

**BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES**  
**ITEMS FOR DISCUSSION AND ACTION\FISCAL, FACILITIES AND AUDIT**

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***ACTION:***                            **First and Final Round Approval of Revisions to Board Policy 6400; Purchasing of Materials and Equipment, Board Policy 6401; Contracts and Agreements for Services and Board Policy 8064; Capital Construction; Facility Maintenance and Repair Contracts**

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Revisions to Policies 6400, 6401, and 8064 are necessary to create a definition for fixed equipment and to clearly designate under which policy the acquisition of fixed equipment is governed. Policy 8064 pertains to facility construction, maintenance, and repair, and is the appropriate policy for the acquisition of fixed equipment. This substantive change allows for a significantly higher open solicitation threshold of \$50,000 for acquiring fixed equipment, which is necessary due to several factors including sharply higher market inflation and fixed equipment availability. Policies 6400, 6401, and 8064 are also modified to add the NSCS standard emergency definitions to each of the policies, and minor formatting and spelling errors are corrected with these revisions.

The System Office recommends approval of the Revisions to Board Policies 6400, 6401 and 8064.

**ATTACHMENTS:**

- Revisions to Board Policy 6400    (PDF)
- Revisions to Board Policy 6401    (PDF)
- Revisions to Board Policy 8064    (PDF)

## Board of Trustees of the Nebraska State Colleges

### Business Management

POLICY NAME: Purchasing of Materials and Equipment

POLICY NUMBER: 6400

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#### A. PURPOSE

To secure the best possible prices and procure quality materials and equipment that meet specifications and other requirements. This policy applies to bidding and purchasing of all goods, materials, supplies and equipment, with the exception of fixed equipment, hereinafter referred to as “materials”.

~~Policy 6401 applies to all situations where there will be a contractual relationship or terms for services established in writing with a third party except capital construction and facility maintenance and repair, and equipment acquisitions, which fall under Policies 8064 through 8067.~~

Fixed equipment should be purchased according to policy 8064.

The purchase of any IT equipment or software must adhere to the purchasing thresholds and have the approval of the College or the NSCS CIO or designee. See Policy 7018 for additional guidance.

#### B. DEFINITIONS

- 1. Informal Bids:** Informal bids are price quotations which are secured by telephone calls, prices available online, or letters to potential vendors or from the vendors’ published material.
- 2. Formal Bids:** A formal bid is a written quote from a vendor which may include a facsimile quote or an email.
- 3. Competitive Sealed Bids:** Price quotations secured from vendors by means of an advertised Request for Proposal (RFP). A RFP is a document that announces a project, describes the scope of the project, details criteria for bids, and solicits bids from vendors. A minimum of fifteen (15) calendar days shall elapse between the time the RFP is advertised and the time of the bid opening. Bids must be opened in the matter, time and date specified if the RFP. Facsimile quotes or emails are not allowed during this competitive process.
- 4. Information Technology (IT):** IT purchases include devices that have a primary function related to the collection, transfer, storage, or processing of data. Equipment includes classroom and office equipment used to display or print data.

Computers, printers, monitors, keyboards, servers, drivers, switches, routers software and software licenses all fall within information technology.

5. Emergency – Any situation where it is necessary to enter into a contract to (a) avoid the loss of life, health, safety or property; (b) respond to time limits established by an external authority; (c) ensure the continuation of an essential College service, function, utility, facility or (d) avoid, correct or repair a situation outside the control of the College including detrimental negligence or acts of an employee, natural or manmade disasters.

6. Fixed Equipment – Equipment that is affixed to the facility and is not movable.

## **C. POLICY**

### **1. Purchasing Thresholds**

All purchases shall conform to the following dollar thresholds and bidding process.

#### 1.1. Less than \$5,000 – No bid required

No bid is required when the materials purchased are valued at less than five thousand dollars (\$5,000). If it is determined by the College/System Office that solicitation of bids for materials costing less than five thousand dollars (\$5,000) would result in a better quality product or lower cost, informal bids may be secured by telephone or in writing.

#### 1.2 From \$5,000 but less than \$50,000 – Informal bid process

A minimum of three (3) informal bids are required when the total of a purchase is between five thousand dollars (\$5,000) and less than fifty thousand dollars (\$50,000). If the bids are obtained by telephone, documentation regarding such bids is required in writing. If it is not possible to get three (3) informal bids, the process and reasons should be documented.

#### 1.3 \$50,000 but less than \$150,000 – Formal bid process

A formal process is required for all purchases that are fifty thousand dollars (\$50,000) but less than one hundred fifty thousand dollars (\$150,000). A minimum of three (3) written quotes is necessary. If it is not possible to get three (3) written quotes, the process and reasons should be documented.

#### 1.4 \$150,000 or more – Competitive Sealed bid process

On -purchases of one hundred fifty thousand dollars (\$150,000) or more competitive sealed bids are required.

### **2. General Purchasing Guidance**

#### 2.1. Purchase Orders

Purchase orders or purchase requisitions may serve as notification of award and documentation for the purchase of supplies and materials.

2.2. Most Advantageous Price

- Purchasing processes and procedures shall be designed to assure that all materials following appropriate standards and specifications can be purchased at the most advantageous price.
- Where feasible and appropriate, each College shall attempt to determine its annual supply needs so that purchasing may be coordinated to realize the potential economies of standardization of materials and large scale purchases.
- State purchasing assistance or contracts may be utilized where found to be advantageous.

2.3. Threshold Adherence

All purchases shall be bid as a single whole item. In no case shall purchases be divided or fractionated in order to produce several purchases which are of an estimated value below that required for competitive bidding.

**3. General Bid Requirements**

3.1. Minimum Number of Bidders

If materials are to be purchased by competitive sealed bidding, the College or System Office shall prepare standards and specifications for the RFP in such a manner it will be possible for three (3) or more manufacturers, vendors or suppliers to submit competitive bids. If bids cannot be obtained from three (3) bidders, bids may be accepted from a fewer number of bidders than three (3), upon documentation of the bidding process including the companies contacted.

3.2. Bid Timelines

The RFP shall state the manner, day and time upon which bids shall be returned, received and opened.

3.3. Bid Preference

When a public bid is to be awarded to the lowest bidder, a Nebraska residential bidder shall be allowed a preference over a nonresident bidder from a state which gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidder. This provision shall not apply to any contract for any project upon which federal funds would be withheld because of such provisions.

3.4. Nondisclosure

No person who is in charge of any bids prior to the time fixed for opening, shall open them prior to the time or otherwise disclose to any bidder the contents, amount or other details or any rival bid.

### 3.5. Lowest Bidder

All purchases shall be made from the lowest bidder, taking into consideration the best interest of the College, the quality of the materials proposed to be supplied, conformity with specifications, the purposes for which required, and the times of delivery. In determining the lowest bidder, in addition to price, the College may develop criteria specific to a purchase or may give the following elements consideration when appropriate:

- The ability, capacity and skill of the bidder to meet the specifications;
- The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- Whether the bidder can meet the delivery expectations;
- The performance on past awarded bids;
- The previous and existing compliance by the bidder with laws relating to the contract;
- The life cycle costs of the personal property in relation to the purchase price and specific use of the item;
- The performance of the materials, taking into consideration any commonly accepted tests and standards of product usability and user requirements; and
- Such other information as may be secured having a bearing on the decision to award the bid.

### 3.6 Bid Rejection

Any or all bids may be rejected including the bid of any bidder who has failed to perform a previous contract with the Colleges or the State of Nebraska. In any case, where competitive bids are required and all bids rejected, and the proposed purchase is not abandoned, new bids shall be called for as in the first instance.

## 4. Exceptions, Emergencies, and Sole Sourcing

### 4.1. Exceptions to bidding Requirements

The following are exceptions to bidding requirements. Documentation justifying the exception should be kept on file by the College.

- Used items, used materials, or used supplies
- Library books, magazines and acquisitions

- Purchasing from a previously competitively bid government contract, including the State of Nebraska, the University of Nebraska System, or a multistate compact contract
- When pricing has been established by the federal General Services Administration
- Utilities and fuels, including woodchips
- Lodging and airfare

#### 4.2 Emergency

Emergency purchases shall be documented by the College and submitted by the President, Vice President for Administration and Finance (VPAF), or Vice President for Academic Affairs (VPAA) to the Chancellor for approval. Chancellor approval of an emergency automatically includes the suspension of bidding requirements as appropriate for each emergency.

#### 4.3 Sole Source

A sole source purchase is when there is only a single feasible or sole source for the supplies or equipment. Documentation to purchase based on sole source without competitive bids or proposals shall be documented by the College and approved by the President, VPAF or VPAA and given System Office approval by the Vice Chancellor for Facilities (VCF), Chief Information Officer (CIO) or the Vice Chancellor for Finance and Administration (VCFA). A single feasible or sole source exists when:

- Supplies or equipment are proprietary and only available from the manufacturer or a single entity and there is no similar equipment available that meets the requirements;
- Supplies or equipment that must be compatible with the original equipment;
- The software or materials are copyrighted and are only available from the publisher or a single distributor; or
- Donors providing majority funding for materials may specify a particular vendor.

### 5. Compliance Requirements

#### 5.1. Purchasing Responsibility

- The responsibility for the purchasing, receiving, storing and distributing of all materials and supplies to support the activities and programs of each College and the System Office, unless otherwise provided, is delegated by the Board to the Presidents or to the Chancellor. The VPAF shall serve as the principal purchasing agent for the College and shall be responsible for the development and implementation of College processes and procedures which conform to the requirements of the Board.

- Should such processes and procedures include the appointment of a College purchasing agent and a decentralized purchasing function, responsibility for conformance with the College's and Board's requirements shall remain with the principal purchasing agent.

## 5.2 Independence and Conflict of Interest

- While an employee as a prospective user may informally seek information and confer with a vendor about the characteristics and list price of a product, negotiation for purchase of such product must be done in compliance with the College and Board policies.
- The principal purchasing agent shall retain responsibility for assuring compliance with procurement procedures.
- If correspondence is carried on between a prospective user and a vendor, copies of such correspondence shall be included along with other price documentation accompanying a purchase order to the extent determined appropriate by the principal purchasing agent. Employees are to be aware of and follow the requirements state in Policy 5002 Requirements when working with potential vendors.
- No employee shall be financially interested, or have any beneficial personal interest, directly, or indirectly in the purchase of any articles or property, nor in any firm, partnership, corporation or association furnishing them. No such person shall receive or accept directly or indirectly from any person, firm or corporation submitting any bid or to whom a contract may be awarded, by rebate, gift or otherwise, any money or other thing of value whatsoever, or any promise, obligation or contract for future reward or compensation.

## 5.3 Disabled Veteran or Enterprise Zone Act Preference

- In accordance with state law, when a state contract is to be awarded to the lowest bidder, a resident disabled veteran or a business located in a designated enterprise zone under the Enterprise Zone Act shall be allowed a preference over any other resident or nonresident bidder, if all other factors are equal.
- Resident disabled veteran means any person who resides in the State of Nebraska, who served in the United States Armed Forces, including any reserve component or the National Guard, who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions), and who possesses a disability rating letter issued by the United States Department of Veterans Affairs establishing a service connected disability or a disability determination from the United States Department of Defense.
- The resident disabled veteran must own and control a business or, in the case of a publicly owned business, more than fifty percent (50%) of the stock must be owned by one or more persons that meet the

definition of a resident disabled veteran. The management and daily business operations of the public business must also be controlled by one or more persons meeting the definition of resident disabled veteran.

5.4 Federal Funding

When purchases are made using federal funds, federal purchasing requirements must also be followed. For those purchases meeting the federal definition of a “covered transaction”, the purchaser shall verify that the potential vendor has not been suspended or debarred.

5.5 Work Eligibility Status

All contractors shall register and use a federal immigration system to determine the work eligibility status of new employees physically performing services within the State of Nebraska.

5.6 Fair Labor Standards Compliance

All bids shall include a statement that they are complying with, and will continue to comply with, the fair labor standards in pursuit of their business and in the execution of the contract on which they are bidding. Fair labor standards shall mean wages paid and conditions of employment as are paid and maintained by at least fifty percent (50%) of similar businesses. If it is shown that any contractor submitting a bid has not complied with fair labor standards, such lack of compliance shall be the basis for disqualification of the bid.

5.7 Drug Free Workplace

All vendors responding to RFPs must establish and provide proof of a drug free workplace policy or submit a statement that they are in compliance with the State of Nebraska’s Drug Free Workplace requirement. Purchase Orders used to obtain materials or equipment shall contain a statement that, by virtue of accepting the Purchase Order, the vendor is verifying that their business has established a drug free workplace policy and is in compliance with the policy.

**FORMS/APPENDICES:**

None

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**SOURCE:**



<b>Legal Reference:</b>	RRS 4-114	Public employer and public contractor; register with and use federal immigration verification system; Department of Labor; duties
	RRS 73-107	Resident disabled veteran or business located in designated enterprise zone; preference; contract not in compliance with section; null and void
	RRS 85-304	Board of trustees; powers; enumerated

**Policy Adopted:** January 1977

**Policy Revised:** July 1983, March 1990, March 1994, November 1995, September 1997, September 2006, April 2007, June 2010 – Effective July 2010, June 2011, November 2011, March 2013, September 2013, September 2014, March 2015, June 2015, April 2020, September 2021, April 2022, June 2022,

November 2022

## Board of Trustees of the Nebraska State Colleges

### Fiscal Operations

POLICY NAME: Contracts and Agreements for Services

POLICY NUMBER: 6401

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#### A. PURPOSE

To ensure that all situations requiring a contract or agreement (hereinafter referred to as contracts) are clear and that the appropriate process is followed when entering into a contract. A contract is necessary whenever a legal relationship is established consisting of rights and duties that go beyond the sale transaction details.

#### B. DEFINITIONS

1. **Informal Bids:** Informal bids are price quotations for services which are secured by telephone call or letters to potential vendors or from the vendors' published material.
2. **Formal Bids:** A formal bid is a written quote from a vendor which may include a facsimile quote or an email.
3. **Competitive Sealed Bids:** Price quotations secured from vendors by means of an advertised Request for Proposal (RFP). A RFP is a document that announces a project, describes the scope of the project, details criteria for bids, and solicits bids from vendors. A minimum of fifteen (15) calendar days shall elapse between the time the RFP is advertised and the time of the bid opening. Bids must be opened in the manner, time and date specified in the RFP. Facsimile quotes or emails received by the institution are not allowed during this competitive process.
4. **Information Technology (IT):** IT services include any contracting or support provided by vendors related to software systems or IT equipment.
- 4.5. Emergency – Any situation where it is necessary to enter into a contract to (a) avoid the loss of life, health, safety or property; (b) respond to time limits established by an external authority; (c) ensure the continuation of an essential College service, function, utility, facility or (d) avoid, correct or repair a situation outside the control of the College including detrimental negligence or acts of an employee, natural or manmade disasters.

#### C. POLICY

##### 1. Application of Policy

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- 1.1—Policy 6401 applies to all situations where there will be a contractual relationship or terms established in writing with a third-party except capital construction and facility maintenance and repair, and where the purchase of fixed facility equipment acquisitions will involve a contract, which fall under Policies 8064 through 80667.
- 1.2—Any contract related to IT consulting or services must also adhere to the requirements laid out in Policy 7018.
- 1.3—Purchases of insurance are not subject to these bidding and contract requirements, instead refer to Policy 7009.

## 2. Contract Thresholds

Thresholds are determined based on the total contract amount for the initial term of the contract, not to include renewal periods. All contracts shall conform to the following thresholds for bidding and contract signature approvals;

### 2.1. All Contracts Except for Consulting Agreements

- Contracts less than \$25,000
  - Signed by the President, Vice President for Administration and Finance (VPAF) or Vice President for Academic Affairs (VPAA).
  - No bid is required when the contract will be less than twenty-five thousand dollars (\$25,000). If it is determined by the College or System Office that solicitation of bids for contracts costing less than twenty-twenty-five thousand dollars (\$25,000) would result in a lower cost or better service, informal bids may be secured by telephone or in writing.
  - No contract is required for repair or maintenance services less than twenty-twenty-five thousand dollars (\$25,000) to moveable equipment, vehicles, and furnishings, ~~facilities or grounds~~.
- From \$25,000 but less than \$150,000
  - Signed by the President, VPAF or VPAA.
  - The contract is awarded using a formal bid process. If it is not possible to get three (3) bids, the process and reasons should be documented.
- \$150,000 but less than \$300,000
  - Contract is awarded based on a competitive sealed bid process.
  - Signed by the President, VPAF or VPAA.
- \$300,000 and above
  - Contract is awarded based on a competitive sealed bid process.
  - Requires Board approval or Board authorization for the Chancellor to approve.

- Signed by the Chancellor, Vice Chancellor for Finance and Administration (VCFA) or General Counsel; and the President, VPAF or VPAA.

## 2.2 Consulting Contracts

- Contracts less than \$75,000
  - Signed by the President, VPAF or VPAA.
  - No bid required when the contract will be less than seventy-five thousand dollars (\$75,000). If it is determined by the College or System Office that solicitation of bids for contracts costing less than seventy five thousand dollars (\$75,000) would result in a lower cost or better service, informal bids may be secured by telephone or in writing.
- From \$75,000 but less than \$150,000
  - Signed by Chancellor, VCFA or General Counsel; and the President, VPAF or VPAA.
  - The contract is awarded using a competitive sealed bid process. A minimum of three (3) quotes is necessary. If it is not possible to get three (3) bids, the process and reasons should be documented.
- \$150,000 or more
  - Requires Board approval or Board authorization for the Chancellor to approve.
  - Signed by the Chancellor, VCFA or General Counsel; and the President, VPAF or VPAA.
  - Contract is awarded based on a competitive sealed bid process.

## 3. General Bid Requirements

### 3.1. Minimum Number of Bidders

If services are to be purchased by competitive sealed bidding, the College or System Office shall prepare standards and specifications for the RFP in such a manner it will be possible for three (3) or more vendors to submit competitive bids. If ~~bids~~ bids cannot be obtained from three (3) bidders, bids may be accepted from a fewer number of bidders than three (3), upon documentation of the bidding process, including the companies contacted.

### 3.2. Bid Timelines

The RFP shall state the manner, day and time upon which bids shall be returned, received and opened.

### 3.3. Bid Preference

When a public bid is to be awarded to the lowest bidder, a Nebraska residential bidder shall be allowed a preference over a nonresident bidder from a state, which gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidder. This provision shall not apply to any contract for any project upon which federal funds would be withheld because of such provisions.

3.4. Nondisclosure

No person who is in charge of any bids prior to the time fixed for opening, shall open them prior to the time or otherwise disclose to any bidder the contents, amount or other details of any rival bid.

3.5. Lowest Bidder

All purchases of services shall be made from the lowest bidder, taking into consideration the best interest of the College, the quality of the materials proposed to be supplied, conformity with specifications, the purposes for which required, and the times of delivery. In determining the lowest bidder, in addition to price, the College may develop criteria specific to a purchase or may give the following elements consideration when appropriate:

- The ability, capacity and skill of the bidder to meet the specifications;
- The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- Whether the bidder can meet the delivery expectations;
- The performance on past awarded bids;
- The previous and existing compliance by the bidder with laws relating to the contract;
- The life-cycle costs of the personal property in relation to the purchase price and specific use of the item;
- The performance of the materials, taking into consideration any commonly accepted tests and standards of product usability and user requirements; and
- Such other information as may be secured having a bearing on the decision to award the bid.

3.6. Bid Rejection

Any or all bids may be rejected, including the bid of any bidder who has failed to perform a previous contract with the Colleges or the State of Nebraska. In any case, where competitive bids are required an all bids rejected, and the proposed purchase is not abandoned, new bids shall be called for as in the first instance.

#### 4. Compliance Requirements

4.1. Contract Execution

No contract, lease, or purchase agreement that requires approval by the Board or Chancellor shall be signed or finalized in any form until the Board or Chancellor has authorized the College to enter into the contract.

4.2. Non-Appropriation Clause

No contract may commit funds for a future fiscal year, unless specific funding has been identified in a Legislative appropriation bill or an appropriate cancellation clause has been inserted in the contract.

4.3. Contract Negotiation and Authorization

College departments are responsible for negotiating contracts prior to submission to the appropriate Vice President. The Presidents and VPAFs are primarily responsible for signing College contracts, however, the VPAA may sign contracts of an academic nature including, but not limited to, Academic Collaborations, Partnerships and Affiliations; Academic Transfer or Articulation Agreements; Academic Camps; Community Service and Service Learning; International Travel; Library Collections; academic events, speakers or activities; and work-based learning experiences, such as internships, practicums, clinical placements, student teaching, etc.

4.4. Chancellor Approval

The Chancellor can execute and sign a contract in place of the President, VPAF or VPAA for a College.

4.5. Contract Reporting

Contracts over one hundred fifty thousand dollars (\$150,000) and all subsequent change orders, addenda and amendments over fifty thousand dollars (\$50,000) shall be reported to the Board.

4.6. Contract Form

- The NSCS standard contract forms are to be used whenever possible. (See "*Contract for Services Guidance and Instructions*" found at [www.nscs.edu](http://www.nscs.edu).)
- In cases where there are no alternatives to using vendor contract forms, the applicable provisions of the appropriate NSCS form need to be incorporated into the contract.
- If an online user agreement (sometimes referred to as a "click-through agreement") is required for a purchase, the terms and conditions are to be approved by the appropriate Vice President.

4.7. Equal Opportunity Statements

All contracts will contain equal opportunity statements to ensure compliance with Federal Government requirements associated with Title

VI and Title VII of the Civil Rights Act of 1964, and other appropriate equal opportunity procurement policies.

4.8. Drug-Free Workplace

All contractors and vendors responding to bids with a College must establish and provide proof of a drug-free workplace policy or submit a statement that they are in compliance with the State of Nebraska's Drug-Free Workplace requirement.

4.9. Fair Labor Standards Compliance

All bids shall include a statement that they are complying with, and will continue to comply with the fair labor standards in the pursuit of their business and in the execution of the contract on which they are bidding. Fair labor standards shall mean wages paid and conditions of employment as are paid and maintained by at least fifty percent (50%) of similar businesses. If it is shown that any contractor submitting a bid has not complied with fair labor standards, such lack of compliance shall be the basis for disqualification of the bid.

4.10. Independence and Conflict of Interest

- While an employee, as a prospective user, may informally seek information and confer with a vendor about services and prices, negotiation for purchase of services must be done in compliance with the College and Board policies.
- The principal purchasing agent shall retain responsibility for assuring compliance with procurement procedures.
- If correspondence is carried on between a prospective use and a vendor, copies of such correspondence shall be included, along with other price documentation accompanying a purchase order, to the extent determined appropriate by the principal purchasing agent. Employees are to be aware of and follow the requirements stated in Policy 5002 Requirements when working with potential vendors.
- No employee shall be financially interested, or have any beneficial personal interest, directly or indirectly, in the purchase of any services, nor in any firm, partnership, corporation or association furnishing them. No such person shall receive or accept directly or indirectly from any person, firm or corporation submitting any bid or to whom a contract may be awarded, by rebate, gift or otherwise, any money or other thing of value whatsoever, or any promise, obligation or contract for future reward or compensation.

4.11. Threshold Adherence

All services shall be bid as a single whole item. In no case shall services be divided or broken-up in order to produce several small contracts, which are of an estimated value below that required for bidding.

#### 4.12. Work Eligibility Status

All contractors shall register and use a federal immigration system to determine the work eligibility status of new employees physically performing services within the State of Nebraska.

#### 4.13. Disabled Veteran or Enterprise Zone Act Preference

- In accordance with state law, when a state contract is to be awarded to the lowest bidder, a resident disabled veteran or a business located in a designated enterprise zone under the Enterprise Zone Act shall be allowed a preference over any other resident or nonresident bidder, if all other factors are equal.
- Resident disabled veteran means any person who resides in the State of Nebraska, who served in the United States Armed Forces, including any reserve component or the National Guard, who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions), and who possesses a disability rating letter issued by the United States Department of Veterans Affairs establishing a service-connected disability or a disability determination from the United States Department of Defense.
- The resident disabled veteran must own and control a business or, in the case of a publicly owned business, more than fifty percent (50%) of the stock must be owned by one (1) or more persons that meet the definition of a resident disabled veteran. The management and daily business operations of the public business must also be controlled by one (1) or more persons meeting the definition of resident disabled veteran.

#### 4.14. Federal Funding

When services are purchased with federal funds, federal purchasing requirements must also be followed. For those purchases meeting the federal definition of a “covered transaction”, the purchaser shall verify that the potential vendor has not been suspended or debarred.

### **5. Contracts Delegated to Colleges or System Office**

The following contracts do not require review and approval by the Board or the Chancellor, but must adhere to approval and bidding requirements, if appropriate:



- Any contract with individual students for room and board or deferred payment programs;
- Any contract that establish placements for students to complete work-based learning experiences, such as an internship, practicum, clinical placement, student teaching, etc.;
- Any community service and service learning contract;
- Any Northeast Nebraska Teacher Academy agreement (NENTA);
- Any articulation agreement to determine course equivalencies in accordance with Board Policies;
- Any bus chartering contracts;
- Any contract for the purchase of supplies and commodities used in the regular course of business operations;
- Any contract for the purchase of a license to use a mailing list, email list, or similar list of contracts;
- Any contract for the purchase of utilities, gasoline, oil, diesel fuel, or wood chips used in the regular course of business operations. Utilities shall include trash services, cable television and internet services;
- Any contract dealing with the sale of College personal property, so long as Policy 7014 is followed;
- Any granting of a lease or rental contract to an external party, if the annual proceeds are less than twenty four thousand dollars (\$24,000) in accordance with Policy 8027;
- Any contract relating to the staging or performance of any cultural, artistic, musical, scholarly, recreational, or intercollegiate athletic event (at home or away);
- Any contract for the purchase of material to be added to the collection of any College library;
- Any contract that does not exceed twenty four thousand dollars (\$24,000), whereby a College will provide services to an external party, including, but not limited to, instruction, consulting, planning, technical assistance or program development courses;
- Any sponsorship contract (refer to Policy 7017);
- Insurance contracts as addressed in Policy 7009;
- Any contract with the state or federal government for the provision of Financial Aid; and
- Any contract or change order or addendum associated with an emergency approved by the Chancellor.

## 6. Exceptions, Emergencies, and Sole Sourcing

### 6.1. Exceptions to Bidding Requirements

The following are exceptions to the bid requirements. Documentation justifying the exception should be kept on file by the College or System Office:

- Software license renewals;
- Technology resource maintenance contracts;
- Purchasing services from a previously competitively bid government contract, including the State of Nebraska, the University of Nebraska System, or a multi-state compact contract;
- When pricing has been established by the federal General Services Administration;
- Placement of ads or advertising;
- Purchase of insurance as addressed in Policy 7009; and
- Other exceptions include medical clinic and nursing services, and game guarantee contracts.

### 6.2. Emergency

Emergency purchases shall be documented by the College and submitted to the President, VPAF or VPAA, for approval by the Chancellor. Chancellor approval of an emergency automatically includes the suspension of bidding requirements as appropriate for each emergency. Emergency shall mean any situation where it is necessary to purchase something to:

- Avoid the loss of life, health, safety, or property;
- Respond to time limits established by an external authority;
- Ensure the continuation of an essential College service, function, utility, facility or computer/software system; or
- Avoid, correct or repair a situation outside the control of the Colleges, including detrimental negligence or acts of an employee, natural or manmade disasters, and security or data compromise.

### 6.3. Sole Source

Documentation to purchase based on sole source without competitive bids or proposals shall be documented by the College and approved by the President, VPAF, or VPAA and given System Office approval by either the VCF or VCFA. A sole source purchase is when there is only a single feasible or sole source for the services. A single feasible or sole source exists when:

- Services are proprietary and only available from the company or a single entity.
- The same vendor/contractor of an installed pilot project system is required to install expansions to that system.
- Factory authorized maintenance services must be utilized in order to maintain a warranty or integrity of system.
- Only one (1) type of product or solution or software exists for a specific application.
- The services of a particular provider are unique, e.g. entertainers, authors, etc.
- Based on current research, it is determined that only a single entity services the region in which the services are needed.

## **7. Contracts Requiring Board Approval at Any Amount**

### **7.1 Revenue Bond Auditors**

All revenue bond auditor contracts as detailed in Policy 9007, require Board approval regardless of dollar amount. All contracts related to revenue bond facilities will be in accordance with the indentures, statutes, and related Board policies.

### **7.2 Educational Partnerships**

- All contracts establishing collaborative, educational partnerships, and international study abroad trips require Board approval. Contracts, Memorandum of Understandings, or Agreements establishing collaborative, educational partnerships between the Colleges and external entities must be approved in advance by the Board and signed by the Chancellor.
- Contracts related to international study abroad trips are considered educational partnerships and must be approved in advance by the Board.
- Contracts that are solely for the purpose of exploring the potential for future substantive contracts do not require approval of the Board and shall be signed the President or the VPAA.

### **7.3 Food Service and Bookstore Contracts**

All food service and bookstore contracts require Board approval in advance per Policies 9015 and 9020.

## **8. Consultant Contract Guidance**

The Board recognizes the value and financial savings that may accrue from the use of experienced consultants to the Board, staff and faculty on special aspects of College and System Office programs. Since no College can include in its personnel appointments all the highly qualified and widely experienced people on

all phases of College or System Office operations, the Board will therefore contract from time to time, as appropriate, with individuals or groups for special consulting services.

8.1. Auditor, Lobbyist and Search Consultants

The hiring and retention of personnel not regularly employed by the Colleges and the System Office to act as auditor (other than revenue bond auditor in accordance with Policy 9007) or independent certified public accountant, lobbyist or search consultant for durations greater than five (5) days for any College or the System Office, shall be approved by the Chancellor. The Chancellor is delegated the responsibility for selecting and negotiating these services on behalf of the Board. The Chancellor shall determine if a contract is necessary. A competitive process is not required. In each instance the Chancellor shall notify the Board.

8.2 Legal Services

All legal services shall be coordinated through the System Office as approved by the Chancellor. The Colleges are not authorized to obtain legal services or hire attorneys.

8.3 System Consultants

The Chancellor is delegated the responsibility for selecting and negotiating on behalf of the Board, all other special consulting contracts for the System where the total cost is expected to be under one hundred fifty thousand dollars (\$150,000). Such contracts shall be signed by the Chancellor, VCFA or General Counsel.

**FORMS/APPENDICES:**

None

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**SOURCE:**

<b>Legal Reference:</b>	RRS 4-114	Public employer and public contractor; register with and use federal immigration verification system; Department of Labor; duties
	RRS 73-107	Resident disabled veteran or business located in designated enterprise zone; preference; contract not in compliance with section; null and void
	RRS 85-304	Board of trustees; powers; enumerated

**Policy Adopted:** July 1983

**Policy Revised:** March 1994, June 1995, April 2007, November 2011, March 2013, September 2013, November 2014, June 2015, May 2016, June 2017, September 2018, March 2019, September 2019, April 2020, July 2020, September 2021, April 2022, November 2022

## Board of Trustees of the Nebraska State Colleges

### Facilities

POLICY  
NAME:

~~Capital Construction, Facility Maintenance and Repair  
Contracts~~Capital Construction, Facility Maintenance and  
Repair Contracts, and Fixed Equipment Acquisitions

POLICY  
NUMBER:

8064

#### A. PURPOSE

To provide guidance on capital construction, facility maintenance and repair contracts, and acquiring fixed equipment.

Acquiring moveable equipment must follow Policies 6400 and 6401. Professional consulting services related to capital construction must follow Policy 8066.

#### B. DEFINITIONS

- 1. Construction Project:** Any new facility, expansion of a current facility, major remodeling, or renovation of a current facility.
- 2. Maintenance and Repair Project:** The routine upgrades, replacements of facility components, or repairs to current facilities.
- 3. Formal Bids:** A formal bid is a written quote from a vendor which may include a facsimile quote or an email from the vendor.
- 4. Competitive Sealed Bids:** Bids or proposals secured from contractors or vendors by means of an advertised public notice bid solicitation or Request for Proposal (RFP). An RFP is a document that describes the scope of the project or service, details criteria for bids, and solicits bids. A minimum of fifteen (15) calendar days shall elapse between the time the public notice or RFP opportunity is advertised and the time of the bid opening. Bids must be opened in the manner, time and date specified. Facsimile quotes or emails received by the institution are not allowed during this competitive sealed process.
- 5. Facility or Facilities:** Any buildings or structures, above or below ground. May also refer to campus grounds, landscaping, and utility systems.
- 6. Capital Construction Project:** A project estimated at \$2,000,000 and above for renovation and new construction of programmatic spaces, per Board Policy 8060.

7. Emergency – Any situation where it is necessary to enter into a contract to (a) avoid the loss of life, health, safety or property; (b) respond to time limits established by an external authority; (c) ensure the continuation of an essential College service, function, utility, facility or (d) avoid, correct or repair a situation outside the control of the College including detrimental negligence or acts of an employee, natural or manmade disasters.

6.8. Fixed Equipment – Equipment that is affixed to the facility and is not movable.

## C. POLICY

### 1. Contracting and Fixed Equipment Acquisition Thresholds

All contracts and fixed equipment acquisitions shall conform to the following dollar thresholds and bidding process.

1.1 No contract is required for repair or maintenance services less than twenty-five thousand dollars (\$25,000) to fixed equipment, facilities and grounds.

~~4.1.~~ 1.2 Less than \$50,000 – Bids not required

Competitive bidding is not required for projects and fixed equipment that are less than fifty thousand dollars (\$50,000). The College may contract directly with a contractor after negotiating a contract price that is reasonable and within budget.

~~4.21.3~~ 4.21.3 From \$50,000 but less than \$150,000 – Formal bid process

Construction projects and fixed equipment with a total ~~project~~ cost between fifty thousand dollars (\$50,000) and less than one hundred fifty thousand dollars (\$150,000) shall observe the following bidding procedure.

- Three (3) or more quotations ~~for the project~~ shall be solicited from bidders. Original quotations may be obtained in writing or verbally. Any verbal quotations must be followed up with a written or faxed confirmation for project files.
- A fixed bid receipt date or public opening is not required.
- A contract shall be executed for the project after negotiating a price that is reasonable and within budget.
- All resulting quotations or refusals to quote shall be documented by the College.
- Information on these contracts shall be reported to the Board of Trustees.

4.31.4 \$150,000 or more – Competitive Sealed bid process

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Policy 8064: ~~Capital Construction, Facility Maintenance and Repair Contracts~~ Capital Construction, Facility Maintenance and Repair Contracts, and Fixed Equipment Acquisitions

Construction and maintenance projects and fixed equipment with a total cost exceeding one hundred fifty thousand dollars (\$150,000) or more shall use competitive sealed bid process.

## 2. Project and Contract Approvals

### 2.1. Approval of Projects

- No capital construction, maintenance or repair contract may commit funds for a project until the funds have been identified and approved by the Board, with the exception of Task Force for Building Renewal 309 funds.
- While Task Force projects must follow all other requirements in this Policy, unless otherwise noted, 309 funding does not have to be accepted by the Board prior to committing funds in accordance with this Policy.
- For state funded projects, the appropriation must have been received before construction contracts are submitted for approval.
- For revenue bond projects, bond proceeds or surplus funds must be available and their expenditure approved by the Board before construction contracts are executed or submitted for approval.

### 2.2 Executing Contracts less than \$300,000

The President or Vice President for Administration and Finance (VPAF) is delegated the responsibility for bidding, negotiating and signing on behalf of the Board the following types of construction contracts and any related change orders/addenda.

- Any contract for the construction, alteration, renovation, remodeling, repair or demolition of any building or other improvement to real property, under which payment by the College will not exceed three hundred thousand dollars (\$300,000).
- Contracts with architects or engineers or consultants where the fee will be less than one hundred fifty thousand dollars (\$150,000).
- Contract change orders, addenda and amendments involving each additional expenditure under one hundred fifty thousand dollars (\$150,000).

### 2.3 Board Approval of Contracts

The following types of contracts are to be submitted to the Board for approval.

- Capital construction, facility maintenance or repair contracts amounting to three hundred thousand dollars (\$300,000) or more.
- Any contract with an engineer or architect where the fee will be one hundred fifty thousand dollars (\$150,000) or more.



- Contract change orders and addenda involving additional expenditure of one hundred fifty thousand dollars (\$150,000) or more.
- Once approved ~~be~~ by either the Board or the Chancellor, the construction or maintenance contract shall be signed by the President or VPAF, and then by the Chancellor, Vice Chancellor for Finance and Administration (VCFA) or General Counsel. A contract signed by the vendor should be available for execution at the Board meeting when approved.

## 2.4 Approval Exceptions

If approval of any construction or maintenance contracts are critical to the schedule of the project, the following exceptions may be made.

- The Chancellor shall be authorized to approve construction and maintenance contracts of three hundred thousand dollars (\$300,000) or more, so long as the Board has authorized the project and compliance with all specifications, bidding and contract procedures has taken place. Notification of these approvals shall be provided as an information item to the Board at a subsequent meeting.
- The Chancellor shall be authorized to approve engineer or architect contracts of one hundred fifty thousand dollars (\$150,000) or more, so long as the Board has authorized the project and compliance with all consultant selection procedures has taken place. Notification of these approvals shall be provided as an information item to the Board at a subsequent meeting.
- If approval of the change order or addenda is critical to the schedule of the project, the Chancellor has the option of approving it as an emergency as defined in 4.1 below. Such approved emergency change orders and addenda will be provided as an information item at the next Board meeting.

## 3. Bidding Requirements

### ~~3.1. Competitive Sealed Bid~~

The details below must be followed when using a competitive sealed process to award a contract.

#### 3.1. Specifications

- ~~:-~~ All specifications and plans for buildings to be renovated or constructed are to be prepared by professional architects and/or engineers in accordance with state law. The specifications and plans shall be prepared to conform with the budget amount authorized for that project.

#### 3.2. Advertising

- ~~☐~~—A public notice for construction shall appear once in a publication based in or near the locality of the project and in other widely circulated publications and electronic platforms as deemed necessary by the College. A copy of the advertisement shall be kept on file with the College. The notice shall not appear on a weekend or holiday. A minimum of fifteen (15) calendar days shall elapse between the time formal bids are first advertised or called for and the time of their opening. The notice, bid specifications or RFP shall include, at a minimum, the following information.

- ☐ Name of Board of Trustees and the College
- ☐ Description of project
- ☐ Date, place and time when bids must be received
- ☐ Person to contact for information
  - ☐ Locations where bid documents can be viewed/obtained

### 3.3. Bid Submission and Opening

- ~~☐~~—Bids shall be submitted in a sealed envelope with notation of the project on the front. Bids shall be opened on the date, time and place as advertised. The bid opening shall be conducted in public so that all bidders and interested parties may be present. No bids are to be received after the specified time and if so, are to be returned unopened. The bidder's envelope is to be attached to the back of the bid form. College staff or the professional consultant shall be responsible for opening and reading aloud the bids. Bid documents shall be considered public information after they have been opened. The following requirements shall be noted at the time of opening the bid.

- ☐ Conformance with bidding instructions
- ☐ Accompanied by bid bond or certified check or sent in separately in case of a bid submitted electronically
- ☐ Acknowledgment of any addendum
- ☐ Bid is signed

### 3.4. Evaluation

- ~~☐~~—When bids are received, publicly opened and read, the contractors shall not be notified of the final decision until a later date so that adequate study and analysis can be made of the bids received. The professional consultant shall evaluate the bids received and make a recommendation to the College. Awarding of the contracts shall be based on competitive bidding with award to the lowest bidder, taking into consideration the best interests of the State of Nebraska and the System, the quality or performance of the firm and the materials to be

supplied, their conformity with specifications, and the times of completion. In determining the lowest bidder, in addition to price, the following elements shall be given consideration.

- ☉ The ability, capacity and skill of the bidder to perform the contract required;
- ☉ The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- ☉ Whether the bidder can perform the contract within the time specified;
- ☉ The quality of performance of previous contracts;
- ☉ The previous and existing compliance by the bidder with laws relating to the contract;
- ☉ Energy efficiency ratio as stated by the bidder for alternative choices of appliances or equipment;
- ☉ The life cost of the article or property in relation to the purchase price and the specific use of the item;
- ☉ The performance of the article or property, taking into consideration any commonly accepted tests and standards of produce usability and user requirements; and
- ☉ Such other information as may be secured having a bearing on the decision to award the contract.

- 3.5. Bid Acceptance

- ☉ The recommendation, bid tab sheet and other applicable materials shall be kept on file by the College for review. If less than three (3) bids or proposals are received, then bids may be accepted upon documentation of the bidding process. If the recommendation is to reject the lowest bid for any one or more of the reasons stated above, the recommendation must include the reason(s) for the rejection. The NSCS always reserves the right to reject any or all bids.

#### 4. Exceptions, Emergencies and Sole Sourcing

##### 4.1. ~~4.1.~~ Exceptions to Bidding Requirements.

The following are exceptions to bidding requirements. Documentation justifying the exception should be kept on file by the College.

- Purchasing from a previously competitively bid government contract, including the State of Nebraska, the University of Nebraska System, or a multistate compact contract
- When pricing has been established by the federal General Services Administration

- Utilities and fuels, including woodchips
- Repairs of less than fifty thousand dollars (\$50,000)
- Advertising for facility projects
- Facility maintenance agreements

#### 4.1.4.2. Emergency

~~Emergency shall mean any situation where it is necessary to enter into a contract to (a) avoid the loss of life, health, safety or property; (b) respond to time limits established by an external authority; (c) ensure the continuation of an essential College service, function, utility, facility or (d) avoid, correct or repair a situation outside the control of the College including detrimental negligence or acts of an employee, natural or manmade disasters.~~

- Proposed emergency capital construction or maintenance projects and fixed equipment acquisitions meeting the definition of an emergency shall be documented by the College and submitted to the Vice Chancellor for Facilities (VCF) for approval by the Chancellor.
- Chancellor approval of an emergency automatically includes the suspension of bidding requirements as appropriate for each emergency.

#### 4.2.4.3. Sole Source

A sole source exception would be permitted where there is only one firm with the necessary skillset to perform the services or there are other extenuating circumstances. Documentation to hire a vendor based on sole source without competitive bids or proposals shall be documented by the College and approved by the VPAF and either the VCF or the VCFA. A sole source situation may exist under the following conditions.

- Services are proprietary and only available from the manufacturer of a building system or equipment and the vendor is the only firm providing the unique expertise.
- Additions to a system must be compatible with the original equipment or facility software.
- The same vendor of an installed system is necessary to install expansions to that system.
- Factory authorized maintenance services must be utilized in order to maintain a warranty or the integrity of system.
- Based on current research, it is determined that only a single entity services the region in which the project is needed.

- Donors providing the funding for an item, service or system may specify a particular vendor, manufacturer or brand of equipment to be used for the project.

## 5. General Contract Guidance

### 5.1. Performance Bond

For any construction project that has a total cost of more than one hundred thousand dollars (\$100,000), the successful bidder for the project shall be required to furnish a Performance Bond and a Labor Material Payment Bond, each in the amount of one hundred percent (100%) of the contract sum and written by a Surety licensed to do business in the State of Nebraska.

### 5.2. Resident Bidder Preference

When a public contract is to be awarded to the lowest bidder, a resident bidder shall be allowed a preference over a nonresident bidder from a state which gives or requires a preference to bidders from that state.

### 5.3. Contract Negotiation and Legal Requirements

A contract may be conditioned upon later refinements in scope and priced and may permit the College, in agreement with the contractor, to make changes in the project or the purchase without invalidating the contract. Later refinements shall not exceed the budget or available funding for the project.

### 5.4. Fair Labor Standards Compliance

All bidders on College projects must file a statement that they are complying with, and will continue to comply with, fair labor standards in the pursuit of their business and in the execution of the contract on which they are bidding. Fair labor standards shall mean wages paid and conditions of employment as are paid and maintained by at least fifty percent (50%) of similar businesses.

### 5.5. Drug Free Workplace Compliance

All bidders must also comply with the State of Nebraska's Drug Free Workplace requirement. The proposal form used to bid projects shall contain a clause, which, when the proposal is signed by the bidder certifies that the firm has a drug free workplace policy in accordance with State requirements.

### 5.6. Non-Discrimination Requirement

The contractor must specifically agree not to discriminate against any recipient of services on the basis of race, color, sex, religion, sexual orientation, gender identity, age, marital status, disability, political affiliation or nation origin and not to discriminate against any employees or applicant for employment on the basis of race, color, sex, religion, sexual

orientation, gender identity, age, marital status, disability, political affiliation of national origin.

#### 5.7. Equal Opportunity Statements

All contracts will contain equal opportunity statements to ensure compliance with Federal Government requirements associated with Title VI and Title VII of the Civil Rights Act of 1964 and other appropriate equal opportunity procurement policies.

#### 5.8. Contract Forms

- All contracts for construction and maintenance projects and related services of three hundred thousand dollars (\$300,000) or more will be reviewed by General Counsel or VCF prior to submission to the Board for consideration and action.
- Contract forms developed by the System Office may be used for all construction and other related services where the cost will be less than three hundred thousand dollars (\$300,000).
- If the project will be three hundred thousand dollars (\$300,000) or more, and a professional architect or engineer has designed and specified the project, the latest applicable American Institute of Architects (AIA) contract form must be utilized and must incorporate the standard NSCS Long Form provisions

#### 5.9 Non-Appropriation Clause

No contract may commit funds for a future fiscal year unless specific funding has been identified in a legislative appropriation bill or an appropriate cancellation clause has been inserted in the contract.

#### 5.10 Independence and Conflict of Interest

- \_\_\_\_\_ No College employee or Board member shall furnish or cause to be furnished any technical information or solicit proposals and/or prices or take any type of action, which would or could be construed to give a direct or indirect advantage or disadvantage to a potential bidder for a College project.
- No person shall attempt to influence in any way or participate or assume responsibility in the evaluation of proposals and selection of contractors when participation constitutes a conflict of interest.

#### 5.11 Threshold Adherence

In no case shall materials and services be divided or broken up in order to avoid required bidding.

#### ~~5.12 Conflict of Interest~~

~~No person shall attempt to influence in any way or participate or assume responsibility in the evaluation of proposals and selection of contractors when participation constitutes a conflict of interest.~~

5.4312 Reporting to the Board

Contracts over one hundred fifty thousand dollars (\$150,000) and all subsequent change orders, addenda, and amendments over fifty thousand dollars (\$50,000) shall be reported to the Board.

5.4413 Disabled Veteran or Enterprise Zone Act Preference

- In accordance with state law, when a state contract is to be awarded to the lowest bidder, a resident disabled veteran or a business located in a designated enterprise zone under the Enterprise Zone Act shall be allowed a preference over any other resident or nonresident bidder, if all other factors are equal.
- Resident disabled veteran means any person who resides in the State of Nebraska, who served in the United States Armed Forces, including any reserve component or the National Guard, who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) and who possesses a disability rating letter issued by the United States Department of Veterans Affairs establishing a service connected disability or a disability determination from the United States Department of Defense.
- The resident disabled veteran must own and control a business or, in the case of a publicly owned business, more than fifty percent (50%) of the stock must be owned by one (1) or more persons that meet the definition of a resident disabled veteran. The management and daily operations of the public business must also be controlled by one (1) or more persons meeting the definition of resident disabled veteran.

5.4514 Work Eligibility Status

Contractors shall register and use a federal immigration system to determine the work eligibility status of new employees physically performing services within the State of Nebraska.

5.4615 Payments

For construction contracts with phased payments, the payment schedule shall be as follows.

- Every application of payment shall be based on a portion of the Contract sum, properly allocable to the completed portion of work and shall be reviewed and payment authorized by the architect/engineer. A

retainage of five percent (5%) shall be kept until the project is complete, except that ten percent (10%) retainage may be used on projects fully funded by the 309 Task Force for Building Renewal, and small projects, as determined by the College.

- When the project reaches final completion, the retainage will be paid in full.

## FORMS/APPENDICES:

None



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**SOURCE:**

<b>Legal Reference:</b>	RRS 4-114	Public employer and public contractor; register with and use federal immigration verification system; Department of Labor; duties.
	RRS 72-802	Public buildings; plans and specifications; limitations; bids; appropriations; limits.
	RRS 72-803	Public buildings; construction; improvement and repair; contracts; bidding; procedure; exceptions.
	RRS 73-101.01	Public lettings; resident bidder; defined; preference.
	RRS 73-102	Fair Labor Standards; statement of compliance required.
	RRS 73-107	Resident disabled veteran or business located in designated enterprise zone; preference; contract not in compliance with section; null and void.
	RRS 81-1108.43	Capital construction project; prohibited acts; exceptions; warrant; when issues.
	RRS 81-1114	Department of Administrative Services; building division; powers; duties, and responsibilities.
	RRS 81-3449	Practice of architecture; exempted activities.
	RRS 81-3453	Practice of engineering; exempted activities.
	RRS 85-304	Board of trustees; powers; enumerated.

**Policy Adopted:** March 1994

**Policy Revised:** August 1997, October 1997, September 2002, February 2004, September 2006, September 2007, September 2009, April 2010, June 2011, June 2015, November 2017, June 2019, November 2019, September 2021, February 2022, April 2022, June 2022, November 2022