



# UTAH VALLEY UNIVERSITY

## Policies and Procedures

<b>POLICY TITLE</b>	Solicitation and Award of Procurement Contracts	<b>Policy Number</b>	242
<b>Section</b>	Financial Affairs and Development	<b>Approval Date</b>	June 20, 2013
<b>Subsection</b>	Procurement	<b>Effective Date</b>	June 20, 2013
<b>Responsible Office</b>	Office of the Vice President of Finance and Administration		

### 1.0 PURPOSE

**1.1** This policy establishes procedures for the solicitation of bids and proposals and the award of University procurement contracts to ensure the University is compliant with the provisions of the Utah Procurement Code.

### 2.0 REFERENCES

- 2.1** Utah Procurement Code, Utah Code Annotated, sections 63G-6a-101 et seq.
- 2.2** Utah Administrative Services Code 63A-5-206 (2)(a) Construction
- 2.3** Utah Board of Regents Policy R571 *Delegation of Purchasing Authority*
- 2.4** UVU Policy 241 *University Procurement*
- 2.5** UVU Policy 243 *Small Purchases*
- 2.6** UVU Policy 244 *Requisitions and Purchase Orders*
- 2.7** UVU Policy 204 *Appropriateness of Expenditures*

### 3.0 DEFINITIONS

**3.1 Construction:** The process of building, renovating, altering, improving, repairing, or demolishing any University structure or building, major developmental work, or landscaping of University real property. It does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

**3.2 Goods:** Anything purchased other than services, construction, or real property.

**3.3 Invitation for bid:** A formal procurement method for soliciting bids from suppliers interested in supplying requested goods, services, or construction to the University. It includes documents that are attached or incorporated by reference. It is used for solicitations over the large-dollar threshold.



**3.4 Large-Dollar Purchase Threshold:** The threshold established by Procurement Services and approved by President's Council over which a formal, advertised solicitation must be conducted.

**3.5 Procurement Contract/Agreement:** Any contract or agreement executed between the University and an offeror for buying, purchasing, renting, leasing, or otherwise acquiring any goods, services, or construction.

**3.6 Real property:** Land and its permanently affixed buildings or structures and related fixtures.

**3.7 Requests for proposal:** A formal procurement method for soliciting proposals from offerors interested in providing requested goods, services, or construction to the University. It includes documents that are attached or incorporated by reference. Requests for proposals are subjectively evaluated on criteria other than price, and objectively evaluated on price.

**3.8 Request for quotations:** A procurement method for soliciting quotes from suppliers interested in supplying requested goods, services, or construction to the University. It is used for solicitations between the small-dollar purchase threshold and the large-dollar purchase threshold.

**3.9 Services:** The furnishing of labor, time, or effort by a vendor that does not involve the delivery of a specific end product, other than reports. It does not include employment agreements or collective bargaining agreements.

**3.10 Small-Dollar Purchase Threshold:** The threshold established by Procurement Services and approved by President's Council over which adequate competition must be sought in accordance with Small-Dollar guidelines.

**3.11 Solicitation:** An invitation for bids, a request for proposals, a request for quotations, or any other document issued by the University for the purpose of soliciting quotes, bids or proposals to form a procurement contract/agreement.

**3.12 Specification:** Any description of the physical or functional characteristics of, or the nature of a good, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a good, service, or construction item for delivery.

#### 4.0 POLICY

**4.1** Procurement Services is responsible for overseeing the procurement process, including the development, negotiation, and signing of procurement contracts and agreements. Procurement Services is responsible for ensuring that all solicitation procedures are in compliance with the requirements of the Utah Procurement Code and University policies, procedures, and guidelines, including: requests for quotations, bids or proposals; giving of notice; establishing criteria for evaluating bids and proposals; opening, accepting, and evaluating quotations, bids and proposals; and award of contracts.



4.2 A procurement of goods, services, and/or construction items in excess of the large-dollar purchase threshold will be made using a procurement contract/agreement formed as a result of a solicitation, except as otherwise allowed by the Utah Procurement Code.

4.3 A sole source contract may be awarded for a good, service, or construction item without competitive bidding after Procurement Services determines, in writing, that there is only one practicable source for the requisitioned good, service, or construction item.

4.4 The procurement of goods and/or services from other government agencies, including public institutions of higher education and correctional industries, may be made without competition as determined by Procurement Services.

4.5 When there exists a threat to public health, welfare, or safety as the result of floods, epidemics, riots, equipment failures, or other such reason which creates an immediate and serious need for goods, services, or construction and the lack of which would seriously threaten the functioning of the institution, the preservation or protection of property, or the health or safety of any person, the purchasing agent is authorized to make emergency procurements. The written authorization shall state the emergency condition upon which the emergency procurement is made and the justification for the selection of the particular supplier/vendor, and shall be placed in the contract file by Procurement Services. The purchasing agent shall ensure that the procurement is made with as much competition as reasonably practical.

## 5.0 PROCEDURES

### 5.1 Solicitation of bids or proposals

5.1.1 Procurement Services is responsible for soliciting sealed, advertised bids and proposals for procurements over the large-dollar threshold. This process includes the preparation, issuance, notification, receiving, opening, accepting, evaluating, negotiating, and awarding contracts. In conformity with the Utah Procurement Code, Procurement Services establishes guidelines to govern these processes.

5.1.2 Procurement Services ensures that specifications encourage competition while adequately describing the goods and/or services needed. Procurement Services will assist departments in the preparation, revision, and maintenance of specifications for goods, services, and construction required by the University.

5.1.3 All specifications shall be designed to promote overall economy and best use for the purposes intended and shall not be unduly restrictive.

5.1.4 A potential offeror, who has participated in the preparation of a specification, shall not be eligible to participate in, or receive, a contract award for any University procurement using such specification. Exceptions to this rule may be granted by Procurement Services if (a) an exception is justified by the existence of emergency conditions (see Section 4.5); (b) there is only one practicable source of supply for the contract requirements (see Section 4.3); or (c) it is not practical or advantageous to the University to deny participation or award to the potential offeror.



**5.2 Award of Contracts**

**5.2.1** Award shall be made to the responsible offeror whose bid or proposal is determined to be the most advantageous to the University, taking into consideration price and the evaluation factors set forth in the solicitation. The contract file shall contain the basis upon which the award is made.

**5.3 Protest**

**5.3.1** Protests filed by aggrieved bidders, offerors, or potential bidders or offerors, will be handled by Procurement Services in accordance with the Utah Procurement Code. Aggrieved parties may appeal the decision made regarding a protest in accordance with the Utah Procurement Code.

<b>POLICY HISTORY</b>		
<b>Date of Last Action</b>	<b>Action Taken</b>	<b>Authorizing Entity</b>