

UWF Business Enterprises, Inc.
PROCUREMENT POLICY

BEI Policy 1.16-8/12 is amended to read as follows:

I. POLICY

All procurements made by UWF Business Enterprises, Inc. (“BEI”) involving the expenditure of Funds will be made in accordance with the following procurement standards unless waived by the Chief Executive Officer (“CEO”) or Board of Directors of BEI. Any waiver by the CEO shall be reported to the Board of Directors at its first meeting following the date of such waiver.

BEI will endeavor to maximize open and free competition consistent with sound business standards. BEI shall engage in solicitation processes which afford BEI the opportunity to obtain Best Value while treating all participants in an equitable manner.

BEI and its Board of Directors recognize and agree that certain opportunities for obtaining Best Value for BEI or the University may only be available outside of the competitive process and that nothing contained in this Procurement Policy will be considered a prohibition to BEI’s ability to contract without competition when the CEO and/or Board of Directors deem it to be in the best interest of BEI.

Purchases and Solicitations will be reviewed by the Director of Procurement/Contracts to prevent duplication and to ensure that costs are reasonable and processes are fair & equitable.

II. METHODS FOR PROCUREMENT

Except as provided herein, procurements shall be made using one of the following methods: (a) small purchase procedures, (b) competitive sealed bids, (c) competitive negotiations, or (d) non-competitive negotiation. The purchase of commodities and contractual services shall not be divided with the intent to avoid the requirement of competitive solicitation

A. Small Purchases

Purchases which cost up to \$1,000 will be executed via Purchase Order or P-Card. Staff is expected to perform due diligence to get the

lowest and best price, but written records of such efforts are not required.

Purchases of supplies, equipment and services which cost between \$1,000 and \$75,000 will require written estimates but no sealed bidding is required. BEI will solicit written responses from at least (2) vendors when practical, and if no such responses are available; a brief statement explaining the reason will be prepared and filed.

B. Competitive Sealed Bids

Bidding will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost. When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services, other than those personal or professional, exceeds \$75,000, an Invitation for Bids (IFB) notice will generally be prepared. This notice will be posted on the BEI website. BEI may also solicit sealed bids from responsible prospective suppliers by sending them a copy of such notice.

The IFB will include a complete, accurate and realistic specification and description of the goods or services to be procured, the bid deposit, payment bond and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be used will be stated in the IFB.

Sealed bids will be received at the time and place stated in the IFBs. The bids will be tabulated by the Project Administrator at the time of bid opening. The results of the tabulation and the bid procurements will be examined for accuracy and completeness by the Director of Procurement/Contracts who will make recommendations to the CEO. In addition, the Director of Procurement/Contracts shall determine that all firms are responsive and responsible. The CEO will make the decision as to whom the contract shall be awarded. After the bid award is made, a contract will be prepared for execution by the successful bidder. After the contract is signed, all bid deposits will be returned to all unsuccessful bidders.

BEI may cancel an Invitation for Bid or reject all bids if it is determined that such is in the best interests of BEI. Bidders will be notified in writing of such cancellation or rejection. BEI may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall not be considered for award and shall be destroyed. BEI is under no obligation to return late bids.

C. Competitive Negotiations

BEI will use competitive negotiations, regardless of contract amount, upon determination that:

1. Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid or the lowest evaluated bid price (in other words, bidding is not feasible).
2. The services to be procured are professional in nature.

Competitive negotiations will proceed as follows:

- a. Proposals will be solicited through one or more of the following: direct contact, newspaper advertisement, pre-qualified list.

The RFP will describe services needed and identify the factors and/or criteria to be considered in the evaluation of proposals. The RFP will also state where further details regarding the RFP may be obtained. Requests for proposals may or may not include cost as a selection factor as determined by BEI in advance.

- b. Award will be made to the offeror whose proposal is determined by BEI to be the most advantageous to BEI. Evaluations will be based on the factors set forth in the Request for Proposal and a written evaluation of each response prepared. The review committee may contact any, all or none of the firms regarding their proposals for the purpose of clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the

procurement may be abandoned.

- c. Certain professional services may be solicited by an alternative to the RFP process. BEI may publish a Request for Qualifications. RFQ's are handled in a similar method to RFP's with the exception that cost is not a factor in the initial evaluation. The BEI Selection Team will evaluate the responses and rank them by comparative qualifications. The highest scoring person or firm will be contacted and the Selection Team will negotiate cost. If the Selection Team is unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm will be invited to negotiate. The Selection Team will develop a written summary of all such negotiations.

D. Noncompetitive Negotiations

Noncompetitive negotiations may be used for procurements in excess of \$75,000 when bidding or competitive negotiations are not feasible or not in the best interest of BEI or the University. BEI may purchase goods and services through non-competitive negotiations when it is determined by the CEO that competitive negotiation or bidding is not feasible and that:

1. An emergency exists which will cause public harm as a result of the delay caused by following competitive purchasing procedures, or
2. The product or service can be obtained only from one source, or
3. The contract is for the purchase of perishable items purchased on a weekly or more frequent basis, or
4. Only one satisfactory proposal is received through a solicitation
5. The CEO has authorized the negotiations based on the determination that Best Value can be obtained through noncompetitive means.

Procurement by noncompetitive negotiation over \$75,000 requires the approval and consent of the CEO and the Chair. Any procurement over \$75,000 made pursuant to noncompetitive negotiation shall be reported to the Board of Directors at its first meeting following the date of consent of

the CEO.

III. EXEMPT PROCUREMENTS:

Notwithstanding the above, purchases listed in Section (5) of UWF/REG-6.0055 Procurement Actions Not Subject to Competitive Solicitation Process are not required to be obtained pursuant to a competitive selection process.

IV. USE OF UNIVERSITY PROCUREMENT RESOURCES

If the CEO and the Director of Procurement/Contracts of the University of West Florida agree, the University may carry out a selection process on behalf of BEI and compliance with University requirements shall be deemed to constitute compliance herewith.

V. DEVELOPMENT AND USE OF PROCEDURES

BEI staff is authorized and directed to develop procedures and standard operating procedures to carry out the policies herein set forth.

Adopted by the Board of Directors of UWF Business Enterprises, Inc. this 6th Day of February 2017.

By: KC Clark, Chair