

## **AR 6340 Bids and Contracts**

### **References:**

2 Code of Federal Regulations Part 200.318  
ORS 279A, 279B

### **Limits**

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

- Purchase of goods or services up to \$150,000 will require documented quotes but do not need to be advertised.
- Purchase of goods or services in excess of \$150,000 will require formal advertised bids.

In securing bids or quotations, TBCC will avoid acquisition of unnecessary or duplicative items. Contracts involving expenditures that require competitive bidding also require approval by the Board of Education prior to the award.

### **Bid Specifications**

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, or texture of what is specified, and minimum standards of efficiency, durability, or utility required of what is specified.

### **Notice of Calling for Formal Advertised Bids**

Bid and contract forms shall be approved by the Chief Financial Officer and maintained by the Business Office. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Chief Financial Officer or Executive Director of Facilities and Safety shall be responsible for ensuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding. The Chief Financial Officer or Executive Director of Facilities and Safety shall be responsible for ensuring that bidders comply with any requirements to provide bid bonds or performance bonds.

The Chief Financial Officer or Executive Director of Facilities and Safety shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where specifications and drawings can be examined.

When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

Responses shall be solicited through public advertisement or notice to entities on the College's consultant list, inviting response to either:

- A request for proposals (RFP); or
- A request for qualifications (RFQ) to establish a short list, followed by an RFP.

The advertisement, when used, shall appear at least once in at least one newspaper of general circulation in the local area. The solicitation may be advertised in additional issues and publications to achieve adequate competition or to reach the minorities, women, and emerging small business enterprise audiences.

### **Awarding of Bids and Contracts**

The awarding of bids and contracts shall be subject to the following conditions:

- Any and all bids and contract proposals may be rejected by the College.
- All bids shall be opened publicly, and bidders shall be given the opportunity to make a record of the bids received.
- Bid and contract award recommendations to the Board of Education shall show a tabulation of the bids received in reasonable detail.
- Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications. The College reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.

### **Informal Selection Process**

A personal service contract may be awarded using an informal selection process under any of the following circumstances:

- When the estimated fee to the consultant does not exceed \$150,000;
- When the project consists of work which has been substantially described, planned, or otherwise previously studied or rendered in an earlier College contract;
- When the contract is with bond underwriters;
- When the contract is with financial advisors providing expert opinions for the purpose of negotiated bond sales;
- When the contract is for legal services.

### **Protest Procedures**

Solicitation Protest: Unless a different deadline is specified in the solicitation document, prospective consultants may submit a written protest or request for change of particular solicitation provisions, specifications, or contract terms and conditions to the College no later than five calendar days prior to the close of the solicitation. Such protest or request for change shall include the reasons for the protest or request and any proposed changes to the solicitation provisions, specifications, or contract terms and conditions. No protest against the selection of a consultant or award of a consultant contract, because of the contract terms and conditions, shall be considered after the deadline established for submitting such protest.

Selection Protest: Unless a different deadline is specified in the solicitation document, a prospective consultant who has submitted a proposal and claims to have been aggrieved by the College's selection of a competing consultant, shall have fourteen calendar days after the College's notice of selection of the competing consultant to submit a written protest of the selection to the College. To be aggrieved for purposes of having a right to submit a protest, a proposer must claim that the proposer was the highest-ranked qualified consultant eligible for selection, i.e., the

protester must show that all higher-ranked consultants were ineligible for selection because their proposals were nonresponsive or the consultants could not fulfill requirements and are not qualified. The College shall not consider a selection protest submitted after the time period established in this section nor any selection protest submitted after the deadline provided in the College's solicitation.

The College President has authority to settle or resolve a written protest submitted in accordance with this section. The College President shall promptly issue a written decision on the protest. The action of the College President shall be the final action on the matter.

### **Emergency Repair Contracts without Bid**

The College may recommend direct consultant appointments when conditions require prompt action for the best interest of the College. The recommended appointment and a written description of the conditions requiring the appointment shall be submitted by the College President to the Board. The Board shall determine whether a direct appointment is appropriate, and if so, approve the appointment.

### **Record Retention**

TBCC will retain records sufficient to detail the history of procurement as required by Oregon law. These records include:

- 1) rationale for the method of procurement,
- 2) selection of contract type,
- 3) contractor selection and rejection, and
- 4) the basis for the contract price.

**Approved: 10/25**