

Fayetteville Technical Community College Purchasing Procedures Manual

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Procurement & Special Projects Manager

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INTRODUCTION

This manual is intended to provide FTCC employees with the proper policies and procedures necessary for the procurement of goods and services. Fayetteville Technical Community College, through the NC Community College System and the NC Division of Purchase and Contract, is charged with jurisdiction and control over the specifications to purchase or contract for equipment, materials, supplies and services under the NC General Statutes.

STATUTORY AUTHORITY AND NC STATE BOARD OF COMMUNITY COLLEGES

Community colleges are required by General Statute 115D-58.5 to purchase all supplies, equipment and materials by contracts made by or with the approval of the Division of Purchase and Contract of the Department of Administration.

Additional resources needed to ensure that FTCC meets all requirements in conducting day to day purchasing activities are the NC State Board of Community College Code Title 1 Chapter 5 ([P & C Home Page](#)), Title 4 Chapter 21 ([ITS Home Page](#)), Article 3 and 3C of Chapter 143 and Article 3D of Chapter 147 of the General Statutes.

COMPETITION

Competition is the cornerstone around which public contracting is built. Fayetteville Technical Community College's purchasing program is based on sound competitive purchasing procedures. Where competition is not sought, or obtained, the reason must be valid and must be documented as part of the public procurement file.

The importance of seeking competition exists at all levels of expenditure, not just in those solicitations above benchmarks. Below the benchmarks, the competitive element is just as important and can be sought through some form of competitive solicitation. All agency purchasing personnel must maintain an awareness of the need for and value of competition in every procurement action.

Fostering competition is an attitude more than a procedure or mechanism. It is reflected in the way specifications are written, in searching for new sources of supply, in attempting to make procurement documents simple and inviting, and in everyday courteousness shown to prospective suppliers and contractors.

Price is not the only consideration in seeking competition. Other factors include: terms and conditions, delivery schedules and lead times, types and degrees of service required, inspection and testing procedures, transportation and delivery costs, warranties and guarantees required, etc.

DEFINITIONS

AGENCY: All departments, institutions, boards, commissions, universities, Purchase & Contract, or other units of the State, and community colleges.

AGENT: A person who, by express or implied agreement, is authorized to act for the institution in business dealings with a third party.

AGENCY SPECIFIC TERM CONTRACT: A term contract for use by a specific agency. Depending on the dollar value of the contract, it may be handled by P & C or the agency.

BEST VALUE PROCUREMENT: The terminology used in G.S. 143-135.9 to identify the method required for purchasing information technology commodities and services.

BRAND SPECIFIC: A particular product is needed due to standardization or compatibility. Written justification should be provided.

BUYER: Authorized agent of the institution to buy, purchase or enter into contract with a supplier.

COMMODITY: Any equipment, materials, or supplies of like group.

COMPETITION: The fair and open solicitation of offers from more than one source; the receipt of offers from more than one source. Competition must be reasonable and adequate for the amount of the expenditure and the specific requirement.

CONSULTANT SERVICE: Work or task performed by State employees or independent contractors possessing specialized knowledge, experience, expertise and professional qualifications to investigate assigned problems or projects and to provide counsel, review, analysis or advice in formulating or implementing improvements in programs or services. This includes, but is not limited to, the organization, planning, directing, control, evaluation and operation of a program, agency, or department.

CONTRACTUAL SERVICE: When an independent contractor performs services requiring specialized knowledge, experience, expertise or similar capabilities for a State agency for compensation from agency funds. The services may include (by way of illustration, not limitation) services such as, maintenance of buildings or equipment, auditing, film production, employee training and food service, provided that the service is not primarily for review, analysis or advice in formulating or implementing improvements in programs or services (in which case rules relating to Consultant Contracts shall be applicable).

DELEGATIONS:

- General Delegation: The authority granted by the SPO for an agency to handle purchases made under a certain dollar amount, in accordance with the guidelines in this manual.
- Special Delegation: The authority granted by the SPO for an agency to handle a specific or special purchase, where it would serve no practical purpose for the purchases to be handled by P & C.

EMERGENCY: A situation which endangers lives, property, or the continuation of a vital program and which can be rectified only by immediate on-the-spot purchase (or rental) of equipment, supplies, materials, printing, or contractual services (also see Pressing Need).

EQUIPMENT: An item that represents an investment of money that can be capitalized. The “stand-alone” item retains its original shape and appearance with use and does not lose its identity through the incorporation into a different or more complex unit or substance.

The State categorizes a piece of equipment as being one single item costing \$5,000 or more.

FORMAL PROJECT: Any project (construction) requiring the estimated expenditure of \$500,000 or more for construction contracts, design fee, and construction contingency, regardless of the source of funds.

FUNCTIONAL EQUIVALENT: Item that meets or exceeds specifications provided by end user.

HUB (Historically Underutilized Business): Any one of the following: a minority-owned business, a female-owned business, a disabled-owned business, a disabled business enterprise, a non-profit workshop for the blind or severely disabled.

INFORMAL PROJECT: Any project (construction) where the authorized funding or the total project cost is realistically estimated at less than \$500,000 for construction contracts, design fee, and construction contingency, regardless of the source of funds.

INFORMATION TECHNOLOGY (IT): Electronic data processing goods and services and telecommunications goods and services, microprocessors, software, information processing, office systems, any services related to the foregoing, and consulting or other services for design or redesign of information technology supporting business processes.

INSTALLMENT PURCHASE: A contract in which the agency's established periodic payments are applied to fulfill the payment obligations for ownership of the commodity. Used when ownership of commodity at time of possession is intended.

INVITATION FOR BID (IFB): The formal advertised written solicitation document used for seeking competition and obtaining offers within the price range of \$10,000 to \$25,000.

INTERACTIVE PURCHASING SYSTEM (IPS): North Carolina Division of Purchase and Contract's Interactive Purchasing System that contains solicitations for many agencies throughout the State.

LEASE: A contract conveying use of a commodity for a designated period of time in return for established periodic payments.

LEASE-PURCHASE: (Conditional Sales Contract) A contract conveying from one to another use of a commodity for a designated period of time in return for established periodic payments, with an option or obligation to purchase the commodity. Used when outright ownership is uncertain or when it is the intent to delay ownership.

NEGOTIATION: The act of making a purchase when all offers have been rejected, or when there is justification for waiving the competitive process, or when an emergency or pressing need arises.

OFFER: The term may refer to a proposal, quote, or bid submitted in response to a Request for Proposals, Request for Quotations, Invitation for Bids, or Negotiation.

OFFEROR: Company, firm, corporation, partnership, individual, etc. submitting a response to a solicitation document or in response to a negotiation.

OPEN MARKET CONTRACT: A contract for the purchase of a commodity or contractual service not covered by a term contract.

PRESSING NEED: A need arising from unforeseen causes including but not limited to, delay by contractors, delay in transportation, breakdown in machinery, or unanticipated volume of work, and which can be rectified only by immediate on-the-spot purchase (or rental) of equipment, supplies, materials, printing, or contractual services (also see Emergency).

PURCHASE: The solicitation of, and acceptance of, an offer to (1) provide a service, or (2) lease or rent a commodity, or (3) sell a commodity outright, or (4) sell a commodity through a lease purchase or installment purchase contract.

RENTAL: A contract for the right to use a commodity or product for a period of time, usually with payments made at intervals over the period of use, and normally providing for short notice of cancellation.

REQUEST FOR PROPOSALS: An informational written procurement document used for seeking competition and obtaining offers for services.

REQUEST FOR QUOTE: An informal written procurement document used for seeking offers within the price range of \$5,000 to \$10,000.

SMALL PURCHASE: The purchase of an item, printing job, or contractual service, not covered by a term contract, involving an expenditure of \$5,000 or less.

SOLE SOURCE: When an item or service is available from only one known source of supply. This usually requires research to confirm and documentation for the file.

SOLICITATION DOCUMENT: A written Request for Quotation, Request for Proposals, or an Invitation for Bids.

STATE PURCHASING OFFICER (SPO): Responsible for administering the State's program for the acquisition and management, and disposal of personal property, as well as, the acquisition of services for state agencies.

STATEWIDE TERM CONTRACT: A term contract handled by P & C for all agencies, unless exempted by statute, rule, or special term and condition specific to that contract.

PURCHASING BEHAVIOR

ETHICS

Ethics and ethical practices are a major concern in the realm of public purchasing today. While laws and rules mesh to provide a mechanism for public purchasing, only people can make it work. In purchasing, as in all fields, there are values of pride and worth, there are standards and ideals, and there are specifics of conduct and performance. Impediments to the process must be detected early and safeguards provided at all levels. This applies to all those involved in the purchasing process and the vendor community.

Ethical behavior is a necessity. It takes only the slightest hint of impropriety to cast doubt on behavior. Sometimes, it may even be more of a perception than an actual event.

The College Code of Ethical Conduct is found in the Administrative Procedures Manual.

INTEGRITY

Fairness and impartiality in all phases of the process are essential ingredients in public purchasing. Integrity is manifested through fairness, openness, honesty, objectivity, and impartiality.

Like all service functions, the purchasing department's justification is the quality of the service it renders. The purchasing process cannot be both effective and self-serving; the two are incompatible. Fairness is required in expending public funds. No matter how strongly a user may prefer a particular product or service over others, equivalent products and services must be given every reasonable consideration.

RESPONSIBILITY

Any Fayetteville Technical Community College contract for the purchase or lease of any commodities, printing or services, that is contrary to statutes or rules, such contract may be void and of no effect. In addition, anyone making such purchases may be personally liable for the costs incurred.

COLLEGE REQUIREMENTS/DELEGATIONS

PURCHASE ORDER REQUIREMENT

A purchase order is required before a purchase is made or receipt of any material and/or service is made. There are no exceptions due to fund source. Some professional service agreements are processed without the issuance of a purchase order due to all information related to cost not being available prior to completion of services. FTCC is not responsible for payment of purchases obtained without prior authorization.

EMPLOYEES PURCHASING MATERIAL OR SERVICE WITHOUT PRIOR WRITTEN OR VERBAL AUTHORIZATION FROM THE PURCHASING OFFICE MAY BE HELD RESPONSIBLE FOR PAYMENT OF SUCH PURCHASES.

Instructional supply funds are allocated to instructional departments. The proper and judicious expenditure of such funds is the responsibility of each department. Employees should request supplies at least ten (10) days prior to the time the materials are needed. On orders that are to be placed with out-of-town vendors, a period of four (4) weeks should be allowed. If items are to be bid, please allow approximately thirty (30) days for the request for quotations to be sent out and received back for review. Incorrect or incomplete information may result in a purchase delay or the procurement of an incorrect item. In the event the item requested is a brand specific or sole source purchase, a complete written justification for the purchase is required.

STATE CONTRACT PURCHASES

Statewide term contracts have been established by Purchase & Contract. These contracts shall be the first source of supply. Items on state contract have been through a formal bidding process with Purchase & Contract, so additional bids are not required. Contract information is available at www.pandc.nc.gov/. These contracts should be utilized whenever possible. Equipment or supplies listed on state contract must be purchased from vendors listed on the contract in accordance with state law or a detailed justification must be furnished stating why the items on contract are unacceptable. NOTE: Price is not a justifiable reason for not ordering from state contract.

DETERMINATION OF EQUIPMENT vs. SUPPLY

When determining the cost of an individual item, be sure to include tax, shipping, handling, installation, training (per System Office), maintenance, and other costs necessary to make the item operational; exclude maintenance when it appears as a separate line item on a quote.

FTCC separates commodity purchases into four (4) categories: capitalized equipment, non-capitalized equipment, non-capitalized high-risk equipment, and supplies.

Capitalized Equipment

Definition: Any item that costs \$5,000.00 or more.

- Issued a State ID number.
- Added as a capitalized fixed asset in Colleague with the appropriate fund source.
- Property Control inventories these items annually.
- 17_920_97(or 20)_55#####_##### or 0#_###_##_55#####_##### (Expense 551000, 551100, 551200, 552000, 553000, or 554000)
- 21_130_97_539100_##### County Capitalized Replacement Equipment

Non-Capitalized Equipment

Definition: Any item that costs more than \$2,499.99 and less than \$5,000.00.

- Not issued a State ID number.
- Not added as a fixed asset in Colleague.
- Individual departments are responsible for equipment accountability.
- These assets are non-consumable and have an extended useful life of two years or more.
- 17_920_97(or 20)_555100_##### or 0#_###_##_555100_#####
- 21_130_97_539110_##### County Non-Capitalized Replacement Equipment

Non-Capitalized High-Risk Equipment

Definition: Any item that costs less than \$5,000.00 and has been classified high-risk by the State or the College.

- Issued a State ID number.
- Added as a non-capitalized fixed asset in Colleague with fund source 9.
- Property Control inventories these items annually.
- High-risk items are: data processing and networking equipment, servers, computers, laptops, portable projectors, I-pads and other tablets, and weapons.
- Equipment purchased with grant funds (which specify equipment be tracked) will be coded and handled as non-capitalized high-risk equipment. **Workforce Development threshold is \$500.**
- 17_920_97(or 20)_555200_##### or 0#_###_##_555200_#####

Supplies

Definition: An item that costs less than \$2,500.00.

- Not issued a State ID number.
- Not added as a fixed asset in Colleague.
- 11_###_##_52#####_##### or 0#_###_##_52#####_#####
- Per System Office, Training will be coded to the same budget code as the item itself.
- Maintenance will be coded to Maintenance Agreement (Expense 5354##).
- Some VOE codes (92 Campus Security) have different supply thresholds so that items are paid from current rather than capital funds (See P0044714, P2065E and P2066E).
- Software is expendable and is considered supply.

DETERMINATION OF BID REQUIREMENTS

A complete order (non-contract items) totaling less than \$5,000, **excluding tax** but including shipping, installation, training or any other related cost, may be submitted without securing bids or quotes. Wise spending and budget accountability is everyone's responsibility; therefore, always seek the best price available. Please keep in mind that orders totaling \$5,000 or more should not be split into smaller purchases to eliminate the need for bids.

A complete order (non-contract items) totaling \$5,000 to \$9,999.99, **excluding tax** but including shipping, installation, training and any other related cost, requires formal written quotations. When submitting orders in this price range, please submit complete specifications and/or literature as well as names, phone numbers, and addresses of suggested vendors on the request form. Requests for Quotations may be sent by the Purchasing Office and are usually sent to a minimum of three (3) vendors.

A complete order (non-contract items, non-IT related) totaling \$10,000 or more, excluding tax but including shipping, installation, training and any other related cost, will be forwarded to the NC Department of Administration, Division of Purchase and Contract for formal written bids. A complete order (non-contract IT-type items) totaling

\$25,000 or more, excluding tax but including shipping, installation, training and any other related cost, will be forwarded to State of North Carolina, Statewide IT Procurement for formal written bids. Again, please provide complete specifications and a list of suggested vendors. IT IS YOUR RESPONSIBILITY WHEN YOU REVIEW THE BIDS AND INFORMATION RECEIVED TO MAKE SURE THAT THE ITEM THAT YOU RECOMMEND FOR PURCHASE MEETS THE SPECIFICATIONS THAT WERE REQUESTED.

EMERGENCY PURCHASES

Emergency purchases will be made in the same manner as regular purchases, except the person desiring the necessary supplies or service may hand-carry the requisition through the appropriate chairperson, dean, and any other necessary approving authority, and then to the Purchasing Office. The dean/AVP may also contact the Purchasing Office for a verbal, emergency purchase order number after they have approved the requisition. Regardless of the nature of the emergency, the aforementioned purchasing guidelines must be met. Careful planning on the part of all employees will help minimize the volume of emergency purchases.

CONTRACTED SERVICES

Generally, terms of service contracts should not exceed a one-year term: however, an exception to this rule occurs where a vendor must make a significant investment in equipment to perform the service. In these cases, a contract term with an initial one-year term, with renewals up to five years may be considered.

RECEIVING REPORTS

The faculty or staff member requesting supplies and equipment will receive a receiving copy of the completed purchase order at the time the order is issued to the vendor. Upon receipt of item(s) ordered, each faculty or staff member will be required to sign a delivery ticket. When the material has been received, the receiving copy must be signed by the faculty or staff member, noting the date and quantity of item(s) received and returned to the Purchasing Office within two (2) days. The receiving copy must be returned per instructions. Those faculty or staff members who continually refuse to comply with this procedure will be prohibited from ordering items. If an item is received broken or if an item is back ordered, please advise the Purchasing Office.

RETURNING PRODUCTS TO SUPPLIERS

The FTCC Purchasing Office must be notified prior to returning or exchanging any merchandise to a supplier within 48 hours of receiving the merchandise. Permission to return must be granted by the supplier. Information required to obtain return authorization includes, but is not limited to:

- Purchase order number

- Item number on the purchase order
- Description of item to be returned
- Quantity to be returned
- Reason for return
- Replacement or refund requested

E-PROCUREMENT

As of April 15, 2004, Fayetteville Technical Community College became an active participant in the North Carolina E-Procurement System. E-Procurement allows registered vendors to conduct business directly with state agencies via the Internet. Suppliers who wish to receive FTCC purchase orders must register their company online with E-Procurement. During the registration process, suppliers will be asked to specify their preferred method for receiving purchase orders (email or fax) and to provide billing information. While there is no registration fee, suppliers will be charged a 1.75% marketing fee for all applicable goods purchased through E-Procurement. Services are not subject to the marketing fee. Companies may register on the NC @ Your Service website at <https://vendor.ncgov.com/login.jhtml>. E-Procurement customer service is available at 888-211-7440.

PURCHASING METHODS

BASIC

When the dollar amount of the expenditure is under the College's delegation, the College is authorized to acquire commodities, printing, and contractual services, by purchase, rent, lease, lease purchase, or installment purchase, subject to the procedures herein. Once a need is determined by a user at the College, the user should submit a requisition through the College's Purchasing Office. The commodity, printing, or contractual service needed will usually fall under one of the categories given below:

- Small Purchases
- Open Market Solicitations
- Statewide Term Contract
- College Specific Term Contract
- Waiver of Competition
- Emergency or Pressing Need
- Correction Preference
- Nonprofit Work Centers for the Blind and the Severely Disabled
- Special Delegation
- Exemptions

SMALL PURCHASES

A small purchase is defined as the purchase of commodities, services, or printing not covered by a term contract involving an expenditure of public funds of \$5,000 or less. The executive officer of the College or his designee should set forth, in writing, purchasing procedures for making small purchases. **The benchmark for small purchases for FTCC has been set at \$5,000.** The awarding of contracts for small purchases should be the responsibility of the College's Purchasing Office. The State Purchasing Officer may require a copy of the small purchase procedures be sent to the Division of Purchase and Contract.

OPEN MARKET SOLICITATIONS

An open market solicitation is for the purchase of a commodity, printing, or service not covered by a term contract. Open market contracts are to be established in accordance with the procedures for competition.

TERM CONTRACT

A term contract is a contract intended to cover normal requirements for a commodity, printing, or contractual service for a specified period of time based on predicted usage. It is also referred to sometimes as a "requirements contract" or "indefinite quantity contract." Term contracts are to be established under the procedures of the State of North Carolina.

There are two basic types of term contracts:

- "Statewide term contract" is established by P & C for agency use.
- "Agency specific term contract" is established by P & C for use by the College when a commodity, printing or service is not covered by a statewide term contract, and the contract value exceeds the College's delegation.

Commodities on statewide term contracts are competitively bid. Some considerations in establishing statewide term contracts are as follows:

- Items most commonly used or purchased by the state
- Obtain lower prices through volume discounts
- Transportation costs are included in the pricing
- For some items, standards have been established and items have been tested
- Warranties may be included in the contract
- On-line catalogs are available within E-Procurement for processing efficiency.

Every statewide term contract and agency specific term contract has different information pertinent to that specific contract. **READ EACH CONTRACT CAREFULLY PRIOR TO ORDERING.**

Most of the statewide term contracts for commodities specify a minimum and maximum quantity (or dollars). Orders below the minimum should be obtained in accordance with agency procurement procedures. Orders that exceed the maximum quantity (or dollars) must be forwarded to P & C for processing. For needs that exceed the maximum, P & C will determine if the order should be placed with the contractor at the contract price, negotiate the price with the contractor, or solicit new offers for the requirement. In all cases, follow the instructions, which will vary by contract or call P & C purchaser for guidance.

If a waiver, emergency purchase or pressing need arises, a term contract supplier should be given the opportunity to satisfy the requirement, if the requirement is covered by a term contract and time permits such action.

WAIVER OF COMPETITION

Under certain conditions, and if deemed to be in the public interest, competition may be waived. Conditions permitting waiver include, but are not limited to, the following situations:

- I. Performance or price competition is not available
- II. Needed product or service is available from only one source of supply
- III. Emergency or pressing need is indicated
- IV. Competition has been solicited but no satisfactory offers received
- V. Standardization or compatibility is the overriding consideration
- VI. A donation predicates the source of supply
- VII. Personal or particular professional services are required
- VIII. A particular medical product or service, or prosthetic appliance is needed
- IX. Product or service is needed for the disabled and there are overriding considerations for its use
- X. Additional products or services are needed to complete an ongoing job or task
- XI. Products are bought for "over the counter" resale
- XII. A particular product or service is desired for educational, training, experimental, developmental or research work
- XIII. Equipment is already installed, connected and in service, and it is determined advantageous to purchase it
- XIV. Items are subject to rapid price fluctuation or immediate acceptance
- XV. There is evidence of resale price maintenance or other control of prices, lawful or unlawful, or collusion on the part of companies which thwarts normal competitive procedures
- XVI. The amount of the purchase is too small to justify soliciting competition or where a purchase is being made and a satisfactory price is available from a previous contract
- XVII. Requirement is for an authorized cooperative project with another governmental unit(s) or a charitable non-profit organizations(s)
- XVIII. A used item(s) is available on short notice and subject to prior sale
- XIX. Product or service is available from another governmental agency.

Although competition may be waived for proper cause, its use is required wherever practicable. Where waiver is contemplated, the College may negotiate with a potential vendor in an effort to acquire the quality of commodity, service or printing needed at the best possible price, delivery, terms and conditions, when the expenditure is less than the College's delegation.

Negotiations may also be conducted with a potential vendor(s) for contracts exceeding the College's delegation, but are subject to the approval of P & C, except where otherwise permitted by rule. The College should submit their request for approval via a requisition (or in some other acceptable format), which should include a description of the requirement, the amount of the expenditure, the recommended vendor, and the justification for the waiver; and should provide any additional documentation and justification deemed necessary by the SPO for conducting a thorough review. This documentation must be included in the purchase file as a matter of public record and be suitable for review by auditors, public, vendors, and other interested parties.

EMERGENCY AND PRESSING NEEDS

The College may make purchases of commodities, printing, or services in the open market in cases of emergency or pressing need. For this purpose, a pressing need is one arising from unforeseen causes, including but not limited to delay by contractors, delay in transportation, breakdown in machinery, or unanticipated volume of work. Emergencies are defined as situations which endanger lives, property, or the continuation of a vital program and which can be rectified only by immediate, on-the-spot purchases or rental of commodities, printing, or services.

The College may negotiate with a potential vendor(s) in an effort to acquire the quality of commodity, service, or printing needed at the best possible price, delivery, terms, and conditions. If required to meet bid thresholds, a solicitation document requesting or inviting an offer(s) should be issued, including standard language and terms and conditions issued by P & C. In instances where there is a question regarding terms and conditions, contact P & C.

When emergency or pressing need action is necessary, and the expenditure exceeds the College's delegation, prior approval should be obtained from P & C if time permits.

If the expenditure is over \$10,000, an explanation of the emergency or pressing need purchase should be reported in writing to P & C. P & C should report such purchases of commodities and printing to the Board of Awards as a matter of record.

CORRECTION PREFERENCE

North Carolina has a preference statute (G.S. 148-70) that controls the sale of prison industry products and prohibits their sale to the private sector. All agencies should give preference to Department of Correction products in purchasing articles, products, and commodities which are needed and which are manufactured or produced within the State prison system and offered for sale to them by the Department of Correction. This preference requirement also applies to all community colleges (except printing). Delegation limits do not apply to products purchased from Correction Enterprises.

Products available from the private sector and also offered by Correction Enterprises, including those on term contracts, should be purchased from the private sector only when it is determined that the Correction Enterprises product will not satisfy the requirement or will not be available when needed. The purchase file should contain documentation from Correction Enterprises stating that the item(s) cannot be supplied. Competitive bidding should not apply to articles or commodities available from Correction Enterprises.

Correction Enterprises is required to keep the price of products substantially in accord with that paid by governmental agencies for similar products of equivalent quality.

NONPROFIT WORK CENTERS FOR THE BLIND AND THE SEVERELY DISABLED

Agencies may purchase goods and services directly from a nonprofit work center for the blind and severely disabled as long as:

- The purchase of goods does not exceed the College's delegation, and
- The goods or services are not available under a term contract, and
- The goods or services must be of suitable price and quality, as determined by the College.

Competition is not required when making a purchase from a nonprofit work center for the blind and severely disabled. Nonprofit work centers for the blind and severely disabled may still submit offers for contracts.

SPECIAL DELEGATION

By special delegation, the SPO may authorize the College to purchase specific commodities, printing, or contractual services without limitation as to the expenditure. Such delegation is normally confined, but not limited to, items and quantities, or services which by their nature or circumstance, such as perishability, transportation costs, local conditions or local availability, would serve no practical purpose to be handled by P & C.

Some special delegations apply to all agencies and some are agency specific. All delegations should be in writing and made a matter of record. For special delegations

applying to all agencies, the publishing of them by P & C is the written approval. Unless otherwise specified by the SPO, special delegations are subject to all the following conditions:

- All commodities and contractual services covered by term contracts must be purchased in accordance with the instructions of each term contract.
- Competition must be solicited, where available. If competition is not available, the reason(s) must be documented in the procurement file.
- FTCC is required to issue our own solicitation documents. This should also apply to a waiver.
- The solicitation document should include terms and conditions and any other consistent contract language, issued by the SPO, unless prior approval from the SPO is granted.
- All transactions should be documented.
- Awarding of contracts under a special delegation should be the responsibility of the College's Procurement Manager. However, the SPO may require that offers received under such delegations be sent to P & C for determination of the successful contractor.
- Any controversial matter arising from a special delegation must be brought to the attention of the SPO.
- Specific delegations may be subject to additional conditions as determined by the SPO. These conditions should be submitted to the agency in writing.
- P & C should periodically review its special delegations to ascertain the availability of these items or services and their continued suitability for delegation.

LIST OF SPECIAL DELEGATIONS

These delegations apply to all agencies; however, competition should be sought where available.

- I. REPAIRS (Non-Construction): Purchasing authority for repairs handled by private sector personnel, regardless of cost, is delegated to FTCC. Where materials are being purchased for a repair and FTCC personnel will perform the needed repair, the purchase of the materials must be handled in accordance with normal purchasing procedures.
 - a. NOTE: Where any structural changes are to be made in or to an agency-owned building, the proposed project should be handled in accordance with construction statutes and rules applicable to each agency. (See G.S. 143-129 concerning building repairs and renovation.)
- II. FEED: Authority to purchase feed, including special ingredients, is delegated to using agencies which are engaged in the feeding of animals, poultry and fish.
- III. ANIMALS, POULTRY AND FISH: Authority is delegated to purchase animals, poultry and fish.
- IV. ATHLETIC APPAREL: Authority to purchase athletic apparel is delegated to using agencies. In the purchase of athletic apparel, there are certain

considerations regarding the safety of the athlete which should remain within the control of the using agency officials.

- V. MAINTENANCE OF AIRCRAFT: All aircraft maintenance and repair, whether unexpected or scheduled, is covered by this delegation. This does not include the purchase of equipment, materials, or supplies for the aircraft that is separate and apart from the maintenance or repair being performed.
- VI. PLAYGROUND EQUIPMENT (STRUCTURES): Where the purchase of playground equipment is being handled as a commodity purchase vs. a construction project, the authority to purchase such playground equipment and its installation is delegated to FTCC.
- VII. READY-MIX CONCRETE: Where the purchase of ready-mix concrete is being handled as a commodity purchase vs. a construction project, the authority to purchase such ready-mix concrete is delegated to FTCC.

EXEMPTIONS

- I. Except as provided in (III), it is not mandatory for the items and services listed below to be purchased through P & C; however, competition must be sought where available.
 - a) Purchase of liquor
 - b) Perishable (fresh/frozen) articles such as meats, fruit, vegetables, fish, poultry and eggs
 - c) Published material produced by others, such as newspapers, magazines, pamphlets, manuscripts, books, maps, charts, globes, film, filmstrips and recordings (including tapes)
 - d) Services provided by individuals by direct employment contracts with the state
 - e) Public utility services (gas, water and electricity)
 - f) Services provided which are subject to published tariff rates as established by the State Utilities Commission
 - g) Services which are merely incidental to the purchase of supplies, materials or equipment such as installation services
 - h) Contracts for construction of and structural changes to public buildings
 - i) Personal services provided by a professional individual (person) on a temporary or occasional basis, including (by way of illustration, not limitation) those provided by a doctor, dentist, scientist or performer of the fine arts using his/her professional skills to perform a professional task. A personal service may also be a consulting service, in which case Consultant Services rules apply.
 - j) Services provided directly by an agency of the state, federal or local government, or their employees when performing the service as a part of their normal governmental function.
- II. In addition to products and services exempted by Statute, the SPO may exempt other products and services from purchase through P & C.
 - a) That competition will not enhance the price that the State would receive for the product or service; and,

- b) That competition will not enhance the quality of the product or service that the State would receive.
- III. Soliciting competition for bakery products and dairy products should be handled by FTCC in accordance with purchasing methods, regardless of the dollar value of the proposed contract, but awarded through P & C if over FTCC's delegation.

STATEWIDE IT PROCUREMENT CONTRACTS

Like the Division of Purchase and Contract, the Statewide IT Procurement Office has established Statewide IT Contracts to cover normal requirements for an IT related commodity or contractual service for a specified period of time based on predicted usage. Fayetteville Technical Community College is not mandated by law to utilize these contracts, but they should be the first source of supply. These contracts have already been bid. To search for IT related items on contract, log to <http://it.nc.gov/resources/it-strategic-sourcing/statewide-it-contracts>.

If IT related items are ordered from non-contract suppliers, regular purchasing procedures and bid requirements must be followed.

FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE Procurement Card Acceptable Use Policy

Using the FTCC VISA Procurement-Card

1. Check with the Purchasing Office regarding suppliers, state contract items, and to determine whether the purchase would need to be made through requisition and purchase order instead of P-Card.
2. Confirm that the vendor agrees to accept the FTCC VISA P-Card.
3. Give the following information to the vendor:
 - P-Cardholder Name, Building and Room No.
 - Ask the vendor to state "P-Card Purchase" and recipient name clearly on front of package.
 - Ask the vendor to include an itemized receipt in the package.
 - Merchandise should be shipped to FTCC, 2201 Hull Road, Fayetteville NC 28303 or mailed to PO Box 35236, Fayetteville NC 28303. Only under very limited, pre-arranged circumstances shall merchandise be received at locations other than the College – i.e., for remote employees.
4. If the cardholder does not receive the merchandise, he/she is responsible for contacting the vendor and receiving credit on the card or the merchandise. This is also true for cases of defective items or merchandise returned for other reasons.
5. All invoices, receiving documents, credit memos, and itemized charge receipts for "over the counter" purchases for the merchandise should be kept with the P-Card Transaction Log and Statement of Account. All of these documents should be checked carefully.

6. If the Cardholder is disputing a charge, he/she must fill out the Bank of America Dispute Form. <https://payment2.works.com/works/>
7. If making an online purchase, Cardholder must use due diligence to determine that the online site is secure for credit card transactions. Contact the Purchasing Office for assistance.

Authorized P-Card Use:

1. **Purchases under \$999.99 per single purchase transaction including current NC sales tax, freight, and other applicable charges.** The State has historically allowed single transactions up to \$2,500. Pursuant to The Iran Divestment Act of 2015 (N.C.G.S. 143C-6A-1 to 6A-9), our institution has set a maximum per transaction limit of \$999.99 for all card holders except the President. Situational exceptions are considered on a case-by-case basis.
2. All items that are purchased must be immediately available at the time of the P-Card transaction. No backordered items are allowed.
3. The cardholder will inform the vendor that goods are to be taxed at the current rate even if the item is sold tax exempt. With very few exceptions (bookstore), FTCC is not tax-exempt.
4. The cardholder strives to obtain the best value for the College by using preferred suppliers as identified by the Purchasing Office.
5. The cardholder will comply with all State Purchase and Contract guidelines in the FTCC Administrative Procures Manual (Section I-20) and the Purchasing Procedures Manual. Both manuals are available online http://faytechcc.edu/institutional_effectiveness/handbookmanualplans.aspx
6. The cardholder will seek and use HUB vendors when possible and practical.
7. The cardholder will always check budget availability and will not "over spend".
8. Equipment repairs will be reported to the Purchasing Office prior to having repair work contracted or completed.
9. Registration for on-campus or on-line training (webinars) as well as for conferences and seminars that involve travel. *****Important Note***** Documentation that Registration fee will be paid with P-Card must be included with travel request. Travel will be approved prior to registration fee being paid with P-Card. Purchasing will not be responsible for verifying. It is the responsibility of the cardholder to ensure this happens.
10. Pre-approved travel (including airfare and hotel) is permissible (but not meals).
11. Gas to a fleet vehicle or rental vehicle (but not for a personal vehicle). Use FTCC gas card first.

Unauthorized P-Card Use:

1. Splitting purchases into multiple transactions so that previously mentioned limits or state purchasing guidelines are avoided.
2. Backorders are not allowed.
3. No cash advances, personal purchases, telephone calls, or monthly telephone service fees should be purchased.
4. No printing orders unless the FTCC Marketing & Public Relations Office and the FTCC Print Shop have pre-approved the purchase.

5. No portable computing devices such as personal digital assistants (PDAs), tablets (XTs, M285s), slates (iPad/Galaxy) of any dollar value.
6. No IT-related purchases unless approved by the FTCC Director of MIS.
7. Meals are not allowed except for the College President.
9. Contractual services (1099 vendors) shall not be paid with the FTCC VISA P-Card since Fayetteville Technical Community College is legally responsible for reporting this income to federal and state governments.
10. Memberships shall not be paid using a P-Card.
11. No personal purchases of any kind are permitted.
12. Do not store card information on any company's website for future purchases.
13. Do not commit to recurring or future payments.

When uncertain if a purchase can be made with a P-Card, contact the Purchasing Office for assistance.

910.678.8335 Mona Watkins, Buyer

910.678.8206 Penny Tew, Procurement Supervisor

910.678.8236 Amy Samperton, Procurement and Special Projects Manager

Acknowledgement of Procurement Card Acceptable Use Policy

I hereby acknowledge Fayetteville Technical Community College's Procurement Card Acceptable Use Policy. If I make unauthorized purchases for which the card is not intended, I will be liable for the total dollar amount and may be subject to appropriate action up to and including dismissal.

Pcardholder's Printed Name

Supervisor's Name

Pcardholder's Signature

Supervisor's Signature

Date

Date

Default Budget Code for Pcard Purchases

MISCELLANEOUS INFORMATION

ADVERTISING FOR FORMAL SOLICITATIONS

The College must advertise bids for purchases of commodities greater than \$10,000. Advertising is accomplished via posting to the Interactive Purchasing System of the NC Purchase & Contract website or via local advertisement methods. Bids for all state agencies can be found on the website. <https://www.ips.state.nc.us/IPS/DeptBids.aspx>
The Purchasing Office is responsible for all bids placed on the IPS website.

PROCUREMENT OF ADVERTISING MATERIALS

All advertising purchases should be approved prior to submitting the requisition to Purchasing by the College's Executive Director for Marketing and Public Relations.

PRINTING AND COST OF PUBLIC DOCUMENTS

Printing is handled the same way as a commodity purchase would be handled, although community colleges do not have to follow P & C rules for printing purchases.

Every state agency publishing a public document, other than one published for the principal purpose of sale to the public, should cause the following statement to be printed adjacent to the identification of the agency responsible for the publication:

“(Number of copies) copies of this public document were printed at a cost of \$_____, or \$_____per copy.”

The term “cost” shall include printing costs in the form of labor and materials and any other identifiable design, typesetting, and binding costs.

Any public document without a statement of cost should not be mailed or distributed at public expense.

PROCUREMENT OF TECHNOLOGY RELATED ITEMS

Requisitions for technology related items shall be approved by the Director of Management Information Systems (MIS) prior to issuance of a purchase order.

MODULAR BUILDINGS

The Division of Purchase & Contract, the Office of State Construction, and the Department of Community Colleges have worked in conjunction with one another to establish procedures for the purchase of modular buildings. Please contact the Purchasing Office if you are interested in procuring a modular building.

PROTEST PROCEDURES

A party wanting to protest a contract awarded to a solicitation must submit a written request to the College Procurement Manager. This request must be received by the

College within thirty (30) consecutive calendar days from the date of the contract award, and must contain specific sound reasons and any supporting documentation for the protest. Note: Contract award notices are sent only to those contracts actually awarded and not to every person or firm responding to a solicitation.

ENVIRONMENTAL PURCHASING

North Carolina state agencies have an environmental and legislative responsibility to purchase environmentally preferable products and services. Executive Order No. 156 and General Statutes No. 143 require agencies to buy recycled content and environmentally preferable products and services.

Fayetteville Technical Community College is committed to the use and purchase of environmentally and socially responsible materials and products. Employees authorized to make purchases on behalf of the College are expected to support our commitment to environmental responsibility.

Environmentally and socially preferable products and services are those that are less detrimental to the environment and human health than competing products and services.

LOCAL PURCHASING INITIATIVE

When possible and practical, Fayetteville Technical Community College is committed to the procurement of goods and services from local vendors who conduct or own businesses within Fayetteville and the surrounding communities in and around Cumberland County, North Carolina. This commitment is driven by a desire to encourage business and economic development within our local community.

STATUTORY AUTHORITY, EXECUTIVE ORDER & NC STATE BOARD OF COMMUNITY COLLEGE CODE

North Carolina General Statute 115D governs the purchasing policies and procedures that the Fayetteville Technical Community College Purchasing Office must adhere to when processing requests for goods and services.

G.S. 115D-58.5 Accounting System

(a) “Each institution shall establish and maintain an accounting system consistent with procedures as prescribed by the Community Colleges System Office and the State Controller, which shows its assets, liabilities, equities, revenues, and expenditures.”

(b) “Each institution shall be governed in its purchasing of all supplies, equipment, and materials by contracts made by or with the approval of the Purchase and Contract Division of the Department of Administration except as provided in G.S. 115D-58.14. No contract shall be made by any board of trustees for purchases unless provision has been made in the budget of the institution to provide payment thereof. In order to protect the State purchase contracts, it is the duty of the board of trustees and administrative officers of each institution to pay for such purchases promptly in accordance with the contract of purchase. Equipment shall be titled to the State Board of Community Colleges if derived from State or Federal funds.”

(c) “The operations of each institution shall be subject to oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.”

Additionally, with centralized purchasing, conflict of interest, budget, and legal compliances can be closely monitored for adherence through internal controls.

The guidelines and procedures for identifying, categorizing, and purchasing each item are contained in the Purchasing Manual published by the NC Division of Purchase and Contract

<http://ncadmin.nc.gov/government-agencies/procurement/procurement-rules> and the Equipment Procedures Manual published by the Administrative and Facility Services Section of the NC Community Colleges System

<http://www.nccommunitycolleges.edu/finance-operations/purchasing>.

Both of these publications are updated periodically.

PURCHASING FLEXIBIIITY

G.S. 115D-58.14 Purchasing Flexibility

- (a) Community colleges may purchase supplies, equipment, and materials from noncertified sources that are available under State term contracts, subject to the following conditions:
- The purchase price, including the cost of delivery, is less than the cost under the State term contract; and
 - The cost of the purchase shall not exceed the bid value benchmark established under G.S. 143-53.1; and
 - The items are the same or substantially similar (The State Board of Community Colleges adopted the amendment in 1h SNCC 500.96 “Noncertified Source Purchases” to comply with House Bill 490/Session Law 2009-132.) in quality, service, and performance as items available under State term contracts.

Substantially similar is defined as having comparable, but not identical characteristics in terms of quality, service and performance as items available under State term contracts.

HISTORICALLY UNDERUTILIZED BUSINESS PROGRAM

G.S. 143-49.a State policy; cooperation in promoting the use of small, minority, physically handicapped and women contractors; purpose; required annual reports.

“Policy – It is the policy of this State to encourage and promote the use of small contractors, minority contractors, physically handicapped contractors, and women contractors in State purchasing of goods and services. All State agencies, institutions and political subdivisions shall cooperate with the Department of Administration and all other State agencies, institutions and political subdivisions in efforts to encourage the use of small contractors, minority contractors, physically handicapped contractors, and women contractors in achieving the purpose of this Article, which is to provide for the effective and economical acquisition, management and disposition of goods and services by and through the Department of Administration.”

Listings of these “Historically Underutilized Businesses” or “HUB” vendors and their products and services are available in the Purchasing Office and on the Division of Purchase and Contract website:

<http://www.pandc.nc.gov/index.htm> In order to search for “HUB” vendors click on “P & C Information”, then go to “Related Sites” and click on “Historically Underutilized Businesses”. Once there, scroll down and click on “Search”. Vendors can be searched by company name or commodity code.

RECYCLED OR RECYCLED CONTENT PRODUCTS

G.S. 130A-309.14

“The Department of Administration shall require the procurement of reusable, refillable, repairable, more durable, and less toxic supplies and products to the extent that the purchase or use is practicable and cost-effective, as well as require the purchase or use of remanufactured toner cartridges for laser printers to the extent practicable.”

G.S. 143-58.2

“It is the policy of this State to encourage and promote the purchase of products with recycled content. All State departments, institutions, agencies, community colleges, and local school administrative units shall, to the extent economically practicable, purchase and use or require the purchase and use of, products with recycled content.”

G.S. 143-58.3 Purchase of recycled paper and paper products

“In furtherance of the State policy, it is the goal of the State that each department, institution, agency, community college, and local school administrative unit purchase paper and paper products with recycled content according to the following schedule:

- (4) At least fifty percent (50%) by June 30, 1997, and the end of each subsequent fiscal year, of the total amount spent for the purchase of paper and paper products during that fiscal year.”

A list of recycled-content products on State Contract can be viewed at:

<http://www.pandc.nc.gov/keywordListing.aspx#R>

It is the policy of FTCC to encourage the purchase of products with recycled content whenever feasible.

EXECUTIVE ORDER NO. 50 PRICE-MATCHING PREFERENCE:

Pursuant to North Carolina General Statute 143-59 (G.S. 143-49) and Executive Order No. 50 issued by Governor Perdue on February 17, 2010, entitled “Enhanced Purchasing Opportunities for North Carolina Businesses,” a price-matching preference may be given to North Carolina resident bidders on contracts for the purchase of goods. This preference will allow a qualified North Carolina resident bidder to match the price of the lowest responsible nonresident bidder, if the North Carolina resident bidder’s price is within five percent (5%) or \$10,000, whichever is less, of the nonresident bidder’s price. **If the resident bidder requests and qualifies for the price-matching preference, the resident bidder will first be offered the contract award and will have three (3) business days to accept or decline the award based on the lowest responsible nonresident bidder’s price.**

Executive Order No. 50 applies to procurements from the Governor's Office, Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, and Transportation), Universities and Community Colleges and all procurements handled by the Division of Purchase and Contract. All other State Agencies are encouraged to implement the requirements of the Executive Order No. 50 and vendors should contact other State Agencies to determine whether they have adopted and implemented Executive Order No. 50.

EXECUTIVE ORDER NO. 24 GIFT BAN

It is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Office of the Governor and Governor's Cabinet Agencies (i.e. Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, and Transportation). This prohibition covers those vendors and contractors who:

- (1) have a contract with a governmental agency; or
- (2) have performed under such a contract within the past year; or
- (3) anticipate bidding on such a contract in the future.

Executive Order 24 also encouraged and invited other State Agencies to implement the requirements and prohibitions of the Executive Order to their agencies. Vendors and contractors should contact other State Agencies to determine if those agencies have adopted Executive Order No. 24.

EXPENDITURE OF FUNDS FROM DIFFERENT SOURCES

01 NCAC 05B.1505

- (a) "All public funds irrespective of source, whether special, federal, local, gifts, bequests, receipts, fees or State appropriated, used for the purchase, rental, lease, installment purchase and lease/purchase of commodities, printing and services shall be handled under the provision of Article 3 of G.S. 143 and in accordance with rules adopted pursuant thereto by the Division of Purchase and Contract."
- (b) "Rules applying to service, rental, lease, and printing contracts do not apply to local school administrative units or community colleges."

PURCHASING FROM OR THROUGH AGENCY EMPLOYEES

01 NCAC 05B.1509

“Every reasonable effort shall be made to avoid making purchase from or through employees of any agency. Prior written approval from the SPO is required in any instance which may develop of doing business with such personnel. In deciding whether to grant approval, the SPO shall consider the type item or service needed, the prevailing market conditions, whether competition is available, the cost involved, and the effects of doing business with the employee.”

PURCHASING POWER FOR PRIVATE GAIN

01 NCAC 05B.1510

“The purchasing power of the state or the agency shall not be used for private advantage or gain. Purchase under contract made by the state or the agency, except those in accordance with G.S. 143-58.1 shall be not allowed for personal use out of private funds nor shall agencies place orders for articles for ownership by employees or other individuals.”

College employees may not make purchases through the College with the intent of reimbursing the College.

APPENDIX

REQUIRED REPORTING

- Historically Underutilized Business Report-Quarterly-Due Oct 30, Jan 30, Apr 30 and July 30. <http://www.doa.state.nc.us/hub/reports.aspx>
- Purchasing Flexibility Report- Annually-Due Feb 1.
- EO50 Report-As required when there are applicable purchases to report.

RESOURCES

- Fayetteville Technical Community College Administrative Procedures Manual:
https://r2w.faytechcc.edu:8443/r2w/api/report?c=r2w_enterprise&f=/InstitutionalEffectiveness/HandbooksManuals&r=FTCC_InstitutionalEffectiveness_HandbooksManuals_AdministrativeProceduresManual&token=cHVibGljOnBhc3N3b3Jk
- NC Community Colleges System: <http://www.nccommunitycolleges.edu/>
- NC Division of Purchase and Contract: <http://www.pandc.nc.gov/index.htm>
- NC Division of Purchase and Contract Agency Purchasing Manual: <http://www.pandc.nc.gov/documents/wholeapm.pdf>
- NC Division of Purchase and Contract Term Contracts: <http://www.pandc.nc.gov/StateWideContracts.htm>
- State of North Carolina Interactive Purchasing System: <https://www.ips.state.nc.us/ips/>
- State of North Carolina Interactive Purchasing System Search for Registered HUB Vendors: <https://www.ips.state.nc.us/vendor/searchvendor.aspx?t=h>
- NC E-Procurement @ Your Service: <http://eprocurement.nc.gov/>
- NC E-Procurement @ Your Service Vendor Registration: <http://eprocurement.nc.gov/Vendor.html>
- North Carolina Statewide IT Procurement: <https://it.nc.gov/resources/it-strategic-sourcing>
- North Carolina Statewide IT Procurement Contracts: <http://www.its.state.nc.us/ITProcurement/TermContracts/TContracts.asp>
- NC State Surplus: <http://www.surpluspropertydivision.com/>
- NC State Board of Community College Code: <http://reports.oah.state.nc.us/ncac.asp?folderName=\Title 23 - Community Colleges>
- NC General Statutes: <http://www.ncga.state.nc.us/gascripts/statutes/StatutesTOC.pl?Chapter=0115D>