

PURCHASING AND BIDDING

I. BACKGROUND and/or LEGAL REFERENCE

~~These laws are prescribed in the Texas Education Code, Local Government Code, Texas Revised Civil Statutes, Texas Attorney General Opinions, and TASB Policy Manual.~~

Chapter 44 of the Texas Education Code governs purchases of goods or services under contract by a junior college district. The Board may adopt rules and procedures for the purchase of goods or services, and may delegate its authority to a person, representative or committee, unless the law requires that an action be taken or authorized by the Board. Additional legal authority for purchasing and bidding may be found in the Texas Education Code, the Texas Government Code, the Texas Local Government Code, the Texas Administrative Code, Texas Revised Civil Statutes, Texas Attorney General Opinions, and the TASB Policy Manual.

II. POLICY

A. Purchasing

1. *Purchasing Procedures Objective.* Purchases for the ~~district~~College shall be made on the basis of price and quality. When quality is equal, purchase shall be made from the firm offering the best overall value. Specifications for proposed purchases shall be such as to obtain maximum competition.
2. *Purchases Valued at or Above \$50,000.* Except as provided by Chapter 44 of the Texas Education Code, contracts for the purchase of goods or services valued at \$50,000 or more in the aggregate for each 12-month period shall be made by one of the methods authorized by the Section 44.031(a) of the Texas Education Code, provided that the method selected provides the best value for the College.
23. *Local Purchases.* The ~~District~~College shall purchase items not subject to bidding requirements from local suppliers provided that needed goods or services can be provided at a reasonable cost compared to purchase outside the ~~District~~College.
34. *Purchasing and Requisitioning.* The College President shall develop an effective and efficient purchasing and requisitioning system for the ~~District~~College, in accordance with recommendations by the independent auditor. This system shall involve other administrators and school officials in development and implementation. The College President may delegate certain responsibilities and duties to others, but shall be held responsible to the Board for the effective operation of the system. *The approved system and procedures for all College purchases are outlined in the Purchasing Manual found on the College's Intranet site.*
45. *Purchase Orders.* The purchasing system shall provide for purchase orders to be issued by the authority of the Board and shall represent the **only preferred** method by which ~~District~~College purchases are made.
56. *Consumable Supplies.* The College President or designee shall administer a system for the procurement and management of consumable materials and supplies used in the ~~District~~College to ensure that quantity purchases are made, resulting in savings to the ~~District~~College.
67. *Capital Outlay.*

- a. The College President or designee shall maintain a program that allows for the periodic purchasing of replacement equipment items. The purchasing of new equipment to update both instructional and plant categories of the **DistrictCollege** shall have budgetary consideration each year.
- b. Equipment acquired by the **DistrictCollege** shall be purchased through competitive means when required by law or board policy. Adequate inventories shall be maintained for insurance replacement purposes as well as to protect the **DistrictCollege** in case of theft.

B. Purchasing Authority

1. *Responsibility for Debts.* The Board shall assume responsibility for debts incurred in the name of the **DistrictCollege** so long as those debts are for purchases made in accordance with adopted Board policy and current administrative procedures regarding purchasing and expending. **Approved administrative procedures are outlined in the Purchasing Manual on the College's intranet site.** The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control; persons making unauthorized purchases shall assume full responsibility for all such debts.
2. *Purchase Commitments.* All purchase commitments shall be made by the College President or designee on a properly **drawn and** issued purchase order **or approved Check Request for certain items specifically listed in the Purchasing Manual.**
3. *Authorized Purchases.*
 - a. Unless state law or **Board policy** specifically requires the Board to make or approve a purchase, ~~authorized **DistrictCollege** employees in charge of a department or school budget~~ may purchase items included in their approved budget, in accordance with administrative procedures **as detailed in the Purchasing Manual.**
 - b. All regular creditors of the **DistrictCollege** shall be notified that purchase commitments made without a properly drawn purchase order and not signed by the College President or designee shall not be honored by the **DistrictCollege.**
4. *Verifying Purchases.* The College President or designee shall establish procedures regarding the manner of verifying the quality, quantity, and physical condition of the materials received so that approval for payment may be established.
5. *Personal Purchases.* **DistrictCollege** employees shall not be permitted to purchase supplies or equipment for personal use through the **District'sCollege's** business office.

C. Purchasing: Bidding Requirements

1. *Bid Acceptance.* The Board has authority to reject any and all bids. On bids that are **not** required by law, the **Board** shall accept the bid it deems to be in the best interest of the **DistrictCollege**. In making that determination, the Board shall consider price, quality, suitability of the product, the bidder's references and record for responsibility, or any other factor as detailed in Texas Education Code 44.031 (b).
2. *Withdrawal and Late Bids.* Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.
3. *Safety Record.*

- a. The Board may take the safety record of bidders into account in determining who is the lowest responsible bidder for projects required to be bid under Local Government Code ~~Chapter 271.024~~. (See Tex. Loc. Gov't Code §271.0275). The safety record shall be defined as a bidder's OSHA (Office of Health and Safety Administration) inspection logs for the last three years, a loss analysis from a bidder's insurance carrier, and a loss history covering all lines of insurance coverage carried by the contractor.
 - b. The Board shall determine the acceptable OSHA record and loss history for each project at the time bid specifications are established and shall include those criteria in the bid notice.
4. *Permissive Bids.* Purchase of goods and services for which bidding is neither required nor prohibited by law shall be based on ~~competitive-bidding~~ the best overall value to the College.

D. Notification of Criminal History of Contractor

Each business entity that submits a bid for consideration by the ~~District~~College must give advance notice to the ~~District~~College if the person or owner or operator of the business entity has been convicted of a felony in compliance with Sec. 44.034 of the Texas Education Code. The College ~~District~~ may terminate a contract if the ~~District~~College determines that the person or business failed to give notice as required.

(POLICY APPROVAL: 10-16-89, Board of Trustees, 7-15-14 amended)

BK/BAM
7-15-14
BK/PW
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