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1.9 procurement of goods and services

1.9.1 Procurement Conflict of Interest Policy

1. Policy Statement
Pursuant to ARS 38-503, Governing Board members and employees who or whose relatives have a substantial interest in any decision of the District or who have a substantial interest in any contract, sale, purchase or service to the District shall make known such interest by filing a disclosure statement. A Governing Board member or employee disclosing such an interest shall refrain from voting upon or otherwise participating in any manner in such decision, contract, sale, purchase or service.
2. The Chancellor or his/her designee is directed to inform employees of the contents of this policy and to designate an appropriate office with the responsibility for overseeing a process for monitoring and maintaining records and compliance.
3. All Governing Board-Approved employees shall annually complete and submit a conflict of interest form and shall submit an acknowledgement that they have read and understand the District's Conflict of Interest Policy. Board-Approved employees includes those who have or could attain permanent status, one year onllys, one semester onllys, Skill Center and specially funded employees. Updated disclosures shall be made during the year by the employee as needed if circumstances change. Other employees may also be required by the Vice Chancellor of Business Services to annually complete these forms, given the nature of their job responsibilities and the potential for conflicts of interest.
4. All Board-Approved employees shall be required to take a course currently entitled: Legal Issues: Public Sector Employment or its successor course offered by the District Employee and Organizational Learning Team or its successor office.

AMENDED November 27, 2007 by the MCCCCD Governing Board, Motion No. 9452

AMENDED February 27, 2007 by the MCCCCD Governing Board, Motion No. 9404

AMENDED through the Administrative Regulation approval process, January 7, 2002

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AMENDED Motion No. 8894

AMENDED Motion No. 8895

AMENDED Motion No. 8896

Founding Source:

Governing Board Minutes, June 28, 1994, Motion No. 8262

1.9.2 Purchasing Authority

1. The Vice Chancellor for Business Services is empowered by the Governing Board and the Chancellor to act as the Chief Fiscal Officer for the District.
2. The authority to act as the Procurement Officer is delegated by the Vice Chancellor for Business Services to the Chief Procurement Officer, who shall be responsible to annually review the purchasing procedures and recommend appropriate policy revisions accordingly and to further delegate procurement authority as appropriate.

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3. Definition of Terms
 - A. Acquisition: For purposes of this policy, the term “acquisition” means purchase, rental lease, lease/purchase or lease with option to purchase, or the contracting of service which produces revenue for the District.
 - B. Capital Equipment: All items of furnishings and equipment which are capitalized within the guidelines for budgeting, accounting, and reporting, for Arizona community colleges including, but not limited to, equipment for occupational education programs, information technology, and new and replacement equipment.
 - C. Real Property: All items, fixed in nature, which are capitalized within the guidelines for budgeting, accounting, and reporting for Arizona community colleges.

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AMENDED Motion No. 8894

AMENDED Motion No. 8895

AMENDED Motion No. 8896

Founding Source:

Governing Board Minutes, October 24, 1995, Motion No. 8468

1.9.3 Thresholds for Competition

Determination to use competitive sealed bidding or the sealed competitive proposal process shall be made by the Chief Procurement Officer for all purchasing transactions exceeding \$50,000. Procurement of professional services is included in this category. The Chief Procurement Officer shall prescribe varying levels of competition under this threshold amount. Guidelines regarding competitive thresholds are available in Appendix FM-2.

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AMENDED Motion No. 8895

AMENDED Motion No. 8896

Founding Source:

Governing Board Minutes, October 24, 1995, Motion No. 8468

1.9.4 Supplier Development Policy

1. The District is committed to increasing its commercial activities with minority and women owned businesses and, therefore directs the Chancellor or his/her designee to establish a Supplier Development Program for the purpose of identifying and recruiting minority and women owned businesses to participate in the District’s procurement process.
2. For purposes of this policy,
 - A. “Minority Owned Business” means a business that is owned, operated and controlled

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at least 51% by a minority individual or individuals.

- B. "Women Owned Business" means a business that is owned, operated and controlled at least 51% by a woman or women.
- C. "Procurement" means the acquisition of goods or services as well as the contracting of operations or functions that either return revenues to the District or that operate at a break even.

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AMENDED Motion No. 8895

AMENDED Motion No. 8896

Founding Source:

Governing Board minutes, July 26, 1994, Motion No. 8280

1.9.5 Privatization of Services Policy

1. Policy Statement
The Governing Board supports the concept of utilizing the most beneficial method of providing services and goods to the District, whether it be from the public or private sector. Whenever possible, established criteria shall be used to analyze the benefits of one source over the other.
2. Delegation of Authority
The Chief Procurement Officer, as delegated by the Governing Board through the Chancellor and the Vice Chancellor for Business Services, shall be responsible for establishing review criteria; for writing procedures relating to privatization; and for the timely review, action, and reporting on all privatization proposals. Personnel actions affecting District personnel as a result of privatization efforts are separate from procurement activities.
3. Reports on Privatization Efforts
A report shall be filed annually by the Chief Procurement officer outlining progress in the areas of privatization. Numbers of formal inquiries as well as any records of any appeals and their outcomes shall also be reported.
This annual report shall be provided to other agencies such as the Private Enterprise Review Board, if so requested.
4. Privatization Review Criteria
Proposals for privatization will be evaluated on a number of factors including cost. Additional factors will depend upon the service or goods proposed, but may include:
 - A. Quality of Service - the effect privatization will have on the quality of service.
 - B. Cost Efficiency - the effect privatization will have on the quality of service.
 - C. Market Strength - availability of private providers interested in providing the service.
 - D. Risk to the District - degree which privatization increases District exposure to hazards and risk.
 - E. Legal Barriers - the effect of laws on privatization decisions.
 - F. Control - ability of the District to oversee and monitor the service, once it has been privatized.

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- G. Resources - efficient and effective use of existing District assets.
- H. Impact on Employees - the effect privatization will have on both full time and student employees of the District.
- I. Political Resistance - opposition from the public, the provider of the service, interest groups, or elected officials.

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AMENDED Motion No. 8894

AMENDED Motion No. 8895

AMENDED Motion No. 8896

Founding Source:

Governing Board minutes, September 27, 1994, Motion No. 8307

1.9.6 Real Property

1. All purchases of real property shall be made on behalf of and with the title residing with the Maricopa County Community College District. The District shall follow its own procedures for the acquisition and disposal of real property.
2. Acquisition of land, buildings, site improvements, and internal systems (mechanical, electrical, and electronic) shall be processed through the District Purchasing Department.
3. A building, structure, addition or alteration of a District facility may be constructed by force account employees if the cost does not exceed \$20,000. Calculation of this threshold shall include all materials and services, including labor performed by District employees.

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AMENDED Motion No. 8894

AMENDED Motion No. 8895

AMENDED Motion No. 8896