

Procurement by Competitive Sealed Proposal

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- ☐ Board Resolution: 98-006, 23-040c
- ☐ Last Revised:
 - ☐ Policy: 09/05/2023
 - ☐ Procedure: 09/05/2023
- ☐ Last Reviewed: 09/13/2023
- ☐ Effective: 09/28/2023
- ☐ Next Review: 09/21/2026
- ☐ Responsibility: Finance

Policy:

Pursuant to Md. EDUCATION Code Ann. §16-313, the Board of Trustees of Cecil College allows for procurement by competitive sealed proposals, rather than competitive sealed bids, for procurement contracts of \$100,000 or more. Competitive sealed proposals may be used if the procurement is for

1. Educational or consultant services;
2. Any building, improvement, equipment, or supplies for which the Vice President of Finance determines that specifications cannot be prepared that allow an award based on the lowest bid price, the lowest evaluated bid price, or the bid most favorable to the College; or
3. The Vice President of Finance and Administration determines that the use of competitive sealed bidding for a procurement contract is not practicable or not advantageous to the College that the need to use a method other than competitive sealed bids is sufficiently compelling to override the College's Bid and Quotation Limits policy, which favors awarding procurement contracts on the basis of competitive sealed bids.

Procedure:

1. A Request for Proposal (RFP) will be developed and issued by the Vice President of Finance and Administration or their designee and shall include a statement of:
 - a. The scope of the procurement contract,
 - b. The results to be achieved or services to be provided,
 - c. The factors, including price, that will be used in evaluating proposals, and
 - d. The relative importance of each factor.

2. An RFP shall be approved by the Vice President of Finance and Administration or their designee and advertised for a period of two weeks in the same manner as required for an invitation for bids.
3. After receipt of proposals, but before the Board of Trustees awards the procurement contract, the Vice President of Finance and Administration or their designee may conduct discussions with vendors to:
 - a. Obtain the best price for the College; and
 - b. Ensure full understanding of the requirements of the College as set forth in the request for proposals; and the proposal submitted by the vendor.
4. If discussions are conducted, the Vice President of Finance and Administration or their designee:
 - a. Shall provide an opportunity to each qualified, submitting vendor to participate
 - b. Shall treat all of the responding vendors fairly and equally.
 - c. May allow all of the responding vendors to revise their initial proposals by submitting best and final offers, if discussions indicate that it would be in the best interests of the College to do so.
 - d. May conduct more than one series of discussions and requests for best and final offers
 - e. May not disclose to a vendor any information derived from a proposal or discussions with a competing vendor.
5. Proposals and best and final offers are irrevocable for the period specified in the (RFP) or request for best and final offers except when the President, or their designee, permits the withdrawal of a proposal or best and final offer.
6. Every solicitation issued for request for proposals shall state that the solicitation may be canceled when it is in the best interest of the College to do so.
 - a. If the Vice President of Finance and Administration or their designee determine that it is in the best interests of the College to cancel a solicitation prior to opening proposals, all proposals received shall be returned to the vendors and a notice of cancellation shall be included. Criteria for determination may include, but is not

limited to:

1. Lack of funding for the project.
 2. Imperfection in proposal document.
 3. Defective notice of advertisement.
 - b. If after opening proposals, but prior to award, the Vice President of Finance and Administration or their designee determine that it is in the best interest of the College to reject all proposals, all open proposals shall be retained and a notice of rejection shall be sent to all vendors that submitted proposals. Criteria for rejection may include but is not limited to:
 1. Proposals exceed budgeted funds.
 2. Imperfection in proposal document discovered after public opening.
 3. Defective notice, which would prove injurious to vendors.
 - c. The Vice President of Finance and Administration or their designee shall have the right to waive any minor technicality or deficiency when it would be an advantage to the College.
 - d. Every solicitation issued for request for proposals shall provide that any proposal may be rejected by the Board of Trustees in whole or in part when it is in the best interest of the College to do so.
7. When a procurement contract is expected to exceed \$100,000, the Vice President of Finance and Administration or their designee is authorized to require submission of a refundable security deposit for proposals, in an amount equal to at least 5 percent of the total amount proposed, at the time the proposal is submitted. If security fails to accompany the proposal, it shall be determined to be unresponsive, unless the Vice President deems the failure to be non-substantial.
8. Performance and payment bonds may be required by the Vice President of Finance and Administration or their designee for all procurement contracts in excess of \$100,000. Performance and payment bonds shall be in the amount equal to at least 100 percent of the procurement contract price. Payment bond requirements may be reduced to 50 percent prior to solicitation if it is determined to be in the best interests of the College to do so.