

PROCEDURE TITLE:	BIDDING, MINORITY VENDORS & WAIVERS
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RESPONSIBLE ADMINISTRATOR(S):	VPFA/DIRECTOR, CONTRACTS MANAGEMENT & STRATEGIC SOURCING
EFFECTIVE DATE:	10/14/16
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APPROVED BY:	PRESIDENT

1.0 BIDDING, MINORITY VENDORS & WAIVERS

1.1 Bidding

- 1.1.1 Formal Bids. The Office of Contracts Management & Strategic Sourcing (CMSS) will issue formal, sealed bids for goods and/or services estimated to be in excess of specified dollar amounts (see par. 1.1.3). Such bids are normally publicly opened and read. However, the Director of CMSS may note in the Request for Proposal that no public bid opening will be held, if the proposals are expected to be complex and/or require committee review. Advertising for "goods and services" may appear on the Procurement Services and CMSS web pages or in other forms of media if deemed to be in the best interests of the University. The time allowed for the return of responses to a Request for Proposal is generally 10-30 days, depending on the complexity and need for advertising.
- 1.1.2 Request for Quotations. Quotations for purchases, services, and/or leases will be obtained through the Office of CMSS, based on written descriptions or specifications. In certain instances, departmental correspondence or consultation with vendors is helpful in establishing requirement specifications and approximate costs of a proposed purchase at the request of the Director of CMSS or designee.
- 1.1.3 Dollar Guidelines. Formal bids and requests for quotations are solicited by the Procurement Services in accordance with the following guidelines:
- 1.1.3.1 \$1,000-\$49,999 — Quotations may or may not be solicited, as determined by CMSS. Note: CMSS reserves the right to bid at any estimated dollar limit if deemed to be in the best interest of the University.
- 1.1.3.2 \$50,000 and up — Whenever quotations for goods or services exceed a total value of \$50,000, it is necessary to execute a formal, sealed bid process to obtain the best overall value in the procurement of such goods or services
- 1.1.4 The use of multiple requisitions to circumvent the bidding process

(pyramiding of orders) is prohibited.

- 1.1.5 Professional Design Services. When professional design services are employed (such as a consulting engineer, architect, or designer), all contracts that are above the specified dollar amount as stipulated in Ohio Revised Code 153.71 will follow a formal bid process.
- 1.1.6 Uses of Competitive Bidding. Competitive bidding is utilized not only to establish prices but also to seek out new vendors and alternative equipment and materials. The purchase or lease of all equipment, materials, supplies, and services shall be awarded to the lowest, most responsive and responsible bidder pursuant to Section 9.312 of the Ohio Revised Code, subject to prescribed dollar amounts. However, CMSS reserves the right to obtain competitive quotations or bids, regardless of dollar value, whenever, in its judgment, obtaining such quotations or bids would serve the best interest of the University.
- 1.1.7 Awarding the Contract. The University's policy on awarding contracts is based on the concept of the lowest, most responsive and responsible bid.
 - 1.1.7.1 Cost can be determined by several factors such as life-cycle cost, delivery, maintenance, upgrade ability, and cash discount terms, which meet the specifications of the bid document and can be supplied by a reputable supplier. Bidders are to quote items exactly as specified. Should alternates or items perceived by the bidder to be "equals" be proposed by the supplier, the items must be clearly marked as "alternates." In the event that a lower-cost item is bid other than specified, it is the responsibility of the bidder to prove that his/her alternate bid meets all the specifications set forth in the bid document pertaining to suitability and function. The final determination as to suitability shall be made by the University.
 - 1.1.7.2 A bidder shall be considered responsive if the bidder's proposal responds to bid specifications in all material respects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise give the bidder a competitive advantage.
 - 1.1.7.3 Factors used to determine whether a bidder is responsible include the experience of the bidder, the bidder's financial condition, conduct and performance on previous contracts, facilities, management skills, and ability to execute the contract properly.
- 1.1.8 Rejection of Bids. CMSS in consultation with the Vice President for Finance and Administration or designee reserves the right to reject any or all bids whenever the best interest of the University will be served by so doing.

- 1.1.9 Informational Price Inquiries. Upon request, CMSS will respond to price inquiries for informational purposes. The purpose of such an inquiry is to research the market or attempt to acquire budgetary pricing. A requesting department should initiate the request with a memorandum to the Director of CMSS, including all relevant information and specifications. The request will be handled in the same manner as a regular bid; however, a purchase order will not be issued until the requestor submits a requisition. Vendors will be made aware that a price inquiry does not result in placement of an order.

2.0 MINORITY SET-ASIDE PURCHASES

- 2.1 The University will strive to meet the State of Ohio law (Ohio Revised Code, Chapters 123 and 125) goal for purchases in the area of goods and services to be "set-aside" for bidding by or placed with minority businesses that have been certified by the state of Ohio Department of Administrative Services, Equal Opportunity Division. The University will seek to utilize qualified certified minority enterprise businesses for individual purchases that do not require formal bidding, whenever possible.
- 2.2 The present set-aside bidding practice only applies to goods and services. It is not applicable to construction contracts.
- 2.3 The list of state certified minority businesses will be referenced when researching for certified suppliers or contractors.
- 2.4 There must be at least three (3) qualified, responsible Minority Business Enterprise (MBE) certified bidders capable of providing the identified goods or services in order to be considered for set-aside bidding. A set-aside bidding process will only include certified minority businesses that have been certified by the state of Ohio.
- 2.5 If bids or proposals resulting from set-aside bidding are not received from invited MBE firms, or submitted pricing is over budget or cannot be provided in a timely manner, a second bid process may become necessary in which the goods or services may be made available for "open-market" bidding. Open-market bidding allows for majority owned businesses to participate. If rebidding becomes necessary, additional time may be necessary to conduct the process.

3.0 WAIVER OF COMPETITIVE BIDDING

- 3.1 Competitive bidding requirements may be waived for the purchase or lease of equipment, materials, supplies, and services in the following instances:
 - 3.1.1 Whenever the Director of CMSS in consultation with the Vice President for Finance and Administration or designee has determined that an emergency situation, which requires such action, exists.
 - 3.1.2 Whenever, the Director of CMSS has determined through market research

that it is not possible or practical to obtain more than one bid because the product is a used item or a single (sole) source item, or for any other sufficient economic reason.

- 3.1.3 Whenever the University is able to utilize special contract pricing available from the following organizations:
 - 3.1.3.1 Inter-University Council Purchasing Group (IUCPG)
 - 3.1.3.2 State of Ohio
 - 3.1.3.3 Ohio Department of Transportation (ODOT)
 - 3.1.3.4 Contracts by State of Ohio colleges and universities which have provisions for usage by other state schools
 - 3.1.3.5 Midwestern Higher Education Conference (MHEC)
 - 3.1.3.6 OhioLink
 - 3.1.3.7 Educational and Institutional Cooperative Service (E&I) when competitively bid
 - 3.1.3.8 Other consortiums or organizations in which the University participates which have competitively bid contracts for use by the membership

History

Effective: 09/09/11

Revised: 06/01/14

Reviewed: 10/14/16 with no revision