

ROWAN UNIVERSITY – RUTGERS CAMDEN BOARD OF GOVERNORS

PROCUREMENT POLICY

1. **Award of Contracts Consistent with the Provisions of N.J.S.A. 18A:64-52 et seq.**

Contracts involving Rowan University-Rutgers Camden Board of Governors (hereinafter “Board”) as the receiver of goods and services is governed by the State College Contracts Law (N.J.S.A. 18A:64-52 *et seq.*). Under the statute, the definition of “contracts” includes “contracts or agreements for the performance of work or the furnishings or hiring of services, materials or supplies as distinguished from contracts of employment.” Thus, employment contracts are not covered by these Policies and Procedures.

2. **Purchases or Contracts Not Requiring Public Bidding Process.**

The State College Contracts Law establishes limited circumstances in which bids are not required for goods or services where Board funds are to be expended. These circumstances are as follows:

(i) *Purchases or Contracts Below the Bid Threshold Amount.* Any purchase or contract below the bid threshold amount established from time-to-time by the New Jersey Department of Treasury (hereinafter “Bid Threshold Amount”) does not require public bidding. By adopting this Policy, the Board authorizes the Chief Executive Officer to execute such contracts below the Bid Threshold Amount, provided however, that all such purchases and contracts shall be reported to the Board through the Chair and Finance Committee of the Board.

Notwithstanding that a purchase or contract is below the Bid Threshold Amount, the Board shall employ the following procedures to obtain the most advantageous bid, with price and other factors considered, for the item or contract in question:

- (a) \$0 to 10% of Bid Threshold Amount – may be by direct purchase; no quotes required;
- (b) Above 10% of Bid Threshold Amount up to 20% of Bid Threshold Amount – requires telephone quotes from at least three vendors; and
- (c) 20% of Bid Threshold Amount to maximum under Bid Threshold Amount – written quotes from at least three vendors.

Pursuant to N.J.S.A. 18A:64-70, if the Chief Executive Officer deems it impractical to solicit competitive quotations or, having sought quotations, determines that an award should not be

made on that basis, the Chief Executive Officer shall file a written statement of explanation of the reasons, place the statement on file, and inform the Board through the Chair and the Finance Committee.

3. Purchases and Contracts Requiring Public Bidding.

All purchases and contracts above the Bid Threshold Amount shall be bid under applicable state law. (See N.J.S.A. 18A:64-65 *et seq.*) All purchases and contracts requiring public bidding shall be approved for bid by the Board after consideration by the Finance Committee.

Upon receiving authorization from the Board, the Chief Executive Officer may prequalify potential proposers and shall publish a Request for Proposals (RFP). The award of a contract shall be based on an evaluation of the proposals according to Criteria for Procurement attached hereto.

Proposals submitted in response to a RFP shall be evaluated by a committee consisting of at least three members with appropriate expertise appointed by the Chief Executive Officer. The evaluation committee will make its recommendation to the Chief Executive Officer, who, after conferring with the Chairs of the various Board Committees, will present the recommendation to the Board for approval.

The evaluation process shall be conducted in private. As part of the evaluation process, the evaluation committee may request supplemental information, request presentations and may conduct negotiations with one or more proposers.

Unsuccessful proposals will not be disclosed to the public in order to protect the bidders' confidential and/or business proprietary information.

4. Special Provisions Relating to Construction and Renovation Contracts.

Contracts for construction of buildings and improvements are governed by N.J.S.A. 18A:64-74 *et seq.* Contracts for construction and renovation of buildings shall be awarded to the lowest responsible bidder whose bid, conforming to the terms and conditions contained in the RFP, will be the most advantageous to the Board. The bidding process shall be conducted by the Board in accordance with public bidding laws applicable to the state colleges and universities.

The Board shall authorize the procurement of all construction and renovation bids and award of such contract(s). Under no circumstances will a construction contract be awarded to a vendor unless there has been approval of the total project budget by the Finance Committee and the Board. In the event it is later determined that the project budget must be increased, the increase in budget must be specifically approved by the Board, before any contract is awarded that is in excess of the original budget. The project budget shall include architect and engineering fees, permitting fees, advertisement, printing and bidding costs, construction contract costs, specialty consultant fees, fixtures, furnishings and equipment, and project contingency and allowances.

Change Orders are particularly unique to construction contracts. A Change Order is defined as a change in the plan or design in a project as directed and approved by the Board. The Board shall approve all Change Orders that increase the project budget.

Contingency and allowances are also particularly unique to construction contracts. Contingency and allowances shall be incorporated in the project budget approved as set forth above, and shall include only those items specifically identified by the Board in advance and included in the total project. A contingency amount is a reserve amount in the project budget for unforeseen circumstances, such as a change in scope or cost overrun due to unforeseen circumstances. The Chief Executive Officer may approve contingency payments as a Change Order only if approved by the Board.

At the conclusion of a project, any unused contingency and/or allowance amounts shall be credited back to the Board through a change order that reduces the total contract amount.

5. Emergency Situations.

When the Chief Executive Officer has received sufficient reasonable information that an emergency exists that affects the health, safety or welfare of occupants of Board property or the integrity of Board owned property and requires immediate delivery of materials or supplies or the performance of necessary work, the Chief Executive Officer may award a contract for the work, materials or supplies needed to address the emergency after consultation with the Chair of the Board. The Chief Executive Officer shall detail and report to the Board all emergency event expenditures incurred at the next scheduled Board meeting.

6. Duration of Contracts.

Normally a contract may not exceed a term of three (3) years. The term of a contract does not necessarily coincide with a fiscal or calendar year. See N.J.S.A. 18A:64-79 and N.J.S.A. 18A:64-54. There are, however, certain kinds of contracts that may extend beyond three years, provided the contracts contain a clause making them subject to the availability and appropriation annually of sufficient funds to meet the extended obligations or contain an annual cancellation clause. The contracts that may extend beyond three years include, but are not limited to the following:

- (i) Retention of architect, engineer, construction manager or other consultant in connection with a specific construction project (length of time necessary to complete the project); and
- (ii) Banking, financial and e-commerce services (up to five years).

The fact that a contract may be entered into for a term of three years or longer does not require that a contract be entered into for such a term. Sufficient justification for a contract term beyond one year must be submitted by the Chief Executive Officer to the Board before public advertising is made, and the justification for an extended term must include more than administrative convenience.

7. Contracts Not Requiring Board Expenditure.

Contracts or agreements that do not require an expenditure of Board funds or which potentially result in income to the Board may be negotiated and entered into by the Chief Executive Officer upon consultation with the Chair and the Finance Committee. Contracts that generate annual revenues in excess of \$25,000 shall be reported to and approved by the Board.

8. Application for and Acceptance of Grant Awards

The Chief Executive Officer is authorized to apply for any and all grants from external entities; the Board shall be notified of such application. The receipt of all grant awards shall be reported to the Board at the next regular meeting of the Board following receipt of the award. If a matching expenditure is required of the Board, the Chief Executive Officer shall obtain the Board's approval prior to applying for any such grants.

9. Contracts Related to Real Property.

The Board shall specifically approve all contracts and transactions involving the acquisition, conveyance or lease of real property. Upon such approval, the contracts and transaction documents shall be executed by the Chief Executive Officer.

10. Record of Contracts Awarded.

The Board shall maintain at the Board office a written record of all contracts entered into by the Board. Such record shall contain the following information: name and address of the vendor; term of the contract; amount; purpose of the contract; and any special circumstances attendant to its execution (such as emergency). In addition, the Board shall retain all evaluation forms for contracts awarded through the public bidding process.

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CRITERIA FOR PROCUREMENT

EVALUATION FACTORS

The committee evaluating proposals submitted in response to a RFP will review the information contained in the proposals, any supplemental information provided by bidders, and information gathered during interviews with bidders, if conducted. The evaluation committee will consider the following factors in ranking the proposals:

- A. Compliance with the requirements stated in the RFP
- B. Experience specific to the engagement
- C. Experience performing engagements for public entities in the State of New Jersey and the City and County of Camden
- D. Understanding the requirements of the engagement and presentation of a plan to fulfill the requirements within the time parameters
- E. Financial and human resources to perform the engagement
- F. Cost to perform the engagement