



POLICIES & PROCEDURES

Title: Purchasing Policy
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Department: Finance

I. Purpose and Scope:

For purposes of efficiency in administration and management, the responsibilities for the purchasing of supplies, materials, services and equipment from outside vendors for all College departments have been centralized in the Purchasing Department. The operation of the Purchasing Department is designed to relieve the faculty and staff of most of the details connected with procurement.

The procedures set forth herein are applicable in all cases where the expenditure is from funds administered by the College regardless of whether the funds arise from state or federal appropriations, student fees, gifts, grants, endowments, research contracts or other funding sources.

Special or unusual procurement problems should be brought to the attention of the Chief Procurement Officer.

The general responsibilities and functions of the Purchasing Department are as follows:

1. To purchase supplies, materials, equipment, and services related thereto for the various departments of the College in such a manner that maximum value is obtained for every dollar spent, and to insure that qualified suppliers are given equal opportunity to participate in furnishing College requirements.
2. To expedite the delivery of materials to meet the requirements of the using departments (when so requested by the department).
3. To handle complaints, discrepancies in shipments not resolved by Requesting Department.
4. To conduct all correspondence with suppliers relating to quotations and purchase orders.

5. To consolidate purchases wherever possible and thus obtain quantity discounts for such volume purchases.
6. To furnish upon request, prices or estimates of cost of materials and suppliers to departments.
7. To set up standard specifications for materials and supplies commonly used on campus.

Statements of General Policy Regarding Procurement:

Contractual Authority

The College's policy, procedures, and regulations operate under the aegis of express authority concepts only. Employees therefore do not have authority to enter into a contract on behalf of the College without specified delegated authority.

More specifically, but not limited to, you cannot;

- (1) offer employment to anyone**
- (2) enter into any professional, personal, or consulting contract**
- (3) procure goods and services and/or**
- (4) enter into any other contracts for any purpose, such as cooperative agreements with other entities, joint venture, etc.**

Employees with specific delegated authority may enter into contract negotiations and extend offers subject to the approval of specific authority, for example, approval by the LCTCS Board of Supervisors, Chancellor, Vice Chancellors, etc. In all cases, it is the responsibility of the employee to assure that he/she has specific authority to negotiate, extend offers and/or enter into a binding contract for the College.

Purchasing Authority

College policy concerning purchasing authority financial commitments provides that no employee of the College has the authority to make any purchase commitment, enter into any contract for materials, supplies and services, or otherwise take action with respect to third parties which may be construed as financially binding to the College except through the usual channels under the authority of the Purchasing Department. In the absence of special arrangements to the contrary, the Purchasing Department will receive all bids and enter into all negotiations with suppliers/contractor.

The College's purchasing policy does not preclude a department from contacting sources of supply or services for preliminary information concerning prices, quality, or usage of equipment, supplies, etc., in which it is interested. The Purchasing Department will supply names and addresses of vendors on request. Such preliminary contracts are not to produce firm commitments as this is the function of the Purchasing Department. Estimates and other information relative to desired purchases received by a department from sources of supply should be forwarded to the Purchasing Department with the original requisitions.

II. References:

Applicable State Statutes, Executive Orders and generally accepted purchasing policy and procedures.

PROCEDURES:

III. Off-Campus Purchases:

A. Authority

No one is to commit the College to any purchase without the advance approval of the Purchasing Department in accordance with this policy and procedure.

Each Department is responsible for monitoring their budgets.

B. Purchase Requisition

A completed Purchase Requisition is required for all purchases of supplies, materials, equipment and services purchased from off-campus vendors.

C. Purchases up to \$5,000.00

1. Accounts Payable Check Request

The following services are exempt from competitive bidding and may be processed on an Accounts Payable Check Request form: 1) Fees; 2) Dues; 3) Memberships; 4) Subscriptions; 5) Postage; 6) Shipping/Freight; and 7) Other goods/services which receive prior approval from the Chief Procurement Officer.

The Requesting Agent verifies if funds are available; completes and signs an Accounts Payable Check Request form; attaches original, itemized invoice, and forwards the form to his Approving Agent for approval. The documentation is sent to accounting for approval by an accountant and/or the CFO. Check requests for amounts over \$4,999.99 must also have the signature of the CFO. Once all signatures have been obtained, the paperwork is sent to accounts payable for processing. In order to obtain an expense reimbursement, the employee must submit a receipt/invoice along with a properly prepared and approved check

request. If the reimbursement is requested from a grant, the appropriate Grants and Restricted Funds Accountant must approve the expenditure. The Accountant determines whether the expenditure is allowable and if sufficient funding is available. If the cost is allowable and funding is sufficient the check request with attachments is submitted to accounts payable for processing.

The Director of Purchasing reviews the Accounts Payable Check Request form and attached invoice(s) to verify that procurement was made in accordance with all purchasing laws and regulations. Accounts Payable Check Request forms must have invoice(s) attached, which states the invoice number, invoice date, and the items purchased.

The following basic information must be completed before the Accounts Payable Check Request can be accepted and processed:

- a. Date of Accounts Payable Check Request
- b. Department Name
- c. Amount of Purchase
- d. Vendor Name
- e. Street Address or P.O. Box of Vendor
- f. City, State, Zip of Vendor
- g. Complete description of items and/or services purchased
- h. Fund/Organization number(s) with account code for responsible department
- i. Total amount of purchase for each fund/org number charged
- j. Grand total of Accounts Payable Check Request
- k. Special instructions for check processing
- l. Signature of Requesting Agent
- m. Signature of Approving Agent

2. Reimbursement for Special Meals (those functions outside travel status)

Reimbursement designed for those occasions when, as a matter of extraordinary courtesy or necessity, it is appropriate and in the best interest of the state to use public funds for provision of a meal to a person who is not otherwise eligible for such reimbursement and where reimbursement is not available from another source.

Requesting Agents submitting requests for purchase of food/meals must complete and sign a **Special Meals Request** form and attach to a quote from the vendor.

Reimbursement will be approved in accordance with “special meals” limits per Policy and Procedure Memorandum No. 49 S1509 for state general travel regulations.

The following basic information must be completed before the Reimbursement

for Special Meals form can be accepted and processed:

- a. Date of document preparation
- b. Event purpose and comments as to why the meal is in the best interest of the state/college
- c. Expected number of attendees
- d. Amount of special meals request
- e. Name and title of employee assuming responsibility
- f. Signature of employee assuming responsibility
- g. Date of signature of employee assuming responsibility
- h. Signature of Chancellor or designee
- i. Date of signature of Chancellor or designee

Special Meals Request forms are available on the Finance Department webpage. Questions concerning travel regulations/special meals policies and procedures should be directed to the Finance Department.

3. Requisitions up to \$5,000.00

Per single purchase transaction supplies, materials, and services costing \$5,000 or less may be purchased from off-campus vendors. Department Heads may make these purchases from any vendor without getting competitive prices from additional sources, so long as the price is current. It is the responsibility of the Department Head to obtain a price quote including all cost for shipping and handling before submitting the Purchase Requisition for processing. Splitting of purchases to stay within \$5,000 limitation is DEFINITELY NOT PERMITTED and is subject to a critical audit review. (Vendors suggesting or offering to put materials on multiple invoices to get around the \$5,000 limit should be reported to the Purchasing Department). All requests require a Purchase Order Number prior to making a purchase.

F. Purchases over \$5,000 up to \$15,000 in accordance with: Executive Order No. JBE 17-18 Section 4:B

Price quotations shall be solicited from three (3) or more bona fide, qualified vendors for purchases exceeding five thousand dollars (\$5,000) but not exceeding fifteen thousand dollars (\$15,000) and shall be awarded on this basis of the lowest responsive quotation. Whenever possible, at least one (1) of the bona fide, qualified vendors shall be a certified small and emerging business or a small entrepreneurship. **Contact the Purchasing Department for this vendor information.** Agency files shall document and list all solicited vendors and each vendor's contact person, summarize quotations received, indicate the successful vendor, and state the reason why any lower quotation was rejected. Agency files should also contain written confirmation of the quotation from the successful vendor; or

Soliciting three quotations may be waived when making purchases from a Small Entrepreneurship or Small and Emerging Business that is currently certified by the Louisiana Department of Economic Development, when the price is determined to be reasonable. Reasonable is a best value determination based on price, delivery, service, and/or any other related factors. This determination is to be maintained in the file, or;

Soliciting three quotations may be waived when purchasing in state. A business analysis must determine that in-state prices are equal or better than two other current price comparisons. Comparisons may include, but are not limited to, state contract prices, General Services Administration (GSA) prices, or similar resources. Comparison documents are to be maintained in the file.

NOTE: Delegated authority is given to requesting department heads for this procurement. Refer to Telephone and Fax Quote procedure.

Purchase Requisitions that are received in the Purchasing Department will not be processed without supporting telephone/fax quotations, or two other current price comparisons when purchasing in-state.

G. Purchases exceeding \$15,000 not exceeding \$25,000 in accordance with: Executive Order No. JBE 17-18 Section 4:C

Price quotations shall be solicited from five (5) or more bona fide, qualified vendors for purchase exceeding fifteen thousand dollars (\$15,000) but not exceeding twenty-five thousand dollars (\$25,000). Quotations may be made by facsimile or written means and shall be awarded on the basis of the lowest responsive price quotation received. Whenever possible, at least two (2) of the bona fide, qualified vendors shall be certified small and emerging businesses or small entrepreneurships. The requirement to solicit certified small and emerging businesses or small entrepreneurships is waived for those agencies that post on LaPAC, Louisiana's internet based system for posting vendor opportunities and award information.

A minimum of three (3) working days shall be allowed for receipt of quotations.

All facsimile and/or written solicitations shall include the closing date, time, and all pertinent competitive specifications, including quantities, units of measure, packaging, delivery requirements, ship-to location, terms and conditions, and other information sufficient for a supplier to make an acceptable quotation. Precautionary measures shall be taken to safeguard the confidentiality of bid responses prior to the closing time for receipt of bids. No quotation shall be evaluated using criteria not disclosed in the solicitation.

The Purchasing Department shall document and list all solicited bidders and each bidder's response, summarize quotations received, indicate the awarded bid, and state the reason why any lower quotation was rejected.

NOTE: Processing quotations under the guidelines in this section are restricted to the Purchasing Department.

H. Purchases over \$25,000 in accordance with: R.S. 39:1594 for competitive sealed bidding.

Purchases where the estimated cost is over \$25,000 shall be made by sending out written Invitations for Bids to persons in a position to furnish the supplies, services and major repairs required and by advertising in accordance with Act 433. Invitations for Bids shall state the date and time when bids will be received, opened and publicly read. Bidding time should be a minimum of 21 days unless the chief procurement officer or his designee deems that shorter time is necessary for a particular procurement. Purchases where the estimated cost is over \$25,000 shall be advertised in accordance with R.S. 39:1594. Purchases over \$25,000 in accordance with R.S. 39:1594:C (5) shall be advertised by using a centralized electronic interactive environment administered by the Division of Administration (LaPAC).

Performance and Payment Bonds

All contracts for Construction, Renovations, Repairs and Improvements (Public Works Projects) over \$25,000 will require a **Performance and Payment Bond** according to **Revised Statutes 38:2241**.

“The bond shall be executed by the contractor with surety of sureties approved by the public entity and shall be recorded with the contract in the office of the recorder of mortgages in the parish where the work is to be done not later than thirty days after the work has begun.”

NOTE: In accordance with R.S.38:2212, “All public works exceeding the contract limit of \$150,000, including labor and materials, to be done by a public entity, shall be advertised and let by contract to the lowest responsible bidder who had bid according to the contract, plans, and specifications as advertised.

Advertisement Requirement: Once a week for three (3) different weeks in the official journal of the state and in our local Shreveport Times and the first advertisement of insertion must appear at least twenty-five (25) days prior to the bid opening date.

I. Exceptions to minimum competitive requirements in accordance with: Executive Order No. JBE 17-18 Section 5:A

No competitive bidding is required for the following items:

1. Repair parts for equipment obtained from an authorized dealer. A Louisiana authorized dealer shall be used if available. This provision does not apply to the stocking of parts;
2. Equipment repairs obtained from an authorized dealer. A Louisiana authorized dealer shall be used if available;
3. Vehicle repairs not covered by a competitive state contract or the state fleet maintenance repair contract, obtained from an authorized dealer A Louisiana authorized dealer shall be used if available;
4. Vehicle body repairs covered by insurance recovery and in accordance with insurance requirements;
5. Livestock purchased at public auction or from an individual which has purebred certification approved by the Department of Agriculture and Forestry;
6. Purchasing or selling transactions between state budget units and other governmental agencies;
7. Publications and/or copyrighted materials purchased directly from the publisher or copyright holder;
8. Publications and/or copyrighted materials purchased by libraries or text rental stores from either subscription services or from wholesale dealers which distribute for publishers and/or copyright holders.
9. Public utilities and services provided by local governments;
10. Prosthetic devices, implantable devices, and devices for physical restoration, which are not covered by a competitive state contract;
11. Non-customized training, including educational instructor fees and related resources (except equipment) used to enhance the performance of state employees, including memberships in and accreditations by professional societies and organizations;
12. Purchases for clients of Blind and Vocational Rehabilitation programs not covered by competitive state contract which are federally funded at a rate

of at least 78.7%, regulated by Title 34, Parts 361, 365, 370, and 395 of the Code of Federal Regulations, and in accordance with OMB Circular A-102;

13. Materials, supplies, exhibitor fees, and exhibit booths at conferences, seminars, and work shops, or similar events (business, educational, promotional, cultural, etc.) for participation in promotional activities which enhance economic development or further the department's mission, duties, and/or function, with the approval of the department secretary or agency equivalent, if not covered by competitive state contract;
14. Wire, related equipment, time and material charges to accomplish adds, moves, and/or changes to telecommunications systems not exceeding twenty-five hundred dollars (\$2,500);
15. Working class animals trained to perform special tasks, including but not limited to narcotics detection, bomb detection, arson investigation, and rescue techniques;
16. Food, materials and supplies for teaching and per course training not exceeding ten thousand dollars (\$10,000) where the purchasing, preparing, and serving of food is part of the regularly prescribed course;
17. Shipping charges and associated overseas screening and broker fees from an international origin to a domestic destinations not exceeding ten thousand dollars (\$10,000) per transaction.
18. Renewal of termite service contracts;
19. Purchase of supplies, operating services, or equipment for Louisiana Rehabilitation Services Traumatic head and Spinal Cord Injury Trust Fund Program. Although competitive process is not required under this Paragraph, whenever practicable, three (3) quotations from bona fide, qualified vendors should be obtained. Whenever possible, at least one (1) of the bona fide qualified vendors shall be a certified small and emerging business or a small entrepreneurship;
20. Purchasing of clothing at retail necessary to individualize clients at state developmental centers in compliance with Federal Regulations for ICF/MR facilities;
21. Health insurance for the managers of Randolph-Sheppard programs, as defined by 20 U.S.C. § 107, et seq., and paid from income generated by unmanned vending locations;

22. Purchases made to resell as part of a merchandising program with the written approval on file from the secretary of the department, or agency equivalent, when it is not practical or feasible to obtain competitive price quotations.
23. Commercial Internet Service not exceeding one thousand five hundred dollars (\$1,500) per subscription per year;
24. Advertising where permitted by law and the head of an agency or designee certifies that specific media is required to reach targeted audiences; or
25. Scientific and laboratory supplies and equipment when procured by college and universities for laboratory scientific research not to exceed twenty-five thousand (\$25,000) per transaction.
26. Publication of articles, manuscripts, etc. in professional scientific, research, or educational journals/media, and/or the purchase of reprints.
27. Livestock sperm and ova.
28. Royalties and license fees for use rights to intellectual property, such as, but not limited to: patents, trademarks, service marks, copyrights, music, artistic works, trade services, industrial designs, domain names, etc.:
29. Equipment moves by the original equipment manufacturer or authorized dealer to ensure equipment operation to original equipment manufacturer specifications, calibration, warranty, etc., not to exceed twenty-five thousand dollars (\$25,000) per transaction.
30. Mailing list rentals of purchases; and
31. Art Exhibition rentals and/or loan agreements and associated costs of curatorial fees, transportation, and installation.

J. Exceptions to minimum competitive requirements in accordance with: Executive Order No. JBE 17-18 Section 5:B

For the following items, telephone or facsimile price quotations shall be solicited, where feasible, to at least three (3) bona fide, qualified bidders. Whenever possible, at least one (1) of the bona fide, qualified bidders shall be a certified small and emerging business or a small entrepreneurship, or a veteran or service-

connected disabled veteran-owned small entrepreneurship.

1. Farm products including, but not limited to, fresh vegetables, milk, eggs, fish, or other perishable foods, when it is determined that market conditions are unstable and the bidding process is not conducive for obtaining the lowest prices;
2. Food, materials, and supplies needed for:
 - a. Operation of boats and/or facilities in isolated localities where only limited outlets of such supplies are available and the cost of the food, materials, and supplies do not exceed twenty-five thousand dollars (\$25,000); and/or
 - b. Juvenile detention homes and rehabilitation facilities/homes where the number of inmates, students, or clients is unstable and unpredictable;
3. Convention and meeting facilities including security services if applicable, provided that any associated food or lodging must be in accordance with Policy & Procedure Memorandum No. 49-General Travel Regulations.
4. Gasoline and fuel purchase not exceeding twenty-five thousand dollars (\$25,000).
5. Equipment for blind operated facilities not covered by competitive state contract;
6. Livestock feed commodities, including but not limited to soybean meal, cottonseed meal, and oats not exceeding twenty-five thousand dollars (\$25,000);
7. Seed commodities, including but not limited to rye grass, soybean seed, corn seed, cotton seed, etc. as well as related fertilizers, herbicides, insecticides and fungicides when not covered by competitive state contract;
8. FAA PMA approved aircraft parts and/or repairs, inspections, and modifications performed by an FAA-certified mechanic and/or at an FAA-certified repair station in accordance with FAA requirements with approval by the head of the agency or head of Office of Aircraft Services, Division of Administration; and
7. Air and bus charters, in accordance with Policy & Procedure Memorandum No. 49 including group travel that does not qualify for commercial rates available to individual travelers.

Section 6:

In the absence of a good faith business basis, no purchase or procurement shall be artificially divided within a cost center, or its equivalent, to avoid the competitive process or the solicitation of competitive sealed bids.

Section 7:

All departments, commissions, boards, offices, entities, agencies and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of this Order

**IN ALL CASES, STATE PURCHASING POLICIES
AND PROCEDURES TAKE PRECEDENCE**

K. *Procurement of software and software maintenance and support services in*

accordance with: Louisiana Procurement Code R.S. 39:199.

In accordance with Memorandum OSP 10-04, effective November 04, 2009, the Office of State Purchasing granted advanced approval to agencies for the purchase of Software, Software Maintenance, Hardware Maintenance up to \$100,000 as well as Software Support Services up to \$50,000. Departments are to seek the advice and assistance of the Chief Procurement Officer prior to processing any requests concerning Information Technology procurement.

L. **Leases of public lands in accordance with Title 41, Chapter 10 of the Louisiana Revised Statutes**

Occasionally, the College may be requested or on its own initiative desire to lease real property, land and buildings, as well as movable property. If the College determines the property in question may be leased, the College shall publish an advertisement in the official journal of the parish where the property is located. The advertisement shall set forth a description of the property to be leased, the time when bids will be received, and a short summary of the terms, conditions, and purpose of the lease. The period of the lease may go up to ten years and additional years based on the level of improvements.

All leases must be submitted to the appropriate state agency and the Attorney General for approval before submission to the LCTCS Board of Supervisors for approval.

N. **Acceptance of Bids**

All bids shall be subject to rejection by the College. If awarded, the contract for purchase shall be awarded to the lowest responsive and responsible bidder, taking into consideration among other factors the apparent ability of the bidder to perform the proposed contract, the conformity of the articles or services to the specifications, or for other reasons, transportation charges, and the date of delivery specified in the invitation for bidders. A bond for the faithful performance of any contract may be required at the discretion of the College for services over \$25,000. A complete written record on all procedures and justifications shall be maintained on each purchasing transaction in order to provide a clear audit trail on the purchase.

NOTE: If a department wishes to accept a bid other than the low bid or wishes to select a "brand" name, a letter of justification must be forwarded to the Purchasing Department. This letter must give in detail how the low bid does not meet the required specifications and must be signed by the Department Head.

O. Processing of Bids and Quotations

In the interest of saving time and effort, the Purchasing Department will continue the policy of not returning bids and quotations to departments for recommendation unless the items quoted are not as specified or they are more than 10% in excess of the estimated total cost. Assuming that funds are available and the items are as specified and within the estimate of the Purchase Requisition, a Purchase Order will be issued and copies sent to the Requesting Agent.

Requesting Agents wishing to review bids or quotations for a specific Purchase Requisition before issuance of a Purchase Order should make a notation to this effect on each individual requisition. It is hoped that these requests for exception will be used sparingly. This procedure will expedite the purchasing process and, as a consequence, should improve delivery of materials.

P. Sole Source Purchases

In accordance with Louisiana Procurement Code R.S. 39:1597, sole source procurement is permitted without competition when, under regulations the Chief Procurement Officer or his designee above the level of procurement officer determines in writing that there is only one source for the required supply, service, or major repair item.

Conditions for Use of Sole Source Procurement

1. Any request by a Requesting Agent that a procurement be restricted to a potential contractor shall be accompanied by an explanation as to why no other will be suitable or acceptable to meet the need.
2. Sole Source procurement is permissible only if a requirement is available from a single supplier. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder for that item. Examples of circumstances which could necessitate sole source procurement are:
 - a. Where the compatibility of equipment, accessories, or replacement parts is the paramount consideration;
 - b. Where a sole supplier's items is needed for trial use or testing;
 - c. Procurement of items for resale;
 - d. Procurement of public utility services.

NOTE: A letter from the requesting vendor stating that they are sole manufacturer and do not sell through distributors must be submitted with the Purchase Requisition.

Q. Purchase of Antiques, Used or Demonstrator Equipment in Accordance with Louisiana Procurement Code R.S. 39:1645

If it should become necessary for a Requesting Agent to secure antiques, used or demonstrator equipment, he must present satisfactory information to the Chief Procurement Officer to illustrate the procurement of said equipment is cost effective to the state.

1. The used equipment shall be purchased by the Requesting Agent within the price range set by the Chief Procurement Officer in his statement of written approval for the purchase which must be obtained by the head of the department prior to the purchase.
2. The Requesting Agent shall certify in writing to the Chief Procurement Officer all of the following:
 - a. The price for which the used equipment may be obtained.
 - b. The plan for maintenance and repair of the equipment.
 - c. The savings that will accrue to the state because of the purchase of the used equipment.
 - d. The fact that following the procedures set out in the Louisiana Procurement Code will result in the loss of the opportunity to purchase the equipment.

R. Emergency Purchases

In accordance with Louisiana Procurement Code R.S. 39:1598, an emergency condition is defined as "a situation which creates a threat to public health, welfare, safety, or property, such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reasons as may be proclaimed by the chief procurement officer." Poor planning does not constitute an emergency condition.

An emergency purchase may be made when the existence of an emergency condition creates an immediate and serious need for supplies, materials, equipment or services that cannot be purchased by normal methods and lack of which would seriously threaten: (a) the functioning of State Government; (b) the preservation or protection of property; (c) the health or safety of any person.

When an emergency purchase is in order, the Purchasing Section should be called for assistance. If an emergency condition arises after office hours and circumstances will not permit any delays, then the Requesting Agent or his authorized representative should obtain whatever competition as is practical (written, telephone, etc.) and proceed, using discretion, with the purchase. A written justification explaining the nature of the emergency must then be signed by the Requesting Agent or his authorized representative and submitted to the Purchasing Department along with a Purchase Requisition for the materials/services purchased. This justification and requisition are required within two (2) days and must indicate competition that was obtained or attempted. The Chief Procurement Officer will have the final authority for determining any emergency.

S. State Contracts

State Contracts are term contracts for materials, supplies or equipment executed by The Division of Administration and can be purchased without competitive bidding.

These State Contracts can be accessed through the Internet at <http://www.doa.louisiana.gov/osp>

T. Restrictions on Certain Purchases

1. Items of a personal nature - Certain items of a personal nature may not be purchased with College funds. Such items include: brief cases, Christmas cards other than official College cards ordered through the Chancellor's Office, personal magazine subscriptions, personal memberships in professional organizations, etc.
2. Purchases from College employees - Purchases by the College from College employees are prohibited.

3. Self-generated revenues cannot be used to pay College dues for memberships in civic organizations, such as the Chamber of Commerce in accordance with Attorney General Opinion No. 96-195, dated May 9, 1996
- U. **Contracts for Professional, Consulting and "Personal Services"** (non-employee) services are procured in accordance with R.S. 39:1490-1502. See the policy and procedure for the procurement of these services.
- V. **Travel** will be in accordance with **Policy and Procedures Memorandum No. 49** issued by the Commissioner of Administration under the authority of R.S. 39:231. Policy and procedure for state general travel regulations are available at <http://www.state.la.us/osp/travel/traveloffice.htm>. Questions relating to travel should be directed to the Finance Department.

IV. **Procedures Following Purchase Order Issuance to Vendor**

A. **Change Order and Cancellations**

The Purchasing Department has exclusive authority to change a Purchase Order or issue a cancellation. If such need arises, a written memo stating nature of change and reason is to be submitted by the Requesting Agent to the Purchasing Department immediately. Purchase Order increases require funds approval before processing.

B. **Follow-Up**

The Purchasing Department does not usually have knowledge of late deliveries on Purchase Orders. Follow-up on orders with the vendor will be made by the Purchasing Department. However, it is the responsibility of the Requesting Department to call and report any late deliveries to the Purchasing Department.

C. **Receiving Deliveries**

1. **Shipping and Receiving:**

It is the responsibility of the Shipping and Receiving Department to document in "log book" all packages received and delivered to the requesting department for inspection of merchandise. When items received are not in full conformity with specifications, the requesting department will notify the Shipping and Receiving Department in writing of the discrepancy in items and type of dispute for review.

NOTE: Delivery discrepancies and substitutions are not acceptable- vendors must furnish in accordance with specifications as stated on

the purchase order. Notify Shipping and Receiving Department for return of those items that do not conform to purchase order requirements and/or damaged goods. The Shipping and Receiving Department will return the merchandise at vendor's expense and facilitate the replacement of merchandise requested.

NOTE: PARTIAL SHIPMENTS MUST BE REPORTED.

2. Shortages:

It is the responsibility of the Requesting Agent to contact the Shipping and Receiving Department to report any shortages in shipments.

3. Overages:

Increases in quantities must be reported to the Purchasing Department for review and approval.

Departmental Receiving:

When a carrier ships goods directly to the department, it is the responsibility of the requesting department to inspect all purchases. If the items received are not per specifications, the requesting agent should contact the Receiving Department.

4. Vendor's Invoice:

If a vendor erroneously sends an invoice (goods/services procured by a Purchase Order) directly to the department concerned, the invoice is to be forwarded immediately to the Finance Department.

V. Fiscal Year End Procedures - Purchasing, & Accounts Payable:

A. Purchase Requisitions

All Purchase Requisitions to expend funds allocated to you for the current **fiscal year must be approved on-line by April 1st** each fiscal year, **to provide for bids and delivery by June 30th**. Only Purchase Orders for goods and services that can be delivered on or before June 30th will be issued after April 30th for a fiscal year. **Operating Funds request for merchandise that cannot meet the June 30th requirements of delivery will be returned to be submitted as future year orders. Any purchases after April 1st require approval from the Chief Procurement Officer.**

IMPORTANT

All outstanding orders will roll into next fiscal year and become next year's expenditures and must be paid from the Department Head's budget for next year. Operating Funds are not rolled forward.

All Receiving must be entered on-line no later than close of business on June 30th for all merchandise delivered or services performed before or on June 30th, any items received after June 30th will be a future year expenditure. DO NOT BACK DATE RECEIVING. YOU MUST CERTIFY RECEIPTS OF GOODS AND SERVICES WHEN RECEIVED.

B. Check Request:

Check Request are due in the Finance Department, immediately upon receipt of goods and services. Regardless of source of funding all request for payment are due in the Finance Department no later than June 30th for all merchandise delivered or services performed before or on June 30th.

C. Original Invoices:

If your department receives any original invoices from a vendor, please forward them to the Finance Department immediately upon receipt.

Restricted Accounts including Grants and Contracts:

Restricted Accounts (including Grants and Contracts), are subject to fiscal year-end purchasing/fiscal limitations and limitations which may be imposed by grantors, donors and the College. **GRANT AWARDS ENDING JUNE 30TH, WILL FOLLOW THE SAME YEAR END CLOSE PROCEDURE AS THE OPERATING FUND.**

Procurement activity in those accounts ending after June 30th, fiscal year-end limitations specific requirement of their grants and contracts. The **Department Head** is responsible to call these dates to the attention of the Purchasing Department on a monthly basis to help avoid the possible loss of funds. **DEPARTMENT HEADS ARE RESPONSIBLE FOR MONITORING THEIR GRANTS OR CONTRACTS BUDGET AND TAKING APPROPRIATE ACTION TO EXPEND THEIR FUNDS.**

VI. Movable Property Donations:

In the case of movable property donations, the College Property Manager will research the item donated, assign a market value, and prepare a Donation Acceptance Request document for review and approval.

The Appropriate Vice Chancellor and Chancellor must approve acceptance of a movable property donation. The College Property Manager will assure that the

appropriate College officers are involved in assessing the acceptance of an offer of donation, and make a recommendation to the Appropriate Vice Chancellor.

In cases when donations are offered by vendors or individuals who appear to be vendors or providers of goods and services to the College, an advisory opinion from the Ethics Commission may be required. Upon acceptance of donations, the College Property Manager will tag the donated item, and place the item on the LPAA On-line inventory system.

NOTE: Contact the Property Manager concerning donation acceptance procedure.

VII. Business with Gambling River Boats:

All procurement and revenue requests from gambling river boats require prior approval from:

Louisiana State Police

Telephone: (504) 925-6006
Attn: Pat
River Boat Gaming
P.O. Box 66614-43
Baton Rouge, LA 70896

A letter requesting to do business with “River Boat” with specific amount anticipated for the fiscal year and the nature of the procurement/revenue should be mailed to the Louisiana State Police at the address stated above. The Requesting Agent requesting this approval must submit the letter to the Chief Procurement Officer for processing.

VIII. Use of LaPs (Louisiana Price Schedule) in accordance with L.A.C. 34:1709

- A. The state reserves the right to create and use Brand Name, LaMAS, and Multi-State contracts (hereinafter referred to as Louisiana Price Schedules for different brands of same or similar item(s).
- B. Where Louisiana Price Schedules (“LaPS”) exist for same or similar item(s) and the procurement is above (\$25,000, all eligible users of these contracts may utilize the following procedures.
 - 1. Prepare a Request for Responses that may include, if applicable the following: (A Request for Response is an informal process used to make a best value determination)
 - a. A performance-based statement of work that includes such things as:

- i. The work to be performed;
 - ii. Location of work;
 - iii. Period of performance;
 - iv. Deliverable schedule;
 - v. Applicable performance standards;
 - vi. Acceptance criteria
 - vii. Any special requirements (e.g., security clearances, special knowledge, etc.);
 - viii. The products required using a generic description of products and functions whenever possible.
- b. If necessary or applicable, a request for submittal of a project plan for performing the task and information on the contractor's experience and/or past performance performing similar tasks.
 - c. A best value determination is one that consider, in addition to underlying contract pricing, such factors as:
 - i. Probable life of the item selected;
 - ii. Environmental and energy efficiency considerations;
 - iii. Technical qualifications;
 - iv. Delivery terms;
 - v. Warranty;
 - vi. Maintenance availability;
 - vii. Administrative costs;
 - viii. Compatibility of an item within the user's environment; and
 - ix. User's familiarity with the item or service.
 - d. A request for submittal of a firm-fixed total price for labor and/or products which are no higher than prices in the LaPS contract.
2. Submit the Request for Response to at least three (3) LaPS contract holders, whenever available, offering functionally equivalent products and/or services that will meet the agency's needs.
 3. Evaluate Responses and Select the Contractor to receive the order;
 - a. After responses have been evaluated, the order shall be placed with the contractor that represents the best value that meets the agency's needs. The ordering agency should give preference to small-entrepreneurships or small and emerging businesses when two or more contractors can provide the services and/or products at the same firm-fixed total price.
 - b. The ordering agency shall document in the procurement file the evaluation of the contractor's responses that formed the basis for the selection. The documentation shall identify the contractor from which the services and/or products were purchased, the services and/or products purchased, and the cost of the resulting purchase order.
 - c. Purchases shall not be artificially divided to avoid the requirements for same products are known.
 - d. A listing of all contracts applicable to this section will be maintained on the Office of State Purchasing website

<http://www.doa.louisiana.gov/osp.htm>

IX. **Purchase of Chemicals**

The Department Head – Requesting Agent should consult with the **Environmental Health & Safety Officer** prior to purchasing any chemicals/hazardous materials.

X. **Violations, Penalties (in accordance with Louisiana Procurement Code R.S. 39:1679)**

- A. No person shall intentionally violate the Louisiana Procurement Code or any rule or regulation promulgated by the Commissioner of Administration with respect to purchasing.
- B. Any person who intentionally violates such law, rule or regulation shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

XI. **Code of Governmental Ethics, Title 42, Chapter 15**

Payments from non public sources, R.S. 42:1111

- A. **Payments for services to the governmental entity.** No public servant shall receive any thing of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position.
- B. **Finders Fees.** No public servant shall receive anything of economic value from a person to whom the public servant has directed business of the governmental entity.
- C. **Payments for non public service.**
 - 1. No public servant shall receive anything of economic value for any service, the subject matter of which:
 - a. Is devoted substantially to the responsibilities, program or operations of the agency of the public servant and in which the public servant has participated; or
 - b. Draws substantially upon official data of ideas which have not become part of the body of public information.
 - 2. No public servant and no legal entity in which the public servant exercised control or owns an interest in excess of twenty-five percent, shall receive anything of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are:
 - a. Bona fide and actually performed by the public servant or by the entity;
 - b. Not within the course of his official duties;
 - c. Not prohibited by R.S. 42:1112 or by applicable laws or regulations governing non public employment for such public servant; and
 - d. Neither performed for nor compensated by any person from whom such public servant would be prohibited by R.S.42:1115(A) (1) or (B) from receiving a gift.
- D. **Payment for Future Services:** No public servant shall receive, directly or indirectly, anything of economic value during the term of his public service in

consideration of personal services to be rendered to or for any person subsequent to the term of such public service; however, a public servant may enter into a contract for prospective employment during the term of his public service unless otherwise prohibited by R.S.42:1116.

- E. **Payments for rendering assistance to certain persons.** No public servant, and no legal entity of which such public servant is an officer, director, trustee, partner, or employee, or in which such public servant has a substantial economic interest, shall receive or agree to receive anything of economic value for assisting a person in a transaction, or in an appearance in connection with a transaction, with the agency of such public servant.

Participation in certain transactions involving the governmental entity R.S. 42:1112

- A. No public servant, except as provided in R.S. 42:1120, shall participate in a transaction in which he has a personal substantial economic interest of which he may reasonably expected to know involving the governmental entity.
- B. No public servant, except as provided in R.S. 42:1120, shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any of the following persons has a substantial economic interest:
 - 1. Any member of his immediate family.
 - 2. Any person in which he has a substantial economic interest of which he may reasonably be expected to know.
 - 3. Any person of which he is an officer, director, trustee, partner or employee.
 - 4. Any person with whom he is negotiating or has an arrangement concerning prospective employment.
 - 5. Any person who is a party to an existing contract with such public servant, or with any legal entity in which the public servant exercised control or owns an interest in excess of twenty-five percent, or who owes anything of economic value to such public servant, or to any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, and who by reason thereof is in a position to affect directly the economic interests of such public servant.
- C. Every public employee, excluding an appointed member of any board or commission, shall disqualify himself from participating in a transaction involving the governmental entity when a violation of this Part would result. The procedures for such disqualification shall be established by regulations issued pursuant to R.S. 42:1134 (1).

Prohibited Contractual Arrangement, R.S. 42:1113A

- A. No public servant, member of such public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such public servant.

Gift, R.S. 42:1115A.B.

- A. No public servant shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any person or from any officer, director, agent or employee of such person, if such public servant knows or reasonably should know that such person:
 - 1. Has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency, or
 - 2. Is seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency.
- B. No public employee shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any person or from any officer, director, agent or employee of such person, if such public employee knows or reasonably should know that such person:
 - 1. Conducts operations or activities which are regulated by the public employee's agency.
 - 2. Has substantial economic interest which may be substantially affected by the performance or nonperformance of the public employee's official duty.

Penalties, R.S. 42:1153B

- A. Upon finding that any public employee or other person has violated any provision of the Code of Governmental Ethics, the Commission on Ethics for Public Employees by a majority vote of the membership, may remove, suspend, or order a reduction in pay, or demotion of the public employee or other person, or impose of fine of not more than five thousand dollars, or both.

Civil Action for Damages, R.S. 42:1155

- A. Any public servant who, to his economic advantage, has acted in violation of the Code of Governmental Ethics is subject to civil action. Such action shall be brought in the district court in which such public servant or former public servant is domiciled and recovery shall be limited to an amount equal to such economic advantage.

XII. Donation, Loan of State Property

Under the Louisiana Constitution Article 7, Section 14. Except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private. Neither the state nor a political subdivision shall subscribe to or purchase the stock of a corporation or association or for any private enterprise.

Prohibitions: Employees cannot donate, loan or pledge anything of value on behalf of the College, for example:

The College cannot provide students reimbursement or exemption from fees, charges, etc. in exchange for donations of items and supplies for a class activity.

Employees cannot use any property, equipment, computers and their peripherals, supplies, materials, facilities, employee time and effort, etc. for any purpose other than for the official business and events of the College.

XIII. Davis –Bacon Act

The Davis-Bacon Act, United States Code, Title 40, Chapter 3, Section 276(a), requires all laborers and mechanics employed by contractors and subcontractors who work on construction projects financed by federal assistance to be paid wages not less than those established by the Secretary of Labor for the locality of the project when required by federal grant programs legislation.

It is the policy of the College to comply with the Davis-Bacon Act.

LOUISIANA DELTA COMMUNITY COLLEGE

Telephone and Fax Quotation

- I Purpose and Scope:** This procedure outlines the method of physically handling and accounting for **Telephone and Fax Quotations**.
- II Reference:** College Purchasing Policy and Procedure
- III Responsible Area:** All Departments
- IV Procedure:**

Telephone and Fax Quotation Delegated Authority

Purchase of supplies, materials and services exceeding \$5,000 but not exceeding \$15,000, departmental procurement is allowed. The Requesting Agent has authority to solicit bids by telephone or fax quotations from three (3) or more bona fide, qualified vendors. Whenever possible, at least one (1) of the bona fide, qualified vendors shall be a certified small and emerging business or a small entrepreneurship. **Contact the Purchasing Department for this information.**

The purchase contract shall be awarded on the basis of the lowest responsive quotation solicited from the bona fide, qualified vendor; or Soliciting three quotations may be waived when making purchases from a Small Entrepreneurship or Small and Emerging Business that is currently certified by the Louisiana Department of Economic Development, when the price is determined to be reasonable. Reasonable is a best value determination based on

price, delivery, service, and/or any other related factors. This determination is to be maintained in the file, or;

Soliciting three quotations may be waived when purchasing in-state. A business analysis must determine that in-state prices are equal or better than two other current price comparisons. Comparisons may include, but are not limited to, state contract prices, General Services Administration (GSA) prices or similar resources. Comparison documents are to be maintained in the file.

NOTE: Notification of award to the lowest bidder rests SOLELY upon the Chief Procurement Officer. ONLY the Purchasing Department can place an order for goods and services.

Telephone quotations/comparisons require 1) signed, tabulated (TQ) Telephone Quotation/Comparisons

Tabulation form listing all solicited vendors, each vendor's contact person, summarized quotations received, indicate the successful vendor, and state the reason why any lower quotation was rejected; and 2) a signed, written confirmation of the quotation from the successful vendor.

When purchasing in-state, document two other current price comparisons. Submit an on-line purchase requisition and notify the Purchasing Department that the telephone/fax documents are en-route to the Purchasing Department for review and processing.

When a Requesting Agent elects to use the **"Telephone/Fax Quotation"** procedure he/she is accepting delegated purchasing authority and is responsible for and agrees to procure goods and services in accordance with College purchasing policies and procedures and abide by the terms and conditions of this authority and that any violations are the **responsibility of the Requesting Agent and his/her designee regardless of any errors and omissions of approvers and/or Purchasing Staff. A Requesting Agent cannot use the defense, "if it wasn't right they should have not have paid it," etc.**

The Requesting Agent understands that if the purchasing policies and procedures are not followed, their **"Telephone/Fax Quotation"** authority will be suspended.

NO ARTIFICIAL DIVISION OF PURCHASES

No purchase shall be ARTIFICIALLY DIVIDED so as to constitute a small purchase under \$5000 or to a solicitation to a lesser or no bid requirement. In the absence of a good faith business basis, no purchase or procurement shall be artificially divided within a budget unit, or its equivalent.

(Executive Order JBE 17-18). The Chief Procurement Officer reviews each purchase requisition for compliance with these procedures.

FEDERAL GUIDELINES FOR PROCUREMENT

Uniform Guidance at 2 CFR 200 and 2900

1. Procurement Methods:

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold of \$10,000. To the extent practicable, LDCC must distribute micro-purchases equitable among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if LDCC Purchasing considers the price to be reasonable. Must be compliant with 2 CFR § 200.67 and 2 CFR § 200.320(a)

Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold of \$150,000. Price quotations must be obtained from at a minimum of 3 qualified sources.

Must be compliant with 2 CFR § 200.320(b).

Procurement by sealed bids (formal advertising). Must be used when contract value is greater than \$150,000. Bids are publicly solicited and a firm priced contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the IFB, is the lowest in price.

Must be compliant with 2 CFR § 200.320(c).

Procurement by competitive proposals. Must be used when contract value is greater than \$150,000. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.

Must be compliant with 2 CFR § 200.320(d).

Procurement by non-competitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source.

Must be compliant with 2 CFR § 200.320(f).

Limiting competition based on geography is not allowable with federal funds.

MANDATORY DISCLOSURES

Under the Uniform Guidance (200.113, shown below), Louisiana Delta Community College is obligated to disclose to the Federal awarding agency (or pass-through entity if we are a subrecipient), any violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

Examples of such a situation might be when a project employee is caught stealing funding from the award or when a bribe has been offered to a federal official to obtain preferential treatment about making an award.

§200.113 Mandatory Disclosures

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violation of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment.