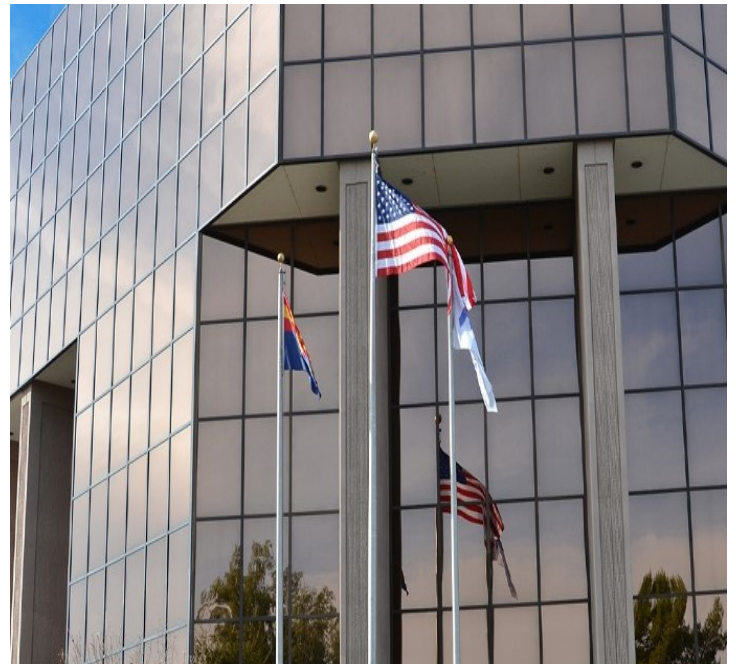




**MARICOPA**  
COMMUNITY COLLEGES

PURCHASING  
PROCEDURES  
MANUAL





## Table of Contents

### **Chapter One: General Information**

- [101 Mission Statement](#)
  - [102 Department Directory and Procurement Analyst Assignments](#)
  - [103 Department Organization Chart](#)
  - [104 Competitive Solicitation Thresholds and Procurement Methodology](#)
  - [105 Blanket Purchase Orders](#)
  - [106 Evaluation and Loan of Equipment](#)
  - [107 Public Review of Bids](#)
  - [108 Purchases Made with Grant Funding](#)
  - [109 Prepayment for Goods and Services](#)
  - [110 Governing Board Policy: Asset Protection](#)
- 

### **Chapter Two: The Purchasing Organization**

- [201 Basis for Policies and Procedures](#)
  - [202 Authority of the Chief Procurement Officer](#)
  - [203 Delegation of Purchasing Authority](#)
  - [204 Centralized Purchasing](#)
- 

### **Chapter Three: Source Selection & Contract Formation**

- [301 Bidder's List and Source Selection](#)
  - [302 Competitive Sealed Bidding \(IFB Process\)](#)
  - [303 Competitive Sealed Proposals \(RFP Process\)](#)
  - [304 Competition Waiver Request](#)
  - [305 Emergency Procurement](#)
  - [306 Procurement of Real Estate](#)
  - [307 Privatization of Services](#)
  - [308 Types of Contracts](#)
  - [309 Right to Audit Records](#)
  - [310 Right to Inspect Plant](#)
  - [311 Record Retention Policy](#)
  - [312 Procurement of Used Equipment](#)
  - [313 Employees as Suppliers](#)
  - [314 Appliance Purchases](#)
- 

### **Chapter Four: Specifications**

- [401 Specifications](#)
- 

### **Chapter Five: Procurement of Construction and Construction Consultant-Related Services**

- [501 Construction Procurement](#)
  - [502 Definitions](#)
  - [503 Bid Security](#)
  - [504 Performance and Payment Bonds](#)
  - [505 Changes in Construction Contracts](#)
  - [506 Architect, Engineer, Land Surveying and Related Services](#)
  - [507 Construction by MCCCED Employees](#)
  - [508 Alternative Construction Procurement Methods](#)
- 

### **Chapter Six: Contracts for Supplies and Services Modification and Termination**

- [601 Purchase Orders for Supplies and Services; Modification and Termination](#)
- 

### **Chapter Seven: Ethics in Public Contracting**

- [701 Code of Ethics](#)
  - [702 Conflict of Interest—Employees](#)
  - [703 Conflict of Interest—Consultants](#)
  - [704 Purchasing for Employees and Private Individuals](#)
- 

### **Chapter Eight: Materials Management—Surplus**

- [801 Delegation of Authority](#)
  - [802 Disposition of Surplus Materials](#)
  - [803 Employee Participation in Surplus Property Sale](#)
  - [804 Surplus Material Acquisition Programs](#)
  - [805 Fees and Charges](#)
  - [806 Reports](#)
- 

### **Chapter Nine: Legal and Contractual Remedies**

- [901 Protest and Appeals of Contracts and Awards](#)
  - [902 Contract Claims and Dispute Resolution](#)
  - [903 Unauthorized Purchases](#)
- 

### **Chapter Ten: Intergovernmental Regulations**

- [1001 Cooperative and Joint Procurement](#)
- 

### **Chapter Eleven: Supplier Development Program**

- [1100 Supplier Development Program](#)
-



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101 Mission Statement

The mission of the Procurement Department is to support the strategic direction of Maricopa County Community College District (MCCCD), including its educational, research, student success, and public service missions. We will deliver the best purchasing experience by treating our customers and suppliers with integrity. We facilitate the procurement of quality goods and services at competitive prices while ensuring proper financial stewardship.

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102 Department Directory and Purchasing Analysts' Assignments

For current Department Directory and Purchasing Analysts' Assignments, please visit MCCCD's Purchasing Website. (<https://procurement.maricopa.edu/contact-information>)

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103 Organizational Chart

For current Organizational Charts, please visit MCCCD Purchasing Website

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104 Competitive Solicitation Thresholds and Procurement Methodology

Procurement transactions and the rules that govern how they are managed are based upon dollar amounts and the type of purchase. The guidelines are as follows:

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104.1 Purchases for \$100,000 and Greater Amounts; The Invitation for Bid Process

Purchasing transactions exceeding \$100,000 require competitive, sealed bidding utilizing the Invitation for Bid (IFB) process. (See 302; Competitive Sealed Bidding.)

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104.2 Purchases for \$100,000 and Greater Amounts; The Request for Proposal Process

Purchasing transactions exceeding \$100,000 in which it is determined not to be advantageous or practical to use the sealed bidding process, may be purchased through the use of sealed competitive proposals. This is the Request for Proposal (RFP) process. (See 303; Competitive Sealed Proposals.)



### 104.3 Governing Board Approval

Pursuant with [Governing Board Policy 4.2.14](#), the Governing Board reserves the authority to approve certain types of agreements. Most contracts/purchases that exceed \$250,000 require Governing Board approval prior to award of a contract or issuance of a Purchase Order. Exceptions to the policy are listed. The policy section is excerpted below.

The Board will reserve authority to approve the following types of agreements:

- Cooperative agreements with outside entities requiring a significant commitment of District funds or that may impair the District's bonding capacity
- Leases involving a commitment of the District's funds in excess of the annual amount specified in Arizona Revised Statute §15-1444B-2 [or in excess of a total of \$300,000 over the original term].
- Contracts for District-wide services for insurance, bookstores, and food service.
- Real property leases or continuous use of District property by outside entities for commercial activity or for any activity that substantially increases the potential liability for the District or may impair its bonding capacity.
- Dual enrollment agreements where an intergovernmental agreement is not required
- Contracts in which the legal authority to proceed is not explicit in statute or confirmed through case law or Attorney General's opinion.
- Purchases described below:
  - A construction contract or construction consulting services contract, including those for architects and engineers, exceeding \$250,000.
  - Any purchase of a single piece of information technology equipment or software exceeding \$250,000.
  - Any purchase of services exceeding \$250,000, other than recurring annual services for support of District-wide systems or operations such as utilities, equipment, or software maintenance.
- Purchases or sale of real property
- Agreements that by law must have Governing Board approval

Whenever there is a question of applicability to a particular purchase, the Director of Purchasing and Auxiliary Services, in consultation with the Office of General Counsel and/or the Chief Operating Officer, will make the final determination on approval requirements.

Purchasing Analysts are responsible for identifying and making the requesting unit aware of any contract/purchase that will or may require Board approval. An initial determination of possible Governing Board approval requirements will be made by the Purchasing Analyst when the Invitation for Bid (IFB) or the Request for Proposal (RFP) request is received in Purchasing. If the ultimate purchase will require Board approval, the files will be flagged by the Purchasing Analyst indicating that Board approval will likely be necessary. The Purchasing Analyst will notify the requesting unit upon receipt of a purchase request notifying them of the possibility of Governing Board approval. Once the IFB/RFP responses have been received, the Purchasing Analyst will consult with the Director of Purchasing and Auxiliary Services or authorized designee to make the final determination on whether Board approval is necessary. If Board approval is deemed unnecessary, the Purchasing Analyst must obtain a written approval of that determination from the Director of Purchasing and Auxiliary Services or authorized designee. The Requester of the product or service is responsible for writing and submitting a Governing Board Action Item. A contract award or Purchase Order will not be issued until the purchase of the product or service has been approved by the Governing Board. Templates for creating Action Items are found on the internal Legal Services website at this address:

<https://maricopa.sharepoint.com/sites/DO/legal/Pages/default.aspx>



104.4 Purchases greater than \$50,000 and under \$100,000

The procurement of goods and services in amounts greater than \$50,000 and under \$100,000 shall be made with as much competition as is practical and deemed necessary by the Director of Purchasing and Auxiliary Services or authorized designee.

The definition of as much competition as practical, for the purpose of this manual, has been determined to be acquiring a minimum of three (3) written quotations.

The requesting unit is primarily responsible for obtaining the quotations. Upon request, the responsible Purchasing Analyst may be called upon to assist in identifying potential suppliers or directly obtaining the quotations. Quotations are subject to review and approval by Purchasing.

The Requisitioning Department shall attach supporting documentation and all price quotations to the requisition for comprehensive support of the entire purchasing record.

In all competitive procurements, the award is made by the Purchasing Department to the Supplier with the lowest price for the good or service that conforms to specifications and other requirements.

**Exception:** MCCCDCD IFB/RFP awarded contracts and Cooperative contracts previously approved by Purchasing may be used at any dollar amount and would not require additional quotes.



**104.4A Purchases greater than \$5,000 and under \$50,000**

The procurement of goods and services in amounts greater than \$5,000 and under \$50,000 shall be made with as much competition as is practical and deemed necessary by the Director of Purchasing and Auxiliary Services or authorized designee.

For the purpose of this manual, as much competition as is practical has been defined as obtaining a minimum of three (3) written quotations. When possible, it is recommended that a minimum of one (1) of the quotes be from a Small Business.

These quotations may be obtained by either the Requisitioners or the requisitioning department and are subject to review and approval by College Fiscal Officers. Purchasing conducts random compliance reviews on these types of orders to ensure compliance.

The Requisitioning Department shall attach supporting documentation and all price quotations to the requisition for comprehensive support of the entire purchasing record.

In all competitive procurements, the award will be made to the Supplier with the lowest price for the good or service that conforms to specifications and other requirements.

Exceptions:

- Software licensing under \$25,000 does not require multiple quotes
- Professional Services Contracts under \$25,000 do not require multiple quotes (see Section 309.3)
- MCCCC IFB/RFP awarded contracts and Cooperative contracts previously approved by Purchasing may be used at any dollar amount and would not require additional quotes

**104.5 Purchases of \$5,000 and less**

Purchasing transactions of less than \$5,000 are not subject to the competitive process. If time permits a comparison of market pricing is encouraged to ensure responsible fiscal stewardship. A Purchase Order or ProCard Transaction may be created and approved by the college Fiscal Agent for transactions up to this limit. This purchase amount limit does include any freight charges but does not include tax.

**104.6 Splitting Purchases**

Purchasing transactions are not to be artificially divided or fragmented in order to meet the lesser requirements of lower dollar transactions or for any other purpose.

**104.7 Confidentiality of Price and Other Information**

Price and other confidential information provided by Suppliers shall not be shared with their competitors by any individual involved in the process. Pricing may be shared after an award has been made to include Requisitioners, Reviewers and Purchasing Staff.



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## 105 Blanket Purchase Orders

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Blanket Purchase Orders are issued to a Supplier for the purchase of certain classes or categories of items.

The Blanket Purchase Order may spell out terms, conditions, delivery information and other contract information, including pricing or discounts from published lists for a specific period. A "Not to Exceed" amount is listed on the Blanket Purchase Order to monitor and control authorized spending. Additional controls relative to maximum one-time purchases or single item costs may also be included.

Blanket Purchase Orders are used to serve the recurring needs of the requisitioner and to reduce paperwork on items bought repetitively. They may be used for commodity type purchases, such as maintenance supplies, services and food. If the number of items, such as supplies, parts, or food, are too lengthy to list, a group or class of commodities can be named on the Blanket Purchase Order. Blanket Purchase Orders are not to be used to purchase capital items.

The Blanket Purchase Order is only valid for the specified period and amount as indicated on the order. Once the effective period has passed or the funding has been depleted, the Blanket Purchase Order is no longer valid. To preclude overspending the Blanket Purchase Order, strict attention to the expiration date and the declining balance of funds should be closely monitored. As the remaining balance drops and the requirement still exists for the Blanket Purchase Order, funds can be added. Additional goods/services should not be ordered until the funds increase is applied to the order. Overspending a Blanket Purchase order is considered an Unauthorized Purchase and is subject to the same corrective process as any other unauthorized purchase.

The amount of competition needed on a Blanket Order varies according to commodity, service and/or delivery as well as whether or not a contract has been awarded for the commodity through a competitive process. A decision as to the level of competition needed shall be made by the Purchasing Analyst in consultation with the Director of Purchasing and Auxiliary Services or authorized designee.



106 Evaluation and Loan of Equipment

All equipment brought in for loan or evaluation purposes shall go through the normal Purchasing Process via the creation of a “No Cost” Requisition.

The Requisition form must be clearly marked, "FOR EVALUATION PURPOSES ONLY". The Requisition shall also state, "All costs associated with the delivery, installation, evaluation and return of the equipment shall be borne by the Supplier. All risks for damage and/or loss of the equipment shall remain with the Supplier."

This requisition shall include the length of the loan agreement and the “No Cost” Purchase Order must be provided to the Supplier prior to delivery of the equipment

Requisitioners shall have the Supplier complete the [Supplier Loan and Test Agreement](#) and upload the signed copy to the Requisition.

This requisition shall be used to issue a Purchase Order that states the same terms as the requisition. This will be provided to the Supplier prior to delivery of the equipment.

Loan or evaluation of equipment does not constitute a preference for that equipment or imply that it will result in an order for the purchase. Purchasing has the responsibility to subject the purchase of all equipment to a competitive process as well as to negotiate all terms and conditions, price, warranty and service with the Supplier.





107 Public Review of Bids

Formal Sealed Bids and Sealed Proposals are considered public information and, as such, are open for review pursuant to the following guidelines:

**Process:**

Formal sealed bids are opened publicly and the name of the bidder, amount of the bid and other related information, deemed relevant by the Purchasing Analyst, is announced and recorded. This record shall be open to public inspection. The actual bid documents and related materials shall not be open to public review until after contract award.

Formal Sealed Proposals are opened publicly with only the names of the proposers announced and recorded. All other information including pricing shall not be open to the public for review until after contract award.

**Proprietary Information:**

Certain information relative to the procurement process can be deemed proprietary in nature and not open for public review. This proprietary information must be clearly marked as such by the bidder/proposer and if possible, submitted in a separate sealed envelope. This information will be considered proprietary and not open to public review, unless deemed otherwise by the Director of Purchasing and Auxiliary Services or authorized designee. The final decision as to whether this information is proprietary lies with the Director of Purchasing and Auxiliary Services or authorized designee.

**Review of Bids or Proposals:**

Requests for information or review of the documents shall be made to the Director of Purchasing and Auxiliary Services or authorized designee. An appointment to review the file shall be made with the Director of Purchasing and Auxiliary Services or authorized designee at a mutually convenient and reasonable time. The reviewer shall not take possession of any of the documents in the file. All proprietary information shall be removed from the file prior to the review. All reviewers must sign a reviewer's log sheet that becomes a part of the original bid file.

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**108 Purchases Made with Grant Funding**

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Purchases made with grant funding will follow all applicable guidelines as outlined in the granting agency's letter of award. For federal grants this may include, but is not limited to, following the guidelines as detailed in the US Office of Management and Budget (OMB) Uniform Guidance.

The responsibility for advising the Purchasing Department of any grant-related purchasing restrictions or requirements shall remain with the requesting department and grant awardee. . Copy of the specific grant-related purchasing restrictions or requirements shall be attached to the purchasing requisition.

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**109 Prepayment for Goods or Services**

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The District provides prepayments only for very limited types of procurements. These include, but are not limited to, prepayment of subscriptions, dues, memberships, deposits for travel-related expenses, and certain maintenance and license fees.

Prepayment for standard goods or services is prohibited by statute. Exceptions are to be made only in those situations in which no other source for the goods or services is available and no other arrangements can be made.

In such cases where a Supplier will not accept payment subsequent to the goods or services being received, justification must be provided to Director of Purchasing and Auxiliary Services or authorized designee who must approve all special prepayments. Upon receipt of this approval, the Purchase Order will include special instructions detailing the prepayment requirements.

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**110 Governing Board Policy: Asset Protection**

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The Governing Board policy regarding asset protection may be found at <https://district.maricopa.edu/board-operations/board-policies/section-2/2-5>.

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**201 Basis for Purchasing Policies and Procedures**

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Pursuant to Arizona Revised Statute (ARS) § 41-2501, political subdivisions are not subject to Arizona's State Procurement Code, though they may adopt all or some of the Code. Maricopa County Community College District (MCCCD) is a political subdivision of the State, and its Governing Board has not adopted all or some of the Code.

As such, all procurement conducted by MCCCD is governed by relevant MCCCD Policies, the MCCCD Governing Board's direction, Chancellor's Limitations, Administrative Regulations, and Procedures. These procedures are based upon the American Bar Association Model Procurement Code, a generally accepted guide.

Procurement is also conducted pursuant to applicable State Statutes and Administrative Rules, again noting that MCCCD is not subject to the Arizona Procurement Code.

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**202 Authority of the Chief Procurement Officer**

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As named and approved by the Governing Board, the Director of Purchasing & Auxiliary Services serves as the Chief Procurement Officer for Maricopa County Community College District (MCCCD).

Consistent with the rules and regulations that govern MCCCD, the Chief Procurement Officer shall adopt operational procedures governing the internal functions of the Purchasing Department.

Except as otherwise noted, the Chief Procurement Officer shall, in accordance with the rules and regulations affecting MCCCD, procure or supervise the procurement of all supplies, services, and construction required by MCCCD.

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**203 Delegation of Purchasing Authority**

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Delegation of Purchasing Authority is established pursuant to MCCCD Governing Board Policy 1.9.2

<https://district.maricopa.edu/regulations/admin-regs/section-1/1-9>

This authority is further delegated to:

- Purchasing Supervisor and the professional staff of Procurement Analysts in the MCCCD Purchasing Department.
- College and District Office Fiscal Agents for Purchase Orders, ProCard and Petty Cash transactions only within the limits outlined in this manual, Section 3.
- Professional staff of Library Technical Services for the procurement of library books, subscriptions, and audio-visual rentals.

All Purchase Requisitions, requests for increases in Purchase Order amounts and cancellation of Purchase Orders shall be routed through the appropriate Financial Management System workflow.

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**204 Centralized Purchasing**

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Maricopa County Community College District (MCCCD) subscribes to a process of centralized purchasing for all purchases over \$50K. The Chancellor has delegated authority for purchases up to \$50K to the individual College Fiscal Offices and District Office Fiscal Office. This is designed to monitor, standardize, and maximize the use of purchase contracts and agreements that are available to MCCCD as well as to extend fiscal control over the expenditure of funds.

**Purchase Orders (PO) are:**

Generated by the Purchasing Department or individual College Fiscal Offices and District Office Fiscal Office for purchases of equipment, supplies, and services.

**Authorized Signatures:**

Authorized signers of purchasing documents are outlined in the Governing Board Policy manual (VIII K, "Procurement of Goods and Services") as well as in this Manual ([See 203; Delegation of Purchasing Authority](#)). Only these individuals, as outlined in those policies, are authorized to commit MCCCD to purchases of services, equipment, and supplies.

MCCCD is bound to receive and pay only for those goods or services authorized by valid signatures on recognized Purchasing documents.

**301 Bidders Lists and Source Selection**

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The Bidders Lists may be created from a combination of the following: Suppliers who have identified under a category code during their Financial Management System (FMS) registration; the requesting department's recommendation; industry research; or any other means needed to secure competition.

Prospective Suppliers may register at the MCCCCD [Supplier Registration Portal](#). The registration process includes submitting information such as the company name, contact information, address, as well as the categories of service or products that they offer.

Completing the Supplier Registration does not guarantee that a supplier will be notified of potential Request for Proposal (RFP) and Invitation for Bid (IFB) opportunities. It is incumbent upon potential suppliers are encouraged to visit our website frequently to view potential business opportunities with MCCCCD.

Removal of a Supplier from the bid list may be for inactivity, failure to perform after an award, or other reasons that show the bidder to be a non-responsive or non-responsible bidder. The removal of a bidder from the bid list will only be after review and approval by the Director of Purchasing and Auxiliary Services or authorized designee.

In those categories where registered Suppliers are available in very limited numbers, the buyer shall be responsible for researching and creating a list of potential sources. The requisitioner, consultants, directories of suppliers, trade journals and publications are some of the sources available to provide this information.



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**302 Competitive Sealed Bidding: The Invitation for Bid (IFB) Process**

Purchases of goods and services in the amount of \$100,000 and over shall be awarded by a process of competitive sealed bidding

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**302.1 The Invitation for Bid**

The Invitation for Bid shall include the following:

- Instructions and information to bidders concerning the bid submission requirements, including time and date for receipt of bids, the address of the office to which they are to be delivered, and any other necessary information
- The purchase description, evaluation factors, delivery or performance schedule, inspection and acceptance requirements
- The contractual terms and conditions, including warranty and bonding or other security requirements applicable to the procurement

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**302.2 Bidding Time**

The bidding time is the period of time between the date of distribution of the Invitation for Bids and the time and date for receipt of bids.

In each case, a bidding time shall be set that affords bidders a reasonable time to prepare the bids. A minimum of 14 calendar days shall be provided unless a shorter time is deemed necessary for a particular procurement as determined by the Director of Purchasing and Auxiliary Services or authorized designee.

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**302.3 Bidder Submissions**

The Invitation for Bids shall provide a form or format which the bidder shall include the bid price and in which the bidder shall sign and submit with all other necessary submissions. The Director of Purchasing & Auxiliary Services or an authorized designee may authorize electronic submissions. Authorization for electronic submissions will be included in the Invitation for Bids document prepared by MCCCDC.

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**302.4 Public Notice**

Adequate public notice of the Invitation for Bid or notices of the availability of the Invitation for Bid may be mailed, emailed, listed on MCCCDC website or otherwise furnished to a sufficient number of bidders to ensure competition. The method utilized to provide notification and the determination of a sufficient number of bidders is the sole responsibility of MCCCDC.



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302.5 Pre-Bid Meeting

Pre-bid meetings may be conducted to explain the procurement requirements. They shall be announced within the Invitation for Bid to all prospective bidders and posted to the Purchasing website. The meeting shall be held long enough after the announcement has been issued to allow bidders to become familiar with the document, but sufficiently before bid opening to allow consideration of the meeting results in preparing their bid.

Generally, the receipt of bids will be no sooner than seven calendar days after the pre-bid meeting. Any exceptions must be granted in writing by the Director of Purchasing and Auxiliary Services or authorized designee. Nothing stated at the meeting shall change the Invitation for Bid unless a change is made by written addenda.

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302.6 Addendums to Invitations for Bid

Addendums to Invitations for Bid shall be identified as such and shall be sent to all bidders that have acknowledged receipt of the bid, as well as posted to the Purchasing website. The Addendum shall reference the part of the Invitation for Bid that it amends.

Addenda shall be issued within a reasonable amount of time for potential bidders to consider them in the preparation of their bids. If the time and date set do not permit sufficient time for bid preparation, the date and time of the bid opening shall be extended in the form of an addendum.

Addendums that require the bidder to acknowledge the receipt of the addendum shall provide a signed acknowledgement as part of the bid submission.

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302.7 Withdrawal and Modification of Bids

A bidder may modify or withdraw its bid at any time before bid opening if the modification or withdrawal is received before the time and date set for bid opening in the location designated in the Invitation for Bid for receipt of bids.

All documentation relating to a withdrawal or modification of a bid shall be kept as part of the procurement file.



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302.8 Late Bids

A bid, withdrawal of a bid, or modification of a bid is determined to be late if it is received at the designated location of the bid opening after the time and date of bid opening.

A late bid, late withdrawal of a bid, or late modification of a bid shall be rejected. Bidders submitting bids that are rejected as late shall be notified as soon as practical.

All documents concerning a late bid shall be retained in the procurement file.

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302.9 Receipt of Bids

Bids and bid modifications shall be received by appropriate staff, marked with the date and time of receipt and stored unopened in a secure location, until the bid opening.

Bids shall be opened publicly at the time, date, and location advertised in the bid document. Public openings may be done via video or conference call at the sole discretion of the Director of Purchasing & Auxiliary Services or authorized designee and shall be announced in the Invitation for Bids document or any subsequent Addenda. The following information shall be read aloud and recorded:

1. Vendor name
2. Verify Original and Copy of Bid
3. Verify Electronic Copy
4. Price
5. Verify Signature Page
6. Addendum Acknowledgements
7. Verify Bid/Performance Bond (if applicable)

A bid abstract shall be made available to the public for review.

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302.10 Inspection of Bids

Only after formal award of the bid, shall the bids be made available for public inspection. Information deemed proprietary in nature by the bidder and approved as such by the Director of Purchasing and Auxiliary Services or authorized designee, shall not be included in the materials available for public inspection.





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302.11 Mistakes and Informalities in Bids

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Mistakes in bids may be corrected by modification or withdrawal as outlined in sections above, if discovered prior to the bid opening. After bid opening, a bid submitted containing errors cannot be corrected. A bid may be withdrawn pursuant to the following sections:

Minor informalities in a bid may be waived if the Director of Purchasing and Auxiliary Services or authorized designee deems it advantageous to MCCCCD.

A bid may be withdrawn after bid opening only if the error is clearly evident to the Director of Purchasing and Auxiliary Services or authorized designee or if the bidder establishes evidence clearly showing an error was made. Errors cannot be corrected after award of the bid.

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

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302.13 Bid Evaluation and Award

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The bid shall be awarded to the lowest responsive and responsible bidder whose bid meets, in all material respects, the requirements and criteria as defined in the Invitation for Bid. The amount of any applicable transaction privilege or use tax is not a factor in determining the lowest bidder

Bids shall be evaluated to determine which bidder offers the lowest cost to MCCCCD in accordance to the criteria as defined in the Invitation for Bid. Only objectively measurable criteria shall be applied in determining the lowest cost to MCCCCD.

A contract may not be awarded to a bidder submitting a higher quality item than designated in the bid document unless the bidder is also the lowest bidder as determined by the criteria outlined above.

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302.14 Tie Bids

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Tie bids are defined as instances of identical pricing from responsible bidders that meet all requirements as set forth in the bid documents. Tie bids may be awarded by drawing or any other random choice manner. Care shall be taken by the buyer to ascertain that the tie bidders meet all requirements as outlined in the bid document before declaring a tie bid situation. Records and methods of determining the successful bidder shall be maintained in the procurement file for all tie or apparent tie bids.



302.15 Single Bids

In instances of only one bid being received, a determination must be made by the Director of Purchasing and Auxiliary Services or authorized designee that the price submitted is fair and reasonable and that other prospective bidders had time to respond or that re-solicitation is not possible due to time constraints. In those instances, an award may be made.

If it is determined in writing by the Director of Purchasing and Auxiliary Services or authorized designee that the need for the product or service continues and that the acceptance of the single bid is not advantageous to MCCCDC, then the procurement may be conducted in a manner as defined by the Director of Purchasing and Auxiliary Services or authorized designee. The method utilized in this situation may include the solicitation of quotations.

303 Competitive Sealed Proposals: The Request for Proposal (RFP) Process

Purchases of goods and services in the amount of \$100,000 and over that cannot be awarded by a process of competitive sealed bids shall be procured through the use of a Request for Proposal process.

303.1 The Request for Proposal

The Request for Proposal shall include the following:

Instructions and information to proposers concerning the submission requirements, including time and date for receipt of proposals, the address of the office to which they are to be delivered, and any other relevant information.

The purchase description, evaluation factors, delivery or performance schedule, inspection and acceptance requirements.

The contractual terms and conditions including warranty and bonding, or other security requirements applicable to the procurement'

303.2 Proposal Time

The proposal time is the period of time between the date of distribution of the Request for Proposal and the time and date for receipt of proposals. In each case, a proposal time shall be set that affords proposers a reasonable time to prepare the proposals. A minimum of 14 calendar days shall be provided unless a shorter time is deemed necessary for a particular procurement as determined in writing by the Director of Purchasing and Auxiliary Services or authorized designee



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303.3 Proposal Submissions

The Request for Proposal document shall provide a form or format in which the proposer shall include all pertinent information relative to the process. The proposer shall sign and submit all necessary information called for in the Request for Proposal document. Electronic submissions may be authorized by the Director of Purchasing and Auxiliary Services or authorized designee as required and will be detailed in the RFP document.

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303.4 Public Notice

Adequate public notice of the Request for Proposal or notices of the availability of the Request for Proposal shall be listed on MCCCCD website. The Purchasing Analyst may also mail or email to a sufficient number of potential proposers for securing competition.

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303.5 Pre-Proposal Meeting

Pre-proposal meetings may be conducted to explain the procurement requirements. The date, time and location shall be announced within the Request for Proposal to all prospective proposers and posted to the Purchasing website. The meeting shall be held long enough after the Request for Proposal has been issued to allow proposers to become familiar with the document, but sufficiently before receipt of proposals to allow consideration of the meeting results in preparation of their proposal.

Generally, the receipt of proposals will be no sooner than seven calendar days after the pre-proposal meeting. Any exceptions must be granted in writing by the Director of Purchasing and Auxiliary Services or authorized designee. Nothing stated at the meeting shall change the Request for Proposal unless a change is made by way of a written addendum.

**303.6 Addenda to Requests for Proposals**

Addenda to Requests for Proposals shall be identified as such and shall be sent to all Proposers that have acknowledged receipt of the bid, as well as posted to the Purchasing website. The addendum shall reference the part of the Request for Proposal that it amends.

Addenda shall be issued within a reasonable amount of time for potential proposers to consider them in the preparation of their proposals. If the time and date set does not permit sufficient time for proposal preparation, the date and time of the proposal opening shall be extended in the form of an addendum.

Addenda that require the Proposer to acknowledge the receipt of the addendum shall provide a signed acknowledgement as part of the proposal submission

**303.7 Withdrawal and Modification of Proposals**

Withdrawal or modification of proposals is acceptable if the notification of withdrawal or modification is received prior to the deadline for receipt of the proposals at the designated location.

All documentation relating to a proposal withdrawal or modification shall be kept as part of the procurement file.

**303.8 Late Proposals**

A proposal, a request for withdrawal of proposal, or a modification of proposal is late if received at the designated location of the proposal receipt after the due date and time listed in the Request for Proposal.

Late proposals, late withdrawal of proposals, or late modification of a proposals shall be rejected. Proposers submitting proposals that are rejected as late shall be notified as soon as practical

All documents concerning a late proposal shall be retained in the procurement file.

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**303.9 Receipt of Proposals**

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Proposals and proposal modifications shall be received by appropriate staff, marked with the date and time of receipt, and stored unopened in a secure location until the proposal Opening.

Proposals shall be opened publicly at the time, date, and location detailed in the proposal document. Public openings may be done via video or conference call at the sole discretion of the Director of Purchasing & Auxiliary Services or authorized designee and shall be announced in the Invitation for Bids document or any subsequent Addenda. The following information shall be read aloud and recorded:

1. Vendor name
2. Verify Original Copy Provided
3. Verify Correct Number of Copies
4. Verify Electronic Copy
5. Verify Signature Page
6. Verify Price Page, Price Not Read
7. Addendum Acknowledgements

Pricing information, if part of the Request for Proposal is **NOT** read aloud or recorded.

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**303.10 Inspection of Proposals**

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Only after formal award of the proposal, shall the proposals be made available for public inspection. Information deemed proprietary in nature by the proposer and approved as such by the Director of Purchasing and Auxiliary Services or authorized designee shall not be included in the materials available for public inspection.

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**303.11 Receipt of Proposals**

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Mistakes in proposals may be corrected by modification or withdrawal as outlined in sections above, if discovered prior to the proposal opening. After proposal opening, a proposal submitted in or with errors cannot be corrected.

A proposal may be withdrawn pursuant to the following sections:

Minor informalities in a proposal may be waived if the Director of Purchasing and Auxiliary Services or authorized designee deems it advantageous to MCCCDC.

A proposal may be withdrawn after proposal opening only if the error is clearly evident to the Director of Purchasing and Auxiliary Services or authorized designee or if the proposer establishes evidence clearly showing an error was made. Errors shall not be corrected after award of the proposal.

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



**303.12 Proposal Evaluation and Award**

The award will be made to the most qualified proposer, based upon review and recommendations of a committee of individuals that score responses to the Request for Proposal document based upon documented grading criteria.

**303.13 Single Proposals**

In instances of only one proposal being received, a determination must be made by the Director of Purchasing and Auxiliary Services or authorized designee that the proposal submitted is fair and reasonable and that other prospective proposers had time to respond or that re-solicitation is not possible due to time constraints. In those instances, an award may be made.

If it is determined in writing by the Director of Purchasing and Auxiliary Services or authorized designee that the need for the product or service continues and that the acceptance of the single proposal is not advantageous to MCCCD, then the procurement may be conducted in a manner as defined by the Director of Purchasing and Auxiliary Services or authorized designee.

## 304 Competition Waiver Request

Products or services may be procured without competition if there is documentation that there is limited suitable options available.

Competition Wavier procurements shall be avoided whenever possible.

Requester shall complete the [Competition Waiver Request Form](#) and secure approval from the Director of Purchasing and Auxiliary Services or authorized designee prior to purchase. If there is a need to continue the requirement from a previously approved Competition Waiver that has expired, the end user is required to recertify/renew the Competition Waiver and obtain the proper approval signatures prior to submission of a purchase requisition or use of a ProCard. The approved Competition Waiver Request Form is then attached to the electronic version of the purchase order and additionally it is stored in the "Approved Competition Waiver Request Form" folder housed on the purchasing share drive.

Examples of Competition Waiver (Sole Source) procurement include, but are not limited to:

- Products where compatibility with existing systems, equipment, or accessories is absolutely necessary for function, serviceability, warranty, or cost.

Examples of Competition Waiver (Single source) procurement include, but are not limited to:

- Unique services, such as advertising, in which circulation, billboard location, audience demographics, and other factors make each provider different.
- Rental of certain facilities in which location is an important factor.

Exceptions: The following items do not require a Competition Waiver Form:

- Purchases of educational and library circulation materials, subscriptions, databases/collections may be purchased directly from the publisher or curator as a sole source
- Purchases from public utilities/services, building leases, cell service
- Intergovernmental Agreement (IGA), Educational Service Agreement (ESA), Dual Enrollment Agreements, Accreditation Organizations and Professional Memberships

Completing a [Competition Waiver Request Form](#) and returning it to the Purchasing Department will provide the documentation necessary to identify sole source purchases.



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305      **Emergency Procurement**

The Director of Purchasing and Auxiliary Services or authorized designee may make or authorize others to make emergency procurement of equipment, goods, or services.

This will only be in instances of a true emergency where there exists a threat to the safety, health, or welfare of students, staff, the public or where immediate correction is needed to protect facilities and ensure business continuity. In such instances, price competition is less important than the quick and safe resolution of the emergency. In these instances, the customary quotation, proposal or bid process may be waived.

Full back-up materials and justification will be provided to the Purchasing Department as soon as possible to substantiate the purchase. This information will be made a part of the file.



306 Procurement of Real Estate

The procurement of real estate is not subject to the same formal competitive processes as good and services.

The purchase of real estate is unique, relative to location, access, associated improvements and other factors. In as much, the procurement of real estate cannot be competitively bid. Guidelines and benchmarks such as appraisals and comparative sales of similar properties will be used to determine the appropriateness of the purchase price.

The purchase of real estate is conducted by negotiation based upon comparable market listings, if available, as well as an appraisal.

All issues such as legal description, rights of way, size, suitability, and assessment of risk factors such as structural analyses, asbestos surveys and all other applicable requirements by Federal and State laws shall be performed prior to purchase.

In the role of the Chief Fiscal Officer for the District, the Chief Operating Officer may act as agent for the procurement of real estate, or may delegate that responsibility to the Director of Purchasing & Auxiliary Services. Pursuant with [Governing Board Policy 4.2](#), the Governing Board shall approve the purchase or sale of Real Property. Once approved, the Governing Board President shall sign all purchase agreements for purchase or sale of real estate.



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### 307 Privatization of Services

MCCCD believes in utilizing the most beneficial method of providing services and goods, whether it be from the public or private sector. Whenever possible, established criteria shall be used to analyze the benefits of one source over the other.

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#### 307.1 Delegation of Authority

The Chief Procurement Officer (Director of Purchasing & Auxiliary Services) as delegated by the Governing Board, through the Chancellor and the Chief Operating Officer, shall be responsible for timely review, action, and reporting on all privatization proposals. Personnel-related actions due to privatization efforts are separate from procurement activities.

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#### 307.2 Reporting Responsibility

A report shall be filed annually with the Audit and Finance Committee by the Chief Procurement Officer outlining progress in the areas of privatization. Numbers of formal inquiries as well as any records of any appeals and their outcomes shall also be reported. This annual report shall be provided to other agencies such as the Private Enterprise Review Board, if so requested.

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#### 307.3 Initiation and Review of Privatization Proposals

Opportunities for privatization can be identified by the public, private sector business, MCCCD employees, the Governing Board, and other organizations such as the Private Enterprise Review Board (PERB). Individuals or businesses wishing to make an initial privatization proposal (petition of interest), will not be supplied information that would later provide an unfair advantage over other proposers during a competitive process.

All privatization proposals from individuals or businesses shall be forwarded to the Chief Procurement Officer for initial review for clarity, completeness. Proposals shall be forwarded to appropriate department/division/college representatives for initial joint review and recommendations in conjunction with the Chief Procurement Officer.

If the proposal is rejected, the Chief Procurement Officer shall notify the proposer of the decision and supporting rationale and shall provide an outline of the appeal process, if desired. If it is determined that the proposal has merit, the concept will be further developed into a Bid or Request for Proposal document by the department/division/college representative in conjunction with the Chief Procurement Officer and others. The bid or Request for Proposal will be designed to be competitively bid following all MCCCD Purchasing guidelines and allowing maximum competition.



307.4 Privatization Review Criteria

Proposals for privatization will be evaluated on a number of factors including cost. Additional factors will depend upon the service or goods proposed, but may include the effect privatization will have on the quality of service.

1. Cost Efficiency - expected cost of service, including MCCCCD oversight of the contract, assuming no decrease in quality.
2. Market Strength - availability of private providers interested in providing the service.
3. Risk to MCCCCD - degree which privatization increases MCCCCD exposure to hazards and risk.
4. Legal Barriers - the effect of laws on privatization decisions.
5. Control - ability of MCCCCD to oversee and monitor the service once it has been privatized.
6. Resources - efficient and effective use of existing MCCCCD assets.
7. Impact on Employees - the effect privatization will have on both full time and student employees of the MCCCCD.
8. Political Resistance - opposition from the public, the provider of the **service, interest groups, or elected officials.**

307.5 Appeal of Outcome of Privatization Review

The outcome of a privatization review can be appealed by any proposer.

1. The request for appeal shall be first submitted to the Chief Procurement Officer. The Chief Procurement Officer shall weigh all merits of the appeal and, in consultation with the affected department/division/college representative, shall make a recommendation to re-open the review or to deny the request.
2. If the request is denied, the proposer may ask that the appeal be forwarded to the next step in the appeal process: the Chief Operating Officer or designee.
3. The Chief Operating Officer shall weigh all merits of the appeal and shall make a recommendation to re-open the review or to deny the request.
4. If the request is denied, the proposer may ask that the appeal be forwarded to the MCCCCD Governing Board.
5. The MCCCCD Governing Board shall weigh all merits of the proposal and shall make a recommendation to re-open the process or to deny the request.



307.6 Definitions:

"Petition of Interest" means the document that is the form of information that is requested by MCCCCD, completed by the petitioner, expressing interest in providing the goods or services.

"Privatization" means the provision of services or goods by a private sector business, another public sector body or non-profit agency, that is normally provided by employees of MCCCCD.

308 Types of Contracts

There are a number of types of contracts use at MCCCCD. Contract requirements, templates and approval process is managed by MCCCCD Legal Department  
<https://maricopa.sharepoint.com/sites/DO/legal/Pages/Contracts-Approval-Process.aspx>

309 Right to Audit Records

MCCCCD may, at reasonable times and locations, audit the books and records of any person or organization that submits costs or pricing or is awarded a Purchase Order which includes cost reimbursement. For purpose of this procedure, MCCCCD includes appropriate Purchasing, Finance and Internal Audit staff as well as representatives of the Auditor General's staff or other review organizations.

Any person or organization that receives a Purchase Order of which cost or pricing data is required, shall maintain the books and records that relate to that information for a period of three years from the date of the final payment under that Purchase Order, unless a different period is required.

MCCCCD may, at reasonable times and locations, audit the books and records of any contractor or subcontractor relating to the performance of a Purchase Order.

The contractor or subcontractor shall maintain the books and records that relate to the Purchase Order for a period of three years from the date of the final payment under that Purchase Order, unless a different period is required.



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310 Right to Inspect Plant

MCCCD may, at reasonable times inspect part of the plant or place of business of a contractor or any subcontractor which is related to the performance of any Purchase Order awarded.

This extends to the inspection of a plant or business location prior to award, as part of a determination process to decide capability and fitness for the Purchase Order.

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311 Record Retention Policy

The retention of Purchasing records is in accordance with Arizona State General Records Retention Schedule Number GS 1032 issued to All Public Bodies Procurement and Purchasing Records

([https://apps.azlibrary.gov/records/general\\_rs/GS-1032.pdf](https://apps.azlibrary.gov/records/general_rs/GS-1032.pdf))

MCCCD requires that all purchases related information be attached to the Purchase Orders in the Financial Management System (FMS).

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312 Procurement of Used Equipment

Used equipment may be purchased if it meets the needs of the college as required by the user. The purchase of used equipment must be in the best interest of MCCCD and result in a cost savings when compared to the purchase of new or refurbished equipment. The Requestor shall complete the [Purchase of Used Equipment Form](#) and secure approval from the Director of Purchasing and Auxiliary Services or authorized designee. The form shall include:

- Supplier statement with the Equipment details, condition (proper working order) and warranty
- The requestor has inspected the equipment (when possible)
- The equipment meets the needs of the user.
- It is in MCCCD's best interest to procure the used equipment.
- A determination as to price reasonableness.

The approved form shall be attached to the Purchasing Requisition.

Purchases of used equipment in excess of \$100,000 must adhere to the competitive bid process.

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**313 Employees as Suppliers**

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The use of MCCCCD employees to provide goods or services is strongly discouraged. Only in cases in which it is proven that the employee is able to provide the goods or service at a lower cost will the purchase be made. **ANY purchases from an employee should show evidence of competition and be approved in advance by Purchasing.** A minimum of three written quotes must be obtained.

If you are an Employee acting as a potential Supplier or have a relative who is a potential Supplier, you must complete the Acknowledgement and Disclosure located here <https://administration.maricopa.edu/acknowledgement-and-disclosure>

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**314 Appliance Purchases**

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As one of many actions in support of the American College and University Presidents' Climate Commitment, only Energy Star rated appliances and equipment will be purchased, if available.

This means that even if a non-Energy Star appliance is less costly, the Energy Star rated appliance will be purchased.

The link to the Energy Star Web site is [http://www.energystar.gov/index.cfm?c=products.pr\\_find\\_es\\_products](http://www.energystar.gov/index.cfm?c=products.pr_find_es_products)

The purchase of any type of kitchen appliance (refrigerator, microwave, coffee maker, toaster, dishwasher, etc.) is prohibited using district/college funds if the intent of the purchase is for the personal use of employees. The use of district/college funds for this type of purchase must have a clear business use.

## 401 Specifications

Specifications for the procurement of goods or services shall be determined by the requesting department with assistance from Purchasing and other District staff, as deemed necessary.

Specifications can include written descriptions, drawings, or any other means of providing detailed examples of the desired product or service. To ensure a fair process, these examples should generally never directly provide examples of name brand products (see exceptions below). General examples of the desired outcome should be provided in the specifications but the process of achieving those outcomes should be part of the proposal offered in the response(s). This is imperative to ensure a competitive process that does not unintentionally reflect a predetermined or desired brand or vendor.

Brand name or equal specifications may only be utilized when the Director, Purchasing and Auxiliary Services or authorized designee determines that the use of brand name or equal specification is advantageous to the District and:

- No existing specifications are available.
- Time does not permit the preparation of specifications.
- The nature of the product makes the use of a brand name or equal specification suitable for procurement.

A brand name or equal specification shall designate as many brands as possible. The specification shall include a description of the particular design, function, or performance characteristics that are required, unless the Director, Purchasing and Auxiliary Services or authorized designee determines that the brand names in the specifications are commonly known.

If a consultant is used to develop specifications, the consultant shall provide to the District a general statement to be included in their recommendations that reads as follows:

**"No direct or indirect benefit is to be realized by (the consultant) from the Maricopa County Community College District using these specifications or awarding a bid based upon them."**

## 501 Construction Procurement

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Construction Procurement shall be conducted in accordance with all Governing Board Policies, and MCCCCD procedures.

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

1. Competitive Bid – Traditional Design-bid-build.
2. Construction-manager-at-risk.
3. Design-build.
4. Design-build with Bridging
5. Job-order-contracting.

## 502 Definitions

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Construction Procurement Definitions are defined by MCCCCD Facilities Planning and Development Organization

[https://maricopa.sharepoint.com/sites/DO/business/FPD/Shared%20Documents/delivery\\_methods.pdf](https://maricopa.sharepoint.com/sites/DO/business/FPD/Shared%20Documents/delivery_methods.pdf)

### 502.1 Design-Bid-Build

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For the design-bid-build project, MCCCCD shall procure the Design services according to Section 506; Architect, Engineer, Land Surveying and Related Services and the Construction by competitive sealed bidding, according to Section: 302 -Competitive Sealed Bidding - The Invitation for Bid (IFB) Process, except as otherwise provided in 304 - Competition Waiver Request and Section 305 - Emergency Procurement.





**502.2 Construction-Manager-at-Risk, Design-Build and Job-Order-Contracting**

MCCCD shall procure construction services under the construction-manager-at-risk, design-build and job-order-contracting project delivery methods according to Section 508: Alternative Construction Procurement Methods.

MCCCD shall procure design services relating to a construction-manager-at-risk construction services project according to Section 508: Alternative Construction Procurement Methods.

For job-order-contracting construction services projects, if MCCCD does not include design services in the job-order-contracting construction services contract, MCCCD shall procure any design services relating to job-order-contracting construction services projects under the contract according to Section 506: Architect, Engineer, Land Surveying and Related Services.

**503 Bid Security**

Bid security shall be used on all competitive sealed bidding for construction contracts that exceed \$50,000 in value, unless a waiver is deemed appropriate and approved by the Director of Purchasing and Auxiliary Services or authorized designee.

Bid security protects MCCCCD against the failure or refusal of the low bidder to supply the necessary performance and payment bonds, as required, and to proceed with the performance under the contract.

Bid security shall be provided by a surety company licensed to conduct business in the State of Arizona or it shall be in the form of a cashier's check made payable to MCCCCD.

Bid security is set at 10% of the bidder's base bid amount. Bid security is required to be submitted at the time of the submittal of the sealed bid. If the bidder fails to accompany its bid with bid security, the bid shall be considered non-responsive.

If a bid does not comply with the security requirements, the bid shall be rejected as non-responsive, unless the failure to comply is determined by the Director of Purchasing and Auxiliary Services or authorized designee to be non-substantial where:

- A. Only one bid is received and there is not sufficient time to rebid the contract;
- B. The amount of the bid security submitted, while less than the amount required by the Invitation for Bid, is equal or higher than the difference in the price stated in the next higher acceptable bid; or
- C. The bid guarantee becomes inadequate as a result of the correction of a mistake in the bid or bid modification, if allowed, if the bidder increases the amount of the guarantee to required limits within two working days after bid opening.



504 Performance and Payment Bonds

A performance bond is required for all construction contracts that exceed \$50,000 in value, in the amount of 100% of the contract price. The performance bond shall be delivered to MCCCCD at the same time the contract is executed. If a contractor fails to deliver the performance bond, the contractor's bid shall be rejected, its bid security shall be enforced, and award of the contract shall be made to the next lowest responsible and responsive bidder.

A performance bond protects MCCCCD against loss resulting from the failure of the contractor to perform a construction contract in accordance with plans and specifications.

A payment bond is required for all construction contracts that exceed \$50,000 in value, in the amount of 100% of the contract price. The payment bond shall be delivered to MCCCCD at the same time the contract is executed. If a contractor fails to deliver the payment bond, the contractor's bid shall be rejected, its bid security shall be enforced, and award of the contract shall be made to the next lowest responsible and responsive bidder.

A payment bond guarantees payment and protection for those furnishing labor and materials to the contractor or its subcontractors for the work bonded.



505 Changes in Construction Contracts

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At any time, the Sr. Procurement Analyst may approve a change order that may make:

- A. Changes in the work within the scope of the contract; and
- B. Changes in the time for performance of the contract that do not alter the scope of the contract.

If this change order increases or decreases the contractor's cost of or the time required for performance of any part of the work under this contract, whether or not changed by the order, an adjustment shall be made and the contract shall be modified in writing. A change order shall be used for this process.



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**506 Architect, Engineer, Land Surveying and Related Services**

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This procedure relates to the contracting of architect, engineer, land surveying, and related professional registrant services involved in the planning, design, construction, and renovation, of facilities for MCCCCD.

**506.1 Procurement of Professional Services in amount of from \$50,000 to \$100,000**

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For procurement of these professional services in an amount of from fifty thousand dollars (\$50,000) to one hundred thousand dollars (\$100,000), Purchasing shall assign a selection committee, which shall independently evaluate and score submittals received from firms or individuals responding to MCCCCD's Request for Qualifications. If possible, the selection committee may conduct discussions with a short list of at least three of the highest scoring firms or individuals. Subject to review by Purchasing at their option, the College President or Vice President of Administrative Services shall initiate an appropriately qualified selection committee. The selection committee shall contain the Facilities Planning and Development (FPD) Project Manager and no more than six additional members selected from college administration, Facilities/ Maintenance and Operations, and representatives of the project's user groups. Facilities/ Maintenance and Operations, and representatives of the project's user groups. A non-voting representative of Purchasing will observe all meetings and selection committee activities. For projects that include architectural or engineering work with selection made on a qualifications basis, the selection committee shall have at least one person who is an architect or engineer registered to practice in the State of Arizona. The design professional may be an employee of MCCCCD and the FPD project manager may fulfill this requirement. If they are not a registrant, an additional member will be added to the selection committee to meet this requirement. At FPD's option, one additional external architect or engineer may be added to the committee as a voting participant and will not count against the six college representative limit. Outside architects and engineers serving on a selection committee shall not receive compensation for performing this service. A person who is a member of a selection committee shall not be a contractor under a contract awarded or provide any professional or other services under the contract awarded through this selection.

**506.2 Procurement of Professional Services in an amount greater than \$100,000**

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For the procurement of professional services in an amount of more than one hundred thousand dollars (\$100,000) MCCCCD shall follow the standard Request for Proposal (RFP) procedures as outlined in section 303. The contracting of these related types of services may be made in advance for use on an "as-needed" basis for smaller projects that do not exceed \$500,000 in value. The Request for Proposal process as outlined in Section 303 shall be used for these types of procurements. A master listing of these chosen providers by type of service shall be maintained.



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507 Construction by MCCCCD Employees

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Employees may construct a building, structure, addition, or alteration of a District facility, if the cost does not exceed forty thousand dollars (\$40,000).

For this procedure, "Cost" means the aggregate cost of all materials and services, including labor performed by MCCCCD employees.

Force account work provided under this section shall adhere to the following guidelines maintained by [MCCCCD's Facilities Planning and Development Department](#).

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**508 Alternative Construction Procurement Methods**

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Professional services and construction services shall be procured for the alternative construction procurement methods as outlined in this section. Exceptions are those instances in which Section 304 - Competition Waiver Request and Section 305 - Emergency Procurement apply. Alternative construction procurement methods as defined in Section 502, Construction Procurement, are construction-manager-at-risk, design-build, and job-order-contracting.

**508.1 Definitions**

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For purposes of this section, "construction services" includes: construction-manager-at-risk construction services, design-build construction services, and job-order-contracting construction services. These may or may not contain a professional services component. For the purposes of this section, "professional services" includes architect services, engineer services, landscape architect services, assayer services, geologist services and land surveying services and any combination of those services, provided by a registered professional.

Request for Qualifications means a solicitation with an intended response that includes initial data about a firm or individual such as experience, references, and approach to the project. For purposes of this section, pricing may not be required in the initial solicitation.

Request for Proposals (RFP) means a solicitation with an intended response that is fairly detailed. For purposes of this section, it will supplement an initial Request for Qualifications response. Also, for purposes of this section, 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 prior to the review of the financial proposal.

**508.2 Procurement of All Alternative Construction Services**

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For procurement of construction-manager-at-risk, design build and job-order-contracting, MCCCDC shall follow these procedures:

MCCCDC shall announce and issue the solicitation according to its normal procedures. Subject to review by Purchasing at their option, the College President or Vice President of Administrative Services shall initiate an appropriately qualified selection committee. The selection committee shall contain the Facilities Planning and Development (FPD) Project Manager and four (4) to six (6) additional members selected from college administration, Facilities/Maintenance and Operations, and representatives of the project's user groups.



A non-voting representative of Purchasing will observe all meetings and selection committee activities.

For projects that include construction with selection made on a qualifications basis, the selection committee shall have at least one person who is a senior management employee of a licensed contractor and one person who is an architect or engineer registered to practice in the State of Arizona. The contractor or design professional may be an employee of MCCCD and will not count against the six college representative limit.

Outside architects, engineers or contractors serving on a selection committee shall not receive compensation for performing this service. A person who is a member of a selection committee shall not be a contractor under a contract awarded under the procurement or provide any professional services, construction, construction services, materials or other services under the contract awarded through this selection.

The selection committee shall:

- A. Evaluate and score the written proposals and qualifications submitted by the firms or individuals.
- B. If outlined in the solicitation, shall attempt to conduct discussions with at least three of the highest scoring firms or individuals. If only two firms or individuals respond to the solicitation, the committee may proceed with the selection process or Purchasing may re-solicit for additional proposals. If only one firm or individual responds to a solicitation for professional services, the selection committee may choose to proceed with that firm or individual if determined that the fee negotiated as a result of the process is fair and reasonable and that other firms and individuals had a reasonable opportunity to respond, or if there is not adequate time for a re-solicitation.

### 508.3 The One-Step Competitive Process

Purchasing shall enter into contract negotiations with the highest qualified firm or individual for the professional services or construction services. Negotiations shall include fees as well as other contractual terms and conditions deemed fair and reasonable and important to MCCCD. Purchasing shall take into account the estimated value, scope, complexity and nature of the procurement. If Purchasing is unable to negotiate a satisfactory agreement with the firm or individual considered to be the most qualified, then Purchasing shall terminate those negotiations and undertake negotiations with the next most qualified firm or individual in sequence until an agreement is reached. If a construction contract is entered into as a result of this process, construction shall not begin until Purchasing and the contractor agree in writing on a price for the construction portion of the contract.



#### 508.4 The Two-Step Competitive Process

For design-build construction services or job-order-contracting, as an alternative to the one-step competitive process outline in Section 508.3, Purchasing may utilize the following process:

- A. The selection committee make up shall remain the same as outlined in Sections 508.2 .
- B. For design-build construction services and job-order-contracting construction services, the Request for Proposals shall include:
  1. Specifically, for design-build construction projects, the project schedule, project final design and construction budget or life cycle budget.
  2. For both types of services, a statement that the contract will be awarded to the firm or person whose proposal receives the highest number of points under a scoring system.
  3. A description of the scoring method, including a list of factors in the scoring method and the number of points allocated to each factor. Those factors may include:
    - i. Proposer's qualifications
    - ii. Proposer's financial capacity
    - iii. Proposer's proposed compliance with MCCCCD's project schedule
    - iv. Proposer's quality management plan
    - v. Any other evaluation factors as determined by Purchasing.
    - vi. For design-build construction services only, demonstrated compliance with the design requirements.
    - vii. For design-build construction services only, if the Request for Proposals specifies MCCCCD will spend its project budget and not exceed that budget, and thus is seeking the best proposal for the project budget.
  4. A requirement that each proposer submit separately a technical proposal and a price proposal and that the proposer's entire proposal is responsive to the RFP. For design-build construction services, the price in the proposal shall be a fixed price or a guaranteed maximum price.
- C. If determined by Purchasing and noted in the RFP, the selection committee or a subcommittee consisting of Purchasing and at least one other member may conduct discussions with any or all firms or individuals chosen. Discussions shall be for the purpose of clarification to assure full understanding of the project and responsiveness to the solicitation requirements. Information from proposals submitted and discussions held shall not be disclosed to competing proposers prior to award.



- D. Best and Final Offer submittals may be requested of any or all finalists. These submittals shall contain both technical and financial information.
- E. Purchasing shall award the contract to the responsive and responsible proposer as recommended by the evaluation committee.
- F. For design-build construction services only, MCCCCD shall award a stipulated fee equal to a percentage of MCCCCD's project final construction budget. In consideration for paying the stipulated fee, MCCCCD may use any ideas or information contained in the proposals in connection with any contract awarded for the project, or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful proposers.

#### 508.5 Job-Order-Contracting Dollar Limits and Subcontracting

For job-order-contracting construction services only:

- A. The dollar amount of an individual job order shall not exceed one million dollars (\$1,000,000.00). Requirements shall not be artificially divided or fragmented in order to constitute a job order that satisfies this requirement.
- B. If the contractor subcontracts or intends to subcontract part or all of the work under a job order and if the job-order construction services contract includes descriptions of standard individual tasks or standard unit prices for standard individual tasks, then:
  - 1) The contractor has a duty to deliver promptly to each subcontractor invited to bid, a copy of the descriptions and the standard unit prices of all standard individual tasks on which the subcontractor is invited to bid.
  - 2) The contractor has a duty to deliver promptly the following to each subcontractor that has agreed to do any of the work included in any job order, a copy of the description, the number of units and the standard unit price of each standard individual task that is included in the job order.

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508.6 Confidentiality of Process

Until award and execution of a contract by MCCCDC, only the names of each firm or individual on the short list may be made available to the public. All other information received by MCCCDC in response to the request for qualifications or contained in the proposals shall be confidential in order to avoid disclosure of the contents that may be prejudicial to competing proposers during the selection process. The proposals shall be open to public inspection after the contract is awarded and MCCCDC has executed the contract. To the extent that the proposer designates and Purchasing concurs, trade secrets and other proprietary data contained in a proposal shall remain confidential.

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508.7 Cancellation of Procurement Process

Purchasing may cancel a request for qualifications or a request for proposals or reject in whole or in part any or all submissions of qualifications or proposals as specified in the solicitation if it is in the best interest of MCCCDC. Purchasing shall make the reasons for cancellation or rejection part of the purchasing file.

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508.8 Registrations, Licensure and Project Definition

- A. The successful contractor for construction-manager-at-risk, design-build or job- order-contracting construction services is not required to be registered to perform design services pursuant to [Title 32, Chapter 1 of the Arizona Revised Statutes](#), if the person or firm actually performing the design services on behalf Revised of the contractor is appropriately registered.
- B. The successful contractor for construction-manager-at-risk, design-build or job- order-contracting construction services is not required to be licensed to perform construction pursuant to [Title 32, Chapter 10 of the Arizona Revised Statutes](#), if the firm actually performing the construction on behalf of the contractor is appropriately licensed.
- C. Each project under a design-build construction services contract or a construction-manager-at-risk construction services contract shall be a specific, single project. For the purposes of this paragraph, "specific, single project" means a project that is constructed at a single location, at a common location or for a common purpose.



508.9 Prohibition against Competing with Private Firms or Contracting with other  
Agencies for these Services

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Notwithstanding anything to the contrary in this procedure, MCCCCD shall not:

- A. Enter into a contract as a contractor to provide construction-manager-at-risk construction services, design-build construction services or job-order-contracting construction services to others.
- B. Contract with itself, with another District, with the state or with any other governmental unit of the state or the federal government to provide construction-manager-at-risk construction services, design-build construction services or job-order-contracting construction services for itself.
- C. The prohibitions prescribed in this section do not prohibit MCCCCD from providing design or construction services for itself as provided by law.



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**601 Purchase Orders for Supplies and Services, Modification and Termination**

Purchase Orders for supplies and services are subject to modifications and termination within the guidelines of the specific order.

Purchase Orders may be terminated for cause or for convenience.

Requests for terminations for cause must be documented and approved by the Director of Purchasing and Auxiliary Services or authorized designee.

Terminations for convenience by MCCCCD must be approved by the Director of Purchasing and Auxiliary Services or authorized designee in advance.



## 701 Code of Ethics

All employees of the Maricopa County Community College District (MCCCD) that participate in the procurement process, including the Purchasing staff, will follow the following Code of Ethics based upon the Codes of the National Association of Educational Buyers and the National Institute of Governmental Purchasing.

As an employee, he/she:

- A. Believes in the dignity and worth of the services rendered by the organization and the social responsibilities assumed as a trusted public servant.
- B. Is governed by the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served.
- C. Believes that no employee shall, at any time or under any circumstances, accept directly or indirectly, gifts, gratuities or other things of value from suppliers.
- D. Seeks or dispenses personal favors. Handles each administrative problem objectively and empathetically without discrimination.
- E. Identifies and eliminates participation of any individual in operational situations where a conflict of interest may be involved.
- F. Obtains maximum value from each dollar expended for products or services.
- G. Grants equal consideration to all competitive bidders; each transaction is evaluated on its own merit and fair, ethical, and legal trade practices are followed.
- H. Requires honesty from sales representation, whether through verbal or written statement, advertisement, or product sample.
- I. Uses only by consent, those original ideas and designs devised by one Supplier for competitive purchasing purposes.
- J. Cooperates with professional and trade organizations and governmental and private agencies engaged in furthering the promotion and development of the Purchasing profession.



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## 702 Conflict of Interest - Employees

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### 702.1 Annual Requirement

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All MCCCCD employees are responsible for completing annual acknowledgments and disclosures, in the [MCCCCD Employee Learning Center](#), identifying any potential conflict of interest.

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### 702.2 Applicability

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All MCCCCD employees must comply with Arizona Revised Statutes Section 38-503, which requires that any public employee who has, or whose relative has, a "substantial interest in any contract, sale, purchase, or service" to the agency where the employee works "make known that interest" in the agency's official records and "refrain from voting upon or otherwise participating" in the transaction. MCCCCD employees are under a continuing obligation to keep current their acknowledgements and disclosures as conditions changes during a calendar year. (See [MCCCCD Legal website](#) for additional details)

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## 703 Conflict of Interest - Consultants

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No individual or firm, including but not limited to consultants, architects, engineers, designers and other individuals or organizations preparing specifications or plans under contract to MCCCCD, shall receive a benefit, direct or indirect, from the utilization of such specifications or plans.

A similarly worded statement shall be included in all Requests for Proposal or Invitations for Bid that involve the writing or preparation of plans or specifications.



**704 Purchasing for Employees and Private Individuals**

Purchasing staff will not negotiate or request special pricing or discounts on the behalf of any MCCCDC employee, faculty member, or private individual or conduct any personal purchases.

Any discounts or special programs offered to the faculty or staff by a Supplier will be the sole responsibility of the Supplier, faculty and staff, and will not be processed through Purchasing channels. The offer of incentives or discounts by Suppliers to faculty and staff will not be considered in the award of any contract or agreement.



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**801 Delegation of Authority**

The Director of Facilities and Auxiliary Operations has been delegated the responsibility to act on behalf of MCCCCD on all matters relating to the disposition of excess and surplus materials.

This responsibility is delegated from the Chancellor through the Chief Operating Officer and the Director of Purchasing and Auxiliary Services to the Director of Facilities and Auxiliary Operations.

No college, center, or unit shall transfer, sell, trade-in, donate or otherwise dispose of materials owned by MCCCCD without written authorization of the responsible Dean or Department Head assigned that responsibility. Once the written authorization has been obtained it must be forwarded to the

Director of Facilities and Auxiliary Operations for review and final approval.

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**802 Disposition of Surplus Materials**

The Colleges and District Office shall notify the Director of Facilities and Auxiliary Operations of all excess and surplus property and shall use the appropriate procedures and forms for its transfer and disposal.

The Director of Facilities and Auxiliary Operations shall determine the fair market value of excess and surplus property. Methods used for determining value may include quotations, estimates, use of reference guides and other publications, as well as market indexes.

The Director of Facilities and Auxiliary Operations shall facilitate the transfer of excess or surplus materials to or between colleges and eligible non-profit educational institutions. These excess or surplus materials must be offered to the colleges and other MCCCCD operations prior to offering them to eligible non-profit educational institutions. Eligible non-profit educational institutions receiving surplus materials must sign an agreement stating that they will not sell, dispose, or transfer this equipment for the period of one year.

Surplus materials shall be offered through public auction, competitive sealed bids, established markets, or posted prices. If unusual circumstances render the above methods impractical, the Director of Facilities and Auxiliary Operations may employ other disposition methods, including appraisal or barter, provided the Director of Facilities and Auxiliary Operations makes a written determination that such procedure is advantageous to the district.

Methods of disposition of surplus materials:

1. Public auctions may be used to dispose of surplus materials. These auctions shall be advertised at least two (2) times prior to the auction date, the last notice to be no less than six days prior to the auction date. All the terms and conditions of any sale shall be available to the public at least 24 hours prior to the auction date.
2. Competitive sealed bidding may be used to dispose of surplus materials. Notice for sale bids shall be publicly available at least ten days before the date set for opening bids. Notice of the sale bids shall be posted on the Surplus website: (<https://maricopa.sharepoint.com/sites/DO/business/SAS/Pages/default.aspx>). The notice for sale bids shall list the materials offered for sale, their location, availability for inspection, the terms and conditions of sale, and instructions to bidders including the place, date, and time set for bid opening. Bids shall be opened publicly. The award shall be made in accordance with the provisions of the notice for sale bids to the highest responsive and responsible bidder, provided that the price offered by such bidder is acceptable to the Director of Facilities and Auxiliary Operations. If the Director of Facilities and Auxiliary Operations determines that the bid is not advantageous to MCCCCD, the Director of Facilities and Auxiliary Operations may reject the bids in whole or in part and may re-solicit bids; or may negotiate the sale, provided that the negotiated sale price is higher than the highest responsive and responsible bidder's price.
3. Trade-in options may be used to dispose of surplus materials. Before surplus materials are disposed of by trade-in to a Supplier for credit on an acquisition, the Director of Purchasing & Auxiliary Services must approve such disposal. The Director of Purchasing and Auxiliary Services shall base this determination on whether the trade-in value is expected to exceed the value realized through the sale or other disposition of such materials. The Requestor is required to complete the [Capital Equipment Asset Trade-in Approval Form](#) and secure approval of the Director of Purchasing and Auxiliary Services or authorized designee. The completed form shall be attached to Requisition for the replacement equipment. The Requisition must include a line item for the new equipment at full purchase price and a line item for the equipment being traded-in with a negative trade-in value to credit the trade-in value from the total. Upon receipt of Final Requisition approval, the Requisitioner shall follow the [Capital Assets – Process for Trading in an Asset](#) on the Capital Asset Accounting website.

**Definitions:**

- **Excess or Surplus Property:** Any goods, equipment, supplies or materials, including scrap and building materials deemed no longer needed or of value to MCCCCD.
- **Eligible non-profit educational institution:** An institution sponsored by the Arizona State Board of Education, the Arizona State Board for Charter Schools, or an Arizona school district.

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**803 Employee Participation in Surplus Property Sale**

An employee of the owning or disposing College or District Office shall not directly or indirectly purchase or agree with another person to purchase surplus property if said employee is, or has been, directly or indirectly involved in the purchase, disposal, maintenance, or preparation for sale of the surplus material.

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**804 Surplus Material Acquisition Programs**

MCCCD may acquire surplus materials from the United States government and the State of Arizona as well as any other governmental sub-division allowing the transfer or sale of surplus to similar organizations, and may distribute surplus materials as may be usable and necessary for public purposes to a Colleges or District Office of MCCCD.

**Authority for Transfer of Material**

The Director of Facilities and Auxiliary Operations may confer on any employee, authority to secure the transfer of surplus materials from the above listed agencies or organizations. Prior authorization must be granted for each transaction.

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**805 Fees and Charges**

The Director of Facilities and Auxiliary Operations may make proper charges and assess proper fees for the acquisition, receipt, warehousing, rehabilitation, delivery, distribution, or transfer of excess and surplus materials. Such fees and charges shall be fair and equitable and shall be based on services performed including acquisition, receipt, warehousing, rehabilitation, delivery, distribution, or transfer. A reasonable charge shall be made for maintenance and repair services.

All charges and fees derived from surplus materials fees and charges shall be placed in a surplus materials revolving fund. The revolving fund shall be available for the purpose of carrying out the provisions of these procedures.

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**806 Reports**

Monitoring reports shall be provided to the Director of Purchasing and Auxiliary Services. These reports shall include lists of employees and relatives of employees purchasing surplus materials. These shall be provided at least quarterly, if an auction or other sales occur during that time.

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## 901 Protest and Appeals of Contracts and Awards

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### 901.1 Content of Formal Protest and Appeal Letter

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Any participating bidder may file a protest of a contract award or proposed contract award. The protest or appeal must be in writing and contain at least the following information:

1. The name, address and telephone number of the protester.
2. The signature of the protester.
3. The bid number and date of bid closing.
4. A statement of the legal and/or factual grounds on which the protest or appeal is based, including copies of information relevant to the bid and citing the specific section(s) of the RFP.

### 901.2 Filing Procedure

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Protests are to be filed with the Maricopa County Community College District (MCCCD) Sr. Procurement Analysis within ten (10) business days of award. Failure to timely protest shall be deemed a waiver of all rights to protest. The protest has been administratively resolved, unless the Director of Purchasing and Auxiliary Services makes a written determination that the award of the contract without delay is necessary to protect substantial interests of MCCCD.

A written decision will be made within ten (10) business days after the protest has been filed. The decision shall contain an explanation of the basis of the decision. The Director of Purchasing and Auxiliary Services shall furnish a copy of the decision to the protester by certified mail, return receipt requested, or by any other method that provides evidence of receipt.

The time limit for a decision may be extended by the Director of Purchasing and Auxiliary Services for a reasonable time not to exceed twenty (20) business days. The Director of Purchasing and Auxiliary Services shall notify the protester in writing that the time for the issuance of a decision has been extended.



901.3 Remedies

If the Director of Purchasing and Auxiliary Services sustains the protest in whole or in part and determines that a solicitation, proposed contract award, or contract award does not comply with MCCCCD Policies or procedures, the Director of Purchasing and Auxiliary Services shall implement an appropriate remedy. In determining an appropriate remedy, the Director of Purchasing and Auxiliary Services shall consider all the circumstances surrounding the procurement or the proposed procurement, including, but not limited to, the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith to other interested parties or to the integrity of the procurement system, the good faith of the parties, the extent of performance, cost to the government, the urgency of the procurement, and the impact of relief on MCCCCD's mission.

An appropriate remedy may include one or more of the following:

Decline to exercise an option to renew under the contract; terminate the contract; reissue the solicitation; issue a new solicitation; award a contract consistent with this District Policy and procedures; reject all bids or proposals without further actions; or such other relief as determined necessary to ensure compliance with MCCCCD Policy or procedures.

901.4 Appeals

Appeals are to be filed with the Director of Purchasing and Auxiliary Services within five (5) business days of the receipt of the decision. The notice of appeal shall contain:

The information from the original protest letter, a copy of the decision of the Director of Purchasing and Auxiliary Services, and the basis for the appeal.

The Director of Purchasing and Auxiliary Services shall immediately give written notice of the pending appeal to the successful contractor if award has been made or, if no award has been made, to interested parties. Any party so notified shall, upon request, be furnished with a copy of the notice of appeal filed in the matter.

The Director of Purchasing and Auxiliary Services shall notify the MCCCCD Governing Board or its designee of the appeal. Any hearing or appeal shall be conducted by MCCCCD Governing Board or its designee as the hearing officer. A written decision will be made within thirty (30) calendar days after the appeal has been filed.

The time limit for a decision may be extended by the hearing officer for a reasonable time not to exceed thirty (30) additional calendar days. The hearing officer shall notify the protester in writing that the time for the issuance of a decision has been extended.

901.4.1 Stay of Procurement During Appeal

If an appeal is filed before an award of contract and the award of the contract was stayed by the MCCCCD Director of Purchasing & Auxiliary Services, the filing of an appeal shall automatically continue the stay unless the hearing officer conducting the appeal makes a written determination that the award of the contract without delay is necessary to protect the substantial interest of MCCCCD.



**901.4.2 Dismissal Before Hearing**

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The hearing officer conducting the appeal shall dismiss, upon a written determination, an appeal before scheduling of hearing if the appeal does not state a valid basis for protest; or the appeal is untimely.

**901.5 Remedies**

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If the hearing officer sustains the protest in whole or in part and determines that a solicitation, proposed contract award, or contract award does not comply with MCCCCD policies or procedures, the hearing officer shall recommend an appropriate remedy. Remedies shall follow those outlined in the previous section on remedies.

**902 Contract Claims and Dispute Resolution**

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**902.1 Applicability**

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This procedure applies to claims, controversies or disputes between the MCCCCD and a contractor arising from activities or inactions on a contract between the two. This includes disagreements of any kind, such as claims or disputes asserting breach of contract, mistake, or misrepresentation, contract modification or rescission, and those regarding interpretation of the contract and the parties' responsibilities under it. It is the policy of MCCCCD to attempt to resolve claims, disputes or controversies in good faith, engaging the formal process specified in these procedures only where necessary.

**902.2 Authority**

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The Director of Purchasing & Auxiliary Services and the Director of Facilities Planning and Development, or their designees, ("Contract Administrator") are authorized to settle and resolve contract claims, controversies and disputes, subject to the restrictions and limits of section 902.3 and the procedures of the Capital Development Advisory Council. Appeals of final decisions made by the Contract Administrator on a claim, controversy or dispute may be made to the Director of Purchasing and Auxiliary Services following the format outlined in section 902.4.

**902.3 Restrictions and Limits**

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Settlement of a claim is subject, where appropriate, to policies and practices of MCCCCD Governing Board, which may require its approval in certain cases.

Chapter Nine: Legal and Contractual Remedies

#### 902.4 Timeliness and Format of the Initial Claim

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The Contract Administrator shall initially consider and resolve claims, controversies and disputes according to the procedures and within the times specified in the contract. In any event, any claim, controversy or dispute must be filed with the Contract Administrator within one hundred eighty (180) calendar days after the date that the claim, dispute or controversy arose. The claim, controversy or dispute not resolved according to the contract's procedures shall be subject to the procedures specified below. The contractor must file with the Contract Administrator in writing at least the following information, and any other information specified in the contract:

1. The name, address, and telephone number of the contractor and the person representing the contractor.
2. The signature of the person representing the contractor.
3. The contract number or other reference such as bid or RFP number, which will identify the contract.
4. A statement of the legal and/or factual grounds on which the claim is based, including copies of information relevant to the claim and citing the specific section(s) of the RFP.
5. The form of relief requested.

#### 902.5 The Contract Administrator's Decision

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If the claim, controversy or dispute cannot be resolved by mutual agreement, the Contract Administrator shall issue a written decision no later than sixty (60) calendar days after the initial claim, controversy or dispute is filed in writing. This final decision from the Contract Administrator shall include:

- A description of the claim;
- Reference to the pertinent contract provisions;
- A statement of the factual areas of agreement or disagreement;
- A statement of the Contract Administrator's decision with supporting rationale;
- A copy of this procedure, which outlines the appeal process.

A copy of this decision shall be provided to the contractor, by certified mail – return receipt requested, or by any other method that provides evidence of receipt.

#### 902.6 Issuance of a Timely Decision by the Contract Administrator

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The Contract Administrator may extend the time limit for a decision for a reasonable time, not to exceed twenty (20) business days, but only with the approval of the Director of Purchasing and Auxiliary Services. The Contract Administrator shall notify the contractor in writing that the time for issuance of a decision has been extended and the date in which a decision shall be issued. If the Contract Administrator fails to issue a decision within the time allowed, the contractor may proceed as if the Contract Administrator had issued a decision adverse to the contractor.

**902.7 Appeal of the Decision of the Contract Administrator**

The contractor shall have the right to appeal the decision of the Contract Administrator. It shall file its appeal with the Director of Purchasing and Auxiliary Services within five (5) business days from the date the decision is received. The appeal shall contain all the information listed in section 902.4 as well as a statement of the precise factual or legal error in the decision of the Contract Administrator from which the appeal is taken.

**902.8 Issuance of a Timely Decision by the Director of Purchasing and Auxiliary Services**

The Director of Purchasing and Auxiliary Services shall have twenty (20) business days in which to render a decision on the appeal. The time limit for a decision by the Director of Purchasing and Auxiliary Services may be extended for a reasonable time, not to exceed twenty (20) business days, but only upon the approval of the Chief Operating Officer in consultation with legal counsel. If an extension is granted, the Director of Purchasing and Auxiliary Services shall notify the contractor in writing that the time for issuance of a decision has been extended and the date in which a decision shall be issued.

**902.9 Director of Purchasing and Auxiliary Services' Decision**

This final decision from the Director of Purchasing and Auxiliary Services shall include:

- A description of the claim;
- Reference to the pertinent contract provisions;
- A statement of the factual areas of agreement or disagreement;
- A summary of the procurement officer's decision;
- A statement of the Director of Purchasing and Auxiliary Services' decision with supporting rationale;

A copy of this decision shall be provided to the contractor, by certified mail – return receipt requested, or by any other method that provides evidence of receipt.

**902.10 Hearing**

The contractor shall make any appeal of the decision of the Director of Purchasing and Auxiliary Services within five (5) business days of the receipt of the decision. The contractor shall file the appeal with the Director of Purchasing and Auxiliary Services.

The appeal shall contain all the information listed in section 902.4 as well as a copy of the decision of the Director of Purchasing and Auxiliary Services and a statement of the precise factual or legal error in the decision of the Director of Purchasing and Auxiliary Services, from which the appeal is taken.

The Director of Purchasing and Auxiliary Services shall notify MCCCDC Governing Board or its designee of the appeal. MCCCDC Governing Board or its designee shall conduct any hearing on the appeal. MCCCDC Governing Board or its designee shall issue a written decision within thirty (30) calendar days after the appeal has been filed.

MCCCDC Governing Board or its designee may extend the time limit for a decision on the appeal for a reasonable time not to exceed thirty (30) calendar days. MCCCDC Governing Board or its designee shall notify the contractor in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.



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**902.11 Controversies Involving District Claims Against a Contractor**

All claims asserted by MCCCCD against a contractor that are not resolved by mutual agreement shall promptly be referred by the Contract Administrator to the Director of Purchasing and Auxiliary Services for a hearing without regard to the procedures outlined above in sections 902.1 through 902.9.

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**903 Unauthorized Purchases**

An "Unauthorized Purchase" is an agreement, a commitment, or an order for goods or services, or a change to existing contract by any person who does not have express written delegation of procurement authority to bind MCCCCD. This includes changes under existing contracts that are made by persons who do not have delegated purchasing authority. Unauthorized purchases are not binding on MCCCCD and the Supplier may be advised to seek payment from the ~~employee~~.

Unauthorized Purchases include:

1. Placing an order without an approved Purchase Order (PO).
2. Placing an order either before or after submitting the requisition on the assumption that a PO has or will be approved.
3. Over spending the authorized amount of a Blanket Purchase order.
4. Coercing a Supplier to initiate an order on the promise that a PO is forthcoming.
5. Using personal funds to make a purchase of goods or services that would normally require the involvement of purchasing to secure competition, approve Competition Waiver or otherwise comply with MCCCCD policy and procedure with the intent to seek personal reimbursement.
6. ProCard transactions of restricted items and prohibited uses as defined by ProCard policy.

**Processing an Unauthorized Purchase**

When an unauthorized purchase is identified, an ["Unauthorized Purchase Form"](#) will be sent via email to all involved parties. The Form will outline the circumstances surrounding the unauthorized purchase and provide instructions for providing a response. The College President or Chief Operating Officer will also be copied. Prior to a PO being issued or a payment being authorized, the Purchasing Department must receive a copy of written acknowledgment and approval from the College President or Chief Operating Officer

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1001 Cooperative and Joint Procurement

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The Maricopa County Community College District (MCCCD) is authorized to utilize various cooperative and joint purchase contracts for the procurement of goods, equipment and services.

These agreements are negotiated on the behalf of groups of educational institutions or governmental subdivisions. Some of these groups require membership in order to access these contracts, while others are purely voluntary and are available to all political subdivisions.

It is the intent of MCCCD to support these contracts if found to be in the best interests of MCCCD. This includes assisting in the development and bidding phases as well as in reporting compliance with the contracts. The District however, reserves the right to obtain the best possible price and quality even if it means not utilizing these contracts.

MCCCD also encourages development of MCCCD contracts to allow other agencies, districts, and governmental sub-divisions to access certain MCCCD contracts. The responsibility for placing orders, expediting, problem resolution, and payment shall remain with the organization that accesses MCCCD contract.

**All Cooperative Contracts must be reviewed by Purchasing before a purchase can be made against them.** A [list of approved contracts](#) are on the purchasing website but it is not all-inclusive. If an employee is making a purchase from an already approved contract on the purchasing website, they must ensure it is applicable to their requirement. Upon request, Purchasing can provide guidance for applicability and proper use of the contract. If employees want to use a Cooperative Contract not on the Purchasing website, send the contractor name, contract number, and issuing cooperative agency to [purchasing@domail.maricopa.edu](mailto:purchasing@domail.maricopa.edu) to request approval.

**Whenever a contract is used (MCCCD or Cooperative), you must enter the issuing agency and contract number (example “MCCCD 3371-6” or “E&I CNR01439) in the first line item description or in the comments field of the last line of the Purchase Requisition and select “Send to Supplier”.**



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## 1100 Supplier Development Program

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### 1100.1 Purpose

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MCCCD is committed to diversity in contracting. The Supplier Development Program (SDP) is designed to provide contracting opportunities for Small Business Concerns (SBC), which also includes Minority-Owned Small Businesses, Women-Owned Small Businesses, HUBZone qualified businesses and Veteran-Owned Small Businesses.

In an effort to expand MCCCD's Supplier Development Program, the District Office Purchasing Department can provide colleges with resources to locate SBCs for all procurements, unless it is impractical.

The SDP is intended to provide increased opportunity for SBCs to participate in MCCCD's procurement system consistent with sound business practices and applicable laws. The Director of Purchasing and Auxiliary Services, or authorized designee, may approve actions designed to increase the MCCCD's business activity with SBCs to serve the needs of MCCCD.

Additionally, the Director, Purchasing and Auxiliary Services, or authorized designee, may require general construction contractors to report to MCCCD the volume of business ordered from or subcontracted with SBCs.

### 1100.2 Responsibility for the Program

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The program as outlined in [MCCCD Administrative Policy 1.9.4](#) is the key responsibility of the Director of Purchasing & Auxiliary Services as delegated by the MCCCD Chancellor. Furthermore, all employees of MCCCD are expected to participate in the key components of the plan.

- The Purchasing Department shall be responsible to perform the following:
- Develop appropriate success criteria and related measurable analytics for the status and periodic reporting on the Program.
- Develop training material and conduct workshops with college departments and Officers.
- Implement changes to Purchasing procedures that will enhance the success of the program.
- Maintain current suppliers' information in the MCCCD Supplier Portal with the appropriate business type classifications for proper identification, reporting and tracking.
- Maintain involvement in formal Small Business Supplier Development Activities, through councils as well as community outreach activities.

### 1100.3 Applicability of Funds

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All funds expended by MCCCD are subject to the guidelines of this program. The more restrictive requirements of certain grants or programs administered by MCCCD will be followed.



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## 1100.4 Program Components

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### 1100.4.1 Education and Training

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The Purchasing Department will coordinate the training and education of MCCCCD employees to improve the awareness of the Supplier Development Program and its objectives. Suppliers, upon request, can be provided assistance and training in order to better understand MCCCCD's Procurement processes.

### 1100.4.2 Identification of Resources

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The Purchasing Department and other departments and divisions will make an active effort to continually update and increase the number of available SBCs in MCCCCD's Supplier Registration Portal. This will include internal efforts as well as alliances with other agencies and organizations to obtain lists of additional suppliers.

### 1100.4.3 Community Involvement

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The Purchasing Department shall maintain an active role in Valley and State organizations that attract small businesses. This will include membership as well as participation in trade fairs and other activities. Whenever possible, Purchasing Department representatives may participate in joint efforts with other agencies or councils that will foster increased MCCCCD visibility in the community.

### 1100.4.4 Procurement Activities

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The Purchasing Department shall continue to offer, evaluate, and award bids or proposals according to District Purchasing Policy. In informal competitive procurement processes (those procurements under the formal bid limit).

Requisitioners will strive for at least one (1) SBC quote, out of the required three (3) minimum written competitive quotes, for any order over \$5K. Purchase orders between \$5K to \$10K will require only one (1) written quote, rather than three (3), if awarded to a Small Business Concern.

### 1100.4.5 Subcontracting Opportunities

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Professional design, Engineering services and Construction contracts of \$100,000 or more shall include language encouraging Small Business subcontractor participation. The prime consultant and/or general contractor shall be required to report anticipated subconsultants, subcontracts and equipment purchases from SBCs. At completion of the project, a final accounting of SBC purchases will be provided upon request.



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## 1100.5 Definitions

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### 1100.5.1 Competitive Purchases

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Purchases of goods or services that can be subjected to a competitive Process (See 104, Competitive Solicitation Thresholds and Procurement Methodology).

### 1100.5.2 Business Types

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Suppliers will self-certify by selecting the applicable Business Type(s) when registering in the MCCCD's Supplier Registration Portal.

A **small business** is a business that is independently owned and operated and not dominant in the field of operation in which it is bidding on Government contracts. The U.S. [Small Business Administration](#) (SBA) establishes small business size standard on an industry-by-industry basis and has established a [Table of Small Business Size Standards](#) to help small business owners assess their small business status.

A [HUBZone](#) means a historically underutilized business zone that is in an area located within one or more qualified census tracts, qualified nonmetropolitan counties, lands within the external boundaries of Indian reservations, qualified base closure areas, or predesignated areas. The SBA maintains a [HUBZone Map](#) for business owners to help determine their qualifications for this business designation.

A **minority-owned business** must be 51 percent owned by one or more individuals belonging to a socially disadvantaged designated group. The management and daily business operations must also be controlled by one or more socially disadvantaged individuals. The SBA offers additional [resources and information](#) for minority-owned businesses.

A **veteran-owned business** must be 51 percent owned by one or more veterans and the management and daily business operations are controlled by one or more veterans. The SBA offers additional [resources and information](#) for veteran-owned businesses.

A **women-owned business** must be 51 percent owned by one or more women and the management and daily business operations are controlled by one or more women. The SBA offers additional [resources and information](#) for women-owned businesses.

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1100.6 Self-Certification

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All SBCs should self-certify its entity through [System for Award Management](#) (SAM).