Montclair State University
Board of Trustees (BOT)
Waiver of Advertising Process

Procurement Services Department
June 2, 2020
MSU is an Agency of the State of New Jersey

The Montclair State University Act (MSU Act):

- Establishes bidding requirements
- Defines when exceptions can be made to public bidding
- Requires Board of Trustees approval of contracts which have been delegated at different dollar thresholds to the President and the Vice President for Finance & Treasurer.
- Permits the University to establish procurement policies, including the delegation of contract approval to designated officers.
Bidding Thresholds

- The current public bid threshold is $34,400

<table>
<thead>
<tr>
<th>Contract Value</th>
<th>Requirement</th>
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<tbody>
<tr>
<td>$0 - $6,879</td>
<td>No bids are required, but suggested</td>
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<tr>
<td>$6,880 - $34,399</td>
<td>Minimum of three written quotes</td>
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<tr>
<td>$34,400 and over</td>
<td>Public Bid or RFP Waiver of Advertising</td>
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<tr>
<td>Over $500,000</td>
<td>Board of Trustees Approval is required for all procurements</td>
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Note: Capital construction projects must be publicly bid.
Exceptions to Public Bidding

- General Service Administration Contracts; Federal Government Contracts; State of NJ Contracts; Co-operative Contracts (> $500,000 - BOT approval). Exempt because competitive processes have already taken place.

- MSU Act’s categories – 33 exceptions to public bidding, such as:
  - Sole Source
  - Professional Services
  - Information Technology – Software & Hardware
  - Library Materials


- Professional Services are those that require a license (e.g.: lawyers, doctors, engineers, architects, etc.). The Request for Qualifications process may be used.

- Professional Consulting Services (e.g.: accounting services, IT consulting services, etc.).
BOT Approval Thresholds

- Contracts pursuant to a Waiver of Advertising, with values equal to or greater than $34,400, but less than $200,000 are delegated for approval to the Vice President for Finance & Treasurer.

- Contracts pursuant to a Waiver of Advertising, equal to or greater than $200,000, but less than $500,000 are delegated to the University President.

- Contracts pursuant to a Waiver of Advertising over $500,000 must be submitted to the Board of Trustees for contract approval.

- The above approval thresholds apply when the dollar value of a prior BOT approved contract needs to be increased.
Board of Trustees Waiver of Advertising

BOT Waivers of Advertising for the 33 exceptions to public bidding can be prepared by Procurement Services or the internal customer (department)

- Procurement Services is available to issue a RFP Waiver of Advertising, but must be contacted a minimum of eleven (11) weeks prior to the BOT meeting if the procurement is expected to be over $500,000.

- Internal customers must submit the Waiver of Advertising Request Packet, when it is less than $500,000, to Procurement Services after obtaining the appropriate signatures, for review. If approved, the approved contract will be reported to the BOT at its next scheduled meeting.

- Waivers under $500,000 can be submitted on a rolling basis.

- Waivers issued by internal customers greater than $500,000 must be submitted to Procurement Services four (4) weeks before the BOT meeting.

- Following the approval of the Waiver of Advertising by the BOT, President or Vice President for Finance & Treasurer, Procurement Services issues a BOT Waiver number for each approved contract as a way to identify the procurement methodology.

- Procurement Services begins to issue reminder emails ninety (90) days before a contract expires.

Please go to the Procurement Services web site, under Forms for the BOT Waiver of Advertising Packet for the requirements:

http://www.montclair.edu/finance-and-treasury/procurement/forms
BOT Waiver of Advertising
Check List

- Waiver of Advertising form
- Scope of Services
- Proposals (minimum of three)
- Award determination
- MSU Standard Terms and Conditions, signed by supplier
- Supplier’s Minority, Women, Disabled Veterans, or Small Business certifications
- Supplier’s Affirmative Action Certificate
- Business Registration Certificate
- Chapter 51/ Executive Order 117 Political Disclosure
- Supplier Create Form
- W-9 Form
- Disclosure of Investments in Iran
- MacBride Principles Form
- Conflict of Interest Form
- Source Disclosure Certification Form
- Non-Collusion Affidavit
- Ownership Disclosure Form
- Data Protection Addendum (if necessary)

Note: Procurement Services is available to assist in securing these documents as needed.
Additional Requirements

Procurement Services is responsible for notifying the State Comptroller of the following:

- All procurements over $10 million must be submitted to and approved by the State Comptroller *before* the RFP Waiver of Advertising is released to potential bidders.
  - *The State Comptroller has 30 days to review the RFP and may require changes.*

- The State Comptroller is notified of contracts over $2 million after they are awarded.
  - *The Director of Construction Procurement & Accounting or the Director of Procurement, Goods and Services is responsible to send notices.*

Notice to State Comptroller for above procurements is handled centrally by Procurement Services even if internal customer handles the solicitation of bids.
The effective date of a contract **cannot** be before the date the Board of Trustees adopts a resolution approving the contractor or, when appropriate, the President or Vice President for Finance and Treasurer approve the waiver documents. Procurement Services will send out reminder emails starting ninety (90) days prior to contract expirations.

- No contractor shall be permitted to perform work prior to contract execution.
- Timeline for when Procurement prepares the RFP Waiver of Advertising (see p. 6):

  - 11 Weeks
  - 7 Weeks
  - 4 Weeks

Requests for Procurement Services to issue a BOT Waiver of Advertising must be submitted a minimum of 11 weeks before the BOT meeting date for requests > $500,000.
Waiver of Advertising Approval Flowcharts < $500,000
Waiver of Advertising Approval Flowchart for all Procurements over $500,000