

College Operating Procedures (COP)



Procedure Title: Invitation to Bid (ITB)
Procedure Number: 04-1002
Originating Department: Office of Financial Services

Specific Authority:

State Requirement for Educational Facility SREF 2014, Chapter 4, Section 4.2
Board Policy 6Hx6:1.01; 6Hx6:1.02
Florida Statute 1001.02; 1001.03; 1010.02; 287.057; 287.017
State Board of Education Rule 6A-14.0734; 6A-1.012

Procedure Actions: Adopted: 01/2010; 02/2011; 04/16/2012; 06/01/2017; 12/15/2020

Purpose Statement: Florida law requires sealed bids to be solicited from at least three responsible vendors for purchases of \$65,000 or more that are a result of a formal Invitation to Bid (ITB).

Guidelines:

This procedure applies to the purchase of any single item, tangible personal property equipment, service or group of related items or services where the known annual total value is \$65,000 or more whether purchased at one time or encompasses several purchases within a fiscal year period.

Procedures:

- I. It is the responsibility of the requesting department to timely submit a memorandum to the Director of Procurement Services indicating the need for product/service procurement via an Invitation to Bid (ITB). In order to avoid unanticipated delays, the memorandum should be submitted at least eight weeks' notice prior to needing a College funded Purchase Order to be issued. The memorandum must indicate the funding source, budget amount available for the bid requested and date the item or service is required to be delivered or provided. Additionally, solicitation technical specifications and at least three recommended bidders contact information must be provided.
- II. Solicitation technical specifications will include at a minimum the following:
 - A. Plans, drawings, specifications or purchase description for procurement shall state only the actual minimum needs of the College, both current and foreseeable. Supplies and services should be described in a manner which will encourage maximum competition by allowing for "equivalents", where possible, and eliminate, insofar as possible, any restrictive features which might limit acceptable offers or provide an undue advantage to one supplier's products or the products of relatively few suppliers. Pursuant to Florida Statutes, any firm that provides solicitation specifications is prohibited from bidding on that solicitation. **NOTE:** For items which, in the user's professional opinion, must be purchased as an exact brand and model, Single Source/Sole Source

Justification approval must be determined via Procurement Services (See Procedure Number 04-1005 "Sole Source/Single Source" and [Form BO-024](#)).

- B. Items or services to be procured shall be described by reference to the applicable specifications or by a description containing the necessary technical requirements. Referenced specifications and standards shall be tailored in their application. Tailoring consists of exclusion of those sections, paragraphs or sentences of particular manufacturer (i.e. commercial specifications and standards not required for a specific procurement) so that each solicitation document states only the minimum requirements of the College. Purchase specifications may be in the form of, but not necessarily limited to, federal specifications or industry specifications.
- C. Full purchase description setting forth the essential physical and functional characteristics of the materials or services required. As many of the following characteristics should be utilized as are necessary to express the minimum requirements of the College and should be utilized in the preparing purchase description.
 - 1. Common categorization (i.e., a noun such as mainframe printer).
 - 2. Kind of material (i.e., type, grade, alternatives, etc.).
 - 3. Electrical data (if any).
 - 4. Dimensions, size, or capacity (stated in minimum/maximum parameters).
 - 5. Principles of operation.
 - 6. Restrictive environmental conditions (i.e. equipment emits mercury vapor and will require external ventilation).
 - 7. Intended use.
 - 8. Equipment or systems with which the item is to be used.
 - 9. Any other pertinent information that further describes the item, material, or services.
 - 10. Brand name or equal purchase description.

A 'brand name or equal' description must set forth those minimum salient, physical, functional, or other characteristics of the specified items which are essential to the user. Do not over-specify. Do not use exact dimensions except when necessary – set down instead the minimum/maximum parameters acceptable. It is against the listed characteristics that any "equivalent" product offered must be evaluated. This description should include the complete common generic identification of the item as well as the manufacturer's applicable model, maker, or catalog number. A minimum of two manufacturer brand names and their model numbers should be specified where possible to foster competition among both manufacturers and their dealers as well as improve relations with the business community by permitting fair and impartial transactions. It is important to note that the primary purpose of inserting the manufacturer's item brand name and model number is to establish a level of quality against which any offered alternate item will be measured. Bids on equivalent/alternate items that meet the defined minimum specifications shall not be rejected because of minor differences in design, construction or features which do not affect the suitability of the products for their intended use. Use of distributor short descriptions and their catalog numbers without identification to manufacturer's name and model numbers will be used only as a last resort.

- III. The Director of Procurement Services will review the submitted memorandum and proposed specifications supplied to ensure that all relevant information is available. The formal Invitation to Bid documentation will be enhanced as necessary to meet these

requirements and prepared/issued and publicly opened by the Director of Procurement Services. The final ITB document will be shared by email with the end user department to ensure it fully meets their needs/requirements.

- IV. The Director of Procurement Services will review the end users recommended bidders list and publish the ITB to at least three responsible vendors requesting them to deliver to the College prior to a defined date and time a sealed bid related to the bid specifications. In addition, notice shall be published on the College's Purchasing department web site and an advertisement shall also be purchased and placed in a publication with general circulation throughout the district for three consecutive weeks. Exception: Notice for a construction services ITB shall be published to the College's Prequalified General Contractors and only published publicly in local newspaper(s) when it is in the best interest of the College. The solicitation and advertisement notice should contain the following instructions and information:
 - A. ITB title and number.
 - B. Brief summary description of goods or services being procured.
 - C. Whom to contact or the location to obtain/download the ITB document
 - D. The due date, time, and location.
 - E. Pre-bid conference information if applicable.
 - F. Date, time, and location of any Public Evaluation meeting.
 - G. Any other information as deemed appropriate by the Director of Procurement Services.
 - H. Date of planned and exact Florida SouthWestern State College web URL where the posting for the intent to award for the ITB will be posted.
- V. Sealed bids received shall be time stamped in and then subsequently publicly opened by two college employees on the predefined date, time and location. The bid shall be evaluated for responsiveness and then tabulated and signed/initialed by both the Director of Procurement Services and a representative of the requesting department or another College employee. A copy of all responsive bids and a recommended tabulation sheet of responsive bids timely received shall be transmitted to the requesting department so the requesting department representative can review and provide a written recommendation of award to the Director of Procurement Services. The requesting department shall also provide correspondence indicating reference checks (where appropriate) were accomplished pertaining to the apparent responsive bidder.
- VI. Immediately, upon determination by the College's administration of a recommendation of award, the tabulation of all bids received with the recommended award(s) shall be both posted for 72 hours to the Florida SouthWestern State College's Purchasing Department web site and also made available for public inspection by contacting the Director of Procurement Services. Sealed ITB bids submitted to Florida SouthWestern State College are not public records until after the passage of the time period, as stated in Chapter 119, Florida Statutes. The Director of Procurement Services will also notify the appropriate parties of the posting of recommendation award and contingent on not being protested in the 72-hour period and whether the award will require District Board of Trustees' pre-approval.
- VII. The requesting department, after determination of a recommended award is posted by the Director of Procurement Services, must prepare the appropriate Request for Purchase documentation and submit to the Purchasing area of the College for a Purchase Order to be issued. When a formal contract is required, the requesting

department must initialize and route through the appropriate College channels to obtain appropriate approvals and signatures.

- VIII. Pursuant to State Board of Education Administrative Rules 6A-14.0734(2), exceptions to the requirement to solicit competitive offers are:
- A. Educational tests, textbooks, instructional materials and equipment, films, filmstrips, video tapes, disc or tape recordings or similar audio-visual materials, graphic and computer based instructional software.
 - B. Library books, reference books, periodicals, and other library materials and supplies.
 - C. Purchases at the unit or contract prices established through competitive solicitations by any unit of government established by law or buying cooperatives.
 - D. Food.
 - E. Services or commodities available only from a single or sole source.
 - F. Professional services, including, but not limited to, artistic services, instructional services, health services, academic program reviews, lectures by individuals, attorneys, legal services, auditors, and management consultants.
 - G. Information technology resources defined as all forms of technology used to create, process, store, transmit, exchange, and use information in various forms of voice, video and data, and shall also include the personnel costs and contracts that provide direct information technology support consistent with the College's information technology plan.
 - H. Single source procurements for purposes of economy or efficiency in standardization of materials or equipment.
 - I. Items for resale.
- IX. The District President or designee may waive solicitation requirements in emergencies when there is an imminent threat to students, employees, or public safety or in cases when necessary to prevent damage to the facilities caused by an unexpected circumstance in accordance with rules established by the District Board of Trustees.
- X. When the College solicits the submittal of competitive offers and only one responsive offer is submitted, the College may purchase such products or services under the best terms it can negotiate.
- XI. When accepting responsive offers to the College's solicitations, the College shall accept the lowest or best responsive offer. If other than the lowest or best offer meeting specifications is accepted, the Director of Procurement Services will require end user department assistance so the College shall be able to maintain a public record of the justification.
- XII. In the event two (2) or more responsive offers submit the exact dollar amount as their quote/bid offer, after a careful review of the circumstances surrounding the tie, when all other factors are equal, and unless said Invitation to Bid stipulates criteria for determination of award for tie bids, the following criteria, in order of importance, shall be used to break said tie: submission of Drug Free Workplace form in accordance with Florida Statute 287.087, responsive offer supplier's place of business is within the College's five (5) district service areas, responsive offer supplier's place of business is within the State of Florida, flip coin.

- XIII. The College reserves the right to reject any or all offers submitted in response to the College's solicitation and reserve the right to solicit new offers as deemed in the College's best interest.
- XIV. In the solicitation and selection of vendors for the procurement of goods and services, there shall not be taken into consideration any past, present or future monetary or non-monetary support or contributions and volunteer or partnership activity with the College or the College's direct support organizations. This prohibition of such consideration applies to the solicitation, evaluation process and recommendation to award a contract, and any other portion of the solicitation and selection process.
- XIV. The President, or designee, is authorized to approve award of contracts less than \$325,000 whereas contract awards greater than \$325,000 require District Board of Trustees' pre-approval prior to award.
- XV. The President, or designee, is authorized to reject all offers less than \$325,000 where the rejection of all offers greater than \$325,000 requires District Board of Trustees' pre-approval.