

Rock Valley College

RVC Board Policy 5:10.120

Purchasing

It is the policy of the Rock Valley College Board of Trustees to provide needed supplies, materials, equipment, and services to support the educational programs of the College through the use of sound, efficient, and effective purchasing procedures which: (1) require Board approval for the award of contracts for supplies, materials, equipment, and/or services involving an expenditure in excess of the amount currently authorized by the Illinois Public Community College Act, Chapter 110, Illinois Compiled Statutes, 805/3-27.1; and (2) authorize the College Administration to award contracts for expenditures less than or equal to the amount currently authorized by the Illinois Community College Act, Chapter 110, Illinois Compiled Statutes, 805/3-27.1.

Board Approval Amount

The College will ensure that expenditures in excess of \$25,000 are approved by the Board of Trustees prior to awarding such purchase order(s) and/or contract(s). (110 ILCS 805/3-27.1).

Requirement for Contract Legal Review

The College Administration will have any purchase order or contract in excess of \$50,000 reviewed by legal counsel. All other contracts, regardless of amount, shall, by the judgment of the College's Leadership Team, be reviewed by legal counsel. For purposes of this Policy, grant-related documents will be reviewed when the College's Leadership Team determines that legal review is warranted. **(RVC Board Requirement).**

Responsible Bidder Compliance

Responsible bidder for purposes of construction contracts over \$25,000.00 shall require submission of proof of compliance with the following criteria: **(RVC Board Requirement):**

1. All applicable law prerequisites to do business in Illinois.
2. Evidence of compliance with:
 - a. Federal Employer Tax Identification Number or Social Security Number (for individuals).
 - b. Provision of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employment provisions).
3. Certificate of insurance indicating the following coverages: general liability, workers' compensation, completed operations, automobile, hazardous occupation, product liability, and professional liability.

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4. Compliance with all provisions of the Illinois Prevailing Wage Act, including wages, submission of certified payroll records, medical and hospitalization insurance, and retirement for those trades covered in the Act.
5. Participation in apprenticeship and training programs applicable to the work being performed on the projects which are approved by and registered with the United States Department of Labor's Office of Apprenticeship and Training.

This Responsible Bidder Compliance Policy shall be reviewed annually by the Board of Trustees from the date of its enactment to evaluate the Policy's impact on Board Policy 5:10.140 (Diverse Vendor Enterprise Use).

Purchases Less Than or Equal to \$25,000

Purchases less than or equal to \$25,000 will be governed by procedures set forth by the Chief Operations Officer (COO) or the COO's designee and shall be made available for public viewing.

Purchases Subject to Competitive Bidding

All purchases involving expenditures in excess of \$25,000 and which are not covered by the fourteen (14) statutory bid exemptions (discussed further below) must be competitively bid. In accordance with the Illinois Public Community College Act, these bids must be sealed by the bidder and must be opened by a member or employee of the Board at a public bid opening, at which the contents of the bids must be announced. Each bidder must receive at least three (3) days' notice of the time and place of such bid opening, and the bid must be advertised for at least ten (10) days. (110 ILCS 805/3-27.1).

For purposes of this Section, due advertisement includes but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district, or if no newspaper is published in the district, in a newspaper of general circulation in the area of the district. (110 ILCS 805/3-27.1).

The College President shall recommend approval of all purchases of goods and services in excess of \$25,000, which shall be subject to the Board of Trustees' discretionary approval.

Exemptions to the Bidding Requirements

1. Purchases Not Subject to Competitive Bid

All purchases of items that qualify for a statutory bid exemption pursuant to Section 3-27.1 of the Public Community College Act may be made by the Finance/Business Office without advertising for bids and without requiring price quotations. If, for any reason, competitive bids or price quotations are deemed advisable by the VP of Finance/CFO, or the VP of Operations/COO or his/her designee, they will be obtained, and awards will be made on the basis of conformance to specifications and the total

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cost of the bids/quotes. Items procured under this section will still be subject to Board review and approval if in excess of \$25,000. (110 ILCS 805/3-27.1).

2. Cooperative Purchasing

The College may participate in joint purchases by governmental units pursuant to 110 ILCS 805/3-27.2 when it is in the College's best interest to do so. Any cooperative will be reviewed by the College's attorney to ensure compliance with all applicable statutes, rules, and regulations. (110 ILCS 805/3-27.2).

3. Change Orders – Competitive Bid Contracts

The Public Community College Act (Illinois Compiled Statutes, Chapter 110, Paragraph 805/3-27.1(d)) states that change orders for competitively bid contracts made for the purchase of supplies, materials, or work involving an expenditure in the excess of \$25,000 are exempt from competitive bidding only when the change order does not cause additional expenditures in excess of 10% of the contract price, and the change order is due to unforeseen revisions which are not the fault of the contractor. The Board authorizes the College Administration to exercise change orders for construction that are less than 10% of the contract price when the change order amount has previously been approved by the Board of Trustees pursuant to the contract contingency. In order to keep projects moving and avoid delays, which can increase the costs of construction, the Administration may approve change orders that are less than 10% of the contract price without having to receive additional Board approval in accordance with procedures set forth by the COO or the COO's designee which shall be made available for public viewing. All change orders shall be made in writing, and the Board will have no duty to pay for change orders that are not approved by the Administration in writing. The Administration shall disclose all change orders to the Board at the next public Board meeting. (110 ILCS 805/3-27.1(d)).

4. Technology Products and Services

The Public Community College Act (Illinois Compiled Statutes, Chapter 110, Paragraph 805/3-27.1(f)) allows for the purchase of technology and data processing related equipment, software, or services and telecommunications and interconnect equipment, software, and services without formal bids. Therefore, the Board authorizes the President or designee to utilize this provision when, in the opinion of the Administration, it is in the best interest of the College to purchase such products without formal bids. Items procured under this section will still be subject to Board review and approval if in excess of \$25,000. (110 ILCS 805/3-27.1(f)).

5. Emergency Expenditures

The Purchasing Department should be contacted as soon as a department determines that an emergency purchasing situation exists. "Emergency Purchases" must follow a special procedure in order to obtain goods or services that exceed the competitive solicitation threshold but must be purchased quickly to respond to an emergency. An emergency arises when (1) the safety and welfare of any person or damage to valuable real or personal property is actual or imminent; (2) the operation or the educational program of the College is disrupted, or disruption may be imminent unless immediate action is taken; and/or (3) the failure to take prompt

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action may trigger delay and addition unnecessary expense to the College. Examples of an emergency purchase is repair of damages related to a natural disaster (tornado, earthquake, flood, etc.), a manmade disaster (chemical spill, active shooter, fire, etc.), or a biological emergency (communicable disease outbreak, i.e., COVID-19 or other).

Approvals for emergency expenditures over \$25,000, unless otherwise exempt, must be approved by 75 percent or six (6) members of the Board of Trustees. In order to efficiently and promptly address emergencies, for any emergency expenditure between \$25,000 and \$100,000, the President may provide the initial approval of the expenditure after receiving verbal approval from the Board Chairman, and the Board may retroactively approve the expenditure at the next Board meeting. (110 ILCS 805/3-27.1(m)).

Changes to Shipping and/or Freight Costs

The Administration shall not be required to obtain Board approval for expenditures for shipping, freight, and/or delivery costs or small price increases which cause the Board-approved purchase price to slightly increase so long as such additional costs comply with Section 3-27.1 of the Community College Act and this Board policy.

Reference: Board Report 5838; Board Report 7564; Board Report 8135

Implemented: September 12, 2000

Revised: October 28, 2014; October 23, 2018; December 2, 2019; February 27, 2024