



RESEARCH CORPORATION OF THE UNIVERSITY OF GUAM

Resolution No. 21-02 RELATIVE TO AMENDING THE RCUOG PROCUREMENT POLICY

WHEREAS, the Research Corporation of the University of Guam (RCUOG) was established as a public corporation by Public Law (PL) 32-114; and,

WHEREAS, Public Law 32-114 states that the affairs of RCUOG shall be under the general management and control of the RCUOG Board of Directors (Board) and that the board shall adopt a procurement policy that is aligned with sound business practices and is consistent with federal program rules and regulations as applicable; and,

WHEREAS, the RCUOG Procurement Policy was initially adopted by the Board of Directors on October 30, 2014; and,

WHEREAS, the RCUOG Procurement Policy was amended on September 28, 2018 to align with updated federal thresholds for micro and small purchases; and,

WHEREAS, the digital business environment includes communication and submission of documents via email; and,

WHEREAS, as part of standard email protocols across platforms, each email is date and time stamped when sent; and,

WHEREAS, RCUOG supports digital business transactions including the submission of request for proposals and bids via email; and,

WHEREAS, RCUOG has revised its procurement policy to allow request for proposals and bids to be submitted digitally via email as an additional option along with hand delivery and delivery via U.S. Postal Service or courier service.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the attached RCUOG Procurement Policy, as amended.

Adopted this 26th Day of March 2021.

Thomas W. Krise

Thomas W. Krise (Mar 26, 2021 16:10 GMT+10)

Dr. Thomas W. Krise, Chairperson

ATTESTED:



Cheryl R. Sanguenza (Mar 27, 2021 17:07 GMT+10)

Dr. Cheryl Sanguenza, Secretary



RESEARCH CORPORATION OF THE UNIVERSITY OF GUAM

RCUOG PROCUREMENT GUIDELINES AND PROCEDURES

All persons engaging in purchasing and purchasing-related activities shall conduct business dealings in a manner that is above reproach in every respect. Expenditures should be customary and reasonable in the conduct of RCUOG business. Questionable disbursement requests will be submitted to the RCUOG Executive Director for review and approval.

The PI will serve as his/her own purchasing agent and will avoid purchasing unnecessary items. All procurement transactions must be conducted in a manner providing full and open competition, consistent with CFR Procurement Standards 200.317 through 200.326.

Procurement Officer

The RCUOG Executive Director, or designee, will serve as the RCUOG Procurement Officer. The procurement officer ensures that RCUOG purchases follow RCUOG procurement policies as well as federal regulations applicable to grants and contracts, including but not limited to OMB Circular A-21 and CFR Procurement Standards 200.317 through 200.326.

The UOG Procurement Office will serve as a resource in providing advice on proposals, bids and identification of vendors, when requested.

NOTE: New thresholds will be effective for Federal awards after December 26, 2014.

Summary of Procurement Methods and Solicitation Requirements

1. Micro-purchase: \$10,000 and below

Requirement: Solicitation of one quote is allowed if price is considered reasonable. Additional quotes are encouraged.

Acceptable Quote Documentation: (a) Facsimile quote, (b) Written quote provided by vendor, (c) Memo documenting oral quotation by vendor – must include vendor name, vendor representative, date and amount of quote, or (d) Internet printout of price list. If asked by the RCUOG Procurement Officer, Requestor is responsible to establish price reasonability as per #8.

2. Small purchase: between \$10,001 and \$250,000

Requirement: Require no less than three written quotes from vendors. This generally requires that specifications be emailed/faxed to at least three vendors. Award shall be made to the lowest responsible and responsive bidder.

Acceptable Quote Documentation: (a) Facsimile quotes, (b) Written quotes provided by vendors, (c) Internet printout of three price lists, or (d) Facsimile/email confirmation to show solicitation was sent to a non-responsive vendor.

Procedures for Micro-purchase and Small Purchase Thresholds

1. Requestor

- a. Determine supplies or services needed.
- b. Solicit required number of quotes and select a vendor (for purchases falling under the micro-purchase and small purchase thresholds).
- c. Create on-line requisition order.
- d. Upload proper documentation to RCUOG Sharepoint.

2. RCUOG Office

- a. Perform compliance review and funds certification for the purchase.
- b. If noncompliant with contract/grant/procurement requirements, return to requestor for more information or additional documentation.
- c. If compliant, requisition is approved and purchase order is created.
- d. Approved purchase orders are forwarded to requesting department.

3. Competitive sealed bidding: Purchases above \$250,000

- I. Requirement: Invitation for Bid (IFB) shall be mailed, emailed, or furnished to a sufficient number of vendors to secure competition. Competitive bidding shall follow procurement standards set forth in the Federal Register Vol.78, No.248, CFR Procurement Standards 200.320 (c) and the following Sealed Bid Process:
- II. Acceptable Quote Documentation: Sealed bid packages or email bid packages received by RCUOG.
- III. Bids above \$250,000 must be afforded adequate public notice at least Fifteen (15) days before the bid due date. Bids must be solicited from an adequate number of known suppliers. Vendors have fifteen (15) working days to respond from the date of notice (unless unusual circumstances prevail; reason must be documented). The IFB must be posted on the RCUOG website no less than fifteen (15) days before the due date and must include:
 - a. A statement requiring offerors to include their contact information in their bids.
 - b. Specifications and pertinent attachments.
 - c. A description of the items or service being solicited sufficient to allow potential bidders to submit bids in response to the bid.
 - d. A bid submission deadline and award decision timeline.
 - e. A statement that only written bids will be accepted and can be 1.) hand delivered, 2.) mailed to the street address on the IFB, or 3.) emailed to the email address indicated on the IFB.
- IV. Bids submitted after the bid submission deadline will not be accepted.
- V. Pre-bid conferences may be scheduled and, if scheduled, Pre-bid conference information will be contained in the bid packet or an amendment to the bid packet.
- VI. The RCUOG Executive Director may extend the deadline for bid submission beyond 15 days of public notice. Deadline extension must be documented and posted on the RCUOG website.

- VII. Receipt and Handling of IFB submissions
- a. Hard copies of the bids and modifications thereof shall 1.) For bids hand delivered or mailed to the RCUOG office, be time stamped upon receipt and held in a secure place until the established due date, or 2.) For digital copies of bids emailed to RCUOG, the date and time of RCUOG's receipt of the emailed bid shall serve as the official submission date and time and the documents will be downloaded and held in a secure place until the established due date.
 - b. Bids must be opened publicly at a location specified in the IFB. The bids shall be opened, recorded, and evaluated.

- VIII. Evaluation and Award Process
- a. The Evaluation Committee may seek clarification from bidders.
 - b. The bids shall be evaluated and compared.
 - c. The Bid is awarded to the responsible, responsive bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.
 - d. An evaluation report which includes a price analysis will be signed by the Evaluation Committee chair and submitted to the RCUOG Executive Director for approval.
 - e. A notification of award will be sent to successful bidder within ten days of the approval of the evaluation report to the RCUOG Executive Director.

4. Competition selection procedures for professional services above \$250,000

- I. Requirement: Solicitations for professional services, such as architects, engineers, land surveyors, and other professionals, shall be in the form of a Request for Proposals (RFP). RFPs shall follow procurement standards set forth in the Federal Register Vol.78, No.248, CFR Procurement Standards 200.320 (d) and the following RFP Process:
- II. Adequate public notice shall be made at least Fifteen (15) days before the proposal due date and notice of the RFP shall be posted on the RCUOG Website no less than fifteen (15) days prior to the deadline for submission of proposals. RCUOG may send notice of the RFP to companies or individuals known to provide the required professional services.
- III. Sealed Price Proposals: Proposals shall be submitted with Sealed Price Proposals to the RCUOG Office on or before the deadline for submission of Proposals.
- IV. RFPs shall include:
 - a. A description of the professional services required.
 - b. A copy of or a description of the type of contract to be used.
 - c. A description of the work to be performed.
 - d. The start date of the work and the duration of the professional services.
 - e. The deadline for the submission of proposals.
 - f. A statement that only written Proposals and Sealed Price Proposals will be accepted.
 - g. A statement indicating that the sealed price proposals must be submitted: 1.) in a separate, sealed envelope to be opened only after the proposals have been evaluated, or 2.) a password protected digital file with the password included in the proposal to be downloaded and printed only after the proposals have been evaluated.
 - h. A statement that offerors may request portions of their proposals which contain trade secrets or proprietary data to remain confidential. RCUOG shall review all such requests approve them only if such portions of the proposals contain trade

secrets or proprietary data and shall provide a written decision to the offeror making such request that grants or denies the request and which states RCUOG's reasons for doing so.

- i. A statement regarding the minimum information proposals must contain including:
 - i. Offeror contact information and principal place of business.
 - ii. The abilities, qualifications, and experience of all persons assigned to provide the required services.
 - iii. Description of past performance on similar contracts.
 - iv. Detailed plan explaining how the services will be performed.
- j. The factors that RCUOG will use to evaluate the proposals.

V. Proposals submitted after the deadline for the submission of proposals will not be accepted.

VI. Pre-Proposal conferences may be scheduled and information regarding Pre-Proposal conferences, if any, will be contained in the RFP or an RFP amendment.

VII. Questions from offerors will be accepted in writing by the RCUOG Procurement Officer up to five (5) days before the submission deadline. Responses will be shared with all offerors.

VIII. The RCUOG Executive Director may extend the deadline for submission of proposals beyond the fifteen (15) day public notice period. Any such extension will be posted on the RCUOG website.

IX. Receipt and Handling of Proposals and RFP submissions.

- a. Proposals and modifications shall be delivered to RCUOG via 1.) Hard copies of Proposals delivered to the RCUOG office and time stamped upon receipt and held in a secure place until the established due date, or 2.) Digital copies of Proposals emailed to the RCUOG official email indicated on the RFP and the date and time of the emailed proposal shall serve as the official submission date and time and the documents will be downloaded and held in a secure place until the established due date.
- b. Proposals shall have a sealed price proposal included in a separately sealed envelope or in a password protected digital file with the password included as part of the proposal.
- c. Proposals shall not be opened publicly nor disclosed to unauthorized persons but shall be opened in the presence of two more members of the Evaluation Committee.

X. Evaluation and Award Process

- a. Proposals shall be ranked by the Evaluation Committee with the most qualified offeror ranked first, the second most qualified offeror ranked second, etc.
- b. Once the ranking process is complete, the committee will open the most qualified offeror's sealed price proposal and begin negotiations with the most qualified offeror. If price and contract terms can be agreed upon, RCUOG shall award the contract to the most qualified offeror. If RCUOG is unable to agree on price and contract terms with the most qualified offeror, RCUOG shall terminate negotiations with that offeror in writing, and proceed with negotiating with the next most qualified offeror or offerors, in the order they are ranked, until price and contract terms can be agreed upon and the contract is awarded.
- c. An evaluation report which includes a cost analysis and the outcome of any pricing negotiation with the offeror or offerors will be signed by the Evaluation Committee chair and submitted to the RCUOG Executive Director for approval.

- d. A notification of award will be sent to the successful offeror within ten days of the approval of the evaluation report to the RCUOG Director.

5. Sole source/noncompetitive procurement

I. Requirement: All sole source procurements require written justification as to why no other bidder will be suitable or acceptable to meet the need. A sole source procurement must be approved in writing by the RCUOG Executive Director before an item is procured and must adhere to CFR 200.320. Sole source procurements are allowed only in the following situations: (a) compatibility of equipment, accessories, or replacement parts is of paramount consideration; (b) sole supplier's item is needed for trial use or testing; (c) sole supplier's item is to be procured for resale; (d) public utility services are to be procured; (e) supplies are offered through bankruptcy or receivership sales, or other disposition at lower than prevailing market prices; (f) public exigency or emergency declared by the Governor of Guam will not permit a delay resulting from competitive solicitation; (g) the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Principal Investigator for the grant project; (h) after an IFB or RFP solicitation in which no bids or proposals are submitted and another solicitation would be ineffectual as determined in writing by the Procurement Officer.

II. Quotes. RCUOG shall solicit a Quote from the sole source, in the form of a: (a) facsimile quote, (b) written quote provided by vendor, (c) internet printout. And if the price for the item or service is reasonable, RCUOG may award the contract to the sole source.

6. Establishing a Pre-qualified Pool of vendors for a specific product/service/material or for unspecified quantity purchases

The RCUOG may establish a pre-qualified pool of vendors for a specific product(s), service or material using the following process:

- I. RCUOG must post a Request for Information (RFI) soliciting a specific product(s), service, or material on its website for a period of fifteen (15) days. A submission deadline will be included in the RFI. To ensure maximum participation, the RFI should be sent via email or fax to multiple offerors. In addition to the website posting, RCUOG may decide to announce via media or social media outlet to ensure maximum participation.
- II. The RFI must contain clear and accurate description of the requirements for the material, product, or service procured and identify all requirements which offerors must fulfill in order to participate in the pre-qualified pool.
- III. All offerors who submit their required documents prior to the published deadline and who meet RCUOG requirements may qualify to participate in the pre-qualified pool.
- IV. All prequalified lists of persons, firms, or products which are used in acquiring goods and services must be current and include enough qualified sources to ensure maximum open and free competition.
- V. All offerors in a pre-qualified pool will be utilized on a rotating basis by RCUOG when making purchases for specific product(s), service or material as indicated in the initial RFI.
- VI. Each pre-qualified pool must be updated on an annual basis.

7. Composition, Roles and Responsibilities of a Bid Evaluation Committee

The Bid Evaluation Committee is an ad hoc committee comprised of a minimum of three individuals including the principal investigator who initiated the bid, an RCUOG administrator,

and an administrator from the UOG unit that initiated the bid. Other RCUOG or UOG administrators and faculty may be invited to sit on the Bid Evaluation Committee to provide expertise as warranted. Administrators and employees in the UOG Procurement Office may also be invited to sit on a Bid Evaluation committee as necessary.

Roles and responsibilities include ensuring that the Bid was conducted in a manner providing full and open competition as specified in CFR Procurement Standards 200.317 through 200.326.

8. Price and Cost Analysis for Evaluation Purposes

Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices, and discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

I. Price Analysis for Bids

Price analysis is the process of determining whether the price is reasonable and acceptable. The analysis should include an evaluation of price for the same or similar products or services, details of the research conducted, details of negotiations with the vendor or contractor, or details of other efforts made by the program to validate price reasonableness. Price comparisons, not limited to the following, may be used in the price analysis:

- a. Comparison with bids in the current procurement action
- b. Comparison with prior price quotations for the same or similar items or services
- c. Comparison with a published catalog price or published price list (a vendor's quotation or correspondence does not qualify as a published price list)
- d. Comparison with prices available on the open market
- e. Comparison with an in-house estimate (e.g., the cost of the work if performed by own staff) or an independent cost estimate (e.g., cost review by a third-party expert)
- f. Comparison with prevailing rates in the industry
- g. The price analysis must be documented and attached to the purchase order.

II. Cost Analysis for RFPs

Cost analysis is the process of reviewing and evaluating each element of cost to determine reasonableness, allocability, and allowability. In the analysis, consider the following:

- a. Specific elements of cost.
- b. The necessity for certain costs.
- c. The reasonableness of amounts estimated for necessary costs.
- d. The reasonableness of allowances for contingencies.
- e. The basis used for allocation of indirect costs.
- f. The appropriateness of allocations of particular indirect costs to the proposed contract.
- g. The reasonableness of the total cost.

Generally, cost analysis, rather than price analysis, is used to evaluate offered prices for complex procurement actions, or when comparative data to perform a price analysis does not exist. These comparisons are documented in a memo from the Principal Investigator to the Executive Director who must approve the fair and reasonable cost.

9. Appeal Process

An offeror may appeal a decision made by the IFB or RFP Evaluation Committee by following the Appeal Process.

Step One

The offeror must submit their appeal in writing to the RCUOG Executive Director within ten days of the bid award notice. The offeror must specifically cite the section of the RCUOG procurement policy which they feel has been unfairly applied.

The RCUOG Executive Director must respond to the appeal in writing within 10 days of the filing of the appeal. The RCUOG Executive Director will only consider the issue stated in writing and will not consider any new issues.

Step Two

If the offeror does not accept the decision of the RCUOG Executive Director, the offeror may submit a second appeal to the Chair of the RCUOG Board of Directors within 10 days of receiving the appeal response from the RCUOG Executive Director.

The Chair of the RCUOG Board of Directors may call an ad hoc committee to respond to the appeal comprised of three RCUOG administrators or RCUOG Board Members of his choosing. The committee will only consider the original issue stated in writing and will not consider any new issues. The Chair will respond in writing to the appeal within ten working days. The Chair of the RCUOG Board of Directors decision is final. The process ends.

10. Contracting with Minority Businesses and Women's Business Enterprises

CFR Procurement Standards 200.319 (b) prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals. However, CFR Procurement Standards 200.321 specifies that RCUOG must take necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. These steps are indicated in CFR Procurement Standards 200.319. Local purchases are encouraged where possible. Local procurement preference shall apply to local funds as specified in 5 GCA Section 5008.

11. Cancellation of an RFP or Bid

RFPs and IFBs may be cancelled due to lack of funding, lack of an adequate number of respondents, when public notice timelines were not followed, or other reason documented by the Procurement Officer. If an RFP or IFB is cancelled, RCUOG will notify those offerors who responded to the RFP or IFB of the cancellation. Public notice of cancellations will also be posted on the RCUOG website.

12. Rejection of Bid or Proposal

RFPs and IFBs may be rejected if they do not contain the basic information as stated in #3 and #4 above.