



LARAMIE COUNTY COMMUNITY COLLEGE

PROCUREMENT & CONTRACTING MANUAL

Mission

The mission of the Laramie County Community College's (LCCC) Purchasing Office is to ensure that through the use of public funds it achieves maximization of competition, equal and fair competition and the best value at the lowest price while adhering to college policies and procedures, and federal and state laws and regulations.

Contacts

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Purchasing Authority

It is the intent of LCCC to establish procedures and guidelines that define the processes used to promote, provide, and ensure that centralized procurement services for LCCC are consistent and compliant with the College's Policies, State of Wyoming Statutes and federal requirements. By delegation of the LCCC President (*Policy 4.2*), the Director, Contracting and Procurement is responsible for all procurement functions; for maintaining a uniform set of procedures and forms to implement processes regarding solicitation and acquisition of goods and services through quotes, bids, proposals and contractual agreements; and to assist and provide guidance and support to LCCC in the acquisition of goods and services in accordance with College policies and procedures. The primary responsibility of the Purchasing Office is to ensure the proper, prompt and responsive procurement of all supplies, equipment, goods, materials, and services for the College. The goal of centralized purchasing function is to maximize competition, provide fair and equal vendor/contractor opportunities, service the campus community with the proper quality, materials and services, and minimizes the College's exposure to risk and liability. Therefore, all procurement activities shall be completed by either the Purchasing Office or under the direct order, guidance, or supervision of this office.

Signature Authority

Procurement authority and approval is based upon the type of transaction, the dollar amount, and is completed in accordance with the LCCC procedure titled "Signature Authority". Employees play a valuable role in the requisitioning process; requesting goods or services for your area, but are not necessarily **authorized to approve the purchase of goods or services** unless you have specific written authority to do so. Employees may be personally liable for payment to the vendor for unauthorized purchases.

Public Purchasing — Three Principles

The Division of Contracting and Procurement of LCCC strives for:

1. **Maximization of Competition.** Specifications are written to allow the purchasing process to be as open as possible to a number of qualified vendors.
2. **Equal and Fair Competition.** Each vendor is provided the same information regarding product or service needs/specifications and their responses (such as price quotes) are kept confidential until the purchase is made.
3. **Best Value at the Lowest Price.** The purchase must be made at the lowest price for the product or service that best meets the needs of the requisitioner.

1. Procurement Principles

- A. Public funds shall be expended for an authorized public purpose; therefore expenditure shall benefit the public interest and purpose rather than private individuals or private purposes. Once a business function purpose is established, the expenditure must still be authorized via the appropriate written instrument. The term “public funds” is not limited to money, but includes anything of value belonging to a public agency such as equipment, supplies, compensated time, use of telephones, computers, fax machines, and other college equipment and/or resources.
- B. All procurement transactions for materials, goods and supplies shall adhere to the LCCC “Purchase Order Terms and Conditions”, NO EXCEPTIONS, unless otherwise negotiated by the Purchasing Office. Shipment terms for all purchases shall be “F.O.B. Destination”, or “FOB LCCC Dock, Cheyenne, WY 82007”, unless otherwise negotiated and approved by the Purchasing Office.
- C. All contracting transactions for services and labor shall adhere to the LCCC “Contractor Terms & Conditions, Representations, and Responsibilities”, NO EXCEPTIONS, unless otherwise negotiated by the Director, Contracting and Procurement.
- D. The purchase of computers, peripherals, software, computer equipment, audio visual equipment, phone equipment, information technology equipment, electronic equipment, on-line subscriptions and materials shall have prior review and approval by the ITS Department before a purchase is initiated. Exceptions to this principle shall be approved via written instrument. Review and approval of such purchases shall be done via the “Acquisition Review Worksheet” and completed via the ITS Department or the Purchasing Office, regardless of dollar value.
- E. The purchase of furniture, furnishings and equipment (*FF&E*) shall have prior review and approval by the Physical Plant Division before a purchase is initiated. Exceptions to this principle shall be approved via written instrument. Review and approval of such purchases shall be done via the “Acquisition Review Worksheet” (prepared by the Requestor and turned in to the Purchasing Office) and completed via a Purchase Order, regardless of dollar value. The purchase of FF&E shall be performed by the LCCC Purchasing Office via Purchase Order (PO).
- F. The procurement of materials, goods, or equipment that require an LCCC logo/image, any type of logo/image design, any trademark emblem, and/or anything that affects or impacts the LCCC public image shall be reviewed and approved by the Public Relations Department prior to a purchase being initiated. Creation, deformation, alteration and/or modification of any trademarked LCCC logo/image is strictly prohibited without the express written authorization of the college administration. Exceptions to this principle shall be approved written instrument. Review and approval of such purchases shall be done via the “Acquisition Review Worksheet” prior to purchase (prepared by the Requestor and turned in to the Purchasing Office).

G. Splitting an individual order for the purpose of circumventing purchasing procedures or limits is strictly prohibited.

H. Purchasing Thresholds:

Price	Requirements
\$0 - \$5,000	Other than the normal signature authority hierarchy, no approvals are necessary unless it is furniture, fixtures or equipment
\$5,000 - \$20,000	Department required to obtain & provide to the Purchasing Office 2-3 legitimate written quotes and VP approval prior to purchase
\$20,000 - \$60,000	Requires competitive bidding process by the Purchasing Office and VP approval
More than \$60,000	Requires competitive bidding process by the Purchasing Office, VP approval and Board of Trustees approval prior to purchase

I. Negotiations are a critical function of the procurement process and shall be conducted professionally; within the governing rules and regulations; and completed by the Purchasing Office.

J. The Director, Contracting and Procurement has ultimate responsibility for all College procurement functions, duties, responsibilities, and processes to include but not limited to, preparation and distribution of uniform procurement documents, solicitations, purchase orders, agreements and contracts.

K. Avoid acquisition of unnecessary or duplicative items. When appropriate, the Purchasing Office will give consideration to consolidating or breaking-out procurements to obtain a more economical purchase.

2. ***Prohibited Uses***

The starting point for any analysis concerning the use and/or misuse of public funds begins with the principle that public funds must be expended for an authorized public purpose. Expenditure is made for a public purpose when its purpose is to benefit the greater good or public interest rather than individuals or private purposes. At a minimum, purchases for items that may be questionable or are not clearly defined via the guidelines shall have written approval by an individual at a higher level of authority. In addition, college employees need to be aware of budgetary limits within the accounts they are authorized to use, as well as internal limitations on the use of monies and resources that may be set by the cardholder's department.

Following is a list of **Prohibited Purchases and Purchases** with limitations:

- Alcoholic beverages, tobacco and drugs
- Automotive service and repair – responsibility of the Physical Plant to arrange for services
- Awards & gifts, unless approved by the Vice President of Administration & Finance when a substantiated, legitimate business purpose exists
- Equipment requires a completed Acquisition Review Worksheet reviewed and approved by Physical Plan. The Purchasing Office shall complete equipment purchases
- Cash advances
- Catering services for organized event(s)
- Chemicals, radioactive or hazardous materials
- Construction, repair, installation and renovation requires a formal agreement or contract prepared by the Purchasing Office
- Contracted/Personal services requires a formal agreement or contract prepared by the Purchasing Office
- Entertainment

- Flowers or gifts to individuals, including those in lieu of payment for goods or services (when required in the performance of his/her duties and at their discretion, the College President may procure meals, entertainment, gas, flowers and gifts)
- Fines, late fees and penalties
- Furniture requires a completed Acquisition Review Worksheet reviewed and approved by Physical Plan. The Purchasing Office shall complete furniture purchases.
- IT Equipment: computers, peripherals, computer equipment, audio-visual equipment, phone equipment, copier machines (desktop or stand-alone), software, etc. require review of a completed Acquisition Review Worksheet reviewed and approved by the ITS Department. ITS or the Purchasing Office shall complete IT equipment purchases
- Leases and rental of space (requires a contract)
- Maintenance agreements for services, annual or one-time requires review by the Purchasing Office
- Personal items or personalized stationary may include, but not limited to: coffee or drink machines, microwave ovens, radios, TV's, DVD players, stoves, refrigerators, other kitchen items, space heaters, paper shredding machines, coffee, tea, drinks, candy, snacks, break refreshments, personal clothing, party items, and any other items that would primarily be used for personal purposes
- Political contributions
- Purchases involving trade-in of LCCC property (a function of the Purchasing Office)
- Services – retaining or hiring a firm, agency, etc. to provide service of any type shall be initiated by the Purchasing Office
- Supplies for a “Break Room” (refer to Note #1 below) to include but not limited to: utensils, paper products, coffee pots, coffee, stove, drink machines, kitchen items, and disposable supplies. EXCEPTIONS: Cleaning supplies are approved purchases.
- Trade-marked or Logo items require review of a completed Acquisition Review Worksheet reviewed and approved by the Public Relations
- Vehicles, leased or purchased
- Weapons and ammunition

Note:

1. Break Room Definition: a room or designated space which is set aside for coffee breaks, snacks, lunches, etc. and is ADA compliant.
2. Refrigerators and microwave ovens are approved purchases when equipping a Break Room.
3. Purchases made with federal funds require the purchaser to be aware of what is allowable and not allowable based upon the award or contract.

3. *The Basics: Requisitions/Purchase Orders/Limited Purchase Orders*

Requisitions

The Requisition, sometimes simply referred to as a “Req”, is created by a requisitioner to obtain supplies, equipment, or services. It must be created accurately and clearly to allow individuals involved with the request to understand what is needed. Requisitions are forwarded to the appropriate department/division individuals for approval. Purchasing cannot begin to process an on-line requisition without the approval of the appropriate department/division individual(s).

Approvals: The need for approvals is based upon the type of purchase and the dollar amount and in accordance with the Signature Authority procedure. This approval allows Purchasing to create a PO for purchases over \$5,000, or allows your Department/Division to create a Limited Purchase Order for purchases under that amount.

Purchase Orders

The Purchase Order (PO) is a form that is created in the Purchasing Office from information contained in the approved requisition and is used for purchases exceeding \$5,000. The PO number is a critical reference

number to be used by the vendor to identify the purchase and shall be referenced on shipping documents and invoices.

Limited Purchase Orders

The Limited Purchase Order (LPO) is created by the respective campus department or division and used for any purchases (*refer to prohibited purchases before proceeding*) up to \$5,000. LPOs are for one-time purchases that will be shipped and invoiced and shall NOT be used for services and/or labor.

Blanket Purchase Orders

Blanket Purchase Orders are documents issued to a vendor for purchase of certain classes or categories of reoccurring items. The Blanket Purchase Order may spell out terms, conditions, delivery information and other contract information, including pricing or discounts from published lists for a specific period of time. A "Not-to-Exceed" amount is listed on the Blanket Purchase Order document as a method of monitoring and control. Blanket POs help to reduce paperwork and save time. For more information on Blanket Orders please call the Purchasing Office.

Procurement Card Orders

The purpose of the Procurement Card Program (P-Card) is to establish a more efficient, cost effective method of purchasing and paying for small dollar non-recurring transactions within established usage limits. Small dollar transactions are being defined as any total purchase that is under \$5,000, including all shipping, handling, and other transaction costs. The program is further intended to eliminate petty cash and the use of personal funds, and to reduce the use of Limited Purchase Orders. Card use will be monitored and cards may be rescinded at any time by the Vice President of Administration and Finance.

All Cardholders will be required to sign a Procurement Cardholder Agreement, and the P-Card will be issued by the Accounting Office only after the cardholder has completed P-Card training. Standard procedure requires retention of receipts, sales slips, invoices, order forms and other documentation. Personal purchases of any nature are NOT allowed under any conditions, and cards must only be used by the cardholder name appearing on the card. The P-Card is NOT intended to avoid or bypass appropriate procurement or payment procedures, or to circumvent existing policies and procedures. Failure to comply with this policy will result in disciplinary actions, including up to possible termination of employment. For details about program, refer to Procurement Card Procedure Manual.

Prepaid Orders

The College provides prepayments for very limited types of purchases such as subscriptions, dues, memberships, registrations, deposits for travel-related expenses, certain maintenance, license fees and/or vendors that only accept prepayment.

Purchasing Thresholds

Up to \$5,000:

Approved purchases up to \$5,000 are completed on an LPO or procurement card, evidence of competition does not need to be documented. Requisitioners are encouraged to find the best supply source for the best price that meets their needs. Normally, Purchasing is not involved with these purchases, except to provide sources of supply or technical expertise.

From \$5,000 to under \$20,000:

Purchasing transactions from \$5,000 up to \$20,000 shall be made with as much competition as is practical. A minimum of two (2) written quotations will be obtained by the requestor. Quotes shall include itemized pricing for the good(s) being requested, including shipping and handling costs (FOB Destination) and vendor contact information. Supporting written documentation and price quotations are maintained as part of the purchasing file system. The Purchasing Office will review and validate the quotes and place the order via PO.

\$20,000 and Above:

Purchasing transactions exceeding \$20,000 require competitive and/or sealed bidding utilizing the Invitation for Bid (IFB) process or the Request for Proposal (RFP) process. The Purchasing Office is responsible for administering both processes, and will determine which process is most advantageous or practical to use.

4. Obtaining Quotes

An employee may choose to solicit quotes themselves for any purchase which does exceed a total amount of \$20,000, or Purchasing can obtain quotes for them. In order to promote fairness and consistency, employees are asked to utilize Purchasing approved "quotation forms" when obtaining quotes from vendors. This form is available in electronic format and can be obtained by contacting the Purchasing Office.

When you are asked to obtain quotes and specifications from vendors, do not share pricing from one vendor with other vendors. This is an illegal activity per federal, state and college rules and regulations. Only after a Purchase Order is issued to a vendor can prices from other vendors be shared, and this should be done by the Purchasing Office. To request assistance in obtaining quotes, please call the Purchasing Office.

5. Working with Vendors

Due to the size and complexity of the College and the programs offered, we require a wide range of products and services. Depending upon your job, you may have limited or fairly regular contact with vendors in order to obtain price quotes and other information. **When working with vendors, there are a number of other points to remember:**

1. **Do not promise an order to a vendor or make unauthorized commitments.** All purchases shall be approved prior to the transaction and coordinated by an authorized person or the Purchasing Office.
2. **Do not request or expect a supplier to provide specifications, layouts or design services without charge or obligation.** Expectations of this nature should be handled ethically and with respect and may need to be competitively priced and there is no guarantee that the vendor providing the services will be the low bidder.
3. **Do not accept equipment as a "loaner" or "on evaluation."** Work with the Director, Contracting and Procurement to draft an Equipment Loan Agreement for equipment or software to be evaluated. All costs associated with the delivery, installation, evaluation and return of the equipment is borne by the vendor. Also, all risk of loss or damage remains with the vendor.
4. **Respect suppliers, vendors and contractors** – don't make commitments or promises we cannot fulfill and treat all vendors fairly and consistently without misleading them.
5. **Be wary of unethical tactics by phone solicitors** stating that they can offer you a deal on overstocked items or that it is time to re-order supplies for your office equipment or copier. All such calls should be immediately referred to the Purchasing Office.

6. Employees as Vendors

The basic principle underlying procurement ethics is that those in public service should use their positions for the college's benefit and not for their own private gain or the private gain of another. The use of LCCC employees to provide goods or services is strongly discouraged. ANY purchases from an employee should show evidence of competition and be approved in advance by the Director, Contracting and Procurement. This includes purchases made on Limited Purchase Orders.

If you are an Employee acting as a potential vendor or have a relative who is a potential vendor, you must disclose this relationship via the form titled "Disclosure of Substantial Interest" on an annual basis so long as the relationship exists.

7. **Gratuities and Conflict of Interest**

As an LCCC employee, you are subject to the laws and policies which impact all public employees. You are not to show favoritism to particular vendors or providers of services. You are also not allowed to share one vendor's quotes with another. **The acceptance of gifts and gratuities of value from outside interests such as vendors is illegal.** When in doubt about the acceptance of gifts that may be considered customary, remember, the best guideline is **DO NOT ACCEPT ANYTHING OF VALUE FROM A VENDOR.**

Conflict of Interest - A conflict of interest occurs when an employee either (1) has an existing or potential financial or other interest which impairs, or might appear to impair, the employee's independent judgment in the discharge of responsibilities to the College or (2) may receive a material, financial or other benefit from knowledge or information confidential to the College.

8. **Contracts**

For the purposes of this Guide, a "contract" is defined as an agreement between two (2) or more parties, which is intended to have legal effect and documents the pricing, scope or work and other related terms & conditions of the relationship. All contracts document a common understanding among the parties as to the essential terms of their agreement, contain mutual obligations, and set forth "legal consideration," meaning that something of value is exchanged between the parties and include "agreements" and memorandum of understanding (MOU). Oral arrangements are **not** an acceptable method of procurement; therefore they must be written to be enforceable. An agreement may constitute a binding contract even though one party provides something of value to the other party at no charge.

Per college policy and procedure; the initiation, review and routing of "contractual documents" by college employees who wish to involve college resources as noted below:

- The initial step for entering into a contractual relationship is to contact the Director, Contracting and Procurement (778-1280) first, not the vendor. Unless otherwise agreed to, contract, agreement and MOU negotiations are to be handled by the Director, Contracting & Procurement.
- Certificate of liability insurance (Purchasing Office can obtain, but it is required before services can begin)
- Contract negotiations must be done initially and before any paperwork is processed in order to best serve the potential relationship.
- All contracts require prior review and approval by the Director, Contracting and Procurement prior to final signature by the President or his/her designee.
- The Director, Contracting and Procurement is the only employee authorized to draft contracts, unless prior approval is granted. Whenever possible, contracts should be done using college approved forms and/or templates.
- **The LCCC President is the only employee authorized to sign legal agreements (contracts, MOU's, agreements, etc.), unless prior approval is granted or delegated.**

Professional Services:

W.S. § 9-2-1016 (b)(iv)(D) mandates that every Agreement/Contract for services over \$1,500.00 must be reduced to writing before services are performed. These Agreements/Contracts are drafted by the Director, Contracting and Procurement and may only be signed by the LCCC President or Designee, Vice President of Administration and Finance, or Director, Contracting and Procurement. The LCCC employee requesting the service to be performed must provide the Purchasing Office with the following information:

- Vendor Quote/Statement of Work
- Vendor's responsibilities and LCCC's responsibilities
- Vendor company name, address, email, phone and point-of-contact (name)
- Authorized written approvals and budget coding
- If the service exceeds \$20,000.00, then the Purchasing Office will go to bid for the services
- Sole Source Form (if applicable, to be determined by Director, Contracting and Procurement)
- Acquisition Review Worksheet (if applicable, to be determined by Director, Contracting and Procurement)
- W-9 (Purchasing Office can obtain, but it is required before services can begin)
- Certificate of liability insurance (Purchasing Office can obtain, but it is required before services can begin)

For purchases where the cost is less than \$1,499.00, an Agreement/Contract is not required, except in the following cases:

- Educational Affiliation Agreements
- Clinical Agreements
- Memorandum of Understanding (MOU)
- Lease Agreements
- Mentor Agreements
- Internships/Externships
- Guest Speaker/Lecturer
- Visiting Artists
- Theater Participants
- When any Company/Provider requests that LCCC sign their agreement, it must be routed to the Purchasing Office regardless of dollar amount
- **If you have a question, please ask the Director, Contracting and Procurement before you proceed**

Employees requesting a service to be performed that is less than \$1,499 must route the following to the Purchasing Office so the project may be handled correctly (if applicable):

- Vendor Quote/Statement of Work
- Vendor company name, address, email, phone and point-of-contact (name)
- Authorized written approvals and budget coding
- Acquisition Review Worksheet (if applicable, to be determined by Director, Contracting and Procurement)
- W-9 (Purchasing Office can obtain, but it is required before services can begin)
- Certificate of liability insurance (Purchasing Office can obtain, but it is required before services can begin)
- Contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR Part 180. These regulations restrict contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities. The Purchasing Office will verify eligibility prior to awarding contract.

Construction Bidding and Contract Requirements:

Construction procurement shall be conducted in accordance with all applicable State of Wyoming statutes, Board of Trustees Policies, and College procedures.

- Bid Security: shall be used on all competitive sealed bidding for construction services that exceed \$7,500 in value in accordance with W.S. §16-6-112, unless a waiver is deemed appropriate and approved by the Director, Contracting and Procurement. Bid security protects the College against the failure or refusal of the low bidder to supply the necessary performance and payment bonds, as required to proceed with the performance of the contract. Bid security shall be provided by a surety

company licensed to conduct business in the State of Wyoming or it shall be in the form of a cashier's check made payable to the College. Bid security is 5% of the bidder's base bid amount and is to be submitted at the time of the submittal of the sealed bid.

- Performance and Payment Bonds: required for all construction projects that exceed \$7,500 in value in accordance with W.S. §16-6-112, unless waived by the Director, Contracting and Procurement, in the amount of 100% of the contract price. The performance and payment bond shall be delivered to the College at the same time the contract is executed. If a contractor fails to deliver the performance and payment bond, the contractor's bid shall be rejected, its bid security shall be enforced, and award of the contract shall be made to the next lowest responsible and responsive bidder.
- OSHA Training Certification: for public construction contracts estimated to cost more than \$40,000, contractors must certify in the bid or the contract that the foreman at the worksite will have completed a course in construction safety and health that is at least ten hours (10-hour card) in duration and has been approved by the United States Occupational Safety and Health Administration. Proof of the OSHA-10 card is due submittal of sealed bid.
- When using Federal funds for construction projects, LCCC is encouraged to use value engineering clauses in contracts to offer reasonable opportunities for cost reductions. Furthermore, LCCC may only award contracts to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration will be given to the contractor's integrity, compliance with public policy, record of past performance, and technical and financial resources.
- Certificate of liability insurance (Purchasing Office can obtain, but it is required before services can begin) is required before services are provided onsite.

The Purchasing Office will issue a Purchase Order and send the PO to the vendor directly. No services can be performed until the aforementioned information is received by the Purchasing Office and a PO is issued and confirmed by the vendor.

9. Sole Source Purchasing

Products or services may be procured without competition if there is documentation that there is only one source available or unique circumstances exist that substantiate a sole source solution. Submission of cost and specifications data may be required by the requesting department in conjunction with the Purchasing department. Sole source procurement shall be avoided whenever possible. Requestors are to fill-out the Sole Source Justification Form, providing written justification which shall be signed by the Requestor and appropriate Vice President and then reviewed and approved by the Director, Contracting and Procurement.

When using Federal funds, it may be necessary to obtain written authorization to use the sole source method of purchasing from Federal awarding agency or pass-through entity.

10. Emergency Procurement

The purchase of goods or services on an "emergency" basis, without competition, is only approved by the Purchasing Office for situations that affect the safety and welfare of employees, students, and the public.

11. Cooperative Purchasing Agreements

LCCC has the option of using a number of established contracts developed by the College and other state, federal or educational agencies. We have cooperative purchasing agreements with the State of Wyoming, other colleges, and national educational purchasing organizations. The Purchasing Office can assist you in accessing information on these contracts. These agreements are negotiated on the behalf of groups of educational institutions or governmental entities. It is the intent of the College to support these agreements whenever possible. The College reserves the right to obtain the best possible price and quality even if it means not utilizing these agreements.

12. Procurement Utilizing Federal Funding

Generally, procurement using Federal funds must comply with LCCC's policies and procedures. However, specific Federal awards and/or contracts may impose stricter requirements that must be followed. It is expected that employees are aware of applicable restrictions and acknowledge that all purchases made with Federal funds are in full compliance with the award or contract's requirements.

13. Disposition of Surplus Materials

Employees shall notify the Buyer of all excess and surplus equipment and materials. Employees shall fill-out the LCCC Disposition Form for equipment to be disposed. The Buyer shall determine the fair market value of excess and surplus property. Methods used for determining value may include quotations, estimates, use of reference guides and other publications, as well as market indexes.

The Buyer shall facilitate the transfer of excess or surplus materials to or between colleges and eligible non-profit educational institutions. These excess or surplus materials must be offered to the colleges and other College operations prior to offering them to eligible non-profit educational institutions.

Surplus materials shall be offered through public auction, competitive sealed bids, established markets, or posted prices. If unusual circumstances render the above methods impractical, the Surplus Property Manager may employ other disposition methods, including appraisal or barter, provided the Surplus Property Manager makes a written determination that such procedure is advantageous to the College.

Methods of disposition of surplus materials shall be in accordance with College Procedure #8301 or 11.6.2.6P if purchased with Federal funds.

14. Preferential for Wyoming Residents

In accordance with Wyoming State Statutes, a percentage preferential for qualified Wyoming residents (refer to W.S. §16-6-101) will be allowed in the following instances:

- A. Labor, Materials and Public Works: A preferential of 5% will be allowed for labor, materials, supplies, agricultural products, equipment, machinery and provisions in accordance with W.S. §16-6-102 through 107.
- B. Printing: a preferential of 10% shall be granted for printing services in accordance with W.S. §16-6-301.
- C. Federal Funds: Expenditures or contracts involving federal funds are subject to federal rules and regulations. Under these conditions, a percentage preferential will not be applied.
- D. Wyoming Resident: means a person, partnership limited partnership, registered limited partnership, registered limited liability company or corporation certified as a resident by the department of employment in accordance W.S. §16-6-101.
- E. Preferential: Preference will be given pursuant to W.S. §16-6-101 through 16-6-108 as amended. For all quotes and bids a percentage preferential of 5% will be allowed. The preferential, when applied, will be accomplished by adding the 5% to the total of the non-resident bidder. Discounts offered will be taken into consideration and a deduction of the discount amount will be made before application of the preferential. Expenditures involving federal funds are subject to Federal Rules and Regulations, therefore under these conditions, a percentage preferential will not be allowed.
- F. Vendors who intend to claim the 5% preferential are required to submit written documentation with their respective Quote that will verify their current State of Wyoming "Resident" status. LCCC reserves the

right to omit or exclude a vendor(s) from receiving the 5% preferential per respective Quote in the absence of proper "Resident" verification, and shall not be responsible or liable for same.

- G. State of Wyoming resident verification/certification can be obtained from the Wyoming Secretary of State's office. To obtain "Resident" verification/certification, go to <http://www.soswy.state.wy.us> click on "Corporation", click on Database", click on "Name Search". A "Certificate of Good Standing" can be obtained by clicking on the "Filing No." or by clicking on "Certificate of Good Standing".

15. Affirmative Action

In accordance with Federal regulations, when using Federal funds for procurement activities, LCCC must take all necessary steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

16. Procurement of Recovered Materials

As a political subdivision of the State of Wyoming, LCCC and its contractors must comply with section 6002 of the Solid Waste Disposal act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 including procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.