

Procurement Policy

Purpose of the Policy

CSTE established this policy to ensure that materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal statutes and executive orders in particular OMB Circular A-110.

Code of Conduct

No employee, officer or agent shall participate in the selection, award or administration of a contract if a real or apparent conflict of interest would be involved. The officers, employees, and agents shall neither solicit nor accept gratuities, favors, or anything of redeemable monetary value from contractors or parties to subagreements. Violations of this code shall result in disciplinary action up to and, possibly, including termination of employment, loss of office, or loss of contract.

Purchase Orders

Purchase orders are issued to document the authorization of expenditures, avoid purchasing unnecessary or duplicate items, and to notify accounting of expected invoices. Purchase orders must be obtained for the procurement of goods or services over \$500. Where appropriate make a written analysis of lease/purchase alternatives.

Procedure for Obtaining a Purchase Order (internal National Office):

1. Complete a "Purchase Order Request" form and submit to a supervisor for approval.
2. After approval, the supervisor will forward the request to the Business Manager, who will issue the purchase order number.
3. A copy of the approved purchase order "with assigned purchase order number" will be returned to the requesting CSTE staff member. "When order is placed, ask the vendor to reference this purchase order number on the invoice."

Requests for Proposals

Solicitations for goods and services must provide for the following.

1. Purchases should be competitive.
2. Solicitations must contain a clear and accurate description of the item/service, and any requirements for successful completion, (time frame, technical requirements-including a range of acceptable characteristics or minimum acceptable standards).
3. Solicitations will not contain features that will restrict competition.

4. Solicitations will contain the specific features of “brand name or equal” descriptions that bidders are required to meet when such items are included in the solicitation.
5. When practical and feasible, items dimensioned in the Metric System will be used.
6. If practical and feasible, preference should be given to products and services that conserve natural resources and protect the environment.
7. A contractor that developed or drafted the specifications, requirements, and invitations for bids or requests for proposals shall be excluded from competing for such procurements.
8. “Cost Plus” or “Percentage of Costs” Contracts will not be used. Unlike firm fixed-price contracts, these are contracts where the final amount is not determined until after the project is complete. They provide no incentive for controlling costs.
9. Make positive efforts to utilize small businesses, minority owned firms, and women’s business enterprises whenever possible. These efforts include:
 - a) Making information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by these firms.
 - b) Considering in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority owned firms, and women’s business enterprises.
 - c) Encouraging contracts with consortiums of small businesses, minority owned firms, and women’s businesses when a contract is too large for one of these firms to handle individually.
 - d) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce’s Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women’s business enterprises.

Criteria for Contractor Selection

Make contracts only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources. The CSTE Business Manager will verify that the contractor is not restricted by agencies’ implementation of E.O.’s 12549 and 12689, “Debarment and Suspension.” Currently, this can be done by searching the following website <http://epls.arnet.gov>. The CSTE Business Manager will also make contractors awarded \$300,000 or more aware that they must have an A-133 audit.

Record Keeping Requirements

For a procurement of goods or services over \$500, records should be maintained that include:

1. The basis for contractor selection;
2. The justification for lack of competition if not obtained; and
3. The basis for award cost or price.

For a procurement of goods or services over \$25,000, all records regarding the process and selection must be maintained and made available, upon request, to the awarding agency for preaward review whenever any of the following conditions apply.

1. The procurement is over \$25,000 and is to be awarded without competition or only one bid is received.
2. The procurement is over \$25,000 and specifies a "brand name."
3. The procurement is over \$25,000 and it is to be awarded to other than the apparent low bidder.
4. A contract is to be modified by more than \$25,000 or the scope is changed.

Contract Review and Award Protocol for Contracts Exceeding \$25,000

Certain activities of the Council may require the use of outside contractors who can provide skills or resources neither the Council nor its staff can provide. To ensure that contractors are selected in an objective manner, the following procedure is to be followed whenever a need to employ an outside resource arises, and the contract award is more than \$25,000:

1. ~~The appropriate committee chair, in cooperation with the Executive Director or staff and the committee members~~ Executive Director or appropriate CSTE Staff, in cooperation with the Executive Committee, shall develop a "scope of work" that outlines the activities to be performed, the deadlines for these activities, and the deliverables for the project. This "scope of work" shall also include a projected budget and objective criteria for evaluating proposals from potential offerors.
2. The Executive Director shall distribute the scope of work as a "request for proposal" to potential offerors. Proposals will be submitted to the National Office by a specified deadline. If the Executive Committee directs the Executive Director to award funds in a non-competitive manner, the Executive Director will be responsible to ensure the justification provided by the Executive Committee for this action is documented.
3. ~~The president~~ Executive Director shall appoint three members of CSTE ~~the Council~~ to an ad hoc "Review Team" for the purpose of evaluating the contract proposal ~~recommendations of the committee~~. These three individuals shall not be members of the committee ~~soliciting the subcontract~~ that developed the "scope of work". The ~~evaluation team~~

Review Team will then make a recommendation to the Executive Committee and Executive Director ~~as to whether it concurs with the ranking or recommendation of the committee.~~ The Executive Committee will vote on the recommendation, by mail or phone if necessary, and inform the Executive Director ~~and the committee chair~~ of the decision. Administration of the contract award will then be the responsibility of the Executive Director.