



**ADMINISTRATIVE
REGULATION AND
PROCEDURE**

Title: CONSTRUCTION-RELATED PROCUREMENTS	Code: BB0801
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Policy Reference: B0801, Procurement of Equipment, Supplies, and Services

General Information for Procuring Construction Materials and Services

The Facilities Planning & Construction department (FPC) is responsible for the orderly and economical procurement of construction-related goods and services for the MATC District. All construction procurements must be conducted in a manner, which will provide maximum open and free competition with awards made only to responsible contractors that possess the ability to perform successfully under the terms of the contract. FPC is responsible for committing funds for goods and services from previously budgeted capital improvement(Fund 3) accounts. Construction-related transactions without FPC approval will not be considered an obligation of MATC but that of the individual.

Budgeted funds must be available prior to the implementation of any project. Departments other than FPC are prohibited from using their budgeted funds in any manner, direct or indirect, for the procurement of construction. Specifically, maintenance, equipment, furniture, supplies, or similar budgeted funds of other departments may not be used to procure construction.

To maximize purchasing power, projects, materials, and services will be grouped on a district basis. Adequate lead-time should be allowed for the construction-related procurement.

Procurement of Construction

The responsibility of procurement of construction and related architectural/engineering services is vested in the FPC. The approval of the appropriate administrator is required before any request is processed. A construction procurement is the act of contracting for construction work, including obtaining related supplies, equipment, furniture, and services.

The State of Wisconsin TCS Administrative Procurement Policy, as set forth in TCS 6.05, the WTCS Financial and Administrative Manual, and Wis. Stats., §§ 38.15,18 and 62.15 (1) to (11) and (14), are adopted as minimum standards for MATC. (Copies are available in the MATC libraries and upon request from FPC via electronic resources.)

All procurements will be obtained from the lowest responsible bidder.



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Construction Procurement Compliance Requirements

A. Responsibility

The following are responsible for administering the District Construction Procurement Policy: Vice President & General Counsel, Director of Facilities Development, Operations and Construction, and Director of Facilities Planning, Sustainability and Construction.

B. Construction Procurements Procedure Scope

Construction procurement procedures are based on projects under \$15,000, projects over \$15,000, and emergency or investigative projects.

C. Code of Conduct

FPC personnel abide by the MATC District Board Policy C0700, District Employee Code of Ethics. Specifically, personnel are prohibited from having a financial interest in any procurement, and from receiving any gratuity or financial gain from any contractor in exchange for favors.

It is the Construction Procurement policy to not discriminate against persons or firms supplying goods and services because of race, color, or national origin. Minority business enterprises are encouraged to become suppliers of goods and services.

D. Competitive Bidding

All construction procurements that exceed \$25,000 must be bid unless negotiation is allowed pursuant to the Financial Accounting Manual. More than one construction procurement may be included in a single bid notice but shall not exceed \$1,500,000 per bid notice. The district may request that bids on a construction-related procurement be on a per-item basis, for the aggregate, or both.

E. Documentation

All construction procurements less than \$25,000 must have reasonable price quotations with all documentation kept on file.

F. Emergency Construction Procurements

When an emergency arises, budget clearance must be obtained by the Director of FPC with approval of the Vice President & General Counsel or Director of Facilities Development, Operations and Construction, who will notify FPC of funding approval. Emergency procurements shall be evidenced by a written determination of the basis of the emergency and the selection of a particular contractor.



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G. Records

FPC will keep copies of all records including requisitions, purchase orders, bid documents, written quotes, telephone quotes, contracts, and all other pertinent materials for seven years. Records shall include (1) rationale for the method of procurement, (2) contractor, and (3) the basis for cost or price.

H. Federally Funded Construction Procurements

All federally funded procurements shall be made in accordance with applicable federal regulations.

I. Construction Procurements Procedure

The following is the procurement procedure for projects with an estimated value up to \$15,000 as well as for projects over \$15,000. It consists of three phases: the project request phase, the project approval phase, and the project procurement phase.

1. The Project Request Phase

Capital projects are designated through the 10Y Facilities Master Plan and are refined annually by the President's Cabinet with an adjusted 3Y plan. New projects presented for consideration in this plan are suggested annually before December using established procedures. A capital request link is populated by College leadership with description and ranking criteria in categories such as alignment with MATC's strategic vision and values, compliance and mandates, industry and student impact, existing space conditions, risk mitigation, disclosure of all costs, and efficiencies and revenue potential. Facilities Planning investigates all new project requests for alignment with the Facilities Master Plan, assigning rough project cost estimates and space evaluations. Institutional Research provides academic program analysis..

2. The Project Approval Phase

Projects are reevaluated annually by the President's Cabinet for appropriate prioritization and are selected for development based upon evaluation of district needs and available funding based on alignment with the Facilities Master Plan and Capital Prioritization Matrix ranking. The selected projects are identified in the subsequent 1Y and 3Y capital plans and are assigned to the Vice President & General Counsel and Facilities Planning & Construction Department for implementation.

3. The Project Procurement Phase

Upon authorization by the Vice President and General Counsel or Director of Facilities Development, Operations and Construction, the Facilities Planning & Development Department will prepare the necessary



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documents and obtain quotes or bids in accordance with the following guidelines (based on the estimated value of the procurement):

<u>Estimated Value</u>	<u>Procedure Summary</u>
0 - \$15,000	Buyer Discretion Keep Records as Available
\$15,000.01 - \$25,000.00	Requires Two Quotes Quotation Keep Records as Applicable
Over \$25,000.00	Formal Bid Procedure Required Per Wisconsin Admin. Code TCS 6.05(2) and Wis. Stats., § 38.18 and 62.15 (1)-(11) & (14) Includes Formal Advertised Notices And Bid Opening

The low recommended qualified bidder(s) is (are) submitted to MATC's Board of Directors for approval.

The procurement procedure for construction emergency procedure work or investigative work is as follows:

The FPC evaluates requests for emergency construction or investigative work based upon the need for immediate action to either safeguard the public from harm or to prevent damage to the physical plant.

When it has been determined that it is necessary to perform emergency or investigative work, the Director of the FPC will authorize department personnel to solicit verbal proposals from two contractors who have successfully completed projects for the District and/ or who are evaluated as qualified to perform the work.

Both the hourly rate proposed and availability of contractor's personnel will be evaluated for selection of the contractor for emergency and investigative work.

The Director of the FPC and the Director of Facilities Development, Operations and Construction will approve the emergency or investigative work and the contractor to be awarded the work. The Vice President & General Counsel will request that the Vice President, Finance establish a funding source and a purchase order so that work can be performed.



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4. Apprentice Participation Requirements

Unless otherwise determined by the Director, Facilities Planning and Construction, the specifications for any construction contract shall include the following clause:

“The contractor shall employ apprentices from each building trades craft involved if they are available and appropriate for the nature of the work as determined by the Facilities Planning & Construction department. Such apprentices shall be properly indentured into a Joint Apprenticeship Training Program or other bona fide apprenticeship training program, registered and certified with the State of Wisconsin Department of Workforce Development, Bureau of Apprenticeship Standards.”

J. Audit and Oversight Procedure

The Facilities Planning & Construction Department will ensure that appropriate internal control procedures and safeguards are in place for all activity related to the construction procurement process and will monitor and audit activity related to purchasing. All requisitions for construction procurements will be approved by the MATC Board.

Office of Responsibility: General Counsel, Facilities Planning & Construction
Department

Last Reviewed: Mar-2022