



ROWAN UNIVERSITY/RUTGERS- CAMDEN BOARD OF GOVERNORS

REVISED AND RESTATED PROCUREMENT POLICY

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Introduction.

The Rowan University-Rutgers Camden Board of Governors (hereinafter, the “Board”), as an agency of the State of New Jersey, is obligated to comply with the statutes and regulations of the State when procuring goods and services. Pursuant to N.J.S.A. 18A:64M-38.1, the Board has the power and duty to award contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department, or other agency of the State or the United States or with any individual, firm, or corporation, which are deemed necessary or advisable by the board for carrying out the provisions of the Board’s governing statutes.

The State College Contracts Law, N.J.S.A. 18A:64-52 *et seq.*, sets forth the general provisions, guidelines and procedures relative to acquiring goods and services for the Board. The Board’s Procurement Policy has been developed to assure the efficient, cost-effective and timely procurement of the goods and services needed by the Board in a manner that is consistent with applicable law.

Purpose.

The purpose of this Procurement Policy is to provide guidance to the Board community and to vendors interested in contracting with the Board. This policy governs the Board's procurement of contracts for goods and services and contracts for capital construction projects, and is designed to encourage and promote competition among vendors to ensure that the Board receives the highest quality products and services at the lowest price in the most efficient way.

Additionally, these policies and procedures are designed to be responsive to the Board's need for goods and services in a timely fashion. In accordance with these policies and procedures, the Board will contract for goods and services with those responsive and responsible bidders whose bid is most advantageous to the Board, price and other factors considered, and to contract for the construction of capital projects with that responsive and responsible bidder whose bid is the lowest in price.

Board personnel are expected to adhere to this policy and with the related sections of the New Jersey

Uniform Code of Ethics (<http://www.state.nj.us/ethics/docs/ethics/uniformcode.pdf>). Personnel who violate this policy and/or who obligate the Board for goods and services or for the construction of capital projects in violation of this policy may be held personally liable for such expenditures and/or may be subject to disciplinary action in accordance with applicable Board personnel policies and procedures.

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

Except as otherwise provided herein, contracts involving the Board as the receiver of goods and services shall be governed by the State College Contracts Law (N.J.S.A. 18A:64-52 et seq.). 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 this Policy.

Purchases or Contracts Not Requiring Public Bidding Process.

A public bidding process is not required for the purchase of goods or services in the following circumstances:

(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. The Board may award contracts to a responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous, price and other

factors considered.

(ii) *Subject Matter Exceptions.* Any purchase, contract or agreement may be made, negotiated or awarded by resolution of the Board at a public meeting without advertising for bids or bidding therefor if the subject matter thereof is within the exceptions contained in N.J.S.A. 18A:64-56. By adopting this Policy, the Board authorizes the Chief Executive Officer to execute such contracts that are within the subject matter exceptions; provided, however, that all such purchases and contracts shall be reported to the Board through the Chair and Finance Committee of the Board.

(iii) *Products or Services from Vendors Contracted with State.* Purchases from vendors who have contracted with the State of New Jersey for a specific product or service at the price and on terms and conditions that meet or exceed the State contract.

Purchases and Contracts Requiring Public Bidding.

All purchases and contracts that require public bidding shall be bid under the applicable State law. (See N.J.S.A. 18A:64-65 *et seq.*)

A “responsive bid” is one that meets the requirements of the specifications of the RFP or RFQ and the Board's contractual terms and conditions, including completeness of the quotation, forms, inclusion of references and attachments and completion of required responses. The determination that a bid is responsive is made by the Chief Executive Officer or designee, and, when appropriate, an evaluation Committee appointed by the Chief Executive Officer.

A “responsible bidder” is a bidder able to demonstrate to the satisfaction of the Board that the bidder has the ability, capacity, resources, fitness, and expertise to execute the project in accordance with the specifications in a manner that is likely to result in timely completion of a high-quality project. The determination that a bidder is responsible is made by the Chief Executive Officer or designee, and, when appropriate, an evaluation Committee appointed by the Chief Executive Officer.

The Chief Executive Officer, or his or her designee, may, in his or her discretion, prequalify potential proposers through a Request for Qualifications or Quotations (RFQ) process. The RFQ will supply sufficient information and specification to afford all bidders a fair and reasonable opportunity for competition and enable them to submit a bid based on all relevant information. If necessary, the Chief Executive Officer, or designee, will prepare RFQ addenda and assume responsibility for ensuring that all vendors initially provided a copy of the RFQ receive all addenda that may be issued. Addenda may be issued by fax, regular mail or email. The Chief Executive Officer or designee will review all RFQ proposals and establish a list of qualified respondents, who are invited to submit written price proposals or participate in a Request for Proposals process, and who may be invited to make oral presentations.

Upon determining prequalified bidders, the Chief Executive Officer or designee 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 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.

Unless otherwise required by applicable public records laws, including the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., unsuccessful proposals will not be disclosed to the public in order to protect the bidders' confidential and/or business proprietary information.

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 applicable public bidding laws.

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. The Board is permitted to consider an award for design-build projects to a single contractor and need not solicit multiple bids for the same project.

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.

Emergency Situations.

An emergency procurement may be made in a situation affecting the health, safety or welfare of occupants of Board property or in an urgent situation affecting Board property that requires the immediate delivery of goods or performance of services. In a situation that qualifies as an emergency, a contract in excess of the public bid threshold may be awarded by the Board without public advertising for bids and bidding.

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 in excess of the Bid Threshold Amount established from time-to-time by the New Jersey Department of Treasury at the next scheduled Board meeting.

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. Certain kinds of contracts that may extend beyond three years are listed in N.J.S.A. 18A:64-79.

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.

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.

Application for and Acceptance of Grant Awards.

The Chief Executive Officer is authorized to apply for any and all grants from external entities upon prior notice to the Board. 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.

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.

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.

Supplier Diversity.

The Board is committed to locating and encouraging small, socially/economically disadvantaged, minority and/or women-owned, veteran-owned and service disabled veteran-owned businesses to become suppliers to the Board, subject to applicable legal requirements and limitations. The Board commitment to affirmative action extends to all aspects of its affairs, including the procurement function.

The Board shall make a good faith effort to award a total of 25% of the dollar value of Board contracts for goods and services to eligible small businesses. To be eligible, small businesses must have no more than 100 permanent employees, have their principal place of business in New Jersey, and be registered with the New Jersey Division of Revenue and Enterprise Services.

Contracts which have traditionally or typically been performed with the services of subcontracted parties are well suited for small business set aside contracting. The Board will routinely review contract specifications for re-procurements and for new procurements to determine if there is an opportunity to incorporate small business set aside subcontracting requirements. If small business set aside subcontracting opportunities exist, the Board will include small business set-aside subcontracting requirements within the RFP, including the obligation of the contractor to report all payments made to a qualifying subcontractor to the Board. In addition, the Board will include in the advertisement for the RFP notification that the contract contains set-aside subcontracting opportunities.

Additionally, the Board shall make a good faith effort to award 3% of the dollar value of Board contracts for goods, equipment, construction or services to Disabled Veteran Owned Business Enterprises in accordance with N.J.S.A. 52:32-31 and N.J.A.C. §17:14-1.1 et seq. The Business must be registered as a qualifying Disabled Veterans' Business with the Division of Revenue and Enterprise Services, Small Business Registration and M/WBE Certification Services Unit, evidence of which will be required to be submitted with any proposal.



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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 committee retains the discretion to issue a notice of intent to award to a responsible bidder whose conforming proposal is most advantageous to the Board, price and other factors considered, or to reject all proposals when it determines it is in the public interest or the Board's interest to do so. The evaluation committee will consider the following factors in ranking the proposals:

- A. Compliance with the requirements stated in the RFP.
- B. Qualifications, experience and/or training specific to the engagement.
- C. Experience performing engagements for public entities, educational institutions, public boards, or institutions involved in health sciences 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, including reasonableness.
- G. Registration and qualification as a small, socially/economically disadvantaged, minority and/or women-owned, veteran-owned and service disabled veteran-owned businesses, subject to applicable legal requirements and limitations.