

# **COLUMBIA UNIVERSITY POLICY ON COMPETITIVE PROCUREMENT**

**Original Effective Date: July 1, 2012**

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## **Policy Statement**

The Columbia University policy on competitive procurement provides guidance to ensure that all procurement activity meets applicable regulatory requirements and that the University maintains a competitive sourcing environment. Competitive procurement requirements are dependent on the size of the purchase as well as the source of funds used to make the purchase. The appropriate requirements must be adhered to in all instances.

## **Reason(s) for the Policy**

To maintain strong business practices, ensure compliance with various regulations, promote the best possible value, service and pricing in the sourcing of goods and services at the University, competitive sourcing should be used whenever possible. This policy promotes access for suppliers to competitive opportunities by requiring that either bids be obtained for goods and services or that appropriate justification is provided when a competitive process is not followed.

## **Primary Guidance to Which this Policy Responds**

This policy responds to all applicable government procurement regulations as contained in the Federal Acquisition Register (FAR); Office of Management and Budget's uniform administrative requirements as codified under the Code of Federal Regulations (C.F.R.) at 2 C.F.R. Part 200 (Uniform Guidance), as well as any additional regulations or procedural formalities required by the contracting agency, as specified in the Notice of Award

## **Responsible University Office**

Procurement Services – Purchasing

## **Who Is Governed By This Policy**

Faculty and Staff authorized to purchase goods and services for their department or school using government, grant or University funds.

## **Who Should Know This Policy**

All persons governed by this Policy

Department Administrators and other department staff

## **Exclusions & Special Situations**

Not applicable

## Policy Text

### Competitive Sourcing

It is the policy of Columbia University to obtain competitive proposals, bids or price quotations, as reasonably practical, on products and services used by the University. Specific requirements for competitive sourcing will depend on whether the purchase is being made in association with a sponsored award or grant. Specific guidance for purchases made in association with a sponsored award or grant is detailed in this policy in the section “For Sponsored Awards”.

It is important that the supplier selection process is consistent with the University’s Conflict of Interest Policies. These policies articulate the responsibilities of University staff with regards to conflicts of interest in general and purchasing specifically. The links to the policies are provided below.

### For Non-Sponsored Awards

#### Competitive Bid Requirements:

- Goods and Services Purchases up to \$9,999 require one quote/proposal
- Goods and Services Purchases between \$10,000 - \$149,999 require a minimum of 2 written quotes/proposals
- Goods and Services Purchases above \$150,000 require a minimum of 3 written quotes/proposals
- Purchases for Service Providers up to \$24,999 require one quote/proposal
- Purchases for Service Providers between \$25,000 - \$149,999 require a minimum of 2 written quotes/proposals
- Purchases for Service Providers above \$150,000 require a minimum of 3 written quotes/proposals

Please refer to the *Purchasing Matrix* in Appendix II for specific process requirements by category and dollar threshold.

The identification and selection of appropriate suppliers from which competitive bids/quotes/proposals can be obtained can be accomplished through a variety of acceptable methods. Ultimately, the goal is to enlist those suppliers that have the products, capabilities, deliverability, service levels, expertise, resources and knowledge of the University environment that will afford a successful outcome for the University stakeholder(s). The following provide various options to the supplier selection process:

- UwPA’s – Central Purchasing has competitively bid and negotiated an agreement on behalf of the University that provides the best overall value for commonly used suppliers. The requestor should consult the Purchasing Guide (<http://finance.columbia.edu/purchasing-guide>) to determine if the product and/or service can be provided by a UwPA supplier prior to soliciting competitive bids. The use of a UwPA will satisfy the University’s as well as the Federal competitive bid requirements for all purchasing thresholds.

- DSA's – These are Departmental Select Agreements and are for goods and/or services that are competitively bid and negotiated on behalf of an individual or group of department(s) or school(s) with the intention of awarding a term contract.

### The Request for Quotation (RFQ) Process

When goods or services have standard or easily compared specifications and pricing is the main component, the competitive sourcing process best employed is a Request for Quote (RFQ) process. The RFQ process entails requesting and obtaining written quotes from potential suppliers that include a full description of the goods and/or services and any other specifications/requirements provided by the requester. This would also include the unit cost, extended cost, and other associated costs such as delivery costs. It is important to note that when requesting quotes from potential suppliers, they must be presented in writing on the company's letterhead. Verbal bids are **not** accepted under any circumstances.

### Fair and Reasonable Pricing

Through the Competitive Procurement process, supplier proposals should be reviewed to determine if the most competitive pricing has been offered. Fair and reasonable pricing is based on supply and demand, market indices and general market conditions. Therefore, departments should utilize their own knowledge of the industry, sector and its pricing, as well as all available resources, including:

- commercial prices
- previously proposed prices
- contract prices
- government pricing
- consortium pricing
- pricings found in published journals, advertisements, internet sites and auctions

All price quotations received are to be evaluated on the basis of compliance to provided specifications/requirements, other communicated factors such as quality of goods/services and customer service support, and, ultimately, cost. It is important that when comparing prices to determine fair and reasonable pricing that the evaluation of the goods and services must be evaluated using the same criteria for each bidder. Bids or price quotations that are deemed unresponsive (e.g. missing key requested information, submitted after requested deadline) may be rejected and not considered by the requester.

For the RFQ process a contract award must be based on the provision by the suppliers of the specified products or services. There should not be any variability in the product or service offering from suppliers in an RFQ. If all factors are equal (i.e. delivery schedule, freight costs, return policies, warranty's, etc.) then the lowest priced supplier must be awarded the contract. If a supplier other than the lowest price is selected, a justification is required to indicate the specific rationale. A pricing analysis should be completed through the [Competitive Sourcing Price Summary - Non Sponsored](#) form.

Once a proposal has been selected, it is mandatory to complete a Bid Summary Sheet to attach to the requisition as supporting documentation. This form provides a record of the selection process. A copy of the [Competitive Sourcing Price Summary - Non Sponsored](#) form is available through this link below.

### The Request for Proposal (RFP) Process

When goods, and particularly services, do not have standardized specifications or complex requirements the competitive sourcing process best employed is the Request for Proposal (RFP) process and the following conditions apply:

- multiple solutions are available that will fit the need
- multiple suppliers can provide the same solution
- there is a requirement to determine the “best value” of the suppliers available solutions
- products/services for the project cannot be clearly specified
- different skills, expertise and technical capabilities are required from the suppliers
- lowest price is not the determining criterion for awarding the contract
- final pricing is negotiated with the supplier

The RFP process brings structure to the procurement decision, with the establishment of a document outlining requirements, articulation of evaluation criteria, and often formal communication activities such as a bidder’s conference.

Identification of qualified suppliers is a key component of the RFP process to ensure that there is competitiveness as well as a determination of the suppliers capacity to perform in accordance with their proposal submission.

- Suppliers Previously Contracted – there are suppliers that have been used by other schools and departments of the University and may provide the products and/or services you are seeking. Networking with the University community may provide suitable options, but might still require vetting based on the criteria outlined in either the RFQ or RFP.
- RFI/Supplier Pre-Qualification – an RFI (Request for Information) method is generally used during an RFP process to collect information about suppliers in determining a suppliers capabilities and if they are able to meet the requirements of the bid process. RFI’s can request information relating to:
  - Suppliers experience
  - Recent engagements of similar nature
  - Supplier size
  - Recent clients

After proposals are received, evaluated and negotiated the contract(s) can be awarded to the supplier(s) presenting the best combination of price, delivery, compliance to specifications, capacity to perform, and quality of service. For an RFP process, a proposal

evaluation matrix that assigns weighted values for each criterion identified for a particular RFP should be used for the selection process.

An RFP should include both standard University requirements and requirements specific to the product/service being sought. Please reference Request for Proposal Guidelines below for template examples and process guidance.

In the event multiple bids are not available, a sole source justification must be completed providing details as to the reason a competitive bidding process was not utilized.

### **Single & Sole Source Justification**

As part of the requirement for maintaining a maximally practicable competitive sourcing requirement, departments must provide ample justification whenever they seek an exemption from the competitive sourcing process where that process is normally required. Requests for exemptions should occur in select circumstances, such as:

- Products or services that can be obtained from only one person for firm
- Competition is precluded because of the existence of patents, copyrights, confidential processes, proprietary information or other such condition
- When competitive bids are solicited and no responsive bid is received
- Continuation of work within the same fiscal year and bidding or placing work with another vendor would disrupt business
- Need for specially designed replacement parts or specialized technology
- Compatibility with existing equipment
- Due to the nature of the scientific research, the required good(s) and/or service(s) are only available from a specific supplier

In these circumstances, the school or department seeking to purchase the goods or services must provide justification for the Sole or Single Source procurement decision. The supporting document for these purchases is completed during the Purchase Requisition process in ARC. Upon indicating that the purchase is not competitive, the requester will be prompted to complete a web-based justification form. The completed form must be signed and submitted to Purchasing along with to any other required documentation. Without the completion of the Sole/Single Source Justification, the Purchasing Department will not process the requisition. The University has approved a limited set of criteria for sole/single source procurement, and the justification must meet at least one of those criteria.

As competitive sourcing provides a basis for determining price reasonableness, when competitive sourcing does not occur, it is necessary for a sole/single source process to also include documentation for price reasonableness. Acceptable forms of documentation include:

- Comparison of previously proposed/purchased prices for the same or similar items. (include previous Purchase Order number used)

- Comparison with competitive published price lists, market prices of commodities, similar indexes, and discount or rebate arrangement.
- Comparison of proposed prices with independent market research or independent Government cost estimates. (i.e. GSA, NYS Contracts, etc.)
- Completed through an accepted cooperative agreement. (i.e. E&I, VHA Novation, etc.)
- Analysis of pricing information provided by the vendor.

When the value of the goods or services of a non-sponsored purchase is over \$25,000, the Sole/Single Source Justification Form must also be signed by a Senior Business Officer. This senior officer is acknowledging their support of the exception request and through their signature is attesting that the request is appropriate and complies with the policy. Failure to submit the properly authorized Sole/Single Source justification will result in the form being returned to the Requisitioner.

### **Conflicts of Interest**

Any person participating in an RFP evaluation or requesting a single/sole source procurement is also required to be in compliance with the University's Conflict of Interest policies as referenced below.

Failure to comply with the University's Conflict of Interest policy may lead to disciplinary action up to and including termination in accordance with applicable University policy.

## **For Sponsored Awards**

### **Purchase Request & Selection Process**

The following represents the competitive sourcing process employed by the University for those procurements that are directly funded by a sponsored funding source. It is important to note that it is required that all documentation supporting these purchases are provided to Purchasing in the manner prescribed. The specific thresholds related to these competitive sourcing efforts are as follows:

- Small Dollar Purchase (Micro Purchase Threshold): Goods and Service Purchases under \$3,499 require one quote/proposal
- Request for Quotation (RFQ) (Simplified Acquisition Threshold): Goods and Services Purchases between \$3,500 and \$149,999 require multiple written quotes obtained from an adequate number of qualified sources
- Competitive Procurement Process (Sealed Bid/Competitive Proposal Threshold)\*: Goods and Services Purchases of \$150,000 or more require multiple written formalized bids through either a sealed bid or competitive proposal process depending on the goods or services being procured (see below for further details) solicited from an adequate number of qualified sources

*\*Note: For all transactions that require Competitive Procurement, the School or Departmental business owner must consult with Purchasing once a Scope of Work and Bid Prep form has been drafted. Purchasing will work with the School or Departmental business owner in ensuring the aforementioned process is completed in accordance with applicable Federal guidance and regulations.*

#### Small Dollar Purchase (Micro-Purchase Threshold)

For the purchase of goods and/or services whose aggregate dollar threshold does not exceed the \$3,500 competitive sourcing threshold, multiple quotes are not required but the customer should seek to ensure that the price obtained for the good or service is considered to be fair and reasonable. Supplier proposals should be reviewed to determine if the most competitive pricing has been offered. Fair and reasonable pricing is based on supply and demand, market indices and general market conditions. Therefore, departments should utilize their own knowledge of the industry, sector and its pricing, as well as all available resources, including:

- commercial prices
- previously proposed prices
- contract prices
- government pricing
- consortium pricing
- pricings found in published journals, advertisements, internet sites and auctions

The identification and selection of appropriate suppliers from which competitive bids/quotes/proposals can be obtained can be accomplished through a variety of acceptable methods. Ultimately, the goal is to enlist those suppliers that have the products, capabilities, deliverability, service levels, expertise, resources and knowledge of the University environment that will afford a successful outcome for the University stakeholder(s). The following provide various options to the supplier selection process:

- UwPA's – Central Purchasing has competitively bid and negotiated an agreement on behalf of the University that provides the best overall value for commonly used suppliers. The requestor should consult the Purchasing Guide (<http://finance.columbia.edu/purchasing-guide>) to determine if the product and/or service can be provided by a UwPA supplier prior to soliciting competitive bids. The use of a UwPA will satisfy the University's as well as the Federal competitive bid requirements for all purchasing thresholds.
- DSA's – These are Departmental Select Agreements and are for goods and/or services that are competitively bid and negotiated on behalf of an individual or group of department(s) or school(s) with the intention of awarding a term contract.

#### The Request for Quotation (RFQ) Process (Simplified Acquisition Threshold)

When goods or services valued between \$3,500 - \$149,999 have standard or easily compared specifications, the competitive sourcing process best employed is a Request for

Quote (RFQ) process. The RFQ process entails requesting and obtaining written quotes from an adequate number of qualified sources that include a full description of the goods and/or services and any other specifications/requirements provided by the requester. This would also include the unit cost, extended cost, and other associated costs such as delivery costs. It is important to note that when requesting quotes from potential suppliers, they must be presented in writing on the company's letterhead. Verbal bids are **not** accepted under any circumstances. Price quotations should be acquired from an adequate number of qualified sources.

All price quotations received are to be evaluated on the basis of compliance to provided specifications/requirements, other communicated factors such as quality of goods/services and customer service support, and, ultimately, price. It is important that when comparing prices to determine fair and reasonable pricing that the evaluation of the goods and services must be evaluated using the same criteria for each supplier.

For the RFQ process a contract award must be based on the provision by the suppliers of the specified products or services. There should not be any variability in the product or service offering from suppliers in an RFQ. If all factors are equal (i.e. delivery schedule, freight costs, return policies, warranty's, etc.) then the lowest priced supplier should be awarded the contract. If a supplier other than the lowest price is selected, a justification is required to indicate the specific rationale.

Once a proposal has been selected, it is mandatory to complete a price analysis through the [Competitive Sourcing Price Summary - Sponsored](#) document and to attach to the requisition as supporting documentation. This form provides a record of the selection process. A copy of the [Competitive Sourcing Price Summary - Sponsored](#) document is available through the link below.

The Competitive Procurement Process (Sealed Bid/Competitive Proposal Threshold)  
Contracts of \$150,000 or more are required to employ a formal proposal process. The specific requirements are dependent on the type of contract being sourced and are detailed below. All contracts require that a cost or price analysis be performed in conjunction with the bid review process. For all transactions that require Competitive Procurement, the School or Departmental business owner must consult with Purchasing once a Scope of Work or a requirements document has been drafted and submit a Bid Prep Form. Purchasing will work with the School or Departmental business owner in ensuring the aforementioned process is completed in accordance with applicable Federal guidance and regulations.

Identification of qualified suppliers is a key component of the RFP process to ensure that there is competitiveness as well as a determination of the suppliers capacity to perform in accordance with their proposal submission.

- Suppliers Previously Contracted – there are suppliers that have been used by other schools and departments of the University and may provide the products and/or



services you are seeking. Networking with the University community may provide suitable options, but might still require vetting based on the criteria outlined in either the RFQ or RFP.

- RFI/Supplier Pre-Qualification – an RFI (Request for Information) method is generally used during an RFP process to collect information about suppliers in determining a suppliers capabilities and if they are able to meet the requirements of the bid process. RFI's can request information relating to:
  - Suppliers experience
  - Recent engagements of similar nature
  - Supplier size
  - Recent clients

### **The Sealed Bid Proposal Process**

When procuring construction related activities and the cost exceeds \$150,000, the required competitive sourcing process is the Sealed Bid Proposal process.

The sealed bid proposal process is used for firm fixed price contracts where the contract will be awarded on a lowest price basis and is the preferred process for supplies, equipment and construction awards. This process requires that the proposal be publicized, clearly outline the proposal requirements and include an invitation specifying the time and place of the unsealing of the bids. Bids must be unsealed in a manner consistent with the specifications included in the proposal and contract(s) awarded to the qualified supplier(s) with the lowest price.

The Sealed Bid Process is to be utilized in instances where a contract will be awarded based on the provision by the suppliers of the specified products or services. There should not be any variability in the product or service offering from suppliers in their proposal submission. If all factors are equal (i.e. delivery schedule, freight costs, return policies, warranty's, etc.) then the lowest priced responsive and responsible supplier must be awarded the contract. If a supplier other than the lowest price is selected, a justification is required to indicate the specific rationale. Normally, the competitive pricing forces of the marketplace determine the reasonableness of the low price obtained through sealed bidding.

Once a proposal has been selected, the [Purchasing Checklist and Bid Summary Form – Sponsored](#), which provides for the price analysis, must be completed and submitted with the requisition as supporting documentation. This form provides a record of the selection process. A copy of the [Purchasing Checklist and Bid Summary Form – Sponsored](#) is available through the link below.

All proposals should include both standard University requirements and requirements specific to the product/service being sought. Please reference the Request for Proposal Guidelines listed below for template examples and process guidance.

## **The Competitive Proposal Process**

When non-construction related goods and services are sought to be procured and the cost exceeds \$150,000, the competitive sourcing process to be employed is the Competitive Proposal process. This method is most often used to contract for professional, consulting, and architect/engineering (A/E) services as well.

The competitive proposal process brings structure to the procurement decision and requires that the proposal be publicized, clearly outline the proposal requirements and articulate the evaluation criteria including the weighted values for each criterion identified as being used in the selection process.

Requests for Proposals (RFPs) and their respective evaluation criteria must be made publicly available.

After proposals are received, evaluated and negotiated the contract(s) can be awarded to the supplier(s) presenting the best combination of price, delivery, compliance to specifications, capacity to perform, and quality of service. In other words, the award must be provided to the responsible firm whose proposal is most advantageous to the program. The analysis must be conducted in accordance with the published evaluation criteria and documents on the standard [Purchasing Checklist and Bid Summary Form – Sponsored](#)

A technical evaluation, if possible should be performed for each proposal.

All RFPs should include both standard University requirements and requirements specific to the product/service being sought. Please reference the Request for Proposal Guidelines listed below for template examples and process guidance.

## **Lack of Price Competition**

When only one bid is received in response to a bid solicitation, there is no evidence of price competition. If the contract is awarded on the basis of a single submitted bid, i.e., without negotiation, a justification of the price as fair and reasonable must be documented. At a minimum, the bid price should be compared to in-house estimates or past prices paid for the same or substantially similar item(s). In developing an in-house estimate, an effort should be made to obtain information from the marketplace. If, in the instance of a single proposal received through a formal bid process, the formal bid process can be cancelled and a contract price is negotiated directly with the sole bidder, a cost breakdown must be obtained and a cost analysis performed. If the bidder refuses to provide a breakdown of his/her costs, it may be necessary to re-solicit bids. The rationale for the award decision must be well documented. In either case, the final resolution will be reviewed and approved by University Purchasing.

## **Non-competitive Proposals - Single & Sole Source Justification**

In limited situations, purchases associated with a sponsored award may procure goods and services through a noncompetitive proposal. Noncompetitive proposals may only be utilized in the following situations:

- the item is only available from a single source

- the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
- the awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity (Columbia)
- after solicitation of a number of sources, competition is determined inadequate
- due to the nature of the scientific research, the required good(s) and/or service(s) are only available from a specific supplier

In these circumstances, the school or department seeking to purchase the goods or services must provide justification for the Sole or Single Source procurement decision. The supporting document for these purchases is completed during the Purchase Requisition process in ARC. Upon indicating that the purchase is not competitive, the requester will be prompted to complete a web-based form. The completed and signed form must be submitted to Purchasing in addition to any other required documents supporting the sole source decision. Without the completion of the Sole/Single Source Justification, the Purchasing Department will not be able to process the request.

As competitive sourcing provides a basis for determining price reasonableness, when competitive sourcing does not occur, it is necessary for a sole/single source process to also include documentation for price reasonableness. Acceptable forms of documentation include:

- Comparison of previously proposed/purchased prices for the same or similar items. (include previous Purchase Order number used)
- Comparison with competitive published price lists, market prices of commodities, similar indexes, and discount or rebate arrangement
- Comparison of proposed prices with independent market research or independent Government cost estimates. (i.e. GSA, NYS Contracts, etc.)
- Completed through an accepted cooperative agreement. (i.e. E&I, VHA Novation, etc.)

As, by definition in a non-competitive procurement there is no direct price competition, if possible a cost analysis based on a breakdown of costs should be performed for all contracts in excess of \$150,000 to determine if the estimated cost is reasonable prior to awarding the contract. The cost analysis should be submitted with the Sole Source Justification Form.

When the value of the goods or services sponsored award purchased is over \$25,000, the Sole/Single Source Justification Form must also be signed by a Senior Business Officer. This senior officer is acknowledging their support of the exception request and through their signature is attesting that the request is appropriate and complies with the policy.

### **Conflicts of Interest**

Any person participating in an RFP evaluation or requesting a single/sole source procurement is also required to be in compliance with the University's Conflict of Interest policies as referenced below.

Failure to comply with the University's Conflict of Interest policy may lead to disciplinary action up to and including termination in accordance with applicable University policy.

### **Confidentiality of Bids/Quotations/Proposals**

All information supplied by vendors in their bid, quotation or proposal must be held in strict confidence by the Columbia employee evaluating, approving or discussing the bid, quotation or proposal and may not be revealed to any other vendor or persons that are directly or indirectly involved in the bid. This policy ensures that confidential information is safeguarded and prevents any potential conflict. In addition, upholding confidentiality of bids/quotations/proposals ensures that no vendor is given an unfair advantage in submitting bids; and no vendor is negatively impacted by disclosure of information.

While engaged in the bidding process at Columbia University, it is imperative that all information given to those bidding, as well as the information received from those bidders is safeguarded so that it remains confidential. Safeguarding information includes that confidentiality is upheld during conversations between peers, colleagues, consultants, temporary associates and general conversations both in and out of the workplace.

Documents transmitted electronically through email, texts, fax and conventional mail including USPS or overnight mail services must be secured at the workplace so that information is not involuntarily or haphazardly obtained. Bid documents, proposals and all subsequent correspondence must be properly filed, maintained and secured so that is not inadvertently revealed. Diligence in retrieving files from fax and copier machines is optimum to maintain confidentiality and to limit access to that information.

Information relating to the project being bid and without limitation, includes technical, financial, operational, legal, commercial, proprietary and any and all other information or data disclosed to or by the bidder in the bidding documents and must not be disclosed and must be kept confidential. Also, confidentiality must be upheld regarding price, products, delivery and contractual terms and conditions. Additionally, all analysis, compilations, studies and other documents prepared by the bidder or its officers, employees, agents or advisers which are submitted by the bidder, must also be kept confidential.

**Cross References to Related Policies:**

**Purchasing Website:** <http://finance.columbia.edu/procurement/purchasing>

**University Purchasing Policies and Guidelines:** <http://finance.columbia.edu/policies/80>

**Procurement Mechanisms Policy:** <http://policylibrary.columbia.edu/procurement-mechanisms-policy>

**Purchasing Requisition and Purchase Order Policy:**

<http://policylibrary.columbia.edu/purchase-requisition-purchase-order-policy>

**Conflict of Interest Policies:**

Purchasing Conflicts of Interest - <http://policylibrary.columbia.edu/conflicts-interest>

University Conflicts of Interest - <http://policylibrary.columbia.edu/conflicts-interest-faculty-handbook>

**Additional Resources:**

[Competitive Sourcing Price Summary - Non Sponsored](#)

[Competitive Sourcing Price Summary - Sponsored](#)

[Purchasing Checklist and Bid Summary Form – Sponsored](#)

[Bid Prep Form](#)

[Competitive Sourcing Matrix](#)

[Request for Proposal \(RFP\) Guidelines](#)

[Request for Proposal Template](#)

Single/Sole Source Justification

[Cost and Price Analysis Primer](#)