



UNIVERSITY OF GUAM
UNIBETSEDÁT GUÅHAN
Board of Regents

Resolution No. 21-05

RELATIVE TO AMENDING THE UOG PROCUREMENT REGULATIONS TO AUTHORIZE SMALL PURCHASES OF PART-TIME TEACHING AND INSTRUCTOR SERVICES, AND TO APPLY UOG'S SMALL PURCHASE PROCEDURE TO INCLUDE OTHER PROFESSIONALS

WHEREAS, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission serving the post-secondary needs of the people of Guam and the Western Pacific region;

WHEREAS, the governance and well-being of UOG is vested in the Board of Regents (BOR);

WHEREAS, the BOR has adopted UOG Procurement Regulations that mirror the General Services Agency Procurement Regulations;

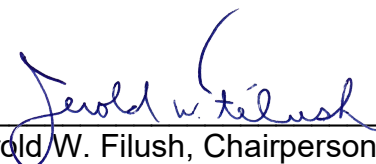
WHEREAS, the COVID-19 pandemic has created obstacles in the hiring of qualified part-time teachers and instructors to meet the demand for online instruction;

WHEREAS, the UOG Procurement Regulations must be amended to more efficiently and rapidly solicit for and procure part-time teachers and instructors as independent contractors using the BOR approved pay schedule to compensate them; and

WHEREAS, the President has concurred with these changes as have the Academic, Personnel, & Tenure Committee and the Budget, Finance, and Audit Committee, and UOG now seeks approval from the BOR to amend the UOG Procurement Regulations to incorporate these changes as attached.


NOW, THEREFORE, BE IT RESOLVED, the BOR hereby approves the attached amended UOG Procurement Regulations to allow for the hiring of part-time faculty from off-island and to allow for small professional service contracts to be procured using small purchase rules.

Adopted this 18th day of February, 2021.



Jerold W. Filush, Chairperson

ATTESTED:



Thomas W. Krise, Ph.D., Executive Secretary

3.11.6. SMALL PURCHASES OF SERVICES SPECIFIED IN SECTION 2.10. (AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AND APPROVAL OF CONTRACTS) AND SECTION 5.6. (ARCHITECT-ENGINEER AND LAND SURVEYING SERVICES) OF THESE REGULATIONS (GSA Section 3-204.06).

3.11.6.1. CONDITIONS FOR USE (GSA Section 3-204.06.1).

If it is expected that the services of accountants, physicians, lawyers, dentists, architects, engineers, or land surveyors, licensed nurses, other licensed health professionals, and other professionals can be procured for twenty-five thousand dollars (\$25,000) or less but more than two thousand dollars (\$2,000), the methods specified in this Section may be used in lieu of the procedures specified in Section 3.14. (Competitive Selection Procedures for Services Specified in Section 2.10.) and Section 5.6. (Architect-Engineer and Land Surveying Services) of these Regulations.

3.11.7. SMALL PURCHASES OF PART-TIME TEACHING AND INSTRUCTOR SERVICES

3.11.7.1. CONDITIONS FOR USE

The Pool of Part-Time Faculty Lists, recommended by faculty and then used by the University's Deans and Directors to select and hire qualified Part-Time Faculty shall also include any persons or firms deemed qualified, in accordance with the same procedures and methodology used to select Part-Time Faculty set forth in the current agreement between the University of Guam Board of Regents and the University of Guam Faculty Union, to provide Part-Time Teaching and Instructor Services as Independent Contractors. If a University Dean or Director is unable to employ a person to fill a part-time faculty position using the Pool of Part-Time Faculty List, and it is expected that services for the teaching or instruction of UOG students can be procured in accordance with the Overload and Full-Time Pay Scale approved by the University's Board of Regents for less than twenty-five-thousand-dollars (\$25,000) but more than two-thousand-five-hundred-dollars (\$2,500), then the methods specified in this section may be used in lieu of the procedures specified in Section 3.9 (Competitive Sealed Bidding) and the procedures specified in Section 3.14 (Competitive Selection Procedures for Services Specified in Section 2.10 of these Regulations). Any person or firm contracted to perform Part-Time teaching or instruction services pursuant to this section shall be an independent contractor and not a University employee while performing the services required by such contract.

3.11.7.2. EXAMINATION OF QUALIFICATIONS AND NEGOTIATIONS

The Dean or Director shall evaluate the persons or firms recommended from the Division-approved Pool of Part-Time Faculty List and shall contact the most qualified person or firm and attempt to negotiate a contract for the required teaching or instructor services at a rate that is in accordance with the Overload and Full-Time Pay Scale approved by the University's Board of Regents. If there are no qualified persons or firms from the Division-approved Pool of Part-Time Faculty List, or if the attempt to negotiate a contract for the required teaching or instructor rate is unsuccessful after the Dean has exhausted negotiations with all the persons or firms listed in the Pool of Part-Time Faculty List, then the Dean or Director shall request the relevant Division Chair to solicit for technical proposals or statements of qualifications to expand the pool of Part-Time Faculty in that Division or to obtain the required teaching or instructor services. Selection criteria for Part-Time Faculty shall be consistent with professional standards and competencies established for the University of Guam faculty in instructional roles. The Division shall consider a minimum of three (3) persons or firms shall be considered unless there are only one (1) or two (2) qualified persons or firms responding to the solicitation. In the latter case, the Dean or Director, shall make a written determination justifying the consideration of only one (1) or two (2) persons or firms. If after negotiations, a rate for the required teaching or instruction services that is in accordance with the Overload and Full-Time Pay Scale approved by the University's Board of Regents cannot be agreed to, negotiations will be terminated with such person or firm and negotiations begun with the next most qualified person or firm. The process shall continue until a contract can be negotiated at a rate that is in accordance with the Overload and Full-Time Faculty Pay Scale approved by the University's Board of Regents.

3.11.7.3. CONTRACT PROVISIONS FOR PART-TIME TEACHING AND INSTRUCTOR SERVICES

Any contract for Part-Time Teaching and Instructor Services procured using Section 3.11.7 of these regulations shall include the following contract provisions.

3.11.7.3.1. EVALUATION

The persons or firms that perform the Part-Time Teaching and Instruction Services as Independent Contractors shall be evaluated and shall receive written notice of evaluation in accordance with the same procedures and methodology used to evaluate Part-Time Faculty set forth in the current agreement between the University of Guam Board of Regents and the University of Guam Faculty Union.

3.11.7.3.2. CONTRACT TERM

The initial term of any contract procured pursuant to this section shall be limited to the duration of one session or semester, and the term may include optional terms, to be exercised unilaterally by the University on condition that the person or firm performing the Part-Time Teaching or Instruction Services receives a satisfactory evaluation for the initial contract term and any optional contract term, for one additional session or semester. However, the total contract term, to include the initial contract term and any optional terms shall not to exceed one Academic Year as set forth in the University's Academic Calendar. The University of Guam Faculty Union shall receive written notice of all part-time teaching or instructional contracts awarded each semester under the terms and conditions of these procurement provisions.