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Business & Fiscal Services
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References: *Good Practice/Optional*

AP 6330 Purchasing

(Replaces current SBCCD AP 6330)

GENERAL PURCHASING

A. Authority to Purchase

Authority to purchase goods and services under the formal bid limit has been delegated by the Board to the named agents on the authorized signature list. Only these district officers are authorized to execute purchase orders and contracts on behalf of the District. Purchase requests which meet or exceed the formal bid limit require pre-approval by the Board.

The purchase of goods and services shall be a centralized function performed by the Purchasing Department whereby all requests for purchase orders, contracts, and procurement cards shall be routed. The Purchasing Department shall comply with all applicable laws and regulations and established policies and procedures in conducting purchasing and contracting activities on behalf of the District.

Any purchase made by an employee without proper authorization will be considered an obligation and liability of the employee and not the San Bernardino Community College District. Employees shall not commit the District to any purchase or service obligation except through the Purchasing Department.

B. Purchasing Ethics

Purchasing functions will be carried out with fairness, dignity, honesty, integrity and in the most efficient manner consistent with service to the District, legal requirements, and sound procurement practices. The District's purchasing philosophy is to maintain professional relationships with all vendors. While vendors are free to advertise, their promotional efforts should not include gifts, favors, or any form of personal gratuities to any District employee.

Employee-Vendor Relationships

An employee-vendor relationship is any relationship between a District employee, officer, or agent and a proposed vendor that might create a conflict of interest. Employee-vendor relationships may cause the appearance of favoritism and have legal ramifications. District policy attempts to avoid preferential treatment in purchasing goods and services by separating employees' personal interests from the interests of the District.

Conflict of Interest

Employees, officers, or agents of the District must not be financially interested in any purchase for goods and services under the following conditions:

- The contract is between the District and the employee, or any member of his/her immediate family.
- The contract is between the District and a partnership, or unincorporated association of which the employee, or any member of his/her immediate family, is a partner or in which he/she is the owner or holder, directly or indirectly, of a proprietorship interest and/or shall benefit financially due to the contract or purchase.
- The contract is between the District and corporation in which any employee, or any members of his/her immediate family, is the owner or holder, directly or indirectly, of five percent (5%) or more of the outstanding common stock.

Also, see the District Board Policy and Administrative Procedures 2710 titled Conflict of Interest.

C. **General Purchasing Information**

1. All purchases or commitments to buy are made through the use of or commitments to buy require the issuance of a purchase order. Purchase orders will be issued by the Purchasing Department only upon receipt of a properly authorized purchase requisition. Departments shall not order or authorize the purchase of goods and/or services until a purchase order is issued by the Purchasing Department.

2. **Specifications**

Departments may submit their own specifications for supplies and/or equipment; however, the Purchasing Department has the authority to question requests, such as necessity, quantity, quality, and materials requested and to make recommendations where the general health and welfare or economy is in question. The Purchasing Department will provide assistance in the development of specifications as requested.

3. **Selection of Vendor**

The Purchasing Department will accept recommendations from the requesting department for potential vendors. New vendors will only be considered upon submittal of a completed vendor application and supporting documents that have been approved by the Purchasing Department. The District will endeavor, where possible, to encourage the use of local and small business enterprises in its procurement activities. On all procurement activities that must be competitively bid, or for which the District must receive quotes, such will be evaluated with a ten (10%) percent preference for local vendors. The vendor must claim local vendor preference to be considered. Please note the following exceptions:

- Where State Law or, other law or regulation precludes this local preference.
- Purchases made through cooperative purchasing and leveraged procurement agreements and piggy-back purchases.
- Public Works construction projects.

A "local" vendor will be approved as such when, 1) it conducts business in a physical location within the County of San Bernardino; and 2) it holds a valid business license issued by an agency within the County of San Bernardino; and 3) business has been conducted in such a manner for not less than six months prior to being able to receive the preference. Proof of eligibility will be provided to the District as part of the vendor application process. Subject to the Local Vendor Preference, final vendor designation will be made by the Purchasing Department.

4. **Sole Source Purchasing**

Sole source products are one-of-a-kind and are not sold through distributors but are provided by a

sole distributor. Sole source purchases will require documented, legitimate justification on the SBCCD Sole Source Justification Memo Form. The requesting department must address the unique performance features of the product that are not available in any other product or brand; why such features are required; and other products or brands evaluated and why they were rejected. Departments contemplating a sole source purchase should contact the Purchasing Department for further guidance. Requests for sole source purchases will be vetted by the Purchasing Department.

5. **Price Quotations & Bids**

For purchases of equipment, materials, or supplies to be furnished, sold, or leased to the District; purchases of services that are not construction services, not professional services, not insurance services nor any work done by day labor or by force account pursuant to Public Contract Code (PCC) Section 20655; and purchases of repairs, including maintenance as defined in PCC Section 20656, that are not public projects as defined in PCC Section 22002(c):

- If a purchase request is under a unit cost of \$20,000, only a verbal quote or vendor price list is required to determine cost.
- If a purchase request is a unit cost of \$20,000 or more, but under the formal bid limit set annually by the Board of Governors, at least three (3) written quotes on vendors' letterhead must be submitted with the purchase requisition.
- If a purchase request meets or exceeds the formal bid limit set annually by the Board of Governors, please refer to the bid procedures in AP 6340 titled Bids and Contracts.

NOTE: *The formal bid limit is annually adjusted by the Board of Governors as required by PCC Section 20651(d);*

For construction and public works projects under UCCAAP threshold:

- If a purchase request is under a unit cost of \$20,000, only a single written quote on vendor's letterhead is required with submission of the purchase requisition.
- If a purchase request is a unit cost of \$20,000 or more, but under the UCCAAP threshold, at least three written quotes on vendors' letterhead are required with submission of the purchase requisition.
- If a purchase request is over the UCCAAP threshold, please refer to bid thresholds and applicable bid procedures in AP 6350 titled Contracts – Construction.

The Purchasing Department may require price quotations for items regardless of the cost if it determines that such quotes would be in the best interest of the District.

6. **Bid & Contract Requirements**

See the following board policies and administrative procedures:

- BP and AP 6340 titled Bids and Contracts
- AP 6350 Contracts – Construction
- AP 6370 Contracts – Professional Services

7. **Date of Delivery**

Materials and services must be charged against and paid from appropriations within the fiscal year in which the material or service is actually received.

8. **Delivery Location**

Generally, all goods will be shipped to the District Warehouses. Each Warehouse shall receive and distribute purchased materials and equipment to the requesting department. Material and equipment subject to inventory shall be tagged and inventoried at the time of receipt.

9. Procurement with Grant Funding

Procurements made with grant funding will follow all applicable guidelines as outlined in the granting agency's letter of award as well as the District's policies and procedures. For federal awards this may include, but is not limited to, following the guidelines as detailed in the Code of Federal Regulations Title II, Part 200. State funded grants may require special processing as noted in the grant. Grant awardees and grant administrators are ultimately responsible for complying with any grant-related purchasing restrictions or requirements.

D. Procurement by Competitive Proposals for Federal Awards

The District conducts all procurement transactions in a manner providing full and open competition. The District does not place unreasonable requirements on firms, have noncompetitive pricing practices between firms, or specify only a brand name product instead of allowing an equal product and describing the performance or requirements of the procurement.

If competitive proposals are used, the District publicizes the requests for proposals and identifies all evaluation factors and their relative importance, solicits proposals from an adequate number of qualified sources available, and has a written method for conducting technical evaluations of the proposals received and for selecting recipients. The District considers any response to publicized requests for proposals to the extent practical, and awards contracts to the firm whose proposal is most advantageous to the program, with price and other factors considered.

For federal awards, the District conducts procurements in a manner that prohibits geographical preferences, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering services, geographic location may be a selection criterion if it leaves an appropriate number of qualified firms to compete for the contract.

E. Purchase Requisitions

A purchase requisition is prepared by an individual or department to request the Purchasing Department to buy specific items. The requisition will be routed to obtain all required approvals based on established approval paths. Required approvals will depend on the amount of the contemplated purchase, the type of items requested for purchase, and approving limits. Major purchases may require additional approvals. The requested information on the requisition provides guidance to the Purchasing Department as to the requester's preferences regarding vendor, specifications, etc. The Purchasing Department will review each purchase requisition for legality; availability of funds; proper use of expense account code based on the description of the requested purchase; and compliance with applicable laws, standards, funding restrictions and the District's policies and procedures.

F. Authorization of Purchase Orders

After a purchase requisition has been reviewed by the Purchasing staff, a purchase order is prepared and routed to an authorized district officer for approval. The named agents on the authorized signature list have been delegated authority to approve purchase orders under the formal bid limit. A purchase order under the formal bid limit only requires approval by one of the authorized district officers, and does not require approval by the Board to be legally enforceable. Purchase orders for contracted ERP catalog vendors are considered approved at the time of purchase order creation, with no additional authorization

required.

Any purchase request which meets or exceeds the formal bid limit set annually by the Board of Governors requires approval by the Board of Trustees to constitute an enforceable agreement.

Only an approved purchase order authorizes the vendor to deliver the supplies/equipment or provide the service requested. No vendor has authority to provide materials or services until an approved purchase order has been issued, signed and received by the vendor.

G. Change Orders

A change order may be required if there are material changes to the purchase order. The requisitioning department must submit a purchase order change notice form to the Purchasing Department to request a change order. A proper request will include the purchase order number, vendor name, the cause of the change order, a detailed description of the changes to be made on the purchase order, and the budget codes affected, if applicable.

H. Emergencies

In the event of a health and safety emergency, authority to purchase may be obtained from the Purchasing Department and a purchase order can be issued without a fully authorized purchase requisition. Such approval must be obtained from the Purchasing Department in advance of the purchase.

I. Procurement Card Program

The District administers a Procurement Card Program, which provides a simplified method for end-users to procure low-value purchases of authorized commodities and services using a specialized credit card. Refer to the Procurement Card Document Library located on the Business Services webpage, for information on eligibility, rules and restrictions.

J. Fuel Card Program

The District also administers a Fuel Card Program, which provides a simplified method for end-users to procure fuel for District-owned vehicles using a specialized credit card.

K. Policy and Procedural Violations

Any violation of purchasing policies and or procedures, whether contained in this or other administrative procedures, board policies, or document libraries, will require the submittal of an audit exception memo to Business Services. Violations deemed serious enough may result in disciplinary action up to and including termination of employment.

References:

Education Code Section 81656;

Public Contract Code Sections 20650 and 20651

Code of Federal Regulations, Title 2, 200.318, 200.319, 200.320

Attachments

[AP 6330 Purchasing- Comments](#)
[AP 6330 Purchasing- Legal Citations](#)
[AP 6330 Purchasing.docx](#)
Changes pending prior to addition of federal language

Approval Signatures

Step Description	Approver	Date
	Policy Stat	04/2019
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