

# **Beaufort County Community College Internal Purchasing Manual**

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## **Introduction**

This manual is intended to assist you with your procurement questions as you strive to select equipment, materials, services, supplies, and printing that are necessary for the College to continue to grow and serve the needs of the people of Beaufort County.

The College encourages open and fair competition at all levels to ensure the tax payers of Beaufort County and the State of North Carolina that their best interests are served. Policies, procedures, and laws that must be taken into consideration even on the smallest of purchases are outlined for quick review. If you have questions regarding any purchase or procedure, please contact the Business Office for guidance.

## **Competition**

North Carolina's purchasing program is based on sound competitive purchasing procedures and organized as a centralized purchasing system. The State Purchasing Officer is responsible for all aspects of purchasing commodities and contractual services by agencies, either directly or indirectly.

Competition is the cornerstone around which public contracting is built. In its best form, it is a mirror of a free and open economy. North Carolina's purchasing program is built on the principle of competition. Where it 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 College purchasing personnel must maintain an awareness of the need for and value of competition in every procurement action.

The ability to foster competition is a skill required of all College purchasing personnel. 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 should not be considered as the absolute in the competitive arena. The lowest responsive and responsible bid is the benchmark in North Carolina's purchasing program. The lowest responsive and responsible price allows consideration of many factors, such as 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, and others. The purchaser's responsibility is to evaluate all the factors included in the procurement document to determine the lowest responsive and responsible offer from all offers received.

As purchasers, we are entrusted by the taxpayers of this state to spend the monies allotted us in an efficient and effective manner. To accomplish this we must work jointly to promote and protect the basic fundamentals of fair and open competition upon which our state's purchasing program is built. The integrity of our purchasing program is paramount in maintaining this trust.

## **Integrity**

Fairness and impartiality in all phases of the process are essential ingredients in public purchasing. Dealings with vendors and peers must be open, honest, and objective.

Like all service functions, purchasing justification is the quality of the service it renders. The process cannot be both effective and self-serving; the two are incompatible. In the case of public

purchasing, utmost fairness is required in expending public funds. The result of favoritism extended to either a user or seller is the same. The practice is not permissible. No matter how strongly a user may prefer a particular product over others, equivalent products must be given every reasonable consideration.

We must commit and adhere to fair and open competition. Integrity is a principal stock in trade for the public purchaser. Integrity is manifested by fairness, openness, and impartiality and can be tarnished by even the slightest appearance of impropriety. Once this occurs, it is very difficult to regain.

### **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 both to purchasing personnel and the vendor community.

It becomes imperative, therefore, that all public purchasing personnel be entirely cognizant of the necessity for ethical behavior. It takes only the slightest hint of impropriety to cast doubt on behavior. Sometimes, it may be even more of a perception than an actual event. Members of the staff are expected to be characterized by professional and ethical attitudes and actions, maintaining a concern and respect for the rights and feelings of their colleagues, students, and vendors.

Anyone who engages with a supplier at any level, for any reason, is involved in the purchasing process and will be held accountable to the following principles and standards of purchasing practice:

1. The purchasing power of the State shall not be used for private advantage or gain. Employees or other individuals will not process orders for articles for ownership.
2. Avoid the intent and appearance of unethical or compromising practice in relationships, actions and communications.
3. Refrain from any private business or professional activity that would create a conflict between personal interests and the interests of Beaufort County Community College.
4. Refrain from soliciting or accepting money, loans, credits or prejudicial discounts and the acceptance of gifts, entertainment, favors, or services from present or potential suppliers which might influence, or appear to influence purchasing decisions.
5. Do not discuss with suppliers: cost information, bid information or trade secrets. Handle all information in a confidential or proprietary nature with due care and proper consideration of ethical and legal ramifications and governmental regulations.

### **Conflict of Interest**

Employees shall disclose to their respective budget officer, within the administrative area to which they are assigned, any potential conflict of interest of which they are aware related to the purchase of equipment, materials, goods, or services.

Except in very unusual circumstances, the College will not purchase equipment, materials, goods, or services from an employee, a member of an employee's immediate family, or a business in which an employee or a member of an employee's family has an ownership interest. If an exception is necessary, the area budget officer must submit a written disclosure of the transaction with the purchase requisition.

### **Responsibility**

Any employee responsible for purchases outside the laws of the state of North Carolina shall be subject to disciplinary action by the College or the state of North Carolina. See G.S. 143-51. The North Carolina General Statutes and the North Carolina Administrative Code govern purchasing policies and procedures for community colleges. These policies and procedures must be adhered to when the colleges purchase supplies, equipment, and materials, **regardless of the source of funds**. The Division of Purchase and Contract's [Purchasing Manual](#) covers the State's purchasing procedures in greater depth and should be the primary source for purchasing information.

### **Equipment Purchases**

Equipment purchases are subject to all College and state procurement guidelines.

When purchasing equipment, the end user must coordinate the request with Maintenance to ensure the proper utilities are in place for the equipment. This may include gas, electricity, water, etc.

Maintenance will determine if such service now exists or if it is to be installed, the lead time required, and any other procedures that need to be followed. The department making the procurement request should ask that a cost estimate be added to the request to reflect the additional service costs.

Equipment purchases of \$999 and less are considered to be minor equipment. Purchases of equipment \$1,000 and up are considered as major equipment. See procurement procedures for breakdown of dollar amounts and requirements.

### **End-Of-Year Planning**

In order to meet the needs of the entire College, all requests for the current fiscal year should be submitted, approved, and purchased no later than May 1st of the given year. This will allow for delivery and payment during the current fiscal year. Only emergency requests and purchases for Maintenance will be allowed after specified date.

### **Sole Source Vendors**

When an item or service is available from only one known source of supply, the vendor is referred to as a sole source vendor. Please note that if a manufacturer has multiple resellers the item cannot be considered a sole source item. If competition is available it must be sought.

### **EXAMPLES**

The following are examples of sole source vendors:

- A new computer software company sells software that they developed and that can only be purchased from them.
- A piece of equipment the College has breaks down and the required parts and repair

service can only be obtained from the one local company authorized by the manufacturer to sell and service in this state/country.

## **DOCUMENTATION**

Any knowledge of or justification for using a "sole source" vendor must be noted on the requisition for consideration by the Business Office. If technical specifications are the justification, note them in detail for comparison to existing products and sources. If possible, attach the following documentation to the requisition:

- sole source letter from manufacturer
- descriptive literature
- photographs
- diagrams
- technical data, etc.

## **APPROVAL**

If the purchase is properly justified, approved, and within the College's local limit of \$10,000, it can be processed without submitting to the N.C. Division of Purchase and Contract.

**NOTE:** If the purchase exceeds the local limit of \$10,000, it will be forwarded to the N.C. Division of Purchase and Contract with all accompanying data for evaluation. If the purchase is approved, the College will proceed with the order.

## **Process for Submitting Purchasing Requisitions**

Departments must complete a requisition form and submit to the Purchasing Department through the supervisory channels. Items available in the Central Supply Room do not require a requisition form, but must be signed for by authorized person(s).

## **Iran Divestment Act Certification**

The NC General Assembly enacted the Iran Divestment Act (S.L. 2015-118), which—for every contract greater than \$1,000, every amendment and every contract renewal or extension—requires the vendor to sign the Iran Divestment Act Certification. This requirement applies to all units of State government and to all political subdivisions of the State. The Iran Divestment Act Certification and Q & A Reference Guide can be found on [Purchase and Contract's website](#).

For every solicitation, the Certification should be included as an additional Attachment. For solicitations already posted, it must be signed by the recommended awardee before final approval of the award. It must be attached to each contract amendment, renewal and extensions, or the language incorporated into the body of the document.

A vendor is prohibited from contracting only if it is included on the Treasurer's list of prohibited companies, and the Certification is limited to whether it and any subcontractors appear on the list. This list, along with additional information about the Iran Divestment Act, is available on the [Treasurer's Office site](#). As of March 2016, the list includes 16 companies.

Note that several versions of this Certifications have been made available that refer to incorrect statutory references. The law was enacted by Session Law 2015-118 as G.S. 143C-55 et seq.,

but has been renumbered for codification into G.S. Chapter 147 at the direction of the Revisor of Statutes.

### **Receiving Documents for Goods, Services & Materials**

Purchase orders, packing slips, MSDS, manuals, and all other documents received along with goods, services, or materials must be sent upon receipt by the end user to the Business Office for processing.

Original invoices must be sent to the Business Office (Attention: Accounts Payable) immediately upon receipt. Delays in this process will cause unnecessary delays in payment to vendors.

If the price on an invoice is 20% or more than the price listed on the purchase order or requisition, a supervisor's signature is required on the invoice. This does not eliminate the requirement that a request for quote is required on any purchase between \$5,000-\$10,000 and a bid is required on any purchase exceeding \$10,000.

### **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, 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
- Agency Specific Term Contract
- Purchasing Flexibility
- Emergency or Pressing Need
- Nonprofit Work Centers for the Blind and the Severely Disabled
- Correction Preference
- 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 between five thousand (\$5,000) and ten thousand (\$10,000) dollars. Formal competitive bids are not required, but multiple quotes must be sought by using an RFQ (request for quote) or e-quote.

#### **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 based on described competitive processes.

#### **TERM CONTRACTS**

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 College 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 dollar amount). Orders below the minimum shall be obtained in accordance with College procurement procedures. In most cases, orders below minimum requirement will pay transportation fees. Orders that exceed the maximum quantity specified in the contract 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.

### **PURCHASING FLEXIBILITY**

The General Assembly enacted legislation (G.S. 115D-58.14) which allows the community colleges to purchase items that are on a state term contract from other (non-certified) sources, if the purchase price, including the cost of delivery, is less than the cost under the State Term Contract. The colleges must comply with the following conditions:

- The items are the same or substantially similar in quality, service, and performance as items available under State term contracts.
- The purchase price, including the cost of delivery, is lower than the state contract price. **(This does not mean, “equal to”).**
- The cost of the purchase does not exceed the college’s authorized purchasing delegation as established under G.S. 143- 53.1
- The college must keep a detailed record of all purchases made from non-certified sources.

### **Emergency & 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. A solicitation document requesting or inviting an offer(s) shall 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 is over the College's delegation, prior approval shall be obtained from P&C if time permits.

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

### **Preferences**

#### **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 delegation, and
  - The goods or services are not available under a term contract, and
  - The goods or services are 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.

#### **DEPARTMENT OF CORRECTION**

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 shall 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 commodities (except printing). Delegation limits do not apply to products purchased from Correction Enterprises. For products available with Department of Correction, go to <http://correctionenterprises.com/>.

Products available from the private sector and also offered by Correction Enterprises, including those on term contracts, shall 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 shall 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.

#### **PROCEDURES AND RECORDS**

Except where a waiver, small purchase, special delegation, exemption, or emergency or

pressing need is permitted by rule, all purchases involving the expenditure of public funds made by the College for those commodities, services, and printing, not covered by statewide term contracts shall comply with the following delegations and procedures. The two exceptions to this are when the College buys from either the Department of Correction or from a Nonprofit Work Center for the Blind and the Severely Disabled.

For purchases made by the College involving an expenditure of public funds over \$5,000, up to the general delegation limit:

- Competition shall be solicited;
- Solicitation documents requesting or inviting offers shall be issued; and
- Solicitation documents shall include standard language, including terms and conditions issued by P&C, unless prior written approval is obtained from P&C. If additional terms and conditions are used, they shall not conflict with P&C's standard terms and conditions, unless prior written approval is obtained from the SPO.

E-quote or IPS may be used for solicitations below \$10,000.

In addition, the College shall advertise their solicitations on Purchase and Contract's Interactive Purchasing System (IPS) via the internet for the following purchases:

- a) Any purchase that exceeds the formal threshold of \$10,000 or greater.
- b) Purchases under \$10,000 if it is determined that a larger base of competition is needed.
- c) Purchases that require competition for services, construction, consulting, instruction, goods and materials that require special consideration.

The awarding of all contracts under the College's delegation shall be the responsibility of the College's Business Office. Awards that exceed the College's delegation shall be awarded by the appropriate state agency in conjunction with the College's recommendation.

## **PROCEDURES**

Where the total requirements for commodities, services, or printing jobs involve an expenditure of public funds in excess of the College's general delegation, the competitive bidding procedure as defined in G.S. 143-52 shall be utilized as follows:

- Sealed offers for commodities shall be solicited by P&C via advertisement

For service contracts handled by the College, the College shall prepare a task description of the services and desired results. Task descriptions shall contain all of the following:

- The date(s) of service (The contract shall not be for more than three years including extensions and renewals, without the prior approval of P&C.);
- Detailed specifications or scope of work required;
- What the College shall furnish;
- What the contractor shall furnish;
- The method, schedule, and procedures for billing and payments; and
- Other subject matters bearing on the conduct of the work.

## **FILE MAINTENANCE / DOCUMENTATION**

All purchasing records shall be maintained for a period of five years after the expiration date of the contract. Each file shall be identified individually so it can be readily located and referenced either through the NC E-procurement @ Your Service system or hard copy files.

All purchase transactions shall be documented, with each file containing, as applicable, the

following:

- Original offers if in writing, or written documentation of verbal offers received;
- Reasons for award or cancellation;
- Worksheets/evaluations;
- Vendor list, if used;
- Written justification for waiver or emergency purchase;
- Tabulation of offers received;
- Copy of purchase order(s);
- Related correspondence;
- Reason(s) for receiving only one offer in response to a solicitation;
- Negotiated contracts; and
- Reasons for not accepting technical proposals.

After award of contract, all material in the file, except confidential information, shall be public record.

**Purchasing Benchmarks**

**REQUIREMENTS FOR BIDS AND QUOTES**

**Quotation:** A written document provided by a vendor that clearly lists the cost of item, delivery charges, tax, and terms and conditions. The College requires a minimum of 3 written quotes.

**Bid:** A written, formal, sealed response to a request submitted by the College or state through the State of NC Interactive Purchasing System. Bids are formally solicited when amount exceeds 9999.99 dollars.

When sealed bids arrive, they must be stamped with the exact date and time received. Purchasing must have an additional person present to verify this procedure is being followed.

When creating specifications for bid documents the requestor must be very clear in their requirements. In order for a requirement to be mandatory, the terms **“shall,” “must,” and “will”** should be used. Failure to meet these requirements in a proposal may be grounds for disqualification of the proposal and deem the proposal non- responsive.

The following templates are used for soliciting formal responses:

- RFP:** Request for Proposal
- RFQ:** Request for Quotes
- IFP:** Invitation for Proposal
- IFB:** Invitation for Bid

The Business Office shall determine whether quotations, proposals, or bids meet all specifications outlined in the documents submitted.

The College encourages competition at all levels, regardless of dollar amount.

Purchase of equipment, goods, supplies, and services are subject to the following requirements:

Under \$5,000	Quote not generally required. (Securing of competitive prices is recommended.)
\$5,000-\$10,000	Obtain official written quotes by using an RFQ (request for quote) or

	e-quote. (Administrative Services to assist in the Procurement of these quotes). A copy of NC General Contract Terms and Conditions must accompany all official quotes to vendors. (Forms can be obtained from Administrative Services.)
\$10,000 and Over	Submit specifications to Administrative Services for processing through Purchase and Contract Division.

**\*\*Purchase requisitions cannot be divided into multiple transactions in order to keep them under the established expenditure delegation amounts/guidelines as listed above.\*\***

## Miscellaneous Rules

### SEEKING COMPETITION

#### Recall of Offers

Offers may be recalled prior to opening upon signed request from an authorized agent of the offeror.

#### E-Mail, Facsimile, and Telephone Offers

E-mail, facsimile, and telephone offers shall not be accepted in response to solicitations that are required to be sealed. Sealed offers are required formal procurement solicitations.

#### Public Openings

Advertised procurements shall be publicly opened at the time, date, and place identified in the solicitation document. At the time of opening, the names of the companies, the manufacturer(s) and catalog number(s) of the item(s) offered, and the prices, deliveries, and payment terms submitted shall be tabulated, and this tabulation shall become public record, except as provided below.

Under a two-step process the cost proposal(s) shall not become public record until the technical offer(s) has been evaluated (first step) and then only those determined by the College which issued the solicitation document to have an acceptable technical offer shall have their cost proposal opened (second step). Cost proposals from those offerors whose technical proposals have been deemed acceptable shall be publicly opened, and the offeror(s) with the acceptable technical offer(s) notified of the time and place for the opening. At least two (2) College working days' notice shall be given prior to the opening. In addition, there shall be at least two College employees present at the opening.

The cost proposals from offerors whose technical offers were deemed unacceptable shall remain unopened.

### LATE OFFERS, MODIFICATIONS, OR WITHDRAWALS

It is the sole responsibility of the offeror to have their offer delivered on time, regardless of the mode of delivery used, including the U.S. Postal Service or any other delivery services available.

No late offer or late modification shall be considered unless received prior to the bid opening, unless the offeror modification would have been timely except for the action or inaction of College personnel directly involved in the procurement process. Withdrawals will not be considered unless received prior to contract award. Purchasers shall review the reasons for any withdrawal request to ensure that allowing withdrawal would not compromise the procurement process.

## **MANDATORY CONFERENCES/SITE VISITS**

Mandatory site visits are a requirement that potential offerors must visit the premises where requirements will be used or installed to become familiar with site conditions. Site visits can be mandatory or non-mandatory. Mandatory site visits may restrict competition in that, unless an offeror attends the site visit, that offeror's bid will not be accepted.

Pre-proposal or pre-bid conferences are held with potential offerors prior to solicitation of offers to clarify any ambiguities, answer offeror's questions, and ensure that all offerors have a basic understanding of the solicitation requirements.

It is recommended the College urge and caution potential offerors to attend scheduled conferences or site visits rather than making them mandatory. When a solicitation requires potential offerors to attend a conference or site visit (mandatory or non-mandatory), the date, time, location, and other pertinent details of the conference or site visit shall be given in the solicitation document and in the advertisement (if required by rule).

If only one potential offeror attends the mandatory conference or mandatory site visit, the conference or site visit may continue to be conducted, but the solicitation shall be canceled immediately following the conference or site visit. If this occurs, the College shall investigate why only one potential offeror was in attendance and ascertain if there is any competition available. If it is determined that competition is available, the College shall again attempt to obtain competition, unless otherwise permitted by rule. If it is determined that there is no competition available, then the procurement may be handled as a waiver as permitted by rule.

Any and all questions by an offeror regarding a solicitation document shall be addressed to the purchaser named on the document. Any and all revisions to the solicitation document shall be made only by written addendum from the purchaser. Verbal communications are not binding.

## **Evaluations**

### **ERRORS/CLARIFICATIONS**

When an offer appears to contain an obvious error or otherwise where an error is suspected, the circumstances may be investigated and then be considered and acted upon. Any action taken shall not prejudice the rights of the public or other offering companies. Where offers are submitted substantially in accordance with the procurement document but are not entirely clear as to intent or to some particular fact or where there are other ambiguities, clarification may be sought and accepted provided that, in doing so, no change is permitted in prices. The purpose of seeking clarification is to clarify existing information, not to allow additional information to be added.

### **EXTENSION OF ACCEPTANCE TIME**

When in the public interest, vendors may be requested to extend the time designated for the acceptance of offers.

### **EVALUATIONS**

In determining the award of contracts, bona fide offers shall be considered and evaluated as provided by statute and applicable rules. The evaluation criteria to be used in determining the award of contract shall be identified in the solicitation document. An unexecuted (unsigned) offer or an offer without a delivery time shall be rejected.

During the period of evaluation and prior to award, only the information provided in the tabulation is public record. Possession of offers, including any accompanying information submitted with

the offers, shall be limited to persons in the College who are responsible for processing and evaluating the offers and accompanying information. Offeror participation in the evaluation process shall not be permitted. Any communication with an offeror that may be necessary for purpose of clarification of its offer shall be conducted by the College which issued the solicitation document. After award of the contract or when the need for the item or service is canceled, the complete file shall be available to any interested party with the exception of trade secrets subject to the Rules on Confidentiality.

### **BASIS FOR REJECTION**

In soliciting offers, any and all offers received may be rejected in whole or in part. Basis for rejections shall include but not be limited to the following:

- The offer being deemed unsatisfactory as to quantity, quality, delivery, price, or service offered;
- The offer not complying with conditions of the solicitation document or with the intent of the proposed contract;
- Lack of competitiveness by reason of collusion or knowledge that reasonably available competition was not received;
- Error in specifications or indication that revision would be to the State's advantage;
- Cancellation or changes in the intended project or other determination that the proposed requirement is no longer needed;
- Limitation or lack of available funds;
- Circumstances which prevent determination of the lowest responsible or most advantageous offer;
- Any determination that rejection would be to the best interest of the State.

### **LACK OF COMPETITION**

The purpose of soliciting offers is both to seek and obtain competition; the responsibility is dual. Where only a single offer or a single acceptable offer is received or where reasonable and available competition is not obtained, **the reason shall be ascertained and made a matter of record.**

### **INSPECTION AND TESTING**

In general, it is the responsibility of the College to inspect all materials, supplies, and equipment upon delivery to ensure compliance with the contract requirements and specifications. However, when the contract requires an inspection by P&C, it shall be conducted by a designee of P&C.

P&C may re-inspect any item or service performed and reverse the College decision when justified. P&C may periodically inspect any items to ensure that specifications are met. The College must ensure that items and services purchased comply with applicable codes, statutes, local ordinances, policies, or safety requirements. Where products delivered fail to meet the specifications or contract requirements, the discrepancy shall be handled by the College.

When samples are required in response to a solicitation document issued by P&C, then P&C will review those samples and test as appropriate. Samples shall not be sent directly to laboratories outside P&C or the College unless authorized in writing by P&C.

After an inspection and when it is determined to be advantageous, the College may authorize revisions to a contract specification, including any cost adjustment associated with any such revision, as part of contract administration. If an increase in cost results in the total contract value being more than a College's delegation, then prior approval from P&C is required.

For items requiring inspection by a P&C Quality Acceptance Representative, visit the [Quality Acceptance Inspection List](#), which identifies only those items that routinely need an acceptance inspection by the Quality Acceptance Representative PRIOR to release of final payment. Inspection by a Quality Acceptance Representative shall be mandatory when the item costs **\$10,000.00** or more, except as noted.

Where applicable, purchasers shall include a statement calling for an inspection by a Quality Acceptance Representative in the Invitation for Bids (or Request for Quotations), and furnish a copy of the IFB (or RFQ) to the Program Coordinator within the Education Outreach Section. Also, furnish the Section with a copy of the Contract Certification at the time of distribution.

### **PARTIAL AND MULTIPLE AWARDS**

Partial, progressive, or multiple awards may be made by reason of insufficient funds, legislative mandates, where it is advantageous to award separately by items, or where more than one supplier is needed to provide the contemplated requirements as to quantity, quality, delivery, service(s) or geographical areas.

Notwithstanding the necessity for awards to more than one supplier in the case of some term contracts, such awards shall be limited to the number of suppliers deemed necessary to reasonably satisfy the intended requirements. Extreme care shall be exercised to protect the character and principals of competition.

Quantities shall not be divided among vendors on definite quantity requirements unless and except as provided in the solicitation document.

### **RECIPROCAL PREFERENCE**

Reciprocal preference is a preference applied against a bidder whose home jurisdiction has preferences.

North Carolina General Statute 143-59(b) requires all departments, institutions, and agencies of the State to consider other states' preferences when evaluating bids. For the purpose only of determining the low bidder on all contracts for equipment, materials, supplies, and services valued over \$25,000.00, a percent of increase shall be added to a bid of a non-resident bidder that is equal to the percent of increase, if any, that the state in which the bidder is a resident adds to bids from bidders who do not reside in that State.

For more information and the list of other states' preferences refer to the [details for each state](#).

### **PURCHASES FOR PERSONS WITH DISABILITIES**

Agencies shall include special provisions for the purchase of goods and services when such provisions are necessary to meet the documented training, work, or independent living needs of persons with disabilities according to the requirements of the Rehabilitation Act of 1973, as amended, and the American with Disabilities Act, as amended. These special provisions shall provide for the following:

- The involvement of the individual in the choice of particular goods, service providers, and methods used to provide the goods and services;
- The flexibility necessary to meet those varying needs of individuals that are related to their disabilities;
- The purchase outside of certified sources of supply and the waiving of competition when a single source can provide multiple pieces of equipment, including adaptive equipment, that



- are more compatible with each other than they would be if purchased from multiple vendors;
- Give priority consideration to suppliers offering the earliest possible delivery date of goods or services especially when a time factor is crucial to the individual's ability to secure a job, meet the probationary training periods of employment, continue to meet job requirements, or avoid residential placement in an institutional setting; and
- Consider the convenience of the provider's location for the individual with the disability.

The following criteria shall also be considered:

- Cost-effectiveness;
- Quality;
- The provider's general reputation and performance capabilities;
- Substantial conformity with specifications and other conditions set forth for these purchases;
- The suitability of the goods or services for the intended use;
- The personal or other related services needed;
- Transportation charges;
- Any other factors pertinent to the purchase.

## **Special Provisions**

### **PURCHASE OF USED ITEMS**

If it appears that the acquisition of used equipment, materials or supplies is in the public interest, competitive procedures shall be followed wherever feasible. When a used item is available on short notice or is needed for the disabled, "Purchasing Methods," in this manual, whereby a waiver of competition or emergency action may be justified.

The solicitation document may or may not include a request for prices on like new products, but in either case acquisition may be made on the basis of that which is considered most advantageous for the intended purpose. Confirmation should be made that the price of the used equipment is reasonable with respect to its age, condition, and the price of new equipment, and should be included in the permanent file.

### **AUCTIONS**

All commodities covered by term contracts must be purchased from those contracts.

If buying at auction an item that is not covered by a term contract, and the dollar amount is under the College's delegation, then the executive officer of the College may authorize such action.

If the dollar expenditure will be over the College's delegation, then prior approval must be obtained from the SPO, unless it is for an emergency or pressing need, which the purchase would then be governed by the Rule applying to Emergencies and Pressing Needs.

### **ARTICLES FOR SPECIAL PURPOSES**

Where articles are to be used for educational or training purposes by disabled persons, or for test and evaluation or research purposes, special or overriding consideration may be given to the factor of suitability in the preparation of specifications, the evaluation of offers, for waiver of competition, and the award of contracts.

## **Various Purchases**

### **PURCHASES FOR ACROSS-THE-COUNTER RESALE**

Purchases of items for "across-the-counter" resale are not handled through P&C. However, all purchases of items for use by the College, even if channeled through bookstores or other internal supply sources, including stockrooms and warehouses, are to be in accordance with

the rules adopted in this manual.

### **PURCHASING FROM OR THROUGH A COLLEGE EMPLOYEE**

Every reasonable effort shall be made to avoid making purchases from or through employees of the College. Prior written approval from the State Purchasing Officer (SPO) is required in instances which may potentially involve 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.

### **USE OF PURCHASING POWER FOR PRIVATE GAIN**

The purchasing power of the State or the College shall not be used for private advantage or gain. Purchases under contracts made by the State or the College, except those in accordance with G.S. 143-58.1, shall not be allowed for personal use out of private funds, nor shall the College place orders for articles for ownership by employees or other individuals.

In accordance with G.S. 143-58.1, this prohibition shall not apply if:

- The agency through which the property or services are procured had theretofore established policies and procedures permitting such purchases or procurement by a class or classes of persons in order to provide for the mutual benefit of such persons and the College involved, or the public benefit or convenience; and
- Such policies and procedures, including any reimbursement policies, are complied with by the person permitted thereunder to use the purchasing or procurement procedures.

### **COOPERATIVE PURCHASING**

The College does not belong to or participate in cooperative purchasing agreements unless approved by the State Purchasing Officer. Under purchasing flexibility guidelines the College is permitted to use the information received from a participating vendor to promote and seek competitive resources. However, the College will not enroll into membership with any cooperative purchasing organization nor will the College allow the use of its name to promote such an organization.

### **VISA P-Card**

The primary purpose of the College's VISA P-Card program is to procure supplies and services in accordance with State, federal, county and College guidelines. Users of the College's Visa P-Card must understand that they are being entrusted with a valuable tool, a State of North Carolina VISA Purchasing Card, and will be making financial commitments on behalf of Beaufort County Community College. The Business Office will audit VISA P-Card transactions and will report and take appropriate action on any discrepancies or misuse. **Abuse of the Visa P-Card may be investigated by Beaufort County Community College Campus Police and/or the State Bureau of Investigation.** The [North Carolina Procurement Manual](#) contains complete details of the Visa P-Card Program.

### **When to Request a VISA P-Card**

The VISA P-Card is to only be used with local purchases and online purchases that only accept credit card payments. All online purchases will be conducted by the Purchasing Coordinator. To request use of a VISA P-Card, the below steps must be followed:

1. Verify item(s) are not available on state contract.
2. Complete detailed requisition specifying need of item(s).

3. Acquire appropriate signatures and/or approvals on requisition.
4. Bring completed requisition to Purchasing Office for final approval.
5. Sign out VISA P-Card in Log Book.
6. Return VISA P-Card same day as checkout.
7. Detailed receipt with user's signature must accompany returned VISA P-Card.
8. Maintaining log book and receipts for cards issued to specific departments is the responsibility of the card holders.

### **BCCC VISA P-Card Purchase Limits**

For procurement card transactions processed outside the State's electronic procurement system, the per-transaction limit shall be two thousand five hundred dollars (\$2,500.00). This limit may be changed only under the following circumstances:

1. In an emergency as defined by .1602 or Governor's declaration, the agency card program administrator may request higher limits on cards in critical situations. Such increases shall be in effect no longer than the duration of the emergency. Requests for increased limits are to be made through the Division of Purchase & Contract if time permits and must be reported to Purchase & Contract in any case.
2. The Purchasing Coordinator may apply to the SPO for higher limits on specific transactions or types of transactions, with prior justification.
3. The SPO may adjust limits based on analysis of the procurement card program's results, on a statewide or agency basis, after taking into consideration current market trends, the economy, and recommendations received from the State Controller and the State Auditor.

### **Acceptable uses of the BCCC VISA P-Card**

1. Purchases under \$2,500 per single purchase transaction including current NC sales tax and applicable freight.
2. All items that are purchased must be immediately available at the time of the P-Card transaction. The VISA P-Card must not be used to pay for backordered items.
3. The Card User will inform the vendor that the goods are to be taxed at the current rate even if the item is sold tax exempt.
4. The Card User strives to obtain the best value for the College by using "preferred suppliers" as identified by the College's Purchasing Office.
5. The Card User will comply with all State Purchase and Contract guidelines in the College's Internal Purchasing Manual.
6. The Card User will seek and use HUB vendors when possible.
7. The Card User is encouraged to seek competition to obtain the "best value."
8. The Card User will always check budget and will not "over spend" budget availability.
9. The Card User will retain all itemized receipts for documentation and reconciliation purposes to be returned with the VISA P-Card.

### **Unacceptable uses of the BCCC VISA P-Card**

1. Splitting purchases into multiple transactions so that previously mentioned limits or state purchasing guidelines are avoided.
2. No backordering of merchandise is allowed.
3. No cash advances, alcoholic beverages, personal purchases, telephone calls, or monthly telephone service fees should be purchased.
4. No furniture purchases of any dollar value.
5. No purchases of high risk minor equipment items including but not limited to computers, laptops, iPads/iPods, and printers.
6. IRS regulations consider gift cards and debit cards to be a cash equivalent with a requirement

to be added to an employee's W-2 earnings as taxable income. Due to the expense and complexities involved with tracking and monitoring any additions to an employee's W-2, BCCC does not allow the purchase and distribution of retail gift cards or debit cards to full or part time employees.

### **Lost or Stolen Cards**

It is the Card User's responsibility to understand that they are being entrusted with a valuable tool and should make the utmost effort to protect the card from being lost or stolen. However, if the BCCC VISA P-Card is lost or stolen, the Card User agrees to notify the Beaufort County Community College Purchasing Office at 252-940-6321. If the Purchasing Office is closed, it is the Card User's responsibility to notify Bank of America at 1-888-449-2273 immediately.

### **Printing Orders**

All printing orders must be submitted to the Print Shop with supervisor's signature before external quotes obtained or job is complete. The Print Shop will advise if the job cannot be processed in house and will approve the order to be quoted externally.

Although competition is not required for purchases less than \$5,000, end users are encouraged to solicit competition due to the competitive nature of print jobs.

Printing specifications on print orders include:

- **Item** (what it is...report, form, brochure, book, etc.)
- **Quantity** (how many you want)
- **Size** (number of pages, finished page size, number of parts to the form, etc.)
- **Construction** (how it is made...folds, binding, collating, stapling, etc.)
- **Copy** (what is in the item...text, photos; how is it given to the printer...manuscript, camera-ready copy, boards, photos, diskettes; size; language; format; etc.)
- **Printing** (what should the item look like...number of ink colors, size)
- **Proofs** (what kind, if any, you want to see)
- **Stock** (what surface the ink is to be put on...kind/grade of text and cover, cardboard, etc.)
- **Special Instructions** (be specific.)
- **Delivery** (when you would like to have the item, when you must have the item, where it should be delivered.)

### **COST OF PUBLIC DOCUMENTS**

Every state agency publishing a public document, other than one published for the principal purpose of sale to the public, shall 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 shall not be mailed or distributed at public expense.

Community Colleges do not have to follow P&C rules for printing purchases.

### **Advertising for Formal Solicitations**

The College must advertise bids for purchases of commodities greater than \$10,000. Advertising is accomplished via posting to the State Purchase and Contract web-site or via local advertisement methods. In addition, BCCC may advertise non- required quotes on the P&C web-site but must follow P&C rules in the State Purchase & Contract [Purchase Manual](#). The Business Office is responsible for all advertising placed on the IPS system.

### **PROCUREMENT OF ADVERTISING MATERIALS**

All advertising purchases shall be approved prior to submitting a requisition by the College's Public Relations Director. Advertising is subject to College and state policy.

### **Protest Procedures**

A party wanting to protest a contract awarded to a solicitation must submit a written request to the College Business 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.

### **CONSTRUCTION VERSUS STANDARD PURCHASING**

The College shall review the items being included in a construction/renovation project and remove any items that they consider non-related to the actual construction/renovation of the building. Items that are considered commodities, or just furnishings, to complete the project for use, shall be handled in accordance with the normal purchasing rules. Items that are usually removed from construction/renovation projects include office panel systems, food service equipment, and furniture. If the College determines that one of these items, or any item that is normally handled as a commodity purchase, is best suited for inclusion in the construction/renovation project, their justification shall be documented in writing for public record.

### **REQUIRED REPORTING**

- Historically Underutilized Business Report – Quarterly – Due Nov 1, Feb 1, May 1, and Aug 1. (<http://www.doa.state.nc.us/hub/>)
- Purchasing Flexibility Report – Semi-Annually – Due Feb 1 and Aug 1.
- Recycle Report – Annually – Due Nov 15 (<http://www.p2pays.org/stag/>)
- Executive Order 50 – Monthly – Due by the 10<sup>th</sup> of following month

### **MAINTENANCE AND SERVICE CONTRACTS**

1. End User will identify all Service and Maintenance Contracts used by his/her Department. Typically, a blanket PO is prepared annually for services supported by a contract.
2. Notify the Purchasing Department of all Service and Maintenance arrangements, regardless of whether BCCC has a copy of the signed contract on file.
3. The Business Office will contact Vendor to obtain Vendor Contract (signed and dated by the vendor). Any contract supplied by the vendor must contain the following statement: "The attached North Carolina General Contract Terms & Conditions are considered part

of this agreement and supersede vendor terms and conditions.”

4. End User reviews the Vendor Contract for accuracy; e.g., Is BCCC still using the services provided in the contract? Is the equipment listed under the maintenance agreement still used by BCCC? Does the Vendor’s current year invoice bill us the amount stated (agreed upon) in the Vendor Contract?
5. End User will forward a copy of the Contract and Requisition to Purchasing for processing. The Contract will be held in the Service and Maintenance Contract File. Retain a copy of the Vendor Contract for your files. Purchasing will not process requisitions unless a Contract is on file in the Purchasing Office.
6. Business Office signs Vendor Contract on behalf of BCCC and forwards signed copy to vendor along with official Purchase Order. Remember, Purchasing must review ALL contracts before they are signed.
7. Requisitions for Service/Maintenance Contracts, including software support, should be coded to the Department benefiting from the service. Budget to cover the expenditure will need to be identified and transferred to cover the cost.
8. Purchasing verifies that a Vendor Contract is on file in the Purchasing Department before processing the Requisition.
9. End User should notify Purchasing in writing if dissatisfied with service for any reason. Many of these contracts require up to 90 days advance written termination notices.

The instructor or staff member requesting supplies and equipment will receive a copy of the requisition when the order is processed. When the material is delivered to an office other than the Receiving Department or picked up by someone on your staff the end user must notify the Receiving Department of this before payment will be made to the vendor. If an item is broken when received, or if an item is back ordered, please advise the Business Office.

### **Historically Underutilized Businesses (HUBs)**

A Historically Underutilized Business is a business which is majority owned or managed by one or more minority persons, women, or disabled persons. BCCC’s objective is to increase the College’s expenditures for the purchase of goods and services from HUB vendors to a goal of at least 10 percent while maintaining the integrity of sound financial practices and complying with state purchasing and contracting laws and policies. Please consider HUB vendors in all of your purchases. You may locate HUB vendors at the Purchase and Contract’s [website](#).

### **Technology Orders**

#### **TECHNOLOGY RELATED ORDERS**

In order to realize the goal of processing IT-related items expeditiously, these guidelines must be followed:

1. ITS will continue to act as consultants on the appropriate hardware or software when you are considering a purchase.
2. Purchases of software must be coordinated through Network Services for the purpose of centrally maintaining software licenses.
3. Laptops, desktops, and printers are available on Term Contract 204A. Orders must be approved by Computer Support Services.

Certain categories of goods do NOT lend themselves to the use of this process. These include:

- Cellular Telephones and Service
- Cellular Modems
- VOIP Telephones

These items must be ordered through ITS. For procurement, please fill out and submit a

requisition to the Purchasing Department.

[State contract information](#)

**Statewide Special Delegations for Information Technology (IT) Purchases  
(NC Procurement Manual)**

- (a) The State Chief Information Officer (SCIO) or his designee may authorize, by special delegation, any agency to purchase specific IT goods or services even if the expenditure exceeds the benchmark. Such delegation is normally confined, but not limited, to goods or services which by their nature or circumstance, transportation costs, market volatility, local conditions or local availability would result in handling by the Office of Statewide Information Technology Procurement (SITP), serving no practical purpose. Every such delegation shall be in writing and made a matter of record. The SCIO or his designee may require that offers received under such delegations are sent to SITP for determination of the successful vendor. The SCIO shall periodically review its special delegations to ascertain the availability of these goods or services and their continued suitability for delegation and made a matter of record.
- (b) The SCIO or his designee may require that offers received under such delegations are sent to SITP for determination of the successful vendor.
- (c) The SCIO shall periodically review its special delegations to ascertain the availability of these goods or services and their continued suitability for delegation.

**1.1.4 Documentation for Special Delegation (NC Procurement Manual)**

By special delegation, the SPO may authorize an agency 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 shall be in writing and retained as a matter of record. Unless otherwise specified by the SPO, special delegations are subject to all of the following conditions:

- (a) All commodities and contractual services covered by term contracts must be purchased in accordance with the instructions of each term contract.
- (b) Competition must be solicited, where available. If competition is not available, the reason(s) must be documented in the procurement file.
- (c) Agencies are required to issue their own solicitation documents. This shall also apply to a waiver (See Section 1 .3 .10 Waiver of Competition).
- (d) The solicitation document shall include North Carolina General Terms and Conditions and any other consistent contract language issued by the SPO, unless prior approval from the SPO is granted to substitute modified language.
- (e) All transactions shall be documented.
- (f) Awarding of contracts under a special delegation shall be the responsibility of the agency's Executive Officer (agency head). However, the SPO may require that offers received under such delegations be sent to P&C for determination of the successful contractor.
- (g) Any controversial matter arising from a special delegation must be brought to the attention of the SPO. All protests on awards greater than \$25,000 must be handled by the SPO.
- (h) Specific delegations may be subject to additional conditions as determined by the SPO. These conditions shall be submitted to the agency in writing.
- (i) P&C shall periodically review all approved special delegations to ascertain the availability of these items or services and their continued suitability for delegation.

**Professional Service Agreements**

In the event you need to contract with a non-employee for professional services, please adhere to the following basic procedures:

1. Be certain the individual or company should be treated as an independent contractor, rather than an employee. It is rare that the College would contract with an individual to teach. The IRS has very definitive guidelines determining when someone should be treated as an employee versus an independent contractor. The College is subject to fines and penalties when someone who should be classified as an employee is treated as an independent. If in doubt, consult with the Business Office before entering into a contract.
2. Complete the required paperwork before the engagement begins.
  - (a) The College-approved Professional Services Agreement form should be completed and signed along with a completed W-9.
  - (b) Certain out-of-state (non-resident) vendors are subject to a 4% state income tax. Please consult with Finance where applicable to make this determination and advise the consultant beforehand of this withholding requirement.
3. Once the work is completed satisfactorily, the PSA should be approved and forwarded to Accounts Payable for payment.

### **Equipment Repairs**

When equipment needs to be repaired, please first make certain it is not covered under a service/maintenance contract. If the repair work needs to be contracted out, simply prepare a work order on a requisition and forward it to Purchasing. If the repair constitutes an emergency, please refer to the section of this memo labeled “emergency purchases.”

### **BLANKET PURCHASE ORDERS**

The procedure for blankets will be as follows:

1. All blankets must have a start date and an expiration date.
2. Blanket orders are handled only in the Purchasing Department.
3. All blankets should list names of employees eligible to make purchases from the blanket.
4. All blankets are stated as “Price is an estimate”.

### **Emergency Purchases**

#### **SPECIAL CIRCUMSTANCES**

There are some instances that require making a FAST purchase – without waiting for a requisition to make its way through the purchase order process. The State defines these types of purchases to be Emergency Purchases or Pressing Need Purchases.

**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.

**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.

The State allows agencies to make FAST emergency purchases if the following procedure is followed:

1. FAST purchases have to be authorized by the BCCC Purchasing Department. Call the BCCC Purchasing Department for a verbal emergency purchase order number **BEFORE making the purchase.**
2. FAST purchases should receive prior approval from the department budget manager by the



requisitioner.

3. FAST purchases, after the purchase, still have to be channeled through the requisition process.
4. ALL RECEIPTS, invoices, and packing slips must be attached to the requisition on or by the next business day.

**NOTE: Anyone making a FAST purchase can be held PERSONALLY LIABLE for the cost of said purchase.** The BCCC Purchasing Department can refuse to process any questionable FAST request. The BCCC Purchasing Department can refuse to process for payment any questionable follow-up requisition or payment request. The State Auditor can refuse the use of state, county, and special funds for FAST purchase, after-the-fact, requiring the requisitioner to “pay back” the institution.

### **Confidentiality**

All information and documentation relative to the development of a contractual document for a proposed procurement or contract shall be deemed confidential in nature, except as deemed necessary by the purchaser to develop a complete contractual document. Such material shall remain confidential until the award of the contract. This includes all information and documentation relative to the development of a specification until the adoption of that specification or an award of contract if developed for a specific procurement or contract, whichever is later.

During the period of evaluating offers and prior to award, only the information provided in the tabulation is public record. Possessions of offers, including any accompanying information submitted with the offers, shall be limited to persons in the College who are responsible for handling the offers and accompanying information and to others determined necessary by the College for the purpose of evaluation and award of contract. Offeror participation in the evaluation process shall not be permitted. Any communication with an offeror that may be necessary for purpose of clarification of its offer shall be conducted by the Business Office. Once the award is issued or the service is canceled the complete file shall be available to any interested party with the exception of trade secrets, subject to the following rule:

To promote maximum competition and to protect the public competitive procedure from being used to obtain information which would normally not be available otherwise, agencies may maintain the confidentiality of certain types of information. Such information includes trade secrets, as determined by NC law, and like information as the SPO or the College’s executive officer or the officer’s designee may determine to ensure the integrity of the public purchasing process. Trade secrets which the offeror does not wish to disclose shall be identified as follows: Each page shall be identified in boldface at the top and bottom as “CONFIDENTIAL.” Cost information shall not be deemed confidential.

### **North Carolina Products**

Where quality and availability allow, specifications are to be based on products grown or manufactured in North Carolina. This special interest in North Carolina products is intended to encourage and promote their use, but is not exercised to the exclusion of other products or to prevent fair and open competition.