

Procurement Procedures for Grant Awards Funding

St. Petersburg College

SPC

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I. INTRODUCTION

A. Uniform Administrative Requirements, 2 CFR Part 200

The Uniform Administrative Requirements is a set of regulations (including procurement regulations) that applies to all non-federal entities that receive federal grant money. The Uniform Administrative Requirements is found in the Code of Federal Regulations (C.F.R.), which is a compilation of rules adopted by agencies.

The complete Uniform Guidance can be located at:

<http://www.ecfr.gov/cgi-bin/text-idx?SID=2f3c1287f4d2ecfebfbb85ef1f5a8148&node=pt2.1.200&rgn=div5>.

For purposes of this procurement procedure, the focus will be on Procurement Standards CFR 200.317 – 200.328.

B. Revisions to Uniform Administrative Guidelines

The Office of Management and Budget (OMB) consolidated the federal government's guidance on Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Grants Awards. The Uniform Guidance supersedes OMB Circulars A-21, A-87, A-122; Circulars A-89, A-102, A-110, and A-133 and the guidance in Circular A-50 on Single Audit Act follow-up.

Crosswalks that explain where to find revised language and sections of the old guidance next to the new language is located at http://www.whitehouse.gov/omb/grants_docs.

C. Definitions

Acquisition cost {§200.2} means the cost of the asset including the cost to ready the asset for its intended use. Acquisition cost for equipment, for example, means the net invoice price of the equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Acquisition costs for software includes those development costs capitalized in accordance with generally accepted accounting principles (GAAP). Ancillary charges, such as taxes, duty, protective in transit insurance, freight, and installation may be included in or excluded from the acquisition cost in accordance with the non-Federal entity's regular accounting practices.

Awarding agency means the agency or pass-through agency providing the funding.

Bidder means a potential supplier or vendor responding to a public solicitation.

Contractor {§200.23} means an entity that receives a contract as defined in §200.22 Contract.

Cooperative agreement {§200.24} means a legal instrument of financial assistance between an awarding agency or pass-through entity and a College.

Equipment {§200.33} means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000.

Expenditures {§200.34} means charges made by a College entity to a project or program for which a Grant award was received.

Grant agreement {§200.51} means a legal instrument of financial assistance between an awarding agency or pass-through entity and a non-Federal entity that, consistent with 31 U.S.C. 6302, 6304. (See Guidelines for further descriptive.)

General purpose equipment {§200.48} means equipment which is not limited to research, medical, scientific or other technical activities. Examples include office equipment and furnishings, modular offices, telephone networks, information technology equipment and systems, air conditioning equipment, reproduction and printing equipment, and motor vehicles. See also Equipment {§200.33} and Special Purpose Equipment

{§200.89}.

Information technology systems {§200.58} means computing devices, ancillary equipment, software, firmware, and similar procedures, services (including support services), and related resources.

Internal controls {§200.33} means a process, implemented by a College entity, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

- (a) Effectiveness and efficiency of operations;
- (b) Reliability of reporting for internal and external use; and
- (c) Compliance with applicable laws and regulations.

Must means required, while the word Should indicates best practices or recommended approach.

Non-Federal Entity {§200.69} means a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a grant award as a recipient or subrecipient.

Real property {§200.85} means land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

Subaward {§200.92} means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Grant award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Grant Award program. A subaward may be provided through any form of legal agreement.

Subrecipient {§200.33} means an entity that receives a subaward from a pass-through entity to carry out part of a Grant Award program; but does not include an individual that is a beneficiary of such program.

Special purpose equipment {§200.89} means equipment which is used only for research, medical, scientific, or other technical activities. Examples of special purpose equipment include microscopes, x-ray machines, surgical instruments, and spectrometers.

Supplies {§200.94} means all tangible personal property other than equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or \$5,000, regardless of the length of its useful life have a useful life of less than one year or an acquisition cost of less than \$5,000 per unit.

II. GENERAL PROCUREMENT REQUIREMENTS

St. Petersburg College (SPC) has established the Procurement Procedures for Grant Awards Funding in accordance with the authority granted under college procedure P6Hx23-2.031 Section VI Internal Controls and Accountability Measures:

“Each department shall be responsible to implement the policies and protocols as established by this institution related to internal fiscal controls, management of security and levels of accountability commiserate with the functions and responsibilities of that department. Employees at all levels of the College’s operation and administration are expected to take appropriate steps to maintain proper controls, guard against improper activities and minimize risks within their respective sphere of responsibility”

Procurement Process: St. Petersburg College has developed procurement processes and procedures to support the following formal Board of Trustees Policies relating to the procurement function:

- 1) Rule P6Hx23-5.12 Purchasing
- 2) Policy P6Hx23-5.12 Purchasing
- 3) Rule 6Hx23-5.09 Contract Administration

A. Before starting a procurement process the department in collaboration with Procurement shall:

- 1) Review all proposed purchases with the Grant Accountant to avoid unnecessary or duplicative purchases of equipment, supplies, and services.
- 2) Consider whether it will it save money and/or time to consolidate procurements or to break out to allow for more competition; if so, the department shall document the reason for the decision.
- 3) Where appropriate, perform an analysis of lease versus purchase alternatives, and other appropriate analysis to determine the most economical approach and document decision.
- 4) Consider shared services and entering into inter-local cooperative agreements with other governmental agencies, to foster greater economy and efficiency.
- 5) Perform a cost or price estimate on the procurement.
- 6) Explore state or local intergovernmental agreements (such as competitive bidding group purchasing programs, state term contracts, or formal intergovernmental agreements that can be utilized to procure equipment, supplies, and services. For more information, review the Procurement Departments SharePoint page for links to [multiple Cooperative Agreement](#) sites, or review one of the following cooperative sites for existing agreements. [Florida Department of Management Services \(DMS\)](#); [Orange County Government](#); [Educational and Institutional Cooperative Purchasing \(E&I\)](#); [NCPA \(National Cooperative Purchasing Alliance\)](#); [Omnia Partners \(Public Procurment Cooperative \)](#); [Sourcewell \(Cooperative Purchasing\)](#)
- 7) Use Federal and surplus property. To reduce project costs, it is encouraged to use Federal excess and surplus property as a replacement for purchasing new equipment. [Florida Department of Management Services - DMS](#)

B. During the procurement process:

- 1) Follow the College Procurement Policies and procedures. Guidelines are available on SharePoint.
- 2) Adhere to standards of conduct. Conflict of Interest – must disclose in writing any conflict of interest in the selection, award and contract administration, see Attachment A, “Conflict of Interest and Disclosure Form” and Attachment B, “Proposer’s Certification”.
- 3) Require contractor, applicant or any other entity to disclose all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the award, see Attachment A, Conflict of Interest and Disclosure Form.

- 4) Award contracts only to responsible contractors able to perform successfully under the terms and conditions of the procurement, consider assessment of contractor integrity, compliance with public policy, record of past performance, financial and technical resources. Assessment of these criteria are used during the formal solicitation process as described herein, Section B4.
- 5) Maintain oversight of contractors to ensure that they perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Each department is responsible for monitoring the performance of the contractor after award of a contract or purchase order.
- 6) Include a clear and accurate description of the technical requirements for the material, product or service to be procured, such as qualitative nature, minimum characteristics and standards for conformance. ***Avoid too detailed or restrictive specifications.***
- 7) When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used.
- 8) Include applicable contract provisions in each purchase order or contract as required by Federal statutes and regulations. See Attachment A. (Review grant documents to determine which clauses must be included; If still unclear, confirm with the awarding agency as to which clause to use).
- 9) *Construction Projects* – when feasible, for cost reduction, use value-engineering clauses in contracts. When using prequalified lists of suppliers, the list must be current and include a sufficient number of bidders to ensure maximum open and free competition.
- 10) The College is required to keep and maintain records and documentation to detail the history of the procurement for a minimum of 5 years after the grant closeout, to include:
 - a. Why you chose a specific procurement method;
 - b. The basis for your award (why did you select the contractor or vendor you selected? Why did you reject the others?);
 - c. The basis for the contract price; and
 - d. Any other significant decisions that were a part of the procurement process.

III. PROCUREMENT PRINCIPLES AND METHODS

A. Procurement Principles

All procurement transactions must be conducted in a manner providing **full and open competition** must not restrict competition. *Examples of restricting competition include:*

- 1) Placing unreasonable requirements on contractors to qualify to do business;
- 2) Requiring unnecessary experience or bonding (refer to the bonding limits identified in the Uniform Administrative Requirements {§200.325}.
- 3) Permitting noncompetitive pricing practices between firms or between affiliated companies;
- 4) Awarding contracts to consultants on “retainer” contracts;
- 5) Permitting conflicts of interest in contract awards or administration;
- 6) Specifying a brand name product without allowing an equal product to be offered; (and describing the performance requirements that must be met for a product to qualify as an “equal”);
- 7) Acting arbitrarily in awarding contracts (in other words, be consistent, fair, and transparent).

B. Procurement Methods

The College must use one of the following methods of procurement for goods/services. Quotes for **Micro-Purchases** and **Small Purchases** are obtained by the department, however, the Director of Procurement, and the Purchasing Manager will be included on all communications to/from suppliers requested to respond. **Sealed Bidding** and **Competitive Proposals** are created in conjunction with the department, but the final process is overseen by the Purchasing Department.

- 1) **Micro-Purchase procedures** are used for procuring equipment, supplies, and services not exceeding \$5,000. (\$2,000 for Construction subject to the Davis-Bacon Act). The Department shall solicit one or two quotes, as needed, to confirm that the price is reasonable and shall include the quotes with the requisition. Use the **Request for Quote Form** that includes standard terms and conditions and requires the supplier to hold prices firm for a period of 60 days. This form is available on the Purchasing SharePoint site. **Sample RFQ Form, Attachment D.**
- 2) **Small Purchase procedures** are used for procuring equipment, supplies, and services greater than \$5,000 but not exceeding \$65,000. Guidelines for Small Purchases are as follows:
 - 8) First, use cooperatively bid contracts, such as those found on one of the following cooperative sites for existing agreements. [Florida Department of Management Services \(DMS\)](#); [Orange County Government](#); [Educational and Institutional Cooperative Purchasing \(E&I\)](#); [NCPA \(National Cooperative Purchasing Alliance\)](#); [Omnia Partners \(Public Procurment Cooperative \)](#); [Sourcewell \(Cooperative Purchasing\)](#)
 - a. If not available on contract from one of the above cooperative agreement sites, use the **Request for Quote Form** that includes standard terms and conditions and requires the supplier to hold prices firm for a period of 60 days. This form is available on the Purchasing SharePoint site. **Sample RFQ Form, Attachment D.**
 - b. Department shall solicit a minimum of three quotes from an adequate pool of suppliers. This pool should include minority- and women-owned businesses whenever possible.
 - c. The solicitation may be distributed to the proposed suppliers in the form of an email, facsimile or hard copy sent via U.S.P.S/FedEx/UPS or similar carrier.
 - d. Prospective suppliers **MUST** receive the same communication and instructions when requesting quotes. If a supplier is added to the pool after the initial request, that supplier must be given the same terms and number of days to respond as those of original request.
 - e. Subsequent communication between prospective suppliers and the requesting department should be completed via email, and should be conducted in a manner providing **full and open competition**. Should information shared with a specified supplier have bearing on the outcome of their quote, or change the time allotted to submit their response, then that information should also be disseminated to the other prospective suppliers.
- 3) **Sealed bidding** is required for procuring equipment, supplies, and services in which the cost will exceed \$65,000. Sealed bidding is the preferred method for procuring construction contracts and for all other contracts in which the cost will exceed \$65,000 and when (1) a complete, adequate, and realistic specification is available, (2) there are two or more responsible bidders available, and (3) the procurement lends itself to contract award based on price.
 - a. Sealed bidding consists of public advertisement for bids and provides sufficient time for bidders to respond before the date set for the bid opening.
 - b. Bids must be solicited from “an adequate number of known suppliers”.
 - c. An invitation for bids, including the specifications and attachments, which defines the items or services required in enough detail to allow the bidders to properly respond.
 - d. Awarding a firm fixed-price contract made in writing to the lowest responsive and responsible bidder. (If specified in the bidding documents, factors such as discounts, transportation costs, and life cycle costs may be considered in determining which bid is lowest.)
 - e. Any and all bids may be rejected if there is a “sound documented reason.”

- 4) **Competitive proposals** are used when “conditions are not appropriate for the use of sealed bids,” and for the procurement of architectural or engineering services. See competitive proposal process below or contact the Procurement Department for additional information.
- a. Requests for Proposal process (RFPs) must be publicized;
 - b. The RFP must identify all evaluation factors and each factor’s relevant importance;
 - c. Proposals must be solicited from “an adequate number of qualified sources” (these terms are not defined);
 - d. Proposals received must be evaluated based on the criteria in the RFP;
 - e. Award of the contract is made to the responsible firm whose proposal is “most advantageous to the program, with price and other factors considered”.
- 5) **Single Source** is a noncompetitive proposal and may only be approved when the following circumstances apply:
- a. The item is available from a single source;
 - b. After solicitation and competition is attempted (through one of the methods described), it is determined that there is not enough competition available for a competitive procurement;
 - c. A public emergency is declared that will not allow time for a competitive process;
 - d. The grant document or the grantor expressly authorizes noncompetitive proposals in writing in response to the College requesting special consideration.

Note: (The Uniform Procedures Guidelines use the Simplified Acquisition Threshold, however the College’s Policy takes precedence, as it is more stringent).

C. Contract Cost and Price Analysis

Contract cost and price analysis is required in every procurement in excess of the Simplified Acquisition Threshold, currently at \$150,000, including contract modifications. Before receiving bids or proposals, the Department shall provide sufficient information about the requirements of the procurement in order that the Purchasing Agent can perform an independent price estimate as follows:

- 1) perform a cost analysis (that is, verify the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits);
- 2) negotiate profit as a separate element of the contract, considering the complexity of the work to be performed, the risk borne by the contractor, the contractor’s investment, the amount of subcontracting, the quality of the contractor’s past performance, and industry profit rates in the surrounding area for similar work; and
- 3) submit the procurement documentation to the awarding agency for pre-award review and approval.

Note: (The Uniform Procedures Guidelines use the Simplified Acquisition Threshold, however the College’s Policy takes precedence, as it is more stringent).

D. Minority- and Women-owned Businesses

Departments should strive to include minority firms, women’s business enterprises and labor surplus area firms in the small purchase process. During the competitive bidding process, Procurement must take steps to assure that minority firms, women’s business enterprises, and labor surplus area firms are used when possible and are encouraged to participate. These steps include:

- 1) Place qualified small and minority businesses and women’s business enterprises on solicitation lists;

- 2) Assure that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
- 3) Divide total requirements into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
- 4) Establish delivery schedules which encourage participation by small and minority businesses and women's business enterprises;
- 5) Use the services and assistance of the Small Business Administration (<http://www.sba.gov>) and the Minority Business Development Agency of the Department of Commerce (<http://www.mbda.gov>); and
- 6) Require prime contractors, if subcontracts are used, to take the same steps listed above.

E. eProcurement of Recovered Materials

The College and its contractors must comply with the Solid Waste Disposal Act, Section 6002, and the EPA 40 CFR part 247 which require:

- 1) When the price of the item exceeds \$10,000, procuring only items that contain the highest percentage of recovered (recycled) materials practicable, while maintaining a satisfactory level of competition. Suppliers can be required to provide the contents of materials supplied.
- 2) Online resources for sustainable purchasing can be viewed at <https://www.epa.gov/greeningepa/sustainable-purchasing-epa>.
- 3) In developing plans, drawings, work statements, specifications, or other product descriptions, consider, as appropriate, a broad range of factors including: elimination of virgin material requirements; use of biobased products; use of recovered materials; reuse of product; life cycle cost; recyclability; use of environmentally preferable products; waste prevention (including toxicity reduction or elimination); and ultimate disposal.
- 4) Procuring solid waste management services that maximize energy and resource recovery; and
- 5) Establish an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

F. Pre-Procurement Review of Detailed Specifications

Upon request of the Federal awarding agency, the College must make available:

- 1) Detailed specifications on proposed procurements to ensure that the item or service specified is the one being proposed for acquisition;
- 2) All procurement documents and independent cost estimates;
- 3) When the procurement is expected to exceed \$150,000 and is awarded without competition;
- 4) When the procurement is expected to exceed \$150,000 and specifies a brand product;
- 5) When, under a sealed bid procurement, the contract is awarded to other than the apparent low bidder.
- 6) When a contract modification will change the scope of the contract or increase the contract amount by more than \$150,000.

The College is exempt from the pre-procurement review if the awarding agency determines that the procurement systems comply with the standards of the Uniform Administrative Guidelines and the College self-certifies its procurement system. The awarding agency may, nevertheless, review the College procurement system.

G. Bonding requirements

To protect the College and the Awarding agency, the following minimum bonding requirements have been established for construction or facility improvement contracts and subcontracts exceeding \$150,000:

- 1) A bid guarantee of 5% of the bid price;
- 2) A performance bond in the amount of 100% of the contract price;
- 3) A payment bond in the amount of 100% of the contract price.

IV. AWARDING CONTRACTS

A. Debarred/Suspended Contractors and Vendors

Requirements of Debarment and Suspension – Appendix II to Part 200, Subsection (I) of OMB 2CFR “Contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide Excluded Parties List System in the System for Award Management (SAM)”. Always check the System for Award Management (SAM) website to make sure you aren’t awarding to someone on the Excluded Parties List (<https://www.sam.gov/>) before awarding a contract. Purchasing will also check the SAM site for excluded parties to ensure this requirement is met. You will lose your grant funding if you award a grant-funded contract to a person or company on that list.

B. Standard of Award

- 1) Do not award time-and-material type contracts (where the College agrees to pay based on the time spent and materials used instead of based on a lump sum bid) unless no other contract is suitable, and then only if the contractor agrees to a maximum price;
- 2) Do not award “cost plus percentage” contracts, where the bidder is paid a percentage of the contract price on top of the cost of the contract itself.

V. CONTRACT PROVISIONS

The College is required to include special provisions in all contracts, including small purchases, the applicable provisions in Attachment C.

VI. BID PROTESTS

The College will follow established bid protest procedures. If a protest is received, the awarding agency must be notified.

VII. CONTRACT ADMINISTRATION AND RECORDS RETENTION

A. Contract Administration

Regularly monitor contracts and purchases to ensure that each contractor/vendor is complying with their contract terms, conditions, and specifications, including all award requirements, and to ensure that performance goals are achieved.

B. Record Retention

Solicitation documents and records must be retained in accordance with the College’s Records Retention Schedule.

VIII. DISPOSAL OF ASSETS

A. Property Management

At the time of disposal, the department completes a Relief of Accountability Form and forwards to the Surplus Department for processing. Surplus sends an email to the Grants Accounting department, with the asset information and Grant ID of equipment that is being surplus, traded, or which may have been lost/stolen.

Grants Accounting will either approve or disapprove the request for disposal. After approval by Grants Accounting and the Surplus Committee, if required (i.e. \geq \$1,000), the Surplus department will facilitate the proper disposal process in accordance with F.S. 274.06.

Attachment A

CONFLICT OF INTEREST STATEMENT AND DISCLOSURE STATEMENT

CHECK ONE

[] The undersigned firm has no potential conflict of interest due to any other clients, contracts, or property interest for this project.

OR

[] The undersigned firm, by attachment to this form, submits information which may be a potential conflict of interest due to other clients, contracts, or property interest for this project.

LITIGATION STATEMENT

Please answer the following questions *Yes* or *No*. If you answer *yes* to any of the questions, provide a full explanation below the question.

1. Has your firm or any of its officers received a reprimand of any nature or been suspended by the Department of Business Regulation or any other regulatory agency or professional association within the last ten (10) years? **YES** **NO**

2. Has your firm or any member of your firm been declared in default, terminated or removed from a contract or job related to the services your firm provides in the regular course of business within the last ten (10) years? **YES** **NO**

If yes, indicate company name, contact name and telephone number, and reason for early cancellation/termination of contract.

3. Has your firm had filed against it or filed any requests for equitable adjustment, contract claims, litigation and/or judgments during the past ten (10) years? **YES** **NO**

If answered yes, include a summary and disposition of the case, the outcome or status of suit and the monetary amounts involved.

I hereby certify that all statements made are true and I agree and understand that any misstatement or misrepresentation or falsification of facts shall be cause for disqualification of your proposal and forfeiture of rights for further consideration of this proposal process.

Company Name

Name (Print or Type)

Authorized Signature

Title

Failure to provide the information requested, including documentation relating to potential conflicts of interest, or summary of past litigation and/or judgment may result in disqualification of your proposal.

Attachment B

PROPOSER'S CERTIFICATION

I have carefully examined the Request for Proposal and any other documents accompanying or made a part of this Request for Proposal.

I hereby propose to furnish the goods or services specified in the Request for Proposal at the prices or rates quoted in my Proposal. I agree that my Proposal will remain firm for a period of up to one hundred eighty (180) days in order to allow the College adequate time to evaluate the Proposals.

I agree to abide by all conditions of this Proposal and understand that a background investigation may be conducted by the College prior to award.

I certify that all information contained in this Proposal is truthful to the best of my knowledge and belief. I further certify that I am duly authorized to submit this Proposal on behalf of the Proposer as its act and deed and that the Proposer is ready, willing and able to perform if awarded the Contract.

I certify, under oath, that this Proposal is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation submitting a Proposal for the same product or service, and is all respects fair and without fraud. I further certify that no officer, employee or agent of the College or of any other Proposer has a financial interest in this Proposal. I further certify that the undersigned executed this Proposer's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

NAME OF BUSINESS

SIGNATURE

NAME & TITLE, TYPED OR PRINTED

MAILING ADDRESS/ OR IF DIFFERENT
YOUR PRINCIPAL PLACE OF BUSINESS

COLLEGE, STATE, ZIP CODE

() _____
TELEPHONE NUMBER

() _____
FAX NUMBER

E-MAIL ADDRESS
numbers.)

Sworn to and subscribed before me this _____

Day of _____, 20_____.

Signature of Notary

Notary Public, State of _____

Personally Known

-OR-

Produced Identification _____

Type: _____

DUNS Number: _____

Company Tax ID # _____

Note: (The College only requires Company Tax Id numbers.
The College is not requesting individual social security

Attachment C

SPECIAL CONTRACT PROVISIONS

Contract Provisions

All contracts, awarded by recipient including small purchases, shall contain the following provisions as applicable:

- 1. Equal Employment Opportunity** - All contracts shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."
- 2. Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 276c)** - All contracts and subgrants in excess of \$2000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal awarding agency.
- 3. Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7)** - When required by Federal program legislation, all construction contracts awarded by the recipients and subrecipients of more than \$2000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction"). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Federal awarding agency.
- 4. Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333)** - Where applicable, all contracts awarded by recipients in excess of \$2000 for construction contracts and in excess of \$2500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1 ½ times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- 5. Rights to Inventions Made Under a Contract or Agreement** - Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.
- 6. Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended** - Contracts and subgrants of amounts in excess of \$100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- 7. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)** - Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.
- 8. Debarment and Suspension (E.O.s 12549 and 12689)** - No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employee

Attachment D

REQUEST FOR QUOTATION FORM

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THIS EXTRA PAGE IS JUST A PLACE HOLDER AND WILL NOT BE INCLUDED
ON THE PDF VERSION OF THE DOCUMENT

REQUEST FOR QUOTATION

SPC DEPARTMENT: _____

CONTACT PERSON: _____

TELEPHONE: _____

CONTACT E-MAIL: _____

QUOTE TITLE: _____

RETURN QUOTE BY DATE: _____

TIME: _____

QUOTES SUBMITTED ARE SUBJECT TO THE FOLLOWING CONDITIONS

1. Quotations for furnishing the goods and/or services specified are subject to the conditions stated herein or attached hereto. Quotations will be received by the department stated above, until the specified due date and time. QUOTATIONS MUST BE SIGNED.
2. All prices must be firm and, if applicable, are to be quoted F.O.B destination, St. Petersburg College inclusive of any delivery, freight, or handling charges, unless otherwise stated by the College. Quotations other than F.O.B. ST. PETERSBURG COLLEGE may be rejected.
3. Quotations shall be binding for 60 calendar days from due date, unless otherwise specified.
4. Do not include State Sales Tax or Federal Excise Tax as the College is Tax Exempt.
5. College payment terms are Net 30 days.
6. The College reserves the right to award this RFQ by individual items, related items, or by total, whichever it deems to be in its best interest, and the College also reserves the right to reject any and all quotations and to waive informalities.
7. Unless otherwise called for in the specifications, all products are to be new, current model, and of best quality as measured by acceptable standards of the trade, and any defects in any product may cause its rejection. Wherever manufacturer's trade or brand names appear in the specifications, it is to be assumed that equal products will be considered unless otherwise specified by the college. Any bidder proposing equal products is to submit with quotation complete information, including specification and pictures depicting proposed equals. Quotations not specifying brand name and model number shall be considered as offering the exact product specified.
8. Where applicable, all products are to be covered by standard factory warranty unless otherwise specified by College.
9. Questions concerning the specifications are to be e-mailed to the department stated above.
10. CONFLICT OF INTEREST: By submitting a proposal, each Respondent acknowledges and agrees to comply with Section 112.313(3), Florida Statutes
11. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit proposal, with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287 017, Florida Statutes, for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.
12. This is a request for quotation for costing purposes only and not a guaranteed offer.
13. The person signing the quotation must be: 1) a current corporate officer, partnership member or other individual specifically authorized to submit quotations as evidenced in appropriate records on file with the Secretary of State; or 2) an individual authorized to bind the vendor, as evidenced by an accompanying corporate resolution, certificate or affidavit.

ST. PETERSBURG COLLEGE
POST OFFICE BOX 13489, ST. PETERSBURG, FL 33733-3489

14. NOTE: By accepting a purchase order resulting from this Request for Quotation, non-resident firms certify they have paid all taxes duly assessed by the State of Florida and its political subdivisions, including franchise taxes, privilege taxes, sales taxes, and all other taxes for which they are liable, to the state and its political subdivisions.
15. Quotations submitted are subject to provisions of the laws of the State of Florida, St. Petersburg College Policy, the terms and condition and specifications listed in this solicitation.
16. Non Discrimination: The Board of Trustees of St. Petersburg College affirms its equal opportunity policy in accordance with the provisions of the Florida Educational Equity Act and all other relevant state and federal laws, rules and regulations, Supplier agrees to abide by the college's nondiscrimination policy and as such, will not discriminate on the basis of race, color, religion, sex, age, national origin or marital status, sexual orientation, gender identity, or against any qualified individual with disabilities, in its employment practices or in the admission and treatment of students. The college and supplier recognize that sexual harassment constitutes discrimination on the basis of sex. Further, the provisions of Executive Order 14246_ as amended by Executive Order 11375, related to government contractors and nondiscrimination are hereby incorporated into these Terms and Conditions

SUPPLIER INFORMATION

SUPPLIER: _____
(COMPANY NAME)

ADDRESS: _____
(STREET OR P.O. BOX) (CITY, STATE, ZIP CODE)

FEDERAL TAX I.D. # _____

I certify that I have read and understand the conditions above

Signature _____

Name(s) and Title(s) _____

Telephone _____ Fax _____

Email _____

Date _____