:**

1. **Administrative Approvals:**

- a. **Purchase requisitions:** All College purchase requisitions are to be entered in the College's e-procurement system of record and routed electronically. The e-procurement system has budget check functionality. The approval requirements are based on the anticipated expenditure amount as follows:
  - i. Expenditures up to \$5,000.00 require the approval of the Department Head, or his/her designee.
  - ii. Expenditures of \$5,000.01 or more require the approval of the Department Head, the Vice President and the College's Comptroller, or their respective designee.
  - iii. Special approvals: certain commodities that require additional oversight are routed for an additional approval level as follows:

- IT equipment and software require the approval of the Information Technology Office.
  - Certain chemicals require the approval of the Environmental Health and Safety Office.
- iv. Travel requisitions require the approval of the Department Head and the Vice President, or their respective designee.
  - v. All grant-funded purchase requests, regardless of the amount, must be reviewed by the Office of Sponsored Programs, and require the approval of the appropriate Vice President assigned to the Grant, or their respective designee.
  - vi. All requisitions are reviewed and approved by the Director of Procurement, or his/her designee.
- b. **Professional and Personal Service Contracts:** All professional service contracts, personal service contracts and public works contracts must be reviewed and approved by the Nassau County Attorney's Office, Office of General Counsel, and a Department Vice President or Vice President's designee, as evidenced in writing, and are executed as follows:
- i. Wherein the total contract expenditure is Twenty Thousand Dollars (\$20,000.00) or less, the contract shall be executed by the Vice President of the contract-initiating department, or his/her designee.
  - ii. Wherein the total contract expenditure is over Twenty Thousand Dollars (\$20,000.00), the contract shall be executed by the College President, or his/her designee.
- c. **Other College Contracts:** College contracts other than those listed in the preceding section (i.e., software license agreements, participating institution agreements, grant-funded pass-through service contracts, etc.) shall be approved and executed as follows:
- i. Contract expenditures will be approved, as listed in sections F.1. above.
  - ii. Contracts will be reviewed by the Office of General Counsel.
  - iii. Contracts wherein the total contract expenditure is Twenty Thousand Dollars (\$20,000.00) or less may be executed on behalf of the College by the Procurement Director, General Counsel or Associate General Counsel, or by the College President.
  - iv. Contracts wherein the total contract expenditure is over Twenty Thousand Dollars (\$20,000.00) shall be executed on behalf of the College by the College President, or his/her designee.
  - v. Revenue-generating agreements and procurement related memorandum of understanding agreements shall be executed by the College President or his/her designee.
- d. **Pricing Agreements** are executed by the Procurement Director.

2. **Board of Trustees Approval:** The following College purchases require the approval of the Board of Trustees prior to the execution of the resulting agreement:
  - a. **Purchase Orders and Pricing Agreements** with an anticipated annual expenditure of \$100,000.00 or more that result from a competitive process let by the College.: Any increase to an approved Purchase Order or Pricing Agreement between 10% of the anticipated annual expenditure and \$100,000.00 must be reported to the Board of Trustees. Any increase above \$100,000.00 will require a new approval. Pricing Agreement expenditures which, upon execution by the Procurement Director, were not anticipated to exceed \$100,000.00, but subsequently exceed this threshold must be reported to the Board of Trustees.
  - b. **Professional Service contracts** with an anticipated annual expenditure of \$50,000.00 or more that result from a competitive process let by the College. Any increase to an approved Professional Service contract between 10% of the anticipated annual expenditure and \$50,000.00 must be reported to the Board of Trustees. Any increase above \$50,000.00 will require a new approval.
  - c. **Personal Service contracts** with an anticipated annual expenditure of \$30,000.00 or more. Any increase to an approved Personal Service contract of up to 10% of the anticipated annual expenditure and \$30,000.00 must be reported to the Board of Trustees. Any increase above \$30,000.00 will require a new approval.
  - d. **Capital Improvement contracts** for professional architectural, engineering, construction management services and Public Work with an anticipated annual expenditure of \$250,000 or more: The Department of Design and Construction will report on all planned expenditure against these contracts at each scheduled monthly Board of Trustees Capital Committee Meeting.
  - e. When Board of Trustees Approval is not required, a report listing all Professional and Personal Service contracts and associated costs must be presented to Board of Trustees Finance Committee quarterly regardless of the dollar amount.

**E. MINORITY WOMEN OWNED BUSINESS ENTERPRISE (MWBE) REQUIREMENTS:**

1. The procurement record for every Formal Sealed Bid and Request for Proposals submitted for advertisement must include documented results of a Minority and Women Owned Business Enterprise (M/WBE) vendor search from the Empire State Development Minority and Women-owned Business Searchable Database located at [HTTP://WWW.EMPIRE.STATE.NY.US](http://www.EMPIRE.STATE.NY.US)
2. All Request for Proposal solicitations shall include a requirement for MWBE participation as part of the Evaluation Criteria with a 5% weight assigned to such criterion.
3. All solicitations for bids and proposals as well as the resulting contracts and purchase orders in excess of \$100,000.00 for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon,

and any other procurement of goods or services in excess of \$25,000.00 are subject to Nassau County Local Law No. 14-2002, entitled “Participation by Minority Group Members and Women in Nassau County Contracts.”

**F. EMPLOYEE REIMBURSEMENTS FOR PURCHASES OTHER THAN TRAVEL**

The College requires the issuance of purchase orders as a standard practice. Employee reimbursements for purchases made by the employee directly from a vendor shall be an exception and will only be considered under the following conditions:

1. The employee must obtain written approval from the Procurement Office before making the purchase.
2. The purchase must not exceed \$100.
3. The request for reimbursement must be submitted in the College’s e-procurement system of record within 30 calendar days of the date of the purchase. Any reimbursement requests submitted after 30 calendar days will be rejected.
4. The College will not reimburse the employee for any tax charges.

**ENFORCEMENT**

Violation of this policy will result in disciplinary action as follows:

- A.** Employees who are part of a bargaining unit will be subject to disciplinary action brought under their respective collective bargaining agreement.
- B.** Employees who are not members of a bargaining unit will be subject to discipline by their supervisor.
- C.** Contractors or Vendors may be subject to termination of their contract, agreement or purchase order, among any other available penalty or remedy.