



# **COLLEGE OF SOUTHERN NEVADA**

## **PURCHASING MANUAL**

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## Table of Contents

I.	INTRODUCTION .....	6
II.	PROCUREMENT DEFINITIONS .....	6
III.	PROCUREMENT REGULATIONS .....	11
A.	PURPOSE .....	11
B.	APPLICABILITY .....	11
C.	GUIDELINES .....	11
IV.	PROCUREMENT AUTHORITY .....	11
A.	PURPOSE .....	11
B.	GUIDELINES .....	11
V.	CONTRACT SIGNATURE AUTHORITY .....	12
A.	PURPOSE .....	12
B.	AUTHORITY .....	12
C.	GUIDELINES .....	13
VI.	THE PURCHASING DEPARTMENT'S OBJECTIVES, GOALS, AND PRIMARY DUTIES	13
A.	PURPOSE .....	13
B.	AUTHORITY .....	13
C.	OBJECTIVES .....	13
D.	GOALS .....	14
E.	PRIMARY DUTIES .....	14
VII.	STANDARDIZATION OF COMMODITIES .....	15
A.	PURPOSE .....	15
B.	GUIDELINES .....	15
VIII.	SUPPLIER INCLUSION PROGRAM .....	15
A.	PURPOSE .....	15
B.	OBJECTIVES .....	15
C.	GOALS .....	16
IX.	GREEN PURCHASING PROGRAM .....	16
A.	PURPOSE .....	16
B.	GUIDELINES .....	17
X.	PROCUREMENT CARD (P-CARD) PROGRAM .....	20
A.	PURPOSE .....	20
B.	GUIDELINES .....	20
XI.	RECORDS RETENTION .....	21

A.	PURPOSE .....	21
B.	GUIDELINES .....	21
XII.	SUPPLIER REGISTRATION SYSTEM .....	21
A.	PURPOSE .....	21
B.	GUIDELINES .....	21
XIII.	CODE OF ETHICS .....	22
A.	PURPOSE .....	22
B.	GUIDELINES .....	22
XIV.	CONFLICT OF INTEREST .....	23
A.	PURPOSE .....	23
B.	GUIDELINES .....	23
XV.	ANTI-KICKBACK GUIDELINES .....	23
A.	PURPOSE .....	23
B.	GUIDELINES .....	23
XVI.	PROPRIETARY INFORMATION AND PUBLIC RECORDS REQUESTS .....	24
A.	PURPOSE .....	24
B.	GUIDELINES .....	24
XVII.	COMPETITION THRESHOLDS .....	24
A.	PURPOSE .....	24
B.	GUIDELINES .....	25
XVIII.	PURCHASE REQUISITION .....	26
A.	PURPOSE .....	27
B.	GUIDELINES .....	27
C.	PROCEDURES .....	28
XIX.	SPEND CATEGORY/COMMODITY APPROVALS .....	28
A.	PURPOSE .....	28
XX.	PURCHASE ORDERS .....	29
A.	PURPOSE .....	29
B.	GUIDELINES .....	29
XXI.	OPEN ENDED PURCHASE ORDERS .....	29
A.	PURPOSE .....	29
B.	GUIDELINES .....	29
C.	PROCEDURE .....	30
XXII.	COOPERATIVE PROCUREMENTS .....	30

A.	PURPOSE .....	30
B.	GUIDELINES .....	30
XXIII.	COMPETITIVE EXCEPTIONS .....	31
A.	PURPOSE .....	31
B.	GUIDELINES .....	31
C.	PROCEDURES .....	32
XXIV.	EMERGENCY PROCUREMENTS .....	33
A.	PURPOSE .....	33
B.	GUIDELINES .....	33
XXV.	SUPPLIER INVOICE REQUESTS .....	33
A.	PURPOSE .....	33
B.	GUIDELINES .....	34
XXVI.	PROFESSIONAL SERVICES .....	36
A.	PURPOSE .....	36
B.	GUIDELINES .....	36
XXVII.	CONSTRUCTION PROCUREMENTS .....	38
A.	PURPOSE .....	38
B.	GUIDELINES .....	38
XXVIII.	FEDERAL PROCUREMENTS .....	40
A.	PURPOSE .....	40
B.	GUIDELINES .....	40
XXIX.	SOLICITATIONS .....	40
A.	PURPOSE .....	40
B.	GUIDELINES .....	40
XXX.	CONTRACTS .....	47
A.	PURPOSE .....	47
B.	AUTHORITY .....	47
C.	GUIDELINES .....	47
XXXI.	INDEPENDENT CONTRACTOR AGREEMENTS (ICA) .....	48
A.	PURPOSE .....	48
B.	GUIDELINES .....	48
XXXII.	VIOLATION OF PURCHASING GUIDELINES .....	48
A.	PURPOSE .....	49
B.	GUIDELINES .....	49

XXXIII. RECEIVING GOODS AND SERVICES.....	49
A. PURPOSE .....	49
B. GUIDELINES .....	50
XXXIV. PAYMENT OF GOODS AND SERVICES .....	50
A. PURPOSE .....	50
B. GUIDELINES .....	50

## I. INTRODUCTION

The Purchasing Manual provides information on procurement definitions, practices, guidelines and procedures. The information included in this manual is intended to assist the College community with procurement related activities. The Associate Vice President of Procurement and Auxiliary Services is responsible for the administration of purchasing guidelines and procedures.

These guidelines and procedures cover most of the circumstances involving procurement for CSN. If there are special circumstances or questions, contact the Purchasing Department at 702-651-2656 for assistance.

Applicable laws and Board of Regents' policies supersede CSN guidelines.

## II. PROCUREMENT DEFINITIONS

1. **Acknowledgement:** A form used by a supplier to advise a purchaser that their order has been received; usually implying it has been accepted.
2. **Addendum:** An addition or supplement to a document, for example, items or information added to a procurement document.
3. **Advertise:** To make a public announcement, or legal notice, of forthcoming solicitation with the aim of increasing the response and enlarging the competition; often required by law.
4. **Amendment:** A revision or change to a document typically used with respect to changes to an existing contract.
5. **Award:** The presentation, after careful consideration, of a purchase agreement or contract to the selected bidder or offeror.
6. **Back Order:** That portion of an order which the supplier cannot deliver on schedule and which has been reentered for shipment when available.
7. **Best and Final Offer:** The final proposal submitted after negotiations are completed that contains the supplier's most favorable terms for price and services or products to be delivered.
8. **Best Interest of the College:** This purchase is made so as to be advantageous to the CSN.
9. **Bidder:** One who submits a response to an invitation for bid.
10. **Bid Opening:** The formal process in which sealed bids are opened, at the time and place specified in the invitation for bid document.
11. **Bid Sample:** An item furnished by a bidder to show the characteristics of the item offered in the bid.

12. **Brand Name or Equal Specification:** Using one or more manufacturers' brand names, with identifying model numbers, to describe the standards of quality, performance, and other characteristics needed to meet the requirements of a solicitation, and which invites bids for equivalent products from any manufacturer.
13. **Competitive Exception:** An exception to the competitive requirements due to a sole source, sole brand, emergency situation, etc.
14. **Conflict of Interest:** Contracting with any Board of Regents member or NSHE employee or a member of their household for services or goods represents a potential conflict of interest. It is important that the appearance of preferential treatment be nonexistent. For that reason, such transactions are prohibited except under special circumstances. For specific policy see Board of Regents Handbook – Title 4, Chapter 10, Section 1, number 7.
15. **Construction:** A general term used to include all work required to build, improve, alter, repair, maintain or demolish any public building, road, sidewalk or other real property structure.
16. **Construction-Manager-at-Risk:** A project delivery method in which there are two separate contracts, one for design services and another for construction services; the contract for construction services can be entered into at the same time as the contract for design services or at a later time; design and construction of the project may be in sequential phases or concurrent phases.
17. **Contract:** A contract is an agreement between two or more persons (or entities) that creates an obligation to do or not to do a particular thing. Its essential components are competent parties (persons or entities legally capable of contracting), subject matter (the purpose of the contract), a legal consideration (the inducement to contract, usually money or something of value, but also including mere promises to perform something or refrain from doing something), mutuality of agreement (all parties must voluntarily enter the contract) and mutuality of obligation (all parties are obligated to do something or not to do something they otherwise have a right to do).
18. **Cooperative Contract:** A contract entered into by a group of agencies or institutions that act as one agency for the benefit of all the institutions or agencies; also known as Consortium Contracts.
19. **Cost Analysis:** The review and evaluation of cost data for the purpose of arriving at costs actually incurred or estimates of costs incurred, prices to be paid, and costs to be reimbursed.
20. **Debarment:** The exclusion of a company from participating in a procurement activity for an extended period of time, as specified by law, because of previous illegal or irresponsible action.
21. **Descriptive Literature:** Information available in the ordinary course of business that shows the characteristics, construction or operation of an item offered in a bid or proposal.

22. **Design-Bid-Build:** A project delivery method in which there is a sequential award of two separate contracts; the first contract is for design services and the second contract is for construction; design and construction are in sequential phases.
23. **Design-Build:** A project delivery method in which there is a single contract for design services and construction services; design and construction of the project may be in sequential phases or concurrent phases.
24. **Discussions:** An oral or written exchange of information, for the purpose of obtaining information essential for determining the acceptability of a proposal, or to provide the offeror an opportunity to revise its proposal.
25. **Emergency Purchase:** A purchase made to alleviate a situation in which there is a threat to health, welfare, or safety under certain conditions that does not allow time for normal, competitive purchasing procedures.
26. **Escalation Clause:** A contract provision which permits the adjustment of contract prices by a given amount or percentage if certain specified contingencies occur, such as changes in the contractor's raw material or labor costs.
27. **Evaluation Criteria:** The factors specified in a RFP that will be considered in determining to whom the contract will be awarded.
28. **Fiscal Year:** The twelve month period between (July 1<sup>st</sup> and June 30<sup>th</sup>) one annual settlement of financial accounts and the next; used for budgeting, financial reporting, and planning.
29. **FOB:** Means "Free on Board": the shipping designation which defines the point of title transfer from seller to buyer. Designation is usually qualified by naming a location; i.e., shipping point, destination, name of city, etc.
30. **Informal Quotation:** A competitive quote or price quotation for goods or services that is conveyed by letter, fax, email, or other means and does not require a sealed bid, public opening, or public reading of bids.
31. **Invitation for Bids:** A formal request to perspective suppliers soliciting bids; contains or incorporates by reference, the specifications or scope of work and contractual terms and conditions and requires a sealed bid, public opening, or public reading of bids.
32. **Kickback:** Any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind that is provided, directly or indirectly, to the College or any of its departments, divisions, or employees in order to improperly obtain or reward favorable treatment in connection with any procurement.
33. **Lead Time:** The period of time from the date goods or services are ordered to the time when they can be delivered.
34. **Lowest Responsible Bidder:** The bidder that submitted a responsive bid at the lowest price of all the responsive bids submitted, after giving due consideration to life cycle cost, quality, availability, conformance to specifications, financial capability and service.



35. **Multiple Awards:** The award of a contract to two or more suppliers to furnish the same or similar goods or services.
36. **Non-responsive Bid:** A bid that does not conform to the mandatory or essential requirements of the invitation for bid.
37. **Notice of Award:** A written notification from the CSN to the successful bidder or offeror stating that there is an award of a contract in accordance with the bid or proposal previously submitted.
38. **Offeror:** One who submits a proposal/offer in response to a solicitation.
39. **Open End Purchase Order:** A purchase order which sets forth the general provision of supplies and services that may be delivered within a given period of time, typically in a fiscal year, but in which quantity and/or delivery is not specified. The quantity and delivery are specified with the placement of orders against the open end purchase order.
40. **Supplier Invoice Request:** Used to reimburse an individual for out of pocket expenses when necessary; used to pay a supplier after the fact when proper purchasing procedures were not followed; and for items (i.e. reimbursements, refunds, payments, etc.)..
41. **Prebid/proposal-Conference:** A meeting held with prospective bidders/proposers prior to the bid/proposal due date, to clarify any ambiguities, answer questions, and ensure all bidders/proposers have a common basis of understanding regarding the supplies or services required.
42. **Procurement:** Means buying, purchasing, renting, leasing or otherwise acquiring any materials, services or construction. Procurement also includes all functions that pertain to the obtaining of any material, service or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract and all phases of contract administration.
43. **Proposer:** One who submits a proposal/offer in response to a solicitation.
44. **Purchase Order:** A legal document used to formalize a purchase transaction with a supplier.
45. **Purchase Requisition:** An internal document or electronic transmission whereby a department requests the procurement of materials, services or construction.
46. **Purchasing Representative:** Any person duly authorized by the CSN to perform the procurement duties and responsibilities outlined in his/her job description and within the limits of that authority.
47. **Request for Information (RFI):** Solicitation issued to prospective bidders which is used to obtain information relative to how a prospective contractor proposes to perform certain work, its qualifications, and terms and conditions. Not used to obtain price information.
48. **Request for Proposals (RFP):** A formal request to perspective suppliers soliciting offers; contains or incorporates by reference, the specifications or scope of work and

contractual terms and conditions and requires a sealed offer and public opening and where other factors will be considered in the selection of the supplier in addition to price.

49. **Request for Qualifications (RFQ):** A formal request to perspective suppliers soliciting information on qualifications; requires a sealed response detailing their qualifications and a public opening.
50. **Request for Quotation:** An informal solicitation, where written quotes are obtained from suppliers, without formal advertising or receipt of sealed bids.
51. **Responsible Bidder or Offeror:** A bidder or offeror who has the capability in all respects to perform fully the contract requirements, and the experience, integrity, perseverance, reliability, capacity, facilities, equipment, and credit which will assure good faith performance.
52. **Responsive Bidder:** A bidder who has submitted a bid which conforms in all material respects to the requirements stated in the bid.
53. **Services:** Work performed to meet a demand, especially work not connected with a manufacturing process. The furnishing of labor, time, or effort by a contractor or supplier, not involving the delivery of any specific end product, other than reports that are incidental to the required performance.
54. **Sole Source Procurement:** A good made and marketed or service supplied by a contractor having the exclusive right to manufacture and sell such item or service, substantiated by its technological, specialized or unique character.
55. **Solicitation:** An Invitation for Bid, Request for Proposal, Request for Qualifications, Request for Quotation, Request for Information or any other invitation or request by which the CSN invites a company to participate in a procurement process.
56. **Specification:** Any description of the physical or functional characteristics or of the nature of a material, service or construction item. Designated types of specifications may be:
  - a. Brand Name Specification means a specification limited to one or more items by manufacturers' names or catalog numbers.
  - b. Design Specification means a specification that sets forth physical characteristics in definitive terms.
  - c. Functional Specification means a specification that sets forth the specific operational action or results for which it is to be used.
  - d. Performance Specification means a specification that sets forth a capacity objective that has been determined necessary for the item involved.
57. **Supplier:** Any company that sells goods or services; a supplier.
58. **Unit Price:** A price which the contractor is paid for the selected unit for materials or service; e.g. pounds, each, hour, etc.

### **III. PROCUREMENT REGULATIONS**

#### **A. PURPOSE**

To institute overall written procurement guidelines for the CSN and define the regulations that govern procurement.

#### **B. APPLICABILITY**

All purchases made by the CSN regardless of the source of funds.

#### **C. GUIDELINES**

CSN purchases, regardless of funding source, will be made in accordance with applicable state statutes, federal regulations, Board of Regents policies, CSN policies, and purchasing best practices. The Purchasing Department will ensure policy compliance.

The information contained in the following documents govern CSN's procurement procedures.

1. Title 4 Chapter 10: General Business Management – Board of Regents Handbook  
<https://nshe.nevada.edu/wp-content/uploads/file/BoardOfRegents/Handbook/title4/T4-CH10%20General%20Business%20Management.pdf>
2. Chapter 5: Fiscal Procedures – NSHE Board of Regents Procedures and Guidelines Manual  
<https://nshe.nevada.edu/wp-content/uploads/file/BoardOfRegents/PGManual/chapters/Chapter%2005%20-%20Fiscal%20Procedures.pdf>
3. Purchasing Manual
4. P-Card Manual

### **IV. PROCUREMENT AUTHORITY**

#### **A. PURPOSE**

To define the authority for committing the CSN to the procurement of goods and services.

#### **B. GUIDELINES**

The CSN Purchasing Department is the central authority for the procurement of goods and services required by any College department or division. All procurements must be made in accordance with the Board of Regents' policies and the rules and regulations established by the Purchasing Department.

On an annual basis, a memorandum is issued from the CSN President to provide guidance for designating signature authority for contracts not requiring the Chancellor's signature, and all general financial transactions and exceptions to established financial policy. In addition, the Purchasing Department issues Purchase Order documents on behalf of CSN. The Purchasing Department is given the authority to place an order directly with a supplier and/or to obligate the CSN. Other staff members of CSN do not have this authority unless the President of the CSN specifically authorizes specific individuals to do so in writing.

#### Exceptions

Small dollar purchases (Typically \$5,000 and below) can be made by authorized personnel through the use of the P-Card (the College's purchasing card program).

In rare occasions departments may make purchases using a Supplier Invoice Request. The guidelines on the proper use of Supplier Invoice Requests is contained in the Purchasing Manual Section XXV – Supplier Invoice Requests.

The Purchasing Department is responsible for monitoring P-Cards and Supplier Invoice Requests to ensure compliance with applicable guidelines/regulations. Authorization to use these procurement methods will be revoked for flagrant violation of established guidelines/procedures.

The Associate Vice President of Procurement and Auxiliary Services has overall responsibility for assuring that all departments of the College are complying with all requirements. Any authority or responsibility relating to purchasing which is not specifically designated in these or other instructions remains the responsibility of the Associate Vice President of Procurement and Auxiliary Services.

Departments may authorize the Purchasing Department to procure goods or services on their behalf by submitting a purchase requisition. The approval on the document certifies that sufficient funds are available on the account, that the requested goods or services are legitimate expenditures against the account, and that the necessary internal approvals have been obtained.

In the event employees of the College act outside their authority, the employee may be held personally liable for the costs of the transaction.

## **V. CONTRACT SIGNATURE AUTHORITY**

### **A. PURPOSE**

To define the authority for signing contracts and other agreements.

### **B. AUTHORITY**

The Nevada System of Higher Education (NSHE) Procedures and Guidelines Manual, Chapter 5 Fiscal Procedures, Section 3 –Preparation and Approval of Contracts, outlines signature authority for execution of all contracts. The Chancellor is the contracting officer for NSHE and Chapter 5 contains contracting authority and signature delegation details.

## **C. GUIDELINES**

It is the responsibility of the Purchasing Department to process the execution of purchasing related contracts for the CSN. Departments should contact Purchasing as soon as they are aware that a contract is required. Employees are not to sign any contract or order form before contacting Purchasing for guidance. As the contracting officer, the Chancellor has delegated signature authority to the President and in turn the President has delegated signature authority to specific staff at the CSN. NOTE: Individuals who do not have authority to sign contracts, but do so anyway, may be held personally liable for the contract.

Often times a purchase order is the only contract required between the supplier and the CSN. When a formal contract is required, Purchasing will work with departments to ensure the contract meets Purchasing, CSN, NSHE, Board of Regents, state and federal, and any other applicable policies and procedures. Departments do not need to send the contract to General Counsel for review prior to sending the contract to Purchasing. Purchasing will coordinate the execution of the contract with General Counsel, if required.

If a contract is required, the contract must be fully executed prior to the issuance of a purchase order.

## **VI. THE PURCHASING DEPARTMENT'S OBJECTIVES, GOALS, AND PRIMARY DUTIES**

### **A. PURPOSE**

To provide information related to the Purchasing Department's objectives, goals, and primary duties.

### **B. AUTHORITY**

As stated in the Board of Regents' General Policy Statements Title 4, Chapter 10, Section 1 – Purchasing Policy: All purchases of supplies, equipment, services, and construction, shall be handled administratively by the Purchasing Department.

### **C. OBJECTIVES**

Provide prompt and effective service to both user departments and to suppliers.

Develop and operate an effective Purchasing program that adhere to applicable NSHE procedures, state statutes, federal guidelines, and industry best practices for all procurements processed by the department.

Achieve value leadership through competitive bidding (and quoting) and strategic sourcing while maintaining transparency and integrity for all processes.

Procure materials at the lowest cost consistent with quality and service.

Provide opportunities to all interested suppliers. Maximize the inclusion of women and minority-

owned businesses and/or local business enterprises as direct and indirect suppliers of goods and services to the College.

Award contracts impartially.

Promote awareness of sustainability responsibilities.

Streamline processes and record keeping while providing sufficient controls, compliance with policies, and adequate audit documentation. Take advantage of technology to be as efficient as possible.

#### **D. GOALS**

The primary function of the Purchasing Department is to assist the College community with the identification, selection, and acquisition of required materials and services. Purchasing will strive to accomplish this as economically as possible, within acceptable standards of quality and service, while utilizing professional ethics and best business practices throughout the process. To this end Purchasing will do the following:

Maximize customer satisfaction.

Ensure effective and cooperative relationships with our customers.

Provide the campus community education relating to the procurement process.

Promote a positive work environment.

Maintain and create sound business practices.

#### **E. PRIMARY DUTIES**

Issue, evaluate, and award formal and informal solicitations.

Negotiate various types of contracts.

Provide information to departments as requested.

Process purchase requisitions.

Issue purchase orders.

Coordinate and issue modifications to purchase orders if necessary.

Ensure proper documents and authorizations are obtained for purchases.

Expedite orders.

Monitor P-Card program to ensure compliance with policies/procedures.

Maintain supplier lists.

Look for additional sources of supply.

## **VII. STANDARDIZATION OF COMMODITIES**

### **A. PURPOSE**

To allow for the standardization of commonly purchased items.

### **B. GUIDELINES**

The Purchasing Department has the responsibility and authority to question the quality and type of goods being requested to ensure the best interests of the CSN are served. Whenever possible and in the best interest of the CSN items will be standardized to take advantage of volume discounts and to avoid frequent small orders.

Contact the appropriate purchasing representative to enquire about items that have been standardized. Any request for nonstandard items will require a justification from the requester stating why they are unable to use the standard item.

## **VIII. SUPPLIER INCLUSION PROGRAM**

### **A. PURPOSE**

The College of Southern Nevada has actively supported supply chain and supplier inclusion and continues to focus College resources in this area. The CSN Purchasing Department, with continued support from the College administration and the Communications & Public Affairs office, Diversity and Cultural Affairs, utilizes a multi-faceted approach to stimulate the interest and awareness of local emerging businesses in CSN contracting opportunities.

### **B. OBJECTIVES**

The College of Southern Nevada does not adhere to a preference based system (e.g. set asides, quotas, etc.) for the award of contract. However, the College will aggressively pursue methods and approaches that prepare business owners to compete for contracting opportunities. These efforts include:

1. **Business Mentoring:** Focused outreach in the local business community and active participation with Las Vegas' business advocacy organizations provides the CSN Purchasing Department with the opportunity to connect with local, emerging businesses the aim of which is to foster and grow meaningful business relationships. Individual mentoring sessions for individual businesses is integral to our approach. These sessions focus on how to review a scope of work, best practices when responding to a scope of work, the importance of evaluating CSN's past purchasing activity, strategies in creating competitive quotes, and identifying key contacts within the College.

2. Supplier Inclusion Events: The College of Southern Nevada will host events that introduce business owners to purchasing decision makers at the College. Additionally, these events will be held in collaboration with the University of Nevada Las Vegas, Nevada State College, and the local area chambers of commerce when feasible.

### **C. GOALS**

The College of Southern Nevada has defined goals for its supplier inclusion program which will be used to guide the College's supplier inclusion initiative and to measure future success. The goals promote an approach based on the NSHE's focus on accountability and the inclusion of local emerging businesses in the College's procurement process. These goals also support CSN's continuing effort to broaden the base of suppliers that participate in the College's bidding and contracting opportunities. The goals include:

1. Increase the number of diverse suppliers registering to do business with the College by 15%. Purchasing will increase the number of minority, woman, disabled, local, and veteran owned business enterprises by continuing to grow our presence in the business community and by recruiting local and emerging businesses to discuss contracting opportunities at CSN.
2. Expand awareness of and exposure to College bidding opportunities.
3. Host at least one supplier inclusion event building on the successes of events held in years past. To this end, CSN Purchasing will attempt to recruit Nevada State College, the University of Nevada Las Vegas, and community business advocates to participate in the event.
4. Develop a web presence to promote CSN's supplier inclusion efforts. This goal will result in the building of a new webpage devoted exclusively to supplier inclusion and business development. The website will include a "How to do Business" section, supplier definitions, links to NSHE policy, and information for CSN departments.
5. Create a diverse supplier database for the purposes of quickly identifying companies for bids, outreach events, and quoting opportunities.
6. Prioritize Purchasing resources to increase supplier interaction and communication. This will require the entire Purchasing staff taking an active role in CSN's supplier inclusion initiative.

## **IX. GREEN PURCHASING PROGRAM**

### **A. PURPOSE**

To establish guidelines for the purchase of environmentally preferred goods and services.



## **B. GUIDELINES**

In support of the Nevada System of Higher Education (NSHE) initiative to be a leader in sustainable and environmentally friendly purchasing practices, the CSN has implemented an EPP (Environmentally Preferable Purchasing) program, also known as Green Purchasing, in recognition of the influence the CSN has as a significant purchaser of goods and services in the community. The CSN Purchasing Department will promote the preference to purchase goods and services from suppliers who provide environmentally friendly products and services and whose quality, function, and cost are equal or superior to more traditional products and service.

CSN has a strong commitment to educational and outreach programs and encourages the campus community to embrace the ethical challenges of responsible citizenship. By continuing to build on the CSN's record of consistent compliance with safety and environmental regulations, the EPP program will enable CSN to plan its future growth in balance with economic, environmental, and socially responsible values.

The EPP program will allow the CSN to:

Strengthen recycling efforts campus wide.

Reinforce the importance with our suppliers to provide green purchasing solutions.

Create a model that will encourage other suppliers to broaden their product and service offerings to include environmentally friendly products.

Reduce the amount of landfill material being produced.

Partner with suppliers who have invested in environmentally friendly product and service lines and reward them by purchasing their products and services.

Support local suppliers who meet the preferred purchasing program's requirements.

Give visibility to sustainable purchasing practices that can be used as a guide to other NSHE institutions as well as higher education institutions everywhere.

Reduce pollution by taking into account emissions over the full life cycle of a product or service.

Strengthen markets for recycled materials and increase economic development for manufacturers producing source reduction and recyclable product.

CSN's focus is to execute a high impact and cost effective green purchasing program designed to conserve resources and to minimize the adverse environmental impact of our product and service usage. This includes the equipment and supplies the CSN procures for use in its daily operations, lab and classroom environments, and construction projects. The Purchasing Department will continually assess the best way to introduce this philosophy into the relationships we create with our suppliers and our customers, and will continue to grow this program to meet the needs of the CSN.

In all instances where it is practicable to do so, all contracts, bids and RFP's should be evaluated to ensure that language is inserted which expands the standards by which formal solicitations are awarded. Preferable consideration will be given to those firms which submit environmentally

responsible responses that do not diminish the intended use of the product or service and are cost effective.

Meet with the campus departments to discuss and explore opportunities to utilize products and services with the greatest amount of recycled, recyclable, and post-consumer content.

Collaborate with existing suppliers to identify and highlight for the campus their portfolio of environmentally friendly products and services.

Identify green and environmentally responsible products made available by our suppliers.

The Purchasing staff will evaluate each purchase that is being made to ascertain if a viable green option is available. This will require each Purchasing staff member to be aware of the following product attributes:

Shipping materials should be the minimum required to properly secure the product and should be made from recycled or recyclable material.

Strive to use raw materials from sustainable and renewable sources.

Use local or regional suppliers to reduce the environmental impact associated with shipping.

Items purchased should be, when at all possible, recyclable.

CSN will establish purchasing oriented systems to address several key areas:

### **Technology**

By leveraging existing technology, we can integrate new supplier information into existing systems that will allow for more efficient matching of commodity to green approved providers.

The aim is to make available to the campus a current and systematic listing of suppliers and the products and services they provide.

### ***Products Containing Recycled Content***

CSN will purchase recycled paper and paper products where economically feasible and technologically compatible. This includes a campus wide preference for recycled content office paper.

Procure products for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines, such as printing paper, office paper, janitorial paper, construction, landscaping, transportation, vehicles, and non-paper office products, and which contain the highest post-consumer content practicable, but no less than the minimum recycled content standards established by the U.S. EPA Guidelines.

The CSN will work toward solely leasing or purchasing copiers and printers that can be used with recycled content products.

Procure recycled content transportation products including signs, barricades, and cones.

### ***Landscaping***

Support the efforts of our Facilities Management Department to implement sustainable landscape management through xeriscape and drought response planning by procuring items such as hydraulic mulch, compost made from yard trimmings or food waste, and eco-friendly fertilizers. CSN will also strive to give preference to landscaping material produced from locally or regionally generated food waste or plant debris programs.

The Purchasing Department will work with the Facilities Management Department to assist them in selecting plants, trees, and shrubs for campus landscaping projects will be species that are drought tolerant requiring little or no watering. Preferable buying status will be given to these and other native plants that are appropriate for this climate and meet the needs of the CSN.

Additional preference will be given to suppliers who incorporate sustainable landscape planning and maintenance in their proposals and are contracted to provide landscaping services for CSN. This includes fertilizer selection and frequencies, recycled content edging products, and efficient use of gas powered equipment.

### ***Eliminating or Reducing Pollutants and Toxins***

CSN will strive toward the elimination of purchases of Styrofoam and glass products. Suppliers will be required to offer alternatives to these items when available.

Chemicals purchases for products containing or produced using chlorofluorocarbons (CFC's) or other ozone-depleting chemicals will be substituted when suitable alternatives exist.

Strong efforts will be made to avoid purchases of janitorial and other cleaning supplies that contain carcinogens and are not biodegradable.

Decrease chemical waste in teaching laboratories by identifying less hazardous and more environmentally friendly chemicals or processes that may be substituted.

Strive to procure biodegradable and phosphate free detergents for use in campus buildings. This requirement would extend to all supplier contracted for cleaning or washing services for the CSN.

Authorize purchase of low impact pest control products such as insecticides that are organic and safe for the environment and people.

Vehicle purchases for state use will be made pursuant to Nevada Administrative Code 486A which requires we meet alternative fuel standards.

### ***Energy Savings***

Encourage the purchase of energy efficient products through assistance in product selection and strategic pricing.

Support the efforts of the Facilities Management Department by facilitating purchases of energy efficient equipment that can have a positive impact on energy efficiency and usage.

Enforce and support our current purchasing policy that requires Energy Star rated products in all areas for which such ratings exist including lab equipment, technology related hardware, and appliances.

Identify departments that are currently using older equipment and appliances and help to match their new purchases with an energy efficient product.

Campus departments will be highly encouraged to purchase personal computers, notebook computers and monitors that meet at least the Electronic Product Environmental Assessment Tool (EPEAT) Silver standard, with a preference for the Gold standard. For product categories where an EPEAT standard is in development, now or in the future, once a product standard is established, all products shall meet the minimum relevant EPEAT standard.

### **Construction**

Ensure supplier availability whose offerings include an ample green portfolio of commodities and services.

When applicable, make certain formal solicitations for construction contain the appropriate language that will be clear to respondents and produce the submissions that will allow for sustainable goals to be met.

## **X. PROCUREMENT CARD (P-CARD) PROGRAM**

### **A. PURPOSE**

To procure low dollar goods and items that are on or off contract in the most efficient and cost effective manner.

### **B. GUIDELINES**

#### RESPONSIBILITIES

Procedures for the use of the P-Card are contained in the CSN's P-Card Program User's Manual at: <http://www.csn.edu/askpcard/>

#### Card Holders

Complete P-Card Holder training and score 85% or higher on the P-Card Quiz. Attend any additional training required and consult manual to ensure proper use of the card.

Safeguard the card. Report a lost or stolen card IMMEDIATELY to JPMorgan Chase at 1-800-270-7760. (Your department has full liability for all purchases made before a card is reported lost or stolen). The cardholder should then contact the P-Card Coordinator.

Ensure the P-Card is used for official CSN purchases and not personal use.

Follow all CSN, Board of Regents, State, Federal and Purchasing guidelines.

Alert suppliers that the CSN is tax exempt.

Resolve any discrepancies with merchants.

Maintain a P-Card Binder as outlined in the CSN P-Card Program User's Manual. Ensure supporting documentation is complete and available for every transaction.

Ensure monthly verifications and approvals are completed correctly and on time.

Destroy or turn in your P-Card to the P-Card Coordinator and give the P-Card Binder to the department custodian upon termination of employment OR upon request of the department head.

### The Department Head

Ensure the integrity of the P-Card Program.

Know and enforce compliance of the rules of the program as stated in the manual.

Ensure monthly verifications and approvals are completed by the deadline.

Ensure there is complete documentation for every transaction.

Notify the P-Card Coordinator immediately should any cardholder under their approval authority leave the employment of the department or the CSN. Destroy or turn in P-Cards to the P-Card Coordinator and assign a department custodian to maintain the P-Card Binder for the required retention period.

## **XI. RECORDS RETENTION**

### **A. PURPOSE**

To ensure purchasing records are retained for an adequate time period.

### **B. GUIDELINES**

Documents must be retained according with NSHE's Procedures & Guidelines Manual, Chapter 18.

If a file contains more than one record type each of which have a different retention periods we will comply with the retention requirement of the record with the longest retention period. For example, if a purchase requisition (retention period = 4 years) has attached to it a purchase order (retention period = 7 years) then we will maintain the collective file for 7 years.

## **XII. SUPPLIER REGISTRATION SYSTEM**

### **A. PURPOSE**

To allow suppliers to register and provide information and documents necessary to conduct business and provide goods and services to NSHE.

### **B. GUIDELINES**

The Supplier Registration System (SReg) allows suppliers to register and manage their business information online through a secure account. It is the supplier's responsibility to register and to maintain their registration.

Suppliers must register and be approved in SReg prior to a purchase order being issued and payment being made. This one registration will provide suppliers with NSHE-wide exposure to all eight system institutions and System Administration.

Suppliers can access the SReg by going to: <https://www.csn.edu/purchasing>

### **XIII. CODE OF ETHICS**

#### **A. PURPOSE**

To prescribe to a code of conduct for individuals involved in the purchasing process.

#### **B. GUIDELINES**

All individuals involved in the purchasing process (which includes the Purchasing Department and all other departments) will adhere to the following Code of Ethics published by the National Association of Educational Procurement (NAEP).

1. Give first consideration to the objectives and policies of CSN.
2. Strive to obtain the maximum value for each dollar expenditure.
3. Decline personal gifts or gratuities.
4. Grant all competitive suppliers equal consideration insofar as state or federal statute and institutional policy permit.
5. Conduct business with potential and current suppliers in an atmosphere of good faith, devoid of intentional misrepresentation.
6. Demand honesty in sales representation whether offered through the medium of a verbal or written statement, an advertisement, or a sample of the product.
7. Receive consent of originator of proprietary ideas and designs before using them for competitive purchasing purposes.
8. Make every reasonable effort to negotiate an equitable and mutually agreeable settlement of any controversy with a supplier, and/or be willing to submit any major controversies to arbitration or other third-party review insofar as the established policies of CSN permit.
9. Accord to prompt and courteous reception insofar as conditions permit to all who call on legitimate business missions.
10. Cooperate with trade, industrial, and professional associations and with governmental and private agencies for the purposes of promoting and developing sound business methods.

11. Foster fair, ethical, and legal trade practices.
12. Counsel and cooperate with NAEP members and promote a spirit of unity and a keen interest in professional growth among them.

#### **XIV. CONFLICT OF INTEREST**

##### **A. PURPOSE**

To prevent College employees from engaging in any behavior that would violate the Board of Regents policy.

##### **B. GUIDELINES**

Conflict of Interest is covered in Board of Regents General Policy Statements Title 4, Chapter 10, Section 1 – subsection 7.

In addition to such conflicts of interest prohibited by law, it shall also be prohibited for a member of the Board of Regents or an employee of NSHE:

To become a contractor or a supplier for the purchase of supplies, equipment, services and construction under any contract or purchase order of any kind authorized by NSHE under the provisions of this or,

To be interested, directly or indirectly, through any member of the Regent's or employee's household, as defined by NRS 281.434, or through any business entity in which the Regent or employee has a financial interest, in any kind of contract or purchase order so authorized by the receipt of any commission, profit, or compensation of any kind.

Except where may be prohibited by law, exceptions to this policy may be permitted:

For contracts or purchase orders for which the proposed contractor or supplier is the sole source for the contract or purchase order and has not participated in or otherwise actively influenced the consideration or acceptance of offers for the contract or purchase order.

When in the judgment of the CSN's President, the public interest would best be served by making such an exception.

#### **XV. ANTI-KICKBACK GUIDELINES**

##### **A. PURPOSE**

To establish a CSN guideline for prohibiting kickbacks and to ensure compliance with the Anti-Kickback Act of 1986.

##### **B. GUIDELINES**

The Anti-Kickback Act of 1986 makes it illegal for any person to provide, attempt or offer to provide, solicit, accept, or attempt to accept any kickback in connection with any contract or subcontract with any department or agency of the federal government. "Kickback" includes any fee, commission, credit, gift or anything of value which is provided, directly or indirectly, to the CSN or any of its departments, divisions, or employees in order to improperly obtain or reward favorable treatment in connection with any federal government contract.

## **XVI. PROPRIETARY INFORMATION AND PUBLIC RECORDS REQUESTS**

### **A. PURPOSE**

To describe public and proprietary information that shall be made available to the public.

### **B. GUIDELINES**

#### Proprietary Information

The Purchasing Department encourages suppliers not to put any proprietary information in their quotations, bids, and proposals. However, there may be rare situations where proprietary information is required for evaluation purposes. The supplier must clearly mark the sections of information that are considered proprietary. The Director of Purchasing shall be the final authority on which information is considered confidential.

#### Public Information

Many of the documents related to procurements are considered public.

#### Public Records Requests

As a public institution within the State of Nevada, the College of Southern Nevada complies with Nevada's public records law. If someone from the public, such as the media or a supplier, requests any record maintained by the College instruct them to put their request in writing, addressed to the attention of the Director of Purchasing. The requestor may fax, email or send by mail, their request(s). Once the request is received, the Director will assign the gathering of the requested information to staff (usually the Purchasing Representative of record on bid/rfp inquiries). The Communication & Public Affairs office must be notified of the request. Once the information is gathered and reviewed by the Director, it is forwarded to the Communication & Public Affairs office and they will issue the information to the requesting party. If the amount of time and expense to provide the requested information is excessive, the requester may be charged an amount to offset the expense of the request.

## **XVII. COMPETITION THRESHOLDS**

### **A. PURPOSE**

To ensure purchasing competition thresholds are followed as described in the NSHE Board



of Regents' Procedures and Guidelines Manual Chapter 5: Fiscal Procedures.

## **B. GUIDELINES**

### **Purchases of Equipment, Supplies and Services, Less than \$25,000**

Purchases of less than \$25,000 may be made at the discretion of the Purchasing Department and require one written quotation often times provided by the department.

### **Purchases of Equipment, Supplies and Services, \$25,000 or More but Less than \$50,000**

At least two price quotations for purchases in excess of \$25,000 but less than \$50,000 are required. If the price quotations are obtained by the department, the quotes shall be submitted with their requisition. If two quotations cannot be obtained, documentation showing suppliers contacted but not offering price quotations, or an explanation of why price quotations were not obtained should be submitted with the requisition along with a Competitive Exception Form.

### **Purchases of Equipment, Supplies and Services, \$50,000 or More**

The Purchasing Department will, whenever possible, obtain sealed competitive bids/proposals for all purchases of goods and services having an estimated cost of \$50,000 or more for the annual requirement. The department will assist the Purchasing Department in developing specifications and a list of potential suppliers.

### **Purchases of Professional Services, Less than \$25,000**

Purchases of less than \$25,000 may be made at the discretion of the Purchasing Department and requires one written informal proposal usually obtained by the department and submitted with their requisition.

### **Purchases of Professional Services, More than \$25,000, but Less than \$50,000**

At least two informal proposals for purchases in excess of \$25,000 but less than \$50,000 are required. The informal proposals (usually solicited by the Department) along with a summary of the reasons why one proposal was selected over the other must be submitted with the requisition. The summary would include criteria evaluated such as cost, experience, approach, team proposed, etc. If two informal proposals cannot be obtained, documentation showing suppliers contacted but not offering informal proposals, or an explanation of why informal proposals were not obtained, must be submitted with the requisition.

Providing Professional Services requires a high degree of knowledge, expertise and training, of an intellectual, specialized or technical nature, performed only under general supervision and requiring the consistent exercise of discretion and judgment. Frequently the individual or organization performing the service(s) is professionally licensed, and/or possesses an advanced degree. Some of the more common types of professional services include: Architect, Engineer, Accountant, Physician, and Consultant.

### **Purchases of Professional Services, More than \$50,000, but Less than \$75,000**

At least three informal proposals for purchases in excess of \$50,000 but less than \$75,000 are required. The informal proposals (usually solicited by the Department) along with a summary of

the reasons why one proposal was selected over the others must be submitted with the requisition. The summary would include criteria evaluated such as cost, experience, approach, team proposed, etc. If three informal proposals cannot be obtained, documentation showing suppliers contacted but not offering informal proposals, or an explanation of why informal proposals were not obtained, must be submitted with the requisition.

### **Purchase of Professional Services, \$75,000 or More**

The Purchasing Department will, whenever possible, obtain sealed competitive bids/proposals for all purchases of goods and services having an estimated cost of \$75,000 or more for the annual requirement. The department will assist the Purchasing Department in developing a scope of work and a list of potential suppliers.

The purchase of Professional Services is a unique procurement. See Section XXVI – Professional Services for additional information including the definition of Professional Services.

### **Purchase of Construction, Less than \$25,000 \***

One informal price quotation for construction purchases less than \$25,000 is required. The price quotations (typically solicited by the Department) shall be submitted on the CSN's Invitation to Quote Form and submitted with the requisition.

### **Purchase of Construction, More than \$25,000, Less than \$100,000 \***

At least three informal price quotations for purchases in excess of \$25,000 but less than \$100,000 are required. The price quotations shall be submitted on the CSN's Invitation to Quote Form and submitted with the requisition. If three quotations cannot be obtained, documentation showing suppliers contacted but not offering price quotations, or an explanation of why price quotations were not obtained, must be submitted with the requisition.

\*Departments must coordinate their requirements with the Facilities Management Department before submitting their requisitions to Purchasing. All informal solicitations for construction (\$100,000 or less) **must be** submitted by suppliers on CSN's Invitation to Quote Form. The form provides a scope of work requested and the institution's terms and conditions required for award from CSN and provides for pricing submittal information from the supplier. The form is then incorporated and referenced on the purchase order when issued to successful supplier.

### **Construction \$100,000 or More**

The Purchasing Department will, whenever possible, obtain sealed competitive bids/proposals for all purchases of construction goods and services having an estimated cost of \$100,000 or more. The department will assist the Purchasing Department in developing specifications and a list of potential suppliers.

### **Aggregate Thresholds**

Competitive threshold requirements apply to a single purchase and to aggregate campus wide purchases from either the same supplier or for similar goods and services from different suppliers within a fiscal year.

## **XVIII. PURCHASE REQUISITION**

## **A. PURPOSE**

The initial tool of the procurement system is the Purchase Requisition. A requisition serves a dual purpose: it provides a clear and complete description of the department's need and it transmits authority to the Purchasing Department to expend the department's funds.

## **B. GUIDELINES**

The Purchase Requisition by itself is not a legal document and cannot be used to authorize a supplier to provide materials or services to any person or department, nor can it be used to process payment of an unauthorized transaction. Requesters submit Purchase Requisitions through Workday.

Purchase Requisitions for items/services will not be accepted without sufficient funds to meet the purchase obligation. This practice applies to all Purchase Requisitions regardless of the source of funding. Only the Purchasing Department has the authority to obligate funds for requested items. If a transfer of funds is needed, and it is within your approval level, e-mail the request for a budget transfer to the Director of Budget for action. Workday provides each department with on-line access showing current expenditures, encumbrances, and balances. It is the responsibility of each department to monitor account balances.

The practice of issuing a series of Purchase Requisitions within a twelve month period to the same supplier for the same item/service in order to avoid competitive solicitation process is prohibited.

### **Special conditions**

Construction related purchases - Must be requested through the Facilities Management Department.

Deposits and Prepayments - It is not the preference or the practice of the College to agree to or pay deposits or prepay for any goods or services.

Hazardous Materials - The Department of Environmental Health and Safety must review and approve requisitions to purchase any potentially hazardous material, whether new or substitute, that has a Safety Data Sheet (SDS). Requisitions will be sent to the Department of Environmental Health and Safety for an approval prior to being sent to the Purchasing Department for processing. Radioactive material purchases must be approved and coordinated with the Radiological Safety Officer (RSO).

Maintenance Agreements- Departments should submit a requisition for maintenance agreements. If there is an agreement that must be signed, do not sign it, submit it with the requisition for processing by Purchasing.

Repair of equipment – If possible, obtain an estimate for the repair and submit this information with your requisition. If an estimate is not available until the item is examined at the supplier's place of business, submit a requisition to Purchasing to coordinate with the supplier.

Sole or single source purchases – A Competitive Exception Form must be submitted with any requisition requesting sole or single sourcing. Department should work closely with Purchasing to ensure their submittal is complete. Final responsibility in determining whether a purchase is approved as a sole source/competitive exception rests with the Director of Purchasing. (See Section XXIII – Competitive Exceptions)

### **C. PROCEDURES**

Departments submit a Requisition to Purchasing to purchase goods/services for all procurements not allowed on the P-Card.

The Requisition must contain complete information. For detailed instructions on submitting requisitions see Workday Job Aid “Create Requisition”.

Note:

Detailed Description of items/services- The description is important and will be transferred to the purchase order. The description must be detailed enough to ensure both Purchasing and the supplier contract for the proper item/service. It should include quantities and units of measure and product number(s) when applicable.

Quotations- Any quotations obtained by the department must be attached to the Requisition when submitted to Purchasing. Include the supplier point of contact and their contact information either on the quote or Requisition.

Special Handling requests– Details of requests for deposits, prepayments, expedition (RUSH), emergency declaration, uncommon delivery instructions, etc. should be provided with the Requisition.

Competitive Exception Documentation- Any request for competitive exception (Includes Sole and Single Source purchases) must contain a justification by the requestor submitted with the Requisition for approval by the Director of Purchasing.

**This list is not all inclusive. Departments should provide any other relevant information with their request to ensure the correct purchase is made.**

Upon receipt of the Requisition, Purchasing staff will process for conversion to a purchase order.

A Requisition must be submitted and a Purchase Order issued before purchases can be made. **Purchases made without proper authorization may result in personal liability or other disciplinary action to an employee.**

## **XIX. SPEND CATEGORY/COMMODITY APPROVALS**

### **A. PURPOSE**

1. Certain items require additional approvals to: 1) ensure compliance with college policy, 2) adhere to established standards, and 3) allow for proper planning (e.g. equipment)

requiring infrastructure changes, use of college logo, hosting expenses). See the Commodity

Approval Policy for specific details:

<https://www.csn.edu/sites/default/files/documents/imported/commodity20approval20policy.pdf>.

2. Requisitions will be routed in Workday to the appropriate approver based on the spend category listed.

## **XX. PURCHASE ORDERS**

### **A. PURPOSE**

A purchase order (PO) is prepared from a requisition by the Purchasing Department once Purchasing has evaluated the requirements of the request. A purchase order (PO) is the document that is sent to the supplier to communicate the requirement and obligates CSN. A purchase order (PO) is a form of contract.

### **B. GUIDELINES**

An automated Workday email will be sent to the requestor once the purchase order has been issued. Departments should review the PO to ensure the order is correct and must contact Purchasing immediately to resolve any questions or errors contained in the PO.

## **XXI. OPEN ENDED PURCHASE ORDERS**

### **A. PURPOSE**

Open ended purchase orders are intended to be used for reoccurring goods or services over a period of time, typically a fiscal year. Departments request partial shipments or partial performance of services over an extended period of time utilizing an open end purchase order. The use of open end purchase orders reduces processing time and is a more efficient method over a traditional purchase order which is intended for a one time purchase.

### **B. GUIDELINES**

The open ended purchase order has dollar restrictions, negotiated pricing and other specified terms. This type of purchase order can be set up to enable everyone in the department (or specifically named individuals) to request goods/services from the same purchase order.

The PO can be opened for a one year period but typically can't extend from one fiscal year to the next.

Departments may request open ended purchase orders for goods and services required throughout the fiscal year to avoid processing individual requisitions/POs each time.

The open ended purchase order is issued for the estimated amount expected to be used within the specified time period. CAUTION: Departments can't request an open ended purchase order modification to circumvent competition requirements. (Example – Originally request PO for \$25,000 then 30 days later submit a modification to increase the amount by \$10,000 to cover costs that are now anticipated or already requested from supplier). If your requirements are close to or have in the past exceeded multiple quote or bid limits, Purchasing will assist the department in obtaining multiple quotes or will process a formal solicitation.

Departments should request any changes to open ended purchase orders in writing to Purchasing. These include any changes to goods/services not specifically covered, pricing, total aggregate amount of purchase order, and authorized requesters. If the requested changes are approved, Purchasing will issue a modification to the PO and the supplier.

### **C. PROCEDURE**

Department submits a requisition to Purchasing requesting the issuance of an open ended purchase order to a supplier. The requisition should contain the following information

- Name of Supplier
- Total dollar amount that can be charged against the purchase order
- The time frame the purchase order is valid
- Details of items to be purchased, prices, and any other pertinent information
- Accounting information
- Attach a quote to the requisition

Purchasing will review the request, and if approved, will issue an open ended purchase order.

It is the responsibility of the requesting department to keep track of the individual orders placed against the open ended purchase order. This includes checking to make sure the supplier delivers the correct items in the correct quantities and invoices at the agreed upon rates; promptly create receipts for goods and services received; and ensures the aggregate amount ordered against the purchase order does not exceed the total dollar amount authorized on the open ended purchase order.

Open ended purchase orders typically expire on June 30<sup>th</sup>. However, Purchasing will not close them until the following month to allow time for invoice processing. If the purchase order should be closed prior to the end of the fiscal year, the department must send an email instructing Purchasing to close the purchase order.

## **XXII. COOPERATIVE PROCUREMENTS**

### **A. PURPOSE**

To allow the use of consortium or cooperative contracts.

### **B. GUIDELINES**

NSHE's fiscal procedures manual states: With the agreement of the supplier, the NSHE may join, or mutually use, the contracts or pricing agreements of appropriate federal, state, and local entities and consortiums.

Where the NSHE uses the original contract in order to obtain quantity pricing or other competitive discounts, the original party is not liable for the obligations of the NSHE. The requirements of competitive quotations and /or formal bidding may be considered satisfied through the use of the joinder contracts, including federal/state/local contracts, consortium agreements, and the educational pricing agreements.

The Purchasing Department has the final authority to determine if a consortium/cooperative contract will be utilized or if a solicitation will be processed; whichever method is in the best interest of CSN.

### **XXIII. COMPETITIVE EXCEPTIONS**

#### **A. PURPOSE**

Competition for the purchase of equipment, supplies, or services may be waived via a Competitive Exception Form if it is determined by the Purchasing Department that there is only one source for the required item(s). It is strongly suggested that departments contact Purchasing to assist them prior to submitting their Competitive Exception documentation. Early discussions will save time and effort for the department and Purchasing.

#### **B. GUIDELINES**

Competitive exceptions will be avoided, except when no reasonable alternative exists.

Cost is not a valid reason for a competitive exception.

Competitive exceptions will not be granted because there is not enough time to issue a formal solicitation. Each department is responsible to plan its activities in such a manner to allow the solicitation process to take place. Waiting until the equipment is actually needed before contacting Purchasing is not a sufficient reason to bypass Board of Regent policy. Contact Purchasing as soon as the requirement is known so that the solicitations process can begin.

A Competitive Exception Form must be submitted with any requisition requesting equipment, supplies, or general services from a sole source supplier or for a brand specific item that exceeds \$25,000.00 (aggregately within a 12 month period).

Final responsibility in determining whether a purchase is approved as a competitive exception rests with the Director of Purchasing.

The following may be valid reasons for a competitive exception:

- Used Equipment\*; Auction, closeout, Bankruptcy, or Similar\*
- Emergency\*
- Prototype (test purposes)

Only Approved Source  
Professional Expertise  
Donor Specific  
Supplier Qualifications  
Grant Specific  
Compatibility  
Proprietary  
Standardization  
Qualified Products List  
Follow-up Work

\* Must be approved by the Purchasing Department.

### **C. PROCEDURES**

Departments must submit a Competitive Exception Form along with a Requisition to the Purchasing Department to purchase equipment, supplies, or services from a sole source supplier or for a brand specific item. A current copy of the form is available on the Purchasing Department web page.

The Competitive Exception Form must contain complete information. The following is a list of the most common information provided on the Competitive Exception Form:

Date- The date the competitive exception form is submitted.

Requisition Number- The requisition number that the Competitive Exception Form supports.

Department- The department that is requesting the competitive exception.

Reasons for Requesting a Competitive Exception- Check all boxes that apply to the request. The reason is very important and must be detailed enough to ensure that the Purchasing Department can properly evaluate the request for a competitive exception.

Product/Services Description- Provide a detailed description of the equipment, supplies, or services being requested.

Description of features or capabilities that are unique- Provide specific unique features or capabilities to the supplier/brand being requested.

List the other makes, models, and suppliers you considered and why they were rejected- If there are items or services on the market that are similar to those being requested, but will not work for this application, specifically state why. Provide the names of the Manufacturers considered, list the feature(s) that they did not have and why that feature(s) is/are required. Provide a detailed explanation of the adverse effects of not using the specific supplier requested.

Provide a side-by-side comparison of the features/service of all other suppliers/brands considered- List the unique features/services that are required and if each company meets the requirement or not.



Signature and Printed Name and Title/Date- The Competitive Exception Form should be prepared by an individual who is familiar with the requirements. The form should include the name, title, and signature of the individual completing the form as well as the date.

**If additional space is required use a word document and attach it to the Competitive Exception Form. Supporting documentation should also be attached if applicable.**

Upon receipt of the Competitive Exception Form and Requisition, Purchasing staff will evaluate the request and may seek additional information from the department and will either approve the request or seek appropriate competition. The department will be notified of the appropriate action to be taken.

## **XXIV. EMERGENCY PROCUREMENTS**

### **A. PURPOSE**

To establish procedures for handling emergency procurements.

### **B. GUIDELINES**

An emergency is defined by NSHE in their Procedures and Guidelines Manual as one which *results from the occurrence of a disaster such as, but not limited to, fire, flood, hurricane, riot, power outage or disease; or may endanger the health, safety, or welfare of the students, faculty, staff or public if not immediately resolved.* (NOTE: Insufficient planning by the department, resulting in lack of time to bid a requirement, does not constitute an emergency situation.) According to NSHE fiscal procedures - *With the permission of the Chief Business Officer of the institution, a contract may be instituted in an "emergency" situation by waiving the necessary advertising and bidding requirements. In any such case, a full written record shall be made of the circumstances.* The Purchasing Department will require documentation from the Department to justify an emergency procurement. The requester should submit a Competitive Exception Form with their requisition for review and evaluation by the Director of Purchasing who will submit the request to the Vice President for Finance before a purchase order is issued. Due to the inherent nature of emergencies, email notification or phone calls are often times used to notify Purchasing of an emergency rather than the Competitive Exception Form. Purchasing will assist the department in dealing with the emergency. Once the immediate emergency situation is addressed, the department must follow up with Purchasing to ensure adequate documentation is provided in the procurement file to justify the procedures followed.

## **XXV. SUPPLIER INVOICE REQUESTS**

### **A. PURPOSE**

The Supplier Invoice Request is a document used to authorize Accounts Payable to make payments for purchases of goods and services which are excluded from general purchasing requirements. These include certain payments to suppliers and reimbursements to individuals for

out of pocket expenses. Supplier invoice requests are also used to make after the fact payments when Purchasing procedures are not followed.

## **B. GUIDELINES**

**Examples of legitimate uses of a supplier invoice requests are as follows:**

### Bursar

- Reimbursements to students for books, supplies, and living expenses from scholarship funds.
- Replenish funds for Xerox refunds to students.
- Reimbursements to students for overpayment of transcript fees.
- Reimbursements to agencies for unused scholarship funds.
- Payments to collections agencies.
- Payments for Grant in Aid to CSN and other NSHE institutions.
- Payments to CSN for student refunds from the safe or to cover shortages.

### Human Resources

- Reimbursements to candidates for interview expenses.
- Payments to Follett to pay for or reimburse employees for books.

### Hosting

- Payments for incidental hosting by the president or vice presidents. For example, taking a guest out to lunch where the cost cannot be predetermined.
- Reimbursements to employees for search committee candidate lunches.

### State Motor Pool

- Motor Pool billing from State Motor Pool.

### Child Care

- Child Care payments to State Department of Child Care Services for substitute child care workers.
- Child Care refunds to parents/guardians for child care services that are not provided due to the child leaving the program.
- Payments to the State of Nevada, Division of State Lands for Licensing of the Child Care Facility under contracts on file with the Purchasing Department.

### Re-Entry

- Payments from Re-Entry to pay suppliers for supplies, uniforms, boots, etc. from grant account for students.

### Performing Arts

- Refunds from Performing Arts Center for deposits and/or rental fees.

### Dental Faculty Practice

- Reimbursements from Dental Faculty Practice to dental school, NSHE Risk Management (malpractice insurance), DEA for the dentists to prescribe narcotics (annual), or to refund patient overpayments.

#### Nursing

- Refunds from the Nursing Department to students for nursing exam fees and toxicology testing fees.

#### Health Sciences

- Reimbursement of faculty and students for the cost of required immunizations and background checks.

#### Apprenticeship Program

- Payments from Apprenticeship Program for instructional/rental fees to various unions.

#### Financial Aid

- Reimbursement from Financial Aid to Follett.

#### Mail Services

- Postage funds.

#### General Counsel

- Payments for General Counsel for settlement agreements.

#### **Inappropriate uses of a supplier invoice request include purchases for:**

- Cell Phones – use requisition/purchase order method
- Gift Card – Not allowable
- Equipment – use requisition/purchase order method
- Commodity purchases – use requisition/purchase order method
- Contractual or Service agreements - use requisition/purchase order method

Before processing a supplier invoice request please review other purchasing methods available to ensure Purchasing Guidelines and Procedures are followed.

- 1) Requisition/Purchase Order - All contractual or service purchases must go through the requisition/purchase order method.
- 2) P-Card or requisition/purchase order method for small dollar purchases of goods.
- 3) Travel Card for travel related purchases.

If an employee places an order prior to obtaining an authorized purchase order, a supplier invoice request is to be used to pay the supplier. An explanation must be included stating why purchasing procedures were not followed.

**Supplier invoice requests may not be used to circumvent established Purchasing Guidelines and Procedures. Individuals who do not follow Purchasing Guidelines and Procedures or submit “after the fact” supplier invoice requests for supplier invoices or reimbursements are subject to personal liability or their reimbursement disallowed.**

## XXVI. PROFESSIONAL SERVICES

### A. PURPOSE

Excerpted from the Nevada System of Higher Education (NSHE) Procedures and Guidelines Manual Chapter 5 – Fiscal Procedures Section 2 – Purchasing Policy:

*“Except for personal/consultant services involving technical, professional or specialized skills or training, all materials, supplies, equipment, services, and construction shall be purchased from the lowest responsive and responsible bidder after giving due consideration to price, quality, availability, conformance to specifications, financial capability and service. The Purchasing Division of each Business Center shall develop policies for obtaining personal/consultant services involving technical, professional or specialized skills or training.”*

### B. GUIDELINES

The Purchasing Department will process requisitions for personal/consultant services using the following guidelines:

#### DEFINITIONS

**SERVICES:** - The furnishing of labor, time or effort by a contractor that does not involve the delivery of a specific end product other than required reports and performance. This does not include employment contracts. “Services” is a general, umbrella term for purchases that do not have a tangible item as the purchase objective. The term is global and includes such diverse tasks or projects as: window washing, consulting, teaching, and designing a building. (When we purchase supplies and equipment that are installed on our premises, we are not purchasing services, although many requirements associated with services, such as insurance and licensing, may apply. Additionally, purchases of this type are all handled through normal purchasing procedures.) Listed below are specific types of “services”

- **General services:** - Services involving primarily manual skills or labor. Examples of these are window washing, floral design and auto repairs. General services should be awarded based on the same criteria used for supplies, equipment and other goods.
- **Personal or Professional Services:** - Services requiring a high degree of knowledge, expertise and training, of an intellectual, specialized or technical nature, performed only under general supervision and requiring the consistent exercise of discretion and judgment. Frequently the individual or organization performing the service(s) is professionally licensed, and/or possesses an advanced degree. Some of the more common types of professional services include:
  - **Consultant:** An individual or organization who gives expert advice or assistance.
  - **Accountant, auditor, actuary, appraiser, professional who assists in identifying specific employees (head hunter), computer or software designer, medical or legal specialist, and curriculum and training material provider.** An individual or organization who gives expert advice or assistance in an area of endeavor for which he or she has special or unique expertise and/or qualifications.
  - **Architect:** An individual or organization engaged in planning and designing buildings and structures by applying knowledge of design, construction

- procedures, zoning regulations, building codes, building materials, and/or campus/area planning/master planning.
- **Engineer:** An individual or organization that applies physical laws and principles of engineering in the design, development, and utilization of machines, materials, instruments, structures, processes, and systems. Assignments undertaken may involve any of the following activities: provision of advice, preparation of feasibility studies, preparation of preliminary and final plans and designs, provision of technical services during the construction and installation phase, inspection and evaluation of engineering projects, and related services.

**Note:** When a service provider operates his/her business as an individual, not as a company with its own tax identification, then we must treat the service provider as an “independent contractor” with the forms and processes required for the Independent Contractor Agreement (ICA) form of contract. An important purpose of this guideline is to assist in correctly classifying workers as independent contractors or employees. The Purchasing Department will provide guidance in determining whether the provider is an independent contractor or should be classified and processed as an employee. See Section XXXI – Independent Contractor Agreements (ICAs).

## SELECTION OF PERSONAL AND PROFESSIONAL SERVICE CONTRACTORS

Selection and documentation supporting the hiring of such contractors for any project should, as a minimum, include provision of the following: evidence that an effective selection process has been employed to secure the most qualified contractor available, considering the nature and extent of the services required; and evidence that the fee is appropriate considering the qualifications of the contractor, their normal charges, and the nature of the services to be provided.

For all personal, professional and consultant service contracts, a scope of work must be defined detailing the assumptions, schedule and deliverables associated with the contract. The level of detail of the scope of work depends on the size of the contract. The scope of work must be provided to the potential contractors and the basis for their response to the solicitation.

Although personal and professional services are not generally awarded on low price alone, they are not automatically exempt from competition and a public solicitation process is appropriate and required in many cases.

Where there is competition, and the size of the award will be between \$25,000 and \$50,000, there must be at least two “competitive” informal solicitations sought based on a summary scope of work that is developed and presented to those responding. If the award will be more than \$50,000 and less than \$75,000 three “competitive” informal solicitations must be obtained and the scope of work must be more detailed and meet format requirements defined by the Purchasing Department. The Purchasing Department will conduct a formal solicitation process for any services over \$75,000, based on a formal and detailed scope of work. The scope of work developed for any solicitation must be part of the final contract, along with any formal response to the solicitation by the selected contractor. The award will not be based on price alone, but on the competence of the service provider and the service provider’s ability to serve the needs of the institution. Departments are advised that a request for additional monetary consideration or expansion of scope after the award of any professional services contract will not automatically be granted if the change results in the total project costs exceeding the original solicitation requirements. (Example -If the original award was less than \$25,000 and the requested increase would bring the award to over \$50,000, the department may be required to obtain additional solicitations for the new scope of work.)

Note: "Competitive" informal solicitations are written solicitations received based on a request for solicitation containing a scope of work presented to the parties providing the solicitation. Formal requests for solicitation require a more detailed process which includes advertising in a public newspaper and sealed responses that are publicly opened and recorded. When soliciting Architects and Engineers, the requests will take into consideration any other applicable State requirements for such services when requesting solicitations.

Rarely there may be the case to declare a competitive exception. The requisitioning department must submit a Competitive Exception Form to the Purchasing department for consideration. These procedures apply to all professional services including architects and engineers.

## **XXVII. CONSTRUCTION PROCUREMENTS**

### **A. PURPOSE**

To establish procedures for handling construction procurements.

### **B. GUIDELINES**

Construction procurements shall be conducted in accordance with NRS 338 and all College policies and procedures.

#### Public Work (NRS 338.010(17))

Means any project for the new construction, repair or reconstruction of:

A project financed in whole or in part from public money for:

- Public buildings;
- Jails and prisons;
- Public roads;
- Public highways;
- Public streets and alleys;
- Public utilities;
- Publicly owned water mains and sewers;
- Public parks and playgrounds;
- Public convention facilities which are financed at least in part with public money; and
- All other publicly owned works and property.

#### INFORMAL CONSTRUCTION QUOTATIONS, FOR PROJECTS LESS THAN \$100,000

For construction purchases less than \$25,000, one informal quotation is required. The price quotations (typically solicited by the Department) shall be submitted on the CSN's Invitation to Quote Form and submitted with the requisition.

For purchases in excess of \$25,000 but less than \$100,000, three informal price quotations are required. The price quotations shall be submitted on the CSN's Invitation to Quote Form and submitted with the requisition. If three quotations cannot be obtained, documentation showing suppliers contacted but not offering price quotations, or an explanation of why price quotations were not obtained, must be submitted with the requisition.

Departments must coordinate their requirements with the Facilities Management Department before submitting their requisitions to Purchasing. All informal solicitations for construction (\$100,000 or less) **must be** submitted by contractors on CSN's Invitation to Quote Form. The form provides a scope of work requested and the terms and conditions required for award from CSN and provides for pricing submittal information from the contractor. The form is then incorporated and referenced on the purchase order when issued to successful contractor.

## FORMAL CONSTRUCTION SOLICITATIONS, FOR PROJECTS OVER \$100,000

The College may procure design services and construction services, as applicable, under any of the following project delivery methods:

- Design-bid-build
- Construction-manager-at-risk
- Design-build

## CONSTRUCTION PROCUREMENT METHODS

### Design-Bid-Build

For design-bid-build projects, the College shall procure the design services in accordance with Section XXVI – Professional Services. The construction portion shall be procured by competitive sealed bidding, according to Section XXIX - Solicitations.

### Construction-Manager-at-Risk

For construction-manager-at-risk projects, the College shall procure the design services in accordance with Section XXVI – Professional Services. The construction portion shall be procured via a Request for Proposal, according to Section XXIX - Solicitations. The CMAR advertises and procures trade contactors/subcontractors through a bid process and assumes risk for construction at a contracted price as the General Contractor.

### Design-Build

For design-build projects, the College shall procure the combined design and construction services via a Request for Proposal, according to Section XXIX - Solicitations. General Contractors will team up with design professionals and together they will propose to design and construct the project. The design-build contractor advertises and procures trade contactors/subcontractors through a bid process

### Request for Qualifications (RFQ)

Request for Qualifications (RFQ) is a solicitation with an intended response that includes data about a firm or individual such as experience, references, and approach to the project. This type of solicitation is used to procure architectural and engineering services. Pricing may or may not be required in the initial solicitation, but will not be part of the evaluation. The contract will be awarded to the firm or person whose proposal receives the highest number of points under a scoring system.

### Request for Proposal (RFP)

Request for Proposals (RFP) is a solicitation with an intended response that is fairly detailed. The technical and financial portions of the proposal response will be provided at the same time, but in a separately sealed manner, to enable the committee to review the technical response separately and for Purchasing to the review of the financial proposal. The contract will be awarded to the firm or person whose proposal receives the highest number of points under

a scoring system which includes both technical and financial criteria.

## **XXVIII. FEDERAL PROCUREMENTS**

### **A. PURPOSE**

To establish procedures for handling federally funded procurements.

### **B. GUIDELINES**

CSN will follow the Uniform Guidance Procurement Standards for federally funded procurements.

In general the Uniform Guidance Procurement Standards will apply unless a specific grant has more stringent requirements.

Prior to an order being placed the Purchasing Representative will check the Excluded Parties List to ensure that the supplier is not suspended, debarred or ineligible from entering into contracts with the Executive Branch of the Federal Government.

## **XXIX. SOLICITATIONS**

### **A. PURPOSE**

To establish procedures for handling solicitations.

### **B. GUIDELINES**

#### **INFORMAL QUOTATIONS**

When the requirements for a purchase do not call for a formal solicitation, an informal quotation from the supplier is obtained. Informal quotations can be simply a fax, an email or a hard copy of the offer from a supplier. It is important that the quote is valid and contains all pertinent conditions for the purchase. They should include items such as description of the items to be provided or scope of work to be performed, the quantity and/or unit of measure, pricing, delivery or completion dates, and freight terms/conditions. Quotations are part of the documents that are kept with the permanent records of the purchase.

#### **FORMAL SOLICITATIONS**

Invitations for Bid and Requests for Proposals/Qualifications are forms of formal solicitations. Requests for Proposals are more complex than formal Invitations for Bid and adequate time must be given to the Purchasing Representative to prepare, issue, and award the RFP. Formal solicitations require the advertisement of the request at least once in a newspaper of general circulation in the area of CSN and not less than four calendar days prior to the opening; notification of pertinent suppliers on the "supplier list"; are posted to the Nevada Gov eMarketplace (NGEM) website with relevant Bid/RFP documents for public access; and publicly opened, read aloud and



recorded at the time and place so advertised. It is the responsibility of the Purchasing Representative to establish appropriate time lines for formal solicitations. The time frame should allow sufficient time for adequate submissions from suppliers.

Purchasing is primarily responsible for the terms and conditions of formal solicitations.

Although Purchasing and the requesting department share responsibility for the scope of work or specifications, the requesting department is primarily responsible for developing the technical or performance specifications of the solicitation. Specifications must be written fairly and equitably and must not be unduly restrictive or prejudicial to any supplier.

Invitations for Bids are typically used when the requirements are straightforward and the award will be based primarily on cost. The description of the goods or services (sometimes referred to as the scope of work) is provided to the Purchasing Representative by the requesting department. The Purchasing Representative assists the department in changes to the scope or the requirements to better suit the solicitation.

The Purchasing Representative develops and issues the Invitation for Bid. The Purchasing Representative is responsible for the content of the Invitation which typically includes:

- Introduction and detailed description of the request
- Instructions to bidders
  - Pre-Solicitation Conferences details (if applicable)
  - Issuance of Addenda if necessary
  - Withdrawal/Modification of bid
  - Late bids
  - Mistakes and informalities in bids
  - Opening date
  - Opening time
  - Address how bids are to be submitted
  - Warranty requirements
  - Standard Terms and Conditions of purchase
  - Bid submittal requirements

The Purchasing Representative opens the bids publicly at the date and time listed on the Invitation. The bids will be evaluated by the Purchasing Representative and the requesting department and the award will be made as soon as possible. Any necessary documentation to explain why the award is made must be included on the tabulation form. If the award is not given to the lowest cost bidder, a clear explanation must be documented.

Prior to notification of award, the Director must review and approve the award recommendation of the Purchasing Representative and the department.

The Purchasing Representative creates a bid file with the issuance of the invitation. The file will contain all required documents of the entire solicitation process. The file typically contains the bid file check list, the original invitation document and any addenda, the supplier list, the bids received, bid tabulation sheets and any special documentations to support award, copies of any correspondence (notice of award, regret letters, and clarifications). Purchasing Representatives should ensure that the documents are complete enough for any auditor to determine that the procurement was conducted in accordance with established guidelines and procedures. It is the responsibility of the Purchasing Representative to do a summary review of the bid file after award and prior to filing to ensure all documentation is contained in the file.

Requests for Proposal (RFP) are used to competitively solicit the purchases of goods and services that can't readily be awarded by the process of a competitive sealed bid. A very important part of the RFP is the evaluation of the submittals received. The description of the goods or services (sometimes referred to as the scope of work) is provided to the Purchasing Representative by the requesting department. The Purchasing Representative assists the department in changes to the scope or the requirements to better suit the solicitation. Along with the scope of work the department with the help of Purchasing develops evaluation criteria to be considered, including price. Criteria not specified in the RFP may not be considered. Examples of evaluation criteria are experience of the supplier, financial condition, and approach to the project, pricing and personnel to be assigned to the project.

The Purchasing Representative develops and issues the Request for Proposal. The Purchasing Representative is responsible for the content which typically includes:

- Introduction and detailed description of the request
- Instructions to bidders
  - Evaluation Criteria
  - Pre-Proposal Conference details (if applicable)
  - Issuance of Addenda if necessary
  - Withdrawal/Modification of bid
  - Late offers
  - Mistakes and informalities in responses
  - Opening date
  - Opening time
  - Address how offers are to be submitted
  - Warranty requirements
  - Submittal requirements (Form or format in which proposer shall use to provide pertinent information for evaluation.)
  - Standard Terms and Conditions of procurement

Prior to the opening of the proposals a numeric rating factor must be assigned for the evaluation criteria to be used to evaluate the responses. The importance of each factor is evidenced by the weight assigned to the factors. Typically the weight of the technical factors is 60 to 70 percent of the total weight and cost is 30 to 40 percent accordingly to add up to 100 percent. (If cost is the most important factor, then a bid would probably be the better choice of solicitation.) A method of scoring the evaluation criteria will simplify the evaluation process and enable the evaluators to explain why any response was not selected.

An evaluation committee must be established and approved by the Director of Purchasing prior to the opening of the RFP. Departments are asked to suggest members to serve on the committee, however, Purchasing is responsible for ensuring the committee is appropriate for the evaluation. A committee made up of a supervisor and their subordinates should be avoided to discourage coercion or the appearance of such of subordinates. Any other conflicts of interest must be addressed when establishing committees. The Purchasing Representative assigned to the RFP is the facilitator of the process and is not a voting member of the committee. It is the responsibility of the Purchasing Representative to ensure that the entire process is conducted in a fair and impartial environment. As soon as the composition of the committee is approved, the Purchasing Representative should provide instructions to those members. The instructions should at least include a copy of the RFP and opening date/time the evaluation criteria (including weight assignment for the criteria), and an evaluation form for completion at evaluation time. The committee should also be informed that they are not to communicate with any potential suppliers.

All communications within the committee are to be considered confidential until an award is made. If a supplier contacts a member, the member should instruct the supplier to contact Purchasing for any information. Members should not provide any clarifications or comments to suppliers during the process.

The Purchasing Representative opens the proposals publicly at the date and time listed on the Invitation. To maintain confidentiality of all RFP responses, no other information will be revealed at the opening or during the evaluation process.

After the opening the Purchasing Representative will review the submittals for compliance with the minimum and/or mandatory requirements contained in the request. Responses found not to be in substantial compliance will be rejected from further consideration. Those meeting the minimum requirements will be given to the evaluation committee for evaluation.

The evaluation committee members shall independently score the responses. The members must use the evaluation form provided to them by Purchasing. The member must sign or email their evaluation form and submit it directly to the Purchasing Representative. The Purchasing Representative typically does the cost evaluation while the members are doing their technical evaluations. The Purchasing Representative will tabulate the individual technical scores and combine the cost evaluation scores to the technical scores into a summary score sheet. If there is a major discrepancy in the scores, the Purchasing Representative may ask the members to discuss topics to ensure everyone is clear on their interpretation of the responses and/or the requirements of the requesting department. Once the committee has ranked the responses they are asked to make a recommendation for award. The Purchasing Representative documents and submits the recommendation of the committee to the Director of Purchasing. The Director of Purchasing must review and approve the recommendation of the committee prior to notifying supplier of our intent to award. Once the recommendation has been approved, the Purchasing Representative may notify the potential supplier and negotiate and facilitate the execution of a contract if needed.

The Purchasing Representative creates a proposal file with the issuance of the RFP. The file will contain all required documents of the entire solicitation process. The file typically contains the bid/rfp file check list, the original RFP document and any addenda, the supplier list, the responses received, evaluation sheets and recommendation from committee members and any special documentations to support award, copies of any correspondence (notice of award, regret letters, and clarifications). Purchasing Representatives should ensure the documents are complete enough for an auditor to determine that the procurement was conducted in accordance with established guidelines and procedures. It is the responsibility of the Purchasing Representative to do a summary review of the proposal file after award and prior to filing to ensure all documentation is contained in the file.

### Late Solicitation Response

A solicitation response is late if it is received at the designated location of the opening after the time and date of the scheduled opening. A late solicitation response shall be rejected.

### Mistakes and Informalities in Solicitations

Mistakes may be corrected by modification or withdrawn, if discovered prior to the opening. After opening, a bid/proposal submitted in error of judgment, may not be corrected. A bid/proposal

may be withdrawn pursuant to the following sections:

Minor informalities in a bid/proposal may be waived if the Director of Purchasing deems it advantageous to do so.

A bid/proposal may be withdrawn after the opening only if the mistake is clearly evident to the Director of Purchasing or if the supplier establishes evidence clearly showing a mistake was made.

Any withdrawals or corrections to a price bid permitted or denied after the opening shall have a written determination that is included in the procurement file.

### Single Responses

In instances of only one response being received, the Purchasing Representative should determine why others on the supplier list didn't submit a bid/proposal and based on that information and considering time constraints make a recommendation to award or to re-solicit. A determination must be made by the Director of Purchasing that other prospective suppliers had time to respond or that re-solicitation is not possible due to time constraints. In those instances, an award may be made.

### Tie Bids

Tie bids are defined as instances of identical pricing from responsible suppliers that meet all requirements as set forth in the bid documents.

If one of the lowest bidders is resident in Nevada and the other is not: accept the bid that is resident in Nevada. If both such lowest bids are by bidders resident in Nevada, tie bids may be awarded based on the best interest of the College and may include drawing lots or any other random choice manner. Care shall be taken by the Purchasing Representative to ascertain that the tie bidders meet all requirements as outlined in the bid document before declaring a tie bid situation.

If such lowest bids are by bidders resident outside Nevada, with the exception of capital construction projects: accept the bid of the bidder who will furnish goods or commodities produced or manufactured in this State; or accept the bid of the bidder who will furnish goods or commodities supplied by a dealer resident in Nevada.

Records and methods of determining the successful supplier shall be maintained in the procurement file for all tie or apparent tie bids.

### Received No Responses to Formal Solicitation Request

Once the Purchasing Department has advertised for or requested formal bids or proposals in letting a contract and no responsive and responsible bids or proposals were received, in some instances Purchasing may negotiate a contract with reasonably interested parties without further need for competitive bidding with the approval of the Director of Purchasing.

### Formal Protest

Any participating supplier may file a protest of a contract award or proposed contract award. The protest must be in writing.

### Filing Procedure

Any Bidder, offer or contractor who is allegedly aggrieved in connection with the solicitation or award of a contract may protest. The protest must be submitted in writing to the Director of Purchasing, within seven (7) days after such aggrieved person knows or should have known of the facts giving rise thereto. If the protest is not resolved by mutual agreement, the Director of Purchasing will promptly issue a decision in writing to the Protester. If the protestant wishes to appeal the decision rendered by the Director of Purchasing, such appeal must be made in writing to the Vice President for Finance within five (5) days of the receipt of the decision by the Director of Purchasing. The decision of the Vice President for Finance and Administration will be final. The Vice President for Finance and Administration need not consider protests unless this procedure is followed.

To be considered, all Protests must identify the following:

- The name, address and telephone number of the protester.
- The signature of the protester.
- The Bid/RFP number and date of bid opening.
- A statement of the legal and/or factual grounds on which the protest is based, including copies of information relevant to the bid.
- The form of relief requested.

### Appeals

Appeals are to be filed with the Vice President of Finance and Administration within five (5) days of the receipt of the decision by The Director of Purchasing. The notice of appeal shall contain:

- The information from the original protest letter, a copy of the decision of the Director of Purchasing, and the basis for the appeal.
- A written decision will be made within 14 days after the appeal has been filed. The decision shall contain an explanation of the basis of the decision.
- The time limit for a decision may be extended by the Vice President of Finance and Administration for a reasonable time not to exceed thirty days. The Vice President of Finance and Administration shall notify the protester in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.
- The decision made by the Vice President for Finance and Administration is final.

### Formal Protest on Construction Projects

Any Bidder who is allegedly aggrieved in connection with the solicitation or award of a contract may protest. The protest must be submitted in writing to the Director of Purchasing, within five (5) business days after the date the recommendation to award a contract is issued by the Owner or authorized representative. If the protest is not resolved by mutual agreement, the Director of Purchasing will promptly issue a decision in writing to the Protester. If the Protester wishes to appeal the decision rendered by the Director of Purchasing, such appeal must be made in writing to the Vice President for Finance and Administration, within five (5) business days from the date of the letter issued by the Director of Purchasing. The decision of the Vice President for Finance and Administration will be final. The Vice President for Finance and Administration need not consider protests unless this procedure is followed.

To be considered, all Protests must identify the following:

- 1) The name, address, and telephone number of the protester,
- 2) The signature of the protester,
- 3) Identification of the solicitation title and number being protested,
- 4) A detailed written statement setting forth the specific reasons the Bidder submitting the protest believes the applicable provisions of the law were violated. (Copies of relevant documents should be included), and
- 5) The form of relief requested.

The Bidder filing the protest shall be required, at the time the protest is filed, to post a bond with a good and solvent surety authorized to do business in this state, or submit other security, defined as a cashier's check, money order or certified check, to the Owner who shall hold the bond or other security until a determination is made on the protest. A bond posted or other security submitted with the protest must be in an amount equal to the lesser of:

- A. 25% of the total value of the base bid submitted by the Bidder filing the protest; or
- B. \$250,000.

The protest filed in accordance with these provisions operates as a stay of action in relation to the award of this contract until a determination is made by CSN on the protest.

An unsuccessful Bidder may not seek any type of judicial intervention until CSN has made a determination on the protest and awarded the Contract.

Neither CSN nor the authorized representative is liable for any costs, expenses, attorney's fees, loss of income or other damages sustained by a Bidder, whether or not the person files the protest pursuant to this clause.

If the protest is upheld, the bond posted or other security submitted with the protest must be returned to the Bidder who submitted the protest. If the protest is rejected a claim may be made against the bond or other security by CSN in an amount equal to the expenses incurred by CSN because of the unsuccessful protest. Any money remaining after the claim has been satisfied must be returned to the Bidder who posted the bond or submitted the security.

## Appeals

Appeals are to be filed with the Vice President of Finance and Administration within five (5) days of the receipt of the decision by The Director of Purchasing. The notice of appeal shall contain:

- The information from the original protest letter, a copy of the decision of the Director of Purchasing, and the basis for the appeal.
- A written decision will be made within 14 days after the appeal has been filed. The decision shall contain an explanation of the basis of the decision.
- The time limit for a decision may be extended by the Vice President of Finance and Administration for a reasonable time not to exceed thirty days. The Vice President of Finance and Administration shall notify the protester in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.
- The decision made by the Vice President for Finance and Administration is final.

## **XXX. CONTRACTS**

### **A. PURPOSE**

To establish procedures for handling contracts.

### **B. AUTHORITY**

In order to conduct business, the College enters into many contractual agreements. The College of Southern Nevada is a part of the Nevada System of Higher Education and must abide by NSHE's fiscal procedures for execution of contracts.

The Nevada System of Higher Education (NSHE) Procedures and Guidelines Manual, Chapter 5 Fiscal Procedures, Section 3 –Preparation and Approval of Contracts, outlines signature authority for execution of all contracts. The Chancellor is the contracting officer for NSHE and Chapter 5 contains contracting authority and signature delegation details.

### **C. GUIDELINES**

It is the responsibility of the Purchasing Department to process the execution of purchasing related contracts for the College. Departments should contact Purchasing if they are aware that a contract is required. Employees are not to sign any contract before contacting Purchasing for guidance. As the contracting officer, the Chancellor has delegated signature authority to only a few people at the College. **NOTE: Individuals who do not have authority to sign contracts, but do so anyway, may find that they could be held personally liable for the contract.**

Often times a purchase order is the only contract required between the supplier and the College. When a formal contract is required, Purchasing will work with departments to ensure the contract meets Purchasing, College, NSHE, Board of Regents, state and federal, and any other applicable policies and procedures. Departments do not need to send the contract to General Counsel for

review prior to sending the contract to Purchasing. Purchasing will coordinate the execution of the contract with General Counsel if need be.

If a contract is required, the contract must be fully executed prior to the issuance of a purchase order.

## **XXXI. INDEPENDENT CONTRACTOR AGREEMENTS (ICA)**

### **A. PURPOSE**

To establish procedures for handling Independent Contractor Agreements.

### **B. GUIDELINES**

**INDEPENDENT CONTRACTOR:** - Defined as an individual, sole proprietorship or a single owner of a limited liability company (LLC) provides services to the College.

Tax Identification Numbers - Supporting identification can include either a Social Security Number (SSN) or a Federal Tax Identification number (TIN).

NOTE: Partnerships, LLCs with multiple owners and corporations are not independent contractors.

Any individual who provides a service to the CSN and the department hiring the individual must complete an Independent Contractor Agreement (ICA), the supplier must register through the Supplier Registration system, the department must submit a purchase requisition. A purchase order must be issued before the individual can begin performing services.

The Purchasing Department will review the Independent Contractor Agreement (ICA) to determine the individual's status (individual or employee), scope of work, supporting insurance requirements, the purchase requisition and any other applicable Purchasing guidelines.

An individual cannot be an employee of any NSHE institution and an independent contractor in the same calendar year. The Human Resource department verifies that an independent contractor is not an NSHE employee.

Individuals in a continuous, year after year relationship with CSN will require additional scrutiny to make sure an employee/employer relationship does not exist.

Once approved, Purchasing processes the purchase requisition and issues a purchase order for the valid time period, services and payment specified in the agreement. ICA's typically don't extend beyond June 30<sup>th</sup> of the current fiscal year.

Amending an ICA requires completion of an ICA Amendment Form.

## **XXXII. VIOLATION OF PURCHASING GUIDELINES**



## **A. PURPOSE**

To provide guidance to campus departments, minimize or eliminate procurement guideline violations and to preclude repetitive occurrences by the same department or individual.

## **B. GUIDELINES**

On the first violation by an employee in a department, the Director of Purchasing or designee will notify and caution the individual and expenditure approver of the violation and obtain commitment that corrective action will be taken to preclude future occurrences. The Director of Purchasing or designee may approve the purchase after considering the facts.

On subsequent violations by the same employee, the Director of Purchasing or designee may contact the department head or the next level of authority above the person committing the violation. To inquire as to actions that are being taken or will be taken to preclude future occurrences in the department. Upon receipt of the response, the Director of Purchasing or designee, after considering the information received, may authorize payment of the expenditure. Failure to respond or failure to respond adequately may result in withdrawal of purchasing privileges from the department or individual and recommendation for disciplinary action which may include the employee being held personally liable for the payment to the supplier.

Upon further violations by the same employee, or by the same department after receiving notification of multiple violations, the Director of Purchasing or designee may notify the appropriate dean (for academic departments) or vice president (for non-academic departments), in writing, of the infraction and include all information concerning prior infractions. The dean or vice president shall provide a written explanation of action(s) to be taken to prevent future occurrences and, if circumstances warrant, request that action be taken by Purchasing to authorize payment for the purchase. Failure to respond within a reasonable period of time or inadequately shall result in the matter being forwarded to the appropriate individual at the next level of authority for disposition.

Regardless of method of purchase, violations that could cause an embarrassment to the department or College or appear to involve criminal activity shall be made known as appropriate, to the Department Head or Dean and to the Vice President for Finance and Administration. Such notification will be made as expeditiously as possible.

**Questions should be directed to the Purchasing office to determine whether a purchase is permissible and what purchasing method is most appropriate.**

## **XXXIII. RECEIVING GOODS AND SERVICES**

### **A. PURPOSE**

To facilitate the delivery and handling of shipments made to the College. In addition, the receiving function at the College is focused on ensuring the timely and accurate delivery and outbound processing of all official College freight.

The Receiving Department is a College wide institutional support department that alleviates the need for multi-department personnel training in the guidelines and procedures of receiving merchandise from suppliers, third party manufactures, and freight carriers.

## **B. GUIDELINES**

The CSN Receiving Department is the central authority for the receipt of goods purchased from suppliers. The Receiving Department is responsible to establish guidelines and procedures for the receipt and distribution of all official parcels and for the process of all outbound parcels and freight. These guidelines and procedures cover most of the circumstances involving the receipt and delivery of merchandise, verification of purchase orders, and return of goods. If there are special circumstances or questions, contact the Receiving Department at 702-651-4239.

The Receiving Department prohibits the use of its resources for receipt or delivery of personal material. Personal material should be sent to the individual's home address or Post Office Box. If personal packages are received at the Receiving Department facility, the recipient will be contacted and directed on the proper procedures for receiving personal property. Neither the Receiving Department nor the College will be responsible for the material if it becomes delayed, damaged or lost.

State law and NSHE policy maintains that as a state agency CSN is responsible for the custody and care of property in the agency's possession and is responsible for maintaining property records of its inventory. Moreover, it is necessary to record and inspect items purchased for accounting purposes. Thus, it is essential to record and process equipment and supplies that are received by the Receiving Department.

Receiving shall be responsible for receiving and inspecting all incoming packages and motor freight, marked for CSN. Receiving will deliver packages to the designated receiving area for the department. Receiving will process outgoing shipments from the CSN campus to include UPS, Fed Ex and Freight.

## **RELATED DOCUMENTS**

**NSHE Procedures and Guidelines Manual Section 2, Part 8 – Disposal of Surplus Equipment**

**NSHE Procedures and Guidelines Manual Section 2, Part 9 – Equipment Inventory**

## **XXXIV. PAYMENT OF GOODS AND SERVICES**

### **A. PURPOSE**

To establish procedures for handling payment of goods and services.

### **B. GUIDELINES**

**PROCUREMENT CARD (P-Card)**

Departments are encouraged to utilize the P-Card for those items that are allowed to be purchased using this method as this is an efficient method to procure and pay for goods. For allowable purchases review the P-Card Manual at:

[https://www.csn.edu/sites/default/files/documents/csn\\_p-card\\_program\\_users\\_manual.pdf](https://www.csn.edu/sites/default/files/documents/csn_p-card_program_users_manual.pdf)

### PURCHASE ORDERS

Once a purchase order has been issued and the goods or services received, the supplier submits an invoice to Accounts Payable for payment processing.

### PAYMENT TERMS

The standard payment terms are Net 30, however, this may vary depending on the type of procurement.

### PREPAYMENT

Prepayments are highly discouraged and will only be approved when the industry practice requires payment in advance or there are special circumstances. The Purchasing Department has the final authority to determine if a prepayment will be allowed.