



Early Learning Hub

of Linn, Benton & Lincoln Counties

Procurement Policy

The purpose of the Early Learning Hub of Linn, Benton & Lincoln Counties ("EL Hub") Purchasing Policy and Procedures Manual is to document the EL Hub's policies and procedures related to its purchasing of and/or contracting for goods and services. These policies are in alignment with Linn-Benton Community College's ("LBCC") purchasing policies.

All public contracting in the State of Oregon is governed by Oregon Revised Statutes Chapter 279, which states in part that it is the policy of the State of Oregon to encourage public contracting competition that supports openness and impartiality to the maximum extent possible.

The EL Hub funds programs and services for children ages birth to six, and their families to ensure that every child in Linn, Benton & Lincoln Counties will enter school ready to learn.

The EL Hub's funding decisions are primarily guided by its Strategic Plan. The Strategic Plan is a three year plan that the EL Hub reviews annually. The Strategic Plan sets forth the EL Hub's goals for its strategic funding investments. The EL Hub Procurement Policy and Procedure Manual will be reviewed in alignment with the strategic plan. A key component of the Strategic Plan is the Early Learning Division's Hub Metrics, which provides the indicators that will be measured and priority strategies that will demonstrate achievement of the Success Metrics in the EL Hub's Strategic Plan.

1. Procurement of Goods

These policies are to provide for the fair and equitable treatment of all persons involved in public purchasing by LBCC on behalf of the EL Hub, to maximize the purchasing value of public, and to provide safeguards for maintaining a procurement system of quality and integrity. Purchases for goods and services for the operations of the Hub are authorized by the Director and/or the Governing Board. The competitive procurement process shall be used to acquire goods based upon the following dollar thresholds.

A. Bidding and Other Requirements

Unless otherwise exempted, acquisitions are based on the following solicitation methods:

B. Any purchase:

Purchases under \$5,000 may be completed by the individual departments selecting the vendor and placing an order without being required to obtain additional competitive quotes.

Purchases of \$5,000 and over require a Linn-Benton Community College purchase order, with a few exceptions. Exceptions outlined in LBCC Administrative Rule Number: 5035-04.

C. Informal Bids and Quotes

Whenever feasible, competitive quotes are encouraged at all levels of purchasing. However, purchases of \$5,000 and over require competitive quotes.

The informal selection process allows the EL Hub staff to obtain a written price and scope of work via fax, e-mail, or other writing by at least three (3) vendors. The EL Hub shall select the vendor that best fits the EL Hub's needs, using price, quality and the ability to provide deliverables within the Hub's timeframe as the primary factors. If the EL Hub is unable to obtain at least three (3) written quotations, the EL Hub shall document this fact and provide as much available information regarding why it could not obtain this number. The EL Hub reserves the right to use a formal procurement process for purchases

\$5,000.00 or less, especially if there is uncertainty about the types of goods the Hub is seeking to obtain. The Director shall have authority to execute contracts obtained by informal selection procedures without Governing Board approval. All executed contracts are a matter of public record and will be included as a part of the monthly financial statement reviewed by the Governing Board and its Fiscal Oversight Committee.

D. Formal Bids

With limited exceptions purchases and public works projects \$100,000 and over require a formal sealed bid procedure and will be processed by the purchasing department. For public works projects of \$50,000 and above prevailing wage rates must be paid. Prevailing Wage Rates - BOLI, with limited exceptions, will be processed by the purchasing department. Formal solicitations are normally advertised in the Monday editions of the Albany Democrat Herald, the Corvallis Gazette-Times and/or the Wednesday Lebanon Express. Additional advertising may be published in the Daily Journal of Commerce.

2. Procurement of Services

The EL Hub will use a Non-Competitive Procurement Process for procurement of services.

A. Non-Competitive Selection Process

Services procured using a non-competitive selection process shall meet at least one of the circumstances described below (Items i-v). If the Governing Board or the Director determines that none of the circumstances apply, then the EL Hub shall use the Formal Procurement Process as outlined in item (B).

- i. Sole Source Procurement:** The EL Hub may procure materials or services that are available from only one source. In order for the EL Hub to justify a sole source procurement, one or more of the following factors must be present:
 1. The vendor capabilities and experiences are so unique (including the vendor's possession of patents or trademarked materials) that no other vendor may comparably meet the Hub's needs;
 2. Only one product is available to reasonably meet the Hub's needs; and
 3. Only one vendor has the ability to provide goods or services to the EL Hub within the EL Hub's required time frame.
- ii. Emergency:** Emergency awards or purchases may be made by the Director when the materials or services so purchased are necessary for the preservation of life or property (e.g. natural disaster response). Such emergency purchases shall be submitted to the Governing Board for ratification at its next meeting.
- iii. State or County Vendors:** The EL Hub may use a vendor under a leveraged purchase agreement if the leveraged purchase agreement itself was procured via a competitive selection and the vendor accepts the same terms as those contained in the leveraged purchase agreement.
- iv. Funder Identified Sub-contractor:** The EL Hub may contract with certain service providers if the source of funds identifies the provider in the funding award to the EL Hub. The Governing Board will be informed of such circumstances at its next meeting.

- v. **Intent to Partner (ITP):** The EL Hub may select certain service providers by engaging in community-based planning efforts in which stakeholders come together for the purpose of identifying specific needs and the providers best able to meet those needs. Funds should not be awarded during these meetings (e.g. Work groups develop strategies to meet metrics and provider best suited to implement the strategy. Work group chairs then make recommendation to Governing Board. Governing Board will make final decision regarding recommendation made by work group)

B. Formal Procurement Process

For formal procurements, the EL Hub will use Request for Application as best determined by the Governing Board and/or staff. All contracts entered into as a result of a formalized procurement process, which are greater than \$5,000.00, shall be approved by the Governing Board before they are executed by the EL Hub Director. The Governing Board's approval of the annual budget satisfies this requirement.

- vi. The Request for Application or *RFA* is a formal announcement by the EL Hub of an opportunity to apply for funds with specific strategies and parameters in order to achieve the EL Hub's strategic goals and outcomes. An RFA contains specific requirements regarding the application and evaluation processes, and how such funds shall be used. Proposals in response to an RFA are subject to negotiation after they have been submitted to the EL Hub.

vii. Public Notice

It is the EL Hub's policy to provide notice to the public of all formal procurement opportunities. Such notices shall be posted publicly to ensure competition. Public notice will be on the EL Hub Website and published no less than ten (10) days prior to the procurement time and due date. In lieu of public notice, the Hub may opt to create and maintain a vendor list for specific professional services.

viii. Time and Due Date

The amount of time proposers may prepare their responses to formal procurement opportunities shall be determined by the EL Hub but, if practicable, shall be no less than ten (10) calendar days after release of RFA and shall provide sufficient time for proposers to prepare and submit their proposals. The EL Hub reserves the right to amend the proposal due date. Such changes shall be issued in writing in the form of an addendum to all prospective proposers who received the original request documents or posted on the website.

ix. Addendum of Procurement Opportunities

The EL Hub reserves the right to amend any RFA. The EL Hub shall make a reasonable effort to provide all vendors who received an RFA with written notice of such action. Any oral interpretations of contract specifications by any governing board member or the EL Hub staff to the vendor regarding terms or conditions shall not be binding on the EL Hub.

x. Mistakes in Proposals Prior to Opening of Proposals

Mistakes in proposals detected prior to opening may be corrected by the proposer by withdrawing the original and submitting a corrected proposal to the EL Hub before the due date. If there is insufficient time prior to the due date and time to withdraw the original and submit a corrected proposal, the proposer or an

authorized representative may correct the mistake on the face of the original proposal, provided that such revision occurs prior to the due date and time. A corrected proposal must be time-stamped upon re-submission. The EL Hub will not accept corrections to proposals after the proposal time and due date.

xi. RFA Acceptance, Review, and Selection

Proposals shall be accepted without alteration or correction, except as authorized in this policy, and shall be evaluated based upon the requirements set forth in the RFA, which may include certain criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the proposal's price and be considered in evaluation for award, shall be objectively measurable, such as discounts, transportation costs and total or life cycle costs.

The EL Hub shall assign a staff person to facilitate the creation of a selection committee and/or process to review the proposals. The contract file shall contain a written explanation of the selection decision.

The Director, or his or her designee, shall make a final recommendation to the Governing Board based on the results of the committee. Final approval of the award shall be made by the Governing Board.

All contracts shall be based strictly upon the face value of the proposals received. The EL Hub shall not factor in to its procurement selection any hidden rebates, discounts, and other price considerations not described in the proposals.

A grant award letter shall be issued to the selected vendor, specifying the amount awarded and indicating that funds will be released upon compliance of a signed contract establishing the terms and conditions of all parties. Non-selected vendors shall receive written notice of the Governing Board's action.

xii. Notice of Cancellation or Rejection of Proposals

The EL Hub may, at its discretion, cancel or reject any or all proposals. In the event of such a cancellation or rejection, all proposers shall be notified in writing as soon as possible and the reason(s) shall be documented in the procurement file.

xiii. Determination of Non-Responsiveness

Failure of a proposer to promptly supply information requested by the EL Hub may be grounds for the EL Hub to determine that the proposer is non-responsive, in which case the proposal may be rejected.

xiv. Disclosure of Results

After the award by the EL Hub, all proposals received by the EL Hub shall be open to public inspection at the offices of the EL Hub during normal business hours. The EL Hub assumes no responsibility for the confidentiality of information provided in the proposals.

xv. Protests

Upon notice by the EL Hub of an award, any proposer may file a written protest regarding a potential procurement by the EL Hub. The protest shall be filed with the Director no later than forty-eight (48) hours before the day of the meeting at which the Governing Board is scheduled to award the subject contract. The protest shall

be in writing addressed to the Director and contain the exact basis for the protest, and proof that the protester is a viable and responsible provider of the services sought and filed with the Director. The protest should provide evidence that the award violated the EL Hub's procurement procedures. Mere disagreement with the EL Hub or Director's decision shall not be the basis for a successful protest.

xvi. Delegation of Contracting Authority

Subject to any EL Hub procurement policy, the Governing Board may take action to delegate its contracting authority to any standing or *ad hoc* committee of the Governing Board, or the Director