C.1.5 (Policy) Purchasing and Acquisitions
Responsible Department: Vice Chancellor for Finance and Administration
Board Adoption: 8-18-09
Last Board Action: 7-28-20, 9-15-20, 10-20-20; 8-16-22, 3-26-24, 5-21-24

Best Value

The Board seeks to accept the bid or proposal that represents the best value for the College District after considering all legally permissible factors in awarding a contract. This policy applies to the purchase of personal property, improvements to realty, goods or services. For additional construction-related procedures, see C.2.3.4.

Purchasing Authority Delegation

The Board delegates to the Chancellor and to Purchasing & Contract Administration the authority to determine the method of purchasing pursuant to state law (excluding only Subchapters C (Construction Manager-Agent Method) and E (Design-Build Method) of Texas Government Code Chapter 2269, and to make budgeted purchases. The Chancellor or Purchasing & Contract Administration shall serve as hearing officer for proposer complaints regarding specifications or other elements of the procurement process. The Board of Trustees delegates authority to Purchasing & Contract Administration to award purchase orders and contracts up to $200,000 in any 12-month period, subject to full compliance with all applicable Texas state procurement laws, Board policies, Alamo College procedures and any applicable grant or other funding requirements. The threshold for compliance with the competitive procurement requirements shall be as specified by Texas state procurement laws (currently $50,000 in any rolling 12-month period), and the approval of purchases not expected to exceed $200,000 for any twelve-month period are delegated to the Chancellor and Purchasing & Contract Administration.

Board-Awarded Purchases

Purchases over $200,000 in any 12-month period must have the approval of the Board of Trustees. Purchasing & Contract Administration will prepare and submit a Minute Order for consideration and action by the Board of Trustees, through the office of the Vice Chancellor for Finance & Administration, with the concurrence from the Vice Chancellor or College President.

Competitive Purchases

Except for the exceptions stated in TEXAS EDUCATION CODE Section 44.031, all Alamo Colleges contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at $50,000 or more in the aggregate for each 12-month period shall be made by the method, of the following methods, that provides the best value for the District:

(1) competitive bidding for services other than construction services;
(2) competitive sealed proposals for services other than construction services;
(3) a request for proposals, for services other than construction services;
(4) an interlocal contract;
(5) a method provided by Chapter 2269, Government Code, for construction services;
(6) the reverse auction procedure as defined by Section 2155.062(d), Government Code; or
(7) the formation of a political subdivision corporation under Section 304.001, Local Government Code.

Competitive Purchase Specifications

Purchasing & Contract Administration shall ensure that the staff prepares detailed specifications for any competitive purchase, regardless of procurement method.

Competitive Procurement Evaluation

For purchases subject to competitive procurement requirements, the documents soliciting bids or proposals must identify weighted evaluation criteria. These criteria are determined at the discretion of the Purchasing & Contract Administration Department, in consultation with the using department and/or the selection committee and shall be relevant and material to properly evaluate a bid or proposal. For the purchase of goods and services other than construction and professional services, the evaluation criteria shall include best value concepts, which allow consideration of the overall combination of quality, price and other elements that in total are optimal relative to the needs of Alamo Colleges.

When best value analysis applies, it is District policy that cost should be given as much consideration as is reasonable, balancing price against the technical difficulty or expertise required to develop a bid or proposal for the purchase of General Goods or Services (automobiles, office supplies, tools). Criteria Weighting Guidelines are provided in Table 1.1. With the prior approval of the Vice Chancellor of Finance and Administration, a lesser percentage than listed in Table 1.1 may be applied toward price. The weight afforded to price should only be reduced when there is substantial uncertainty as to the nature of the statement of work or respondents are required to demonstrate extraordinary expertise in formulating and implementing the statement of work for the purchase of Specialized Goods or Highly Complex Services (software, financial services, banking services).

After considering price, Alamo Colleges may utilize, other than for construction, any of the following evaluation criteria in the tables below.

TABLE 1.1: CRITERIA WEIGHTING GUIDELINES (EXCLUDING CONSTRUCTION)	Select from the suggested evaluation point ranges for the purchase of General Goods or Services	Select from the suggested evaluation point ranges for the purchase of Specialized Goods or Highly Complex Services
Purchase price.	30-80	20-50
Reputation of the vendor and of the vendor's goods or services.	0-10	0-10
Quality of vendor's goods and services.	0-20	20-30
The extent to which the goods or services meet the district's needs.	20-30	20-30
The vendor's past relationship with the district.	0-10	0-10
The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses.	(currently no laws exist)	(currently no laws exist)
Total long-term cost to the district to acquire the vendor's goods or services.	0-10	0-30
Any other relevant factor specifically listed in the request for bids or proposals, including the Small, Minority, Women, Veteran Business Enterprise (SMWVBE) Subcontracting Plan	0-20	0-30
Whether the vendor or the vendor's ultimate parent company or majority owner: (A) has its principal place of business in this state; or (B) employs at least 500 persons in this state.	0-10	0-10

The listed criteria are the only criteria that may be considered by the College District in its decision to award a contract. The College District may apply one, some, or all of the criteria, but it may not completely ignore them.

For construction procurement, the College District will follow the procedures required by law, which presently appear at Texas Government Code Chapter 2269. The Board has authorized and delegated to the Chancellor its authority to select from amongst, the following construction methods for any particular construction project: Competitive Bidding; Competitive Sealed Proposal; Construction Manager-at-Risk; and Job Order Contracting. The Chancellor is authorized to sub-delegate the authority of law, presently set forth at Section 2269.55.

Sole Source Purchases

Without complying with requirements for Competitive Purchases in this policy, Alamo Colleges may purchase an item that is available from only one source, including:
(1) an item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly;
(2) a film, manuscript, or book;
(3) a utility service, including electricity, gas, or water; and
(4) a captive replacement part or component for equipment.

The Sole Source purchase exceptions do not apply to mainframe data-processing equipment and peripheral attachments with a single-item purchase price in excess of $15,000.

Professional Services

The competitive procurement requirements do not apply to a contract for professional services rendered, including services of an architect, attorney, certified public accountant, engineer, or fiscal agent. Alamo Colleges may, at its option, contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Section 2254.003, Government Code, in lieu of the methods provided. Professional services are not exclusively defined by TEXAS EDUCATION CODE Section 44.031 or TEXAS GOVERNMENT CODE Chapter 2254, and the contracting requirements of that latter section apply only to the professions therein listed, those being:

(i) accounting;
(ii) architecture;
(iii) landscape architecture;
(iv) land surveying;
(v) medicine;
(vi) optometry;
(vii) professional engineering;
(viii) real estate appraising; or
(ix) professional nursing.

Receipt of Electronic Bid or Proposal Responses

Purchasing & Contract Administration shall adhere to rules to ensure security and confidentiality for receiving Bids or Proposal through electronic transmission pursuant to Texas Education Code Section 44.0313, which shall ensure that the electronic bids or proposals remain effectively unopened until the time identified within the solicitation. Purchasing and Contract Administration shall determine the circumstances under which paper responses will be accepted consistent with the requirements of applicable law.

Change Orders

If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, Purchasing & Contract Administration may approve change orders making the changes. The total contract price may not be increased because of the changes unless additional money for increased costs is in the budget for that purpose from available money or is provided for by the authorization of the issuance of time warrants.

Purchases or contracts approved by the Board with an amount of $200,000 - $999,999: Purchasing & Contract Administration is delegated authority to change executed purchase orders or contracts, except that prior Board approval is required for any change order or amendment providing for an increased District financial commitment that causes the total of all increases since the original or most recent Board-approved amount to exceed $200,000. These principles shall not apply only if authority to exceed the approved amount is expressly delegated by the Board or an exception is expressly adopted by the Board for that contract.

A contract with an original contract price of $1 million or more may not be increased by more than 25 percent without a redetermination of whether competitive procurement must be performed. If a change order for a contract with an original contract price of less than $1 million increases the contract amount to $1 million or more, the total of the subsequent change orders may not increase the revised contract amount by more than 25 percent of the original contract price. Board delegation, exception or approval is not sufficient under these circumstances.

Communication with Contractors, Consultants, and Other Vendors

From the date the project is approved for publication until a contract is executed, no College District Board member or employee other than authorized Purchasing & Contract Administration personnel shall communicate with potential contractors, consultants, or other vendors (referred to collectively as potential proposers/bidders) who are interested in, or in the view of a reasonable person situated similarly to the potential proposer/bidder, might reasonably become interested in, any non-construction competitive procurement opportunity. Rules governing communication for construction-related procurement opportunities are found in

C.2.3.4.

Responsibility for Debts

The Board shall assume responsibility for debts incurred in the name of the College District so long as those debts are for purchases made in accordance with adopted Board Policy and current administrative procedures. Persons making unauthorized purchases may be responsible for all such debts.

Authorized Purchases

Unless state law or Board policy requires the Board to make or approve a purchase, authorized College District employees in charge of a department or college budget may requisition Purchasing & Contract Administration to purchase items included in their approved budget, in accordance with administrative procedures.

Exclusive Purchase Commitments & Contract Execution Authority

All purchase commitments shall be memorialized by the Chancellor or Purchasing & Contract Administration on a properly drawn and issued purchase order or agreement approved in accordance with administrative procedures. Purchasing & Contract Administration is delegated exclusive signature authority for all vendor transaction agreements, other than the retention and compensation of outside counsel by the Office of Legal Services as provided for in Policy B.7.2. Centralizing the contract signature authority for vendor purchases and agreements will reasonably assure the reliability of reporting, effectiveness, and compliance with applicable laws and policies.

Emergency Purchases

Emergency purchases as defined by Texas Education Code 44.031(h) must be approved by the Chancellor or Purchasing & Contract Administration prior to award and processed to ensure all requirements are met. All such purchases shall be presented to the Board of Trustees for ratification.

State and Cooperative Purchases

The Board authorizes the Chancellor or Purchasing & Contract Administration to approve state and cooperative contract purchases. Purchasing & Contract Administration shall report each such purchase of $200,000 or more to the Board on a monthly basis.

Verifying Purchases

The Purchasing & Contract Administration shall establish procedures regarding the manner of verifying the quality, quantity, and physical condition of the materials received so that approval for payment may be established.

Detailed Purchasing Procedures

The Purchasing & Contract Administration shall supplement this policy with detailed purchasing procedures and instructions.

Small, Minority, Women, and/or Veteran-Owned Business Enterprises Program (SMWVBE)

It is the policy of Alamo Colleges to encourage the use of Small, Minority, Women, and/or Veteran-Owned Business Enterprises as herein below defined to assist in the implementation of this policy through race, ethnicity, and gender-neutral means. The purpose of this program is to ensure that SMWVBE's are provided the maximum practicable opportunity to participate in all purchasing and contracting opportunities.

"SMWVBE" means a company with a certification designation from an authorized certification agency as a small, minority or a woman group certification, such as a Historically Underutilized Business (HUB), or Minority Business Enterprise (MBE), or Women Business Enterprise (WBE), Small Business Enterprise (SBE), and/or Veteran Business Enterprise (VBE).

The Vice Chancellor for Finance and Administration will establish the Alamo Colleges Aspirational Goal for the SMWVBE Program based on an analysis of projected annual purchases and a survey of available SMWVBEs registered with the Alamo Colleges and/or the South Central Texas Certification Agency. The primary means for achieving the Aspirational Goal will be through race- and gender-neutral principles.

The SMWVBE Aspirational Goal will be reviewed annually by the SMWVBE Program Office. Any recommendations for adjustment will be submitted to the Vice Chancellor for Finance and Administration approval. Progress towards the Aspirational Goal will be reported annually to the Board of Trustees.

In addition, Alamo Colleges considers entering into a contract for the purchase of goods, services, construction services, or professional services with an expected value of $50,000 or more shall, before soliciting bids, proposals, offers, or other applicable expressions of interest for the contract, determine whether there will be subcontracting opportunities under the contract. If the SMWVBE Program Office determines that there is that probability, the Purchasing & Contact Administration Department will incorporate the SMWVBE Subcontracting Plan requirements and evaluation criteria into the solicitation for bid, proposal, offer, or other applicable expression of interest.

Local Suppliers

There is no statutory authorization for the Alamo Colleges District to give consideration to a vendor in a competitive procurement due to the location of its principal place of business, as there is for cities and certain other local governments. The Alamo Colleges District will utilize the existing authority to advance the objective to the extent permissible.

Working together, Requisitioners and Purchasing & Contract Administration will assess purchase requirements for:

Competitive Purchases ($50,000 or more) - establish minimum qualifications for awarding to local suppliers when service requirements require a local a provider (as with some maintenance or other services) due to response time, accessibility, etc.; and
Informal (under $50,000) and COOP Purchases - select from local suppliers considering our requirements and vendor availability.

Procedure C.1.5.1 Purchasing Authority

Legal Reference - TACC Policy Reference Manual
CF(LEGAL) - Purchasing and Acquisition
CFE(LEGAL) - Purchasing and Acquisition: Vendor Relations
CFF(LEGAL) - Purchasing and Acquisition: Payment Procedures
CFG(LEGAL) - Purchasing and Acquisition: Real Property and Improvements
CFH(LEGAL) - Purchasing and Acquisition: Financing Personal Property Purchases