MPTC Purchasing Rules and Federal Purchasing guideline applicable to grants (2 CFR 200 Title 2)

Current procurement governing laws / policies

WTCS Hierarchy Procurement Laws

1. Federal Regulation (34CFR 80.36)
2. State Statute (Chapter 38)
3. Administrative Rule (TCS 6)
4. State Board Policy (None Specific to Procurement)
5. Administrative Bulletin (None Specific to Procurement)
6. Manuals (FAM Section 6 – Procurement)
7. District Policies / Procedures

MPTC Purchasing Rules

1. $0 – $5,000 - No documentation required or Government contract
2. $5,000 – 15,000 – staff submit 1 quote to Purchasing or Government contract
3. $15,000 – $25,000 – staff submit 2 quotes to Purchasing or Government contract
4. $25,000 – $50,000 – staff submit 3 quotes to Purchasing or Government contract
5. > $50,000 – Solicitation (RFB or RFP) or Government contract

MPTC Ordering Rules (Requestor obtains written quotes themselves but must forward quotes obtained to the Purchasing Department for review and assignment of purchasing approval number before procuring. Reference MPTC Procurement Procedure 4FBM0202 for detailed explanation of terms.)

1. Operating expenses
   a) $0 – $5,000 – Credit card payment preferred
      i. Whether credit card or invoice payment, appropriate documentation is required for all purchases.
   b) > $5,000 – Requisition / Purchase Order (contract # in line comments of requisition)

2. Capital Equipment ($500 or > and must have a life of at least 2 years) / Capitalized Software ($500 or > with license life of at least 2 years)
   a) $0 – $500 – Credit card, not considered capital.
      i. Whether credit card or invoice payment, appropriate documentation is required for all purchases.
   b) >$500 - $5,000 – Requisition / Purchase Order (budget line item # required, no contract number required)
   c) >$5,000 – Requisition / Purchase order (budget line item # & contract # in line comments of requisition)
Federal 2 CFR 200 procurement governing laws / policies

1. $0 - $3,000 – (Micro purchase) No documentation required, must distribute purchases equitably among qualified suppliers.
   a. Whether credit card or invoice payment, appropriate documentation is required for all purchases.
2. $3,000 – $150,000 – (Simplified Acquisition Threshold) 3 quotes to Purchasing (written, vendor website price list, online search engines)
3. $150,000 - $6,500,000 – (Competitive sealed bids / proposals) Solicitation (RFB or RFP)
4. Special circumstances, procurement by noncompetitive proposals:
   a. The item is available only from a single source;
   b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
   c. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
   d. After solicitation of a number of sources, competition is determined inadequate.

Grant Manager and Record Keeping

Grant Manager will need to keep records for Federal grant purchases over $3,000 to include the following records.

1. Copies of all vendor quotes. (can be a saved web-site price)
2. *Publicized solicitations by Purchasing Manager. (stored with MPTC third party e-solicitation provider Onvia Demand Star)
3. *Bid / proposal document, including specifications, any amendments, and proposed contract length along with any possible extensions.
4. *Vendor lists (stored with MPTC third party e-solicitation provider Onvia Demand Star).
5. *Bids / proposals from vendors, including date and time received.
7. *Vendor selection, including rationale if not awarded to lowest bidder for sealed bids or vendor with highest score for proposals.
8. All other significant correspondence or documentation.

* Records stored by Purchasing Manager.
**Government Contracting**

Unlike commercial contracting, which is governed generally by the Uniform Commercial Code and the common law, government contracting is governed by a maze of statutes and regulations. These statutory and regulatory provisions dictate, for example, what method or processes an agency must use to solicit a contract and how the agency is to negotiate or award a contract. Because government contracting involves the expenditure of public funds and as such it requires a great deal of transparency and accountability. Four major concepts provide the foundation for government activities.

**Competition.** With limited exceptions, state law provides that agencies will award contracts to the lowest responsible bidder or highest scoring proposer. Competition brings about lower prices and higher quality goods and services. To create a competitive environment, agencies must develop solicitations with clear specifications that encourage bidding by multiple vendors.

**Consistency.** State procurement laws, policies and procedures apply equally to all agencies, campuses and vendors. Consequently, the State strives to use consistent processes across state government. Agencies must provide fair treatment of all vendors. To that end, bids and proposals are compared and evaluated on an equal basis. The specifications presented in a solicitation must relate to the deliverables provided in any resulting contract. Consistency helps agencies conduct transparent and defensible procurements as expected by the public and vendor community.

**Integrity.** Procurement is not a mechanized process, but rather one carried forward by the actions and decisions of people. As such, procurement officials and evaluators must understand and fulfill their responsibilities at each stage of a procurement process. All decisions and activities must be measured against a standard of fairness that will withstand public and legal scrutiny.

**Openness.** Unclear or ambiguous communications with vendors and stakeholders can compromise even the best procurements. To avoid misperceptions, solicitations, notifications and award decisions must be written in clear, understandable language. In addition, all records relating to procurement are open to public inspection and should be maintained in a central location.
Wisconsin Open Records Law

Respondents to RFP’s are advised that all documents received by MPTC in connection with the RFP, including bids, contracts, if any, and all other submitted attachments, become the exclusive property of MPTC. Furthermore, to the extent permitted by law, it is the intention of MPTC to withhold the contents of the bids, contracts, if any, and any other submitted documents, from public view until such times as the competitive or bargaining reasons no longer require non-disclosure in the opinion of MPTC. At that time, all bids, and any resulting contracts thereof, and all other submitted documents in connection to this RFP, will be available for review in accordance with Wisconsin Open Records Law.

Pursuant to Wisconsin State Statutes Section 19.36(5), protection from disclosure may apply to those pages in each submittal, as defined in Wisconsin Statutes Section 134.90(1)(c), and which are marked as TRADE SECRET, CONFIDENTIAL, or PROPRIETARY by the RFP respondent or other submitting party. The respondent shall mark each page separately; and any non-confidential data shall begin on the subsequent page. Marking all or nearly all, of the bid as TRADE SECRET, CONFIDENTIAL, OR PROPRIETARY may result in the rejection of the bid. In this regard, MPTC may reject any bid it cannot fairly evaluate without the information marked proprietary.

MPTC will not advise as the nature of the content of the documents marked as entitled to this protection of non-disclosure, or as to the definition of trade secret, confidential, or proprietary information. The respondent or other submitting party will be solely responsible for all such determinations made by it, and for clearly and prominently marking each and every page or sheet of materials with TRADE SECRET, CONFIDENTIAL, or PROPRIETARY as it determines to be appropriate.

MPTC will endeavor to advise the RFP respondent of any requests for the disclosure of the material so marked with TRADE SECRET, CONFIDENTIAL, or PROPRIETARY, and give the respondent or other submitting party the opportunity to seek a court order to protect such materials from disclosure. If a party other than the proposer submitted the requested materials, the proposer respondent shall be solely responsible for notifying the submitting party of the requests. MPTC’s sole responsibility is to notify the proposer of the request for disclosure, and MPTC shall not be liable for any damages resulting out of such disclosure, whether such disclosure is deemed required by law, by an order of the court or administrative agency, or occurs through inadvertence, mistake, negligence on the part of MPTC or its officers, employees, consultants, or subcontractors.