

## **TYPES OF PURCHASES**

The following “types of purchases” represent the typical purchases that can be procured during the fiscal year. See Business Procedure 11.01 for the overview of formal, informal and purchasing bidding requirements.

### **Supplies and Services**

Supply items, small equipment, services for repair and/or maintenance are the most common type of purchases the District makes. Such purchases range from individualized items purchased on an as-needed basis to large consolidated one-time purchases.

### **Computer Equipment**

Computer equipment purchasing is handled in the same manner as any equipment purchase. Standards for computer equipment have been established to maintain levels of quality, functionality, and serviceability throughout the District.

The District may contract with any vendor who has submitted one of the three lowest responsible competitive proposals or competitive bids for the purchase or maintenance of electronic data-processing systems and equipment, electronic telecommunication equipment, supporting software, and related material, goods and services. Supplemental instructional software packages may be purchased without taking estimates or advertising for bids.

Whenever the District enters into a contract for the purchase, development, procurement, maintenance or use of any electronic or information technology, the vendor shall certify that it complies with the requirements of Section 508 of the Rehabilitation Act of 1973 and its related regulations. This requirement shall apply to software applications, operating systems, web-based intranet and internet information and applications, telecommunications products, video or multimedia products, self contained closed products, such as copiers and desktop and portable computers.

Each contract with such a vendor shall contain the following provision:

“The vendor hereby warrants that the products or services to be provided under this agreement comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended, and its implementing regulations. Vendor agrees to respond promptly to and resolve any complaints regarding accessibility of its products or services that are brought to its attention. Vendor further agrees to indemnify and hold harmless the Contra Costa Community College District from and against any claim arising out of its failure to comply with these requirements. Failure to comply with these requirements shall constitute a breach and be grounds for termination of this agreement.”

### **Emergency Purchases**

Emergency purchases, like regular Purchase Requisitions, can only be approved by authorized personnel. If the need for an emergency purchase arises, the authorized representative must contact District Office Purchasing Department to make the necessary arrangements. Emergencies can only be construed as those which arise due to circumstances external to, or beyond the control of, the staff members. Those situations which arise from failure to plan adequately will not be considered emergencies.

The repair of a defective or unsafe condition costing in excess of the stated maximum on the requisition is authorized for correction in the case of extreme urgency. In such cases, the Chief Administrative Services Officer or Chief Facilities Planner, as appropriate, shall call the Purchasing Department concerning the emergency repairs, and immediate purchase orders will be issued. If the emergency occurs after normal business hours, the Chief Administrative Services Officer or Chief Facilities Planner, as appropriate, shall have the work completed and submit a Purchase Requisition to the Purchasing Department the following day with an explanation of the situation requiring immediate correction. Formal bid procedures are applicable to emergency work to be done if the cost is over \$15,000, unless prior approval of the County Superintendent of Schools is obtained, Public Contract Code (PCC) 20654.

Per PCC 22050, on November 29, 2010, the Governing Board approved Board Report No. 29-E, Resolution to Delegate Authority to Take Emergency Action. The approved resolution allows for the Chancellor, or designee, in the case of an emergency, to take immediate action required to procure the necessary equipment, services and supplies as needed without giving notice for bids.

“Emergency,” as defined in Public Contract Code, means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

#### **Equipment Purchases - Fixed Assets**

All equipment items with a value of \$5,000.00 or greater are capitalized. Equipment is defined as tangible property which can be used for a year or more without material change in form or appreciable deterioration of physical condition. The District maintains historical inventory which contain description, brand, model, serial number, original cost, date of purchase, location and asset number on all capital equipment. A fixed asset tag is generated and affixed to each piece of equipment. The label contains a barcode which is used for tracking the item. Occasionally an item will cost more than \$5,000.00, but it is not feasible to label the item. In this instance, a label is not generated, but an inventory record is created. One example of this situation would be an internal computer drive.

#### **Lease Purchase**

Lease purchase of goods or services are handled by the Purchasing Department. The bidding requirements are the same for lease purchase or equipment/services as they are for regular purchases. Once the selection of equipment/service has been completed the Purchasing Department will be responsible for establishing the financing vendor and acquiring Board approval.

Sale and leaseback of data-processing equipment or another major item of equipment is permissible if the purchaser agrees to lease the item back to the District for use by the District following the sale. The Governing Board shall first adopt a resolution finding that the sale or leaseback is the most economical means for providing electronic data-processing equipment or other major items of equipment to the District.

#### **Sole Source**

It may be necessary to procure equipment, supplies or services from a sole vendor source. This means that there is only one source of supply for your purchase requirement. This should be the exception rather than the normal rule. Examples of sole source procurement are:

- items which must be compatible with existing equipment or systems and are available only from the original manufacturer;

- an item that has specific features essential for the completion of the task or projects at hand that is available from only one source of supply; or
- items deemed college or District standards for integrated mechanical and structural systems, which provide cost efficiencies relative to continuity of maintenance or staff training.

Justification will include features requested which are essential for the intended use that other manufacturers of like products do not have. Exterior size will only be used, space available is critical.

Preference for one vendor, product or service following any market studies, quotation, acquisition or demonstration/testing by a department does not constitute a sole source. These preferences must be determined through a competitive RFQ/RFP process issued by the Purchasing Department.

Submission of sole source justification, brand name and other essential data, even though accepted by Purchasing, does not negate the requirement to obtain pricing confirmation from the specified vendor which may be in the form of a written bid.

Information as to why the item is needed pertains to budget justification and is not acceptable for a sole source determination. Remember that if the requirement is available from more than one source, it is not considered a sole source.

### **Acquiring Federal and State Surplus**

Supplies and equipment declared surplus by the federal government are distributed to eligible agencies in the State of California by the State Educational Agency for Surplus Property, which maintains warehouses in Sacramento and Los Angeles. The property is made available on the basis of a service and handling charge. Acquisition of federal and state surplus does not require estimates or advertisement for bids (Education Code 81653).

Any staff desiring to visit the surplus warehouse must request authorization from the college Business Office. Following such authorization, the staff member should contact the Purchasing Department for additional instructions. All surplus selections made by a staff member shall be confirmed on a purchase requisition approved by the President and forwarded to the Purchasing Department. The Purchasing Department will make arrangements for delivery. Staff members will not be authorized to pick up material at the time of visit to the warehouse.