



DEPARTMENT OF EDUCATION

OFFICE OF THE SUPERINTENDENT

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JON J. P. FERNANDEZ
Superintendent of Education

STANDARD OPERATING PROCEDURES

SOP 200-025

I. SUBJECT Procedures for Maintaining the Procurement File
II. INQUIRIES Office of Supply Management (Procurement Office)

III. PURPOSE

These Standard Operating Procedures (SOP) for Maintaining the Procurement File are designed to make the procurement process more transparent, ensure accountability, and reduce waste of public resources. Having sound records management is a vital aspect of ensuring transparency and accountability in the procurement process. Record keeping practices will ensure the conduct of procurement transactions in an orderly, efficient and accountable manner. It will help reduce the vulnerability to legal challenges, in accordance with applicable local and federal statutes and regulations.

IV. APPLICABILITY

Except as otherwise provided by law, these procedures shall apply to the management of all Guam Department of Education (GDOE) purchases, paid with GDOE local funds or out of monies under the control of GDOE; for example, US Department of Education grant funds and other US federal grant funds.

This SOP supersedes all previous SOP's relevant to this topic.

V. REFERENCES

To fully understand what is required for the proper procurement of goods, services and construction, the Standard Operating Procedures (SOP) contained throughout this document must be consulted and carefully followed. A working knowledge of the prerequisites contained below will also be helpful.

1. 2 CFR § 200.318 – 200.326
2. Guam Code Annotated, Title 5, Division 1, Chapter 5, Guam Procurement Law
3. Guam Administrative Rules and Regulations, Title 2, Division 4, Procurement Regulations
4. Public Law 6-64 of Department of Education's Record Keeping and Safe Guarding (Appendix A-1)

VI. STEP-BY-STEP PROCESS FOR MAINTAINING THE PROCUREMENT FILE

A. Step 1: Contents of Record

The procurement office must maintain a record of all contracts made for Sole Source Procurement & Emergency Procurement, for a minimum of five (5) years. The record shall contain:

- a) Each contractor's name
- b) The amount and type of each contract; and
- c) A listing of the supplies, services, or construction procured under each contract.

A copy of such record shall be submitted to the Legislature on an annual basis. The record shall be available for public inspection.

B. Step 2: Record of all (other) Procurement actions

The procurement office must maintain a complete record of all procurement activities. The record shall include the following:

- a) The date, time, subject matter and names of participants at any meeting including government employees that are in any way related to a particular procurement;
- b) A log of all communications between government employees and any member of the public, potential bidder, vendor or manufacturer which is in any way related to the procurement;
- c) Sound recordings or agenda of all pre-bid conferences; negotiations arising from a request for proposals and discussions with vendors concerning small purchase procurement;
- d) Brochures and submittals of potential vendors, manufacturers or contractors, and all drafts, signed and dated by the draftsman, and other papers or materials used in the development of specifications; and
- e) The requesting department's determination of need.

In addition to the requirements for Sole Source and Emergency Procurement stipulated above, procurement records must be retained and disposed of in accordance with the records retention guidelines and schedules approved by the Office of the Attorney General. If a procurement is in litigation, all related records must be maintained until the timeline for appeals has exhausted.

C. Step 3: Certification of Records (IFB's, RFP's & Small Purchase contracts)

No procurement award shall be made unless the Procurement Official responsible for the procurement certifies in writing under penalty of perjury that he or she has maintained the procurement record required in the procurement regulations and that it is complete and available for public inspection. This certification must be a part of the procurement file.

D. Step 4: Rules for Procurement Records:

- a) Protect the integrity of the bidding process;
- b) Protect the confidentiality of trade secrets;
- c) Establish reasonable charges for copying papers;
- d) Provide for and establish reasonable charges for transcription of sound recordings;
- e) Require public access to the record at the earliest possible time; and
- f) Not require that the record be complete or that the procurement award be made before inspection and copying are permitted, except as noted in F b) below.

E. Step 5: Order of Individual Files

There shall be a proper order of Exhibits within every Invitation for Bids (IFB) and Request for Proposals (RFP) packet (Appendix A-2).

F. Public Access to Files

- a) **IFB Process:** All information should be made available to the public for inspection, unless bidder has designated information to be proprietary.
 1. Prices and makes and models or catalogue numbers of the items offered, deliveries, and terms of payment shall be publicly available at the time of bid opening regardless of any designation to the contrary.
 2. Should bidder indicate in writing that a portion of his submission is to be proprietary:
 - a. The assigned buyer must examine the bids to determine the validity of the request for nondisclosure of trade secrets and other identified proprietary data.
 - b. The buyer will prepare a determination to file on whether the bidder's request is valid and is acceptable or unacceptable.

- c. If the parties do not agree as to the disclosure of data, the Procurement Officer shall inform the bidder in writing. The bidder will be afforded the opportunity to object to the determination.
- b) **RFP Process:** Information cannot be released until an executed contract has been signed by the Governor. In an RFP process, only the successful offeror's proposal packet and the procurement file are open for public inspection. The unsuccessful offerors' proposal packets are not subject to public inspection.

VII. ROLES and RESPONSIBILITIES

The following are the key personnel in the Procurement process. The specific responsibilities and expectations of these individuals are delineated as follows:

A. Procurement Office:

The role of the Procurement Office is to provide leadership, guidance, and enforcement of the policies, regulations and procedures as stipulated in this document. The Procurement Office is the main point of contact for all questions or concerns regarding the Department's procurement activity.

B. End User:

Schools and Divisions are the ultimate End Users of the procured services, supplies, materials and equipment. End Users are responsible for initiating the purchase requisitions in the Munis system and for causing their approval. End Users may assign particular individuals to initiate requisitions in Munis.

C. Munis System:

The financial management information system purchased from Tyler Technologies in September 2011 and operational in April 2012. Tyler's Munis is a resource planning solution which integrates GDOE core financial functions, among them are procurement, fixed assets receiving and fixed assets inventory.

D. Vendor:

The vendor is approved by the GDOE Procurement Office to provide goods, services, or construction to GDOE schools and divisions.

E. Superintendent of Education: (Chief Procurement Officer for GDOE)

The Superintendent of Education, as head of the Guam Department of Education, shall have general supervision of all procurement activity within the Guam Department of Education (GDOE), its schools and divisions. This responsibility shall not, however, relieve any school or division of their accountability for the procurement roles under its control. The Superintendent:

1. Shall ensure that all of those in a management capacity below him/her enforce the requirements contained in these Standard Operating Procedures.
2. Shall be responsive to violations and take appropriate action.

F. Third Party Fiduciary (TPFA):

The TPFA is responsible for providing guidance, management leadership, and accountability of USDOE funded procurements.

VIII. NON COMPLIANCE

The Superintendent, Deputy Superintendent of Finance & Administrative Services, and the Supply Management Administrator will be advised of any violations to procurement procedure. Non-compliance of any of the regulations set-forth in this document may result in disciplinary action, up to termination.

For questions or concerns regarding compliance, contact the Procurement Office.

IX. CONTACT INFORMATION

The Office of Supply Management is located at:

500 Mariner Avenue, Suite A-13
Barrigada, Guam 96913

TELEPHONE: 475-0438
FAX: 472-5001
EMAIL: procurement@gdoe.net

X. APPENDIX A – PROCUREMENT FORMS

The following forms and samples are provided to assist and ensure that the forms are properly filled out correctly, and to prevent delays in the processing of documents.

- A-1 Public Law 6-64
- A-2 Sample IFB & RFP Exhibit (AG Procurement Form 001)

Contact the Procurement Office to obtain complete, printable copies of the form (above), or for additional assistance.

XI. INTERNAL CONTROL

The Supply Management Administrator and Buyer Supervisors are charged with ensuring the validity of these procedures and their compliance. The Internal Audit Office ("IAO"), through its Management Internal Controls ("MIC") program, will periodically validate these SOPs and recommend improvements where needed.

XII. TRAINING

The Supply Management Administrator will ensure training is conducted and available for all GDOE and Private, Non-Public (PNP) End Users (school administrators, division heads and staff) in these procurement procedures at least annually.

The Supply Management Administrator will seek opportunities for Procurement Office staff to be trained and updated on methods and regulations of procurement.

XIII. REPORTS

The Supply Management Administrator will submit the following reports to the Deputy Superintendent of Finance & Administrative Services, Superintendent, and Guam Legislature:

- Annual Report on Sole Source & Emergency Procurements as required by law

XIV. PENALTY

Failure to adhere to this SOP may result in disciplinary action, up to and including termination, in accordance with the GDOE Personnel Rules & Regulations.

XV. EFFECTIVE DATE

Upon date of approval and signature, unless otherwise noted.

XVI. CHANGES

Changes to this policy shall be effectuated by the Superintendent of Education.

Approved by:

C Charfauros

Carmen T. Charfauros
Supply Management Administrator

2/27/18

Date:

T Maitano

Taling M. Taitano
Deputy Superintendent of Finance and
Administrative Services

2/28/18

Date:

J P Fernandez

Jon J. P. Fernandez
Superintendent of Education

3/2/18

Date:

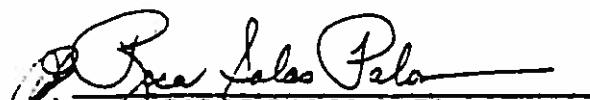
APPENDIX

A-1 & A-2

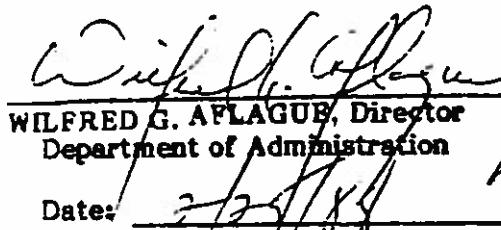
AUTHORIZATION FOR RETENTION AND DISPOSITION
GOVERNMENT OF GUAM RECORDS
SECTION 6707, PUBLIC LAW 6-64

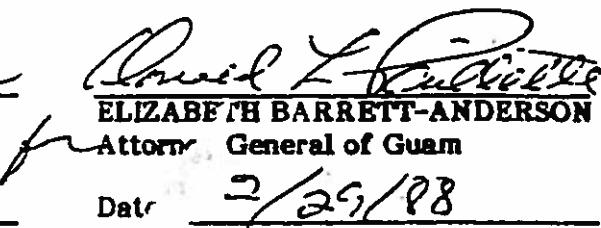
This authorizes a retention and disposition schedule for official records of the
Department of Education per Section 6707, Public Law 6-64.

APPROVED:


ROSA SALAS PALOMO, Director
Department of Education

Date: 02/17/88


WILFRED G. AFLAGUE, Director
Department of Administration
Date: 2/25/88


ELIZABETH BARRETT-ANDERSON
Attorney General of Guam
Date: 2/29/88

RECEIVED
1/26/88
ba
ATTORNEY GENERAL OF GUAM

**GENERAL RECORDS SCHEDULE
DEPARTMENT OF EDUCATION**

The records described below relate to all procedures, controls and related matters pertaining to the Department of Education within the Territorial Government as administered under the Authority of applicable laws, rules and regulations and are the official records retention/disposal schedule for the Department of Education in accordance with the Government Code of Guam, Section 6707, Public Law 6-64.

<u>Item No.</u>	<u>Description of Records</u>	<u>Method of Filing</u>	<u>Authorized Disposition</u>
1.	Correspondence, Public Laws, Executive Order that document the development, establishment and execution of all policies, plans and procedures for administering territorial laws and regulations pertaining to Department of Education management within the Government of Guam.	Numerically/ Subjectively	Permanent. Transfer one copy to Territorial Archives.
* 2.	Correspondences and subject files relating to Department of Education having no historical or legal value.	Subjectively/ Chronologically	3 years, then dispose IAW P.L. 6-64, Section 6707.
3.	Board Minutes, By-Laws, Charts, Staffing Pattern/ Functional.	Chronologically/ Subjectively	Permanent.
4.	Student Records which includes applications for admission, health certificates, test results, transcripts, evaluations and related correspondence.	Alphabetically	Permanent.
* 5.	Business Services Division consisting of FY budgets, allotments, expenditures, disbursements, payroll and fiscal related documents and records.	Subjectively/	Permanent.
6.	Counselor's Records	Alphabetically	10 years, then dispose IAW P.L. 6-64, Section 6707.

* 7.	Official Personnel Folders consisting of actions, evaluations and other documents relating to individual employees.	Alphabetically	Permanent.
* 8.	Procurement Records-The series covers records documenting all types of contracts, including fixed price, cost and maintenance contracts, letters of intent and other contractual agreement. Also, included are amendments, changes and supplementary agreements to any of these procurement action.	Numerically/ Subjective Chronological	10 years after file is closed, then dispose. IAW P.L. 6-64, Section 6707.
9.	Requisitions and purchase Orders.	Numerical .	5 years after audit, then dispose. IAW P.L 6-64, Section 6707.
* 10.	Bids/Proposals (Records in this series include all documents pertinent to the Specific bid/proposal such as, Advertisement, Amendments, Invitation, etc.	Numerical/ Chronological	5 years after audit, then dispose. IAW P.L. 6-64, Section 6707.
11.	Logbooks-Log of incoming requisitions, purchase order number assignments.	Chronological (by fiscal year)	5 years, then dispose.
12.	Stock Record Cards	Numerically	6 years, then dispose.
13.	Annual Reports	Subjective/ Chronological	Permanent.
14.	Quarterly Reports	Subjective/ Chronological	5 years, then dispose IAW P.L. 6-64, Section 6707.
15.	Monthly Reports	Subjective/ Chronological	5 years, then dispose IAW P.L. 6-64, Section 6707.
16.	Physical Inventory	Subjective/ Chronological	Permanent.

17.	Handbooks (Teachers, Students, Curriculum and lesson plan books).	Subjective/Chronological	Retain until superseded.
18.	Federal Records-Grant Awards and Financial Reports.	Subjectively	Permanent.
19.	Federal Regulations	Numerically	Retain until suspended.
20.	Travel Authorization and Reports	Subjective/Chronological	5 years/transfer to Records Center for two years, then dispose.
21.	Guam State Advisory Committee	Subjective/Chronological	5 years/transfer to Records Center for two years, then dispose.
22.	Accreditation Reports	Subjective/Chronological	5 years/transfer to Records Center for two years, then dispose.
23.	Publishing & Publications	Chronological	2 years, or when obsolete.
24.	Equipment Inventory	Alphabetically	Permanent.
25.	Computer Alpha Listing	Chronological	1 year, then dispose.
26.	Technical Reference Materials	Chronological	Retain until suspended
27.	Cartographic Materials	Subjectively	Permanent.
28.	Art/Music	Subjectively	2 years, then dispose.
29.	Physical Education Program	Subjectively	2 years, then dispose.
30.	Home Economics	Subjectively	2 years, then dispose.
31.	Industrial Arts	Subjectively	2 years, then dispose.
32.	Special Education	Subjectively	2 years, then dispose.
33.	Testing	Subjectively	2 years, then dispose.
34.	Building Inspection	Subjectively	5 years, then dispose.

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35.	Fire Inspection Report	Subjectively	5 years, then dispose.
36.	Evacuation Plan	Subjectively	Permanent.
37.	Handicapped Law Report	Chronological	Permanent.
38.	Compliance Monitor Review	Chronological	5 years, then dispose.
39.	Guam Special Olympics	Chronological	2 years, then dispose.
40.	Hearing Aid Case Program	Chronological	3 years, then dispose.
41.	Gifted/Talented Program	Chronological	3 years, then dispose.
42.	Off-Island School Literature	Chronological	2 years, or when obsolete.
43.	Curriculum Guides	Subjectively	Retain until superseded.
44.	State Plan, Clearinghouse Project Applications	Subjectively/Chronological	5 years, then dispose.
45.	Energy Audit Report	Chronological	Permanent.
46.	School Committee	Subjectively	2 years, then dispose.
47.	Discipline Procedures	Chronological	5 years, then dispose.
48.	School Bus Schedule	Chronological	1 year, then dispose.
49.	Field Receipts	Numerically	Permanent.
50.	Maintenance Service Requests	Chronological	1 year, then dispose
51.	Non Appropriated Funds	Chronological	Permanent.
52.	Fire & Typhoon Procedures	Chronological	10 years, then dispose
53.	Vandalism Reports	Chronological	10 years, then dispose
54.	Vocal & Instrumental Program	Chronological	1 year, then dispose.
55.	Professional Certification	Chronological	Permanent.
56.	Parents, Teachers Association	Chronological	2 years, then dispose.
57.	Principals, Faculty & Staff Meeting	Chronological	1 year, then dispose.
58.	School Sanitation Survey Report	Chronological	5 years, then dispose.
59.	United Fund Drive	Chronological	1 year, then dispose.
60.	Classroom Schedules	Subjectively	1 year, then dispose.

61.	Availability Summary (Teachers)	Chronological	2 years, then dispose.
62.	Burning Permit	Chronological	1 year, then dispose.
63.	Surrogate Parent Procedures	Chronological	Permanent.
64.	Police Report	Chronological	10 years, then dispose
65.	School Portrait Contract	Subjectively	1 year, then dispose.
66.	Student Award Listing	Subjectively	1 year, then dispose.
67.	Adjudicated Clients	Alphabetically	Permanent.
68.	Court Petitions	Subjectively/ Chronological	Permanent.
69.	Discipline Advisory Council	Subjectively/ Chronological	3 years, then dispose.
70.	Habitual Truancy Correspondence	Subjectively/ Chronological	Permanent.
71.	Teen Parenting Program	Subjectively/	Permanent.
72.	Truancy Procedures	Subjectively	Permanent.
73.	Suspensions	Alphabetically/ Subjectively	Permanent.
74.	Student Injury Report	Chronological	3 years, then dispose.
75.	Grievances	Subjectively	5 years, then dispose.
76.	Curriculum Guides	Subjectively	Retain until Super- seded.
77.	Medical Services: 1. Dental Screening 2. Hearing " 3. Visual " 4. Mental Health Coordinator 5. Nutritionist, etc.	Chronological	Permanent.
78.	Power & Water Consumption Report	Chronological	2 years, then dispose
79.	Production Requests & Lamination Usage	Chronological	3 years, then dispose
80.	Time & Attendance Sheets	Chronological	1 year, then dispose.

81.	Capital Improvement	Chronological	Permanent.
82.	School Lunch Program Applicants	Chronological	5 years, then dispose.
83.	Identification Records	Numerically	Permanent.
84.	Employee Activities and Presentations	Chronological	Permanent.
85.	Research Presentations	Chronological	Permanent.
86.	Public Information Activity	Chronological	7 years, then dispose.
87.	Community Affairs Records	Subjectively	Permanent.
88.	Internal Publications (Record Copy)	Chronological	Permanent.
89.	Law Record-Federal, State & Local	Chronological	When Superseded.
90.	Employee Clearance Lists	Alphabetically	When Superseded.
91.	Bills of Lading	Numerically	3 years, then dispose.
92.	Delivery Reports	Numerically	3 years, then dispose.
93.	Freight Bills	Numerically	3 years, then dispose.
94.	Receiving Documents	Numerically	3 years, then dispose.
95.	Shipping and Related Documents	Numerically	6 years, then dispose.

CERTIFICATION of COMPLETED PROCUREMENT RECORD

Instructions: After ascertaining the statement's accuracy and truthfulness, the agency's procurement officer (director or head of agency) must sign the Certification below to indicate that the agency has kept a complete procurement record of all documents required by law. The checklist below is provided to ensure that the record is complete, and must be filled out by the procurement officer or administrator. The checklist is comprised of every item that is required by law for an invitation for bid (IFB) or a request for proposal (RFP), and therefore every item, except as noted below, must be checked for the resulting contract to be considered legally sufficient. Please assemble the procurement record in the order stated below and place it in a three-ring binder, with visible tabs for each of the items below appearing in numerical order.

IFB/RFP No: _____ Contractor: _____

- 1. Published notice in newspaper of general circulation
- 2. Procurement package (IFB or RFP) issued to bidders or offerors
- 3. Log of distribution of procurement package
- 4. Amendments to IFB or RFP, if any were issued
- 5. Logs of distribution of amendments to IFB or RFP, but only if amendments were issued
- 6. Minutes or summary of pre-submission conferences, but only if conferences were held
- 7. Logs of attendees of pre-submission conferences, but only if conferences were held
- 8. Written questions from bidders or offerors, but only if any questions were received
- 9. Written answers, but only if any questions were received
- 10. Proof that written answers were provided to all potential bidders or offerors, but only if any questions were received
- 11. Log of bids or registry of proposals received
- 12. Each bid or proposal received
- 13. Evaluation of proposals or analysis of bids (bids are not required by law to be analyzed, but may be)
- 14. Tabulation of evaluations or analysis (tabulations are not required by law but recommended)
- 15. Letters to bidders concerning outcome of bid; for offerors, letters informing them of ranking and letter to best qualified offeror inviting negotiations
- 16. Memorandum of evaluations and negotiations (only required for RFP's)
- 17. Notice of intent to award
- 18. Any and all communications from or to anyone concerning any part of ITB or RFP
- 19. Contract, including all draft versions
- 20. Bid protests, if any, and responses thereto
- 21. Any determination required by law as may fit the circumstances

CERTIFICATION: Pursuant to 5 G.C.A. §5250, I hereby certify under penalty of perjury that I am the procurement officer responsible for administering the solicitation of the acquisition referenced above, and that I have caused to be prepared and now maintain a full and complete record of the procurement as required by law.

Signature: _____

Print Name: _____ Date: _____

electronic mail (email) correspondences may be used for evidentiary purposes in the appellate procedures contained in this Chapter.

SOURCE: Added by P.L. 32-015:1 (Apr. 11, 2013) as 5 GCA § 5132. Codified by the Compiler to this section pursuant to 1 GCA § 1606.

§ 5248. Record of Procurement Actions Taken Under §§ 5214 and 5215 of this Chapter.

(a) **Contents of Record.** The Chief Procurement Officer or the Director of Public Works shall maintain a record listing of all contracts made under § 5214 or § 5215 of this Chapter for a minimum of five (5) years. The record shall contain:

- (1) each contractor's name;
- (2) the amount and type of each contract; and
- (3) a listing of the supplies, services or construction procured under each contract.

(b) **Submission to Legislature.** A copy of such record shall be submitted to the Legislature on an annual basis. The record shall be available for public inspection.

SOURCE: GC § 6964.3. MPC § 3-704.

§ 5249. Record of Procurement Actions.

Each procurement officer shall maintain a complete record of each procurement. The record shall include the following:

(a) the date, time, subject matter and names of participants at any meeting including government employees that is in any way related to a particular procurement;

(b) a log of all communications between government employees and any member of the public, potential bidder, vendor or manufacturer which is in any way related to the procurement;

(c) sound recordings of all pre-bid conferences; negotiations arising from a request for proposals and discussions with vendors concerning small purchase procurement;

(d) brochures and submittals of potential vendors, manufacturers or contractors, and all drafts, signed and dated by the draftsman, and other papers or materials used in the development of specifications; and

(e) the requesting agency's determination of need.

SOURCE: GC § 6964.4 added by P.L. 18-044:17.

§ 5250. Certification of Record.

No procurement award shall be made unless the responsible procurement officer certifies in writing under penalty of perjury that he has maintained the record required by § 5249 of this Chapter and that it is complete and available for public inspection. The certificate is itself a part of the record.

SOURCE: GC § 6964.5 added by P.L. 18-044:18.

§ 5251. Public Record.

The record required by § 5249 of this Chapter is a public record and, subject to rules promulgated by the Public Auditor, any person may inspect and copy any portion of the record.

SOURCE: GC § 6964.6 added by P.L. 18-044:19. Amended by P.L. 28-068:IV:66 (Sept. 30, 2005).

§ 5252. Rules for Procurement Records.

The rules promulgated pursuant to § 5251 of this Chapter shall:

- (a) protect the integrity of the bidding process;
- (b) protect the confidentiality of trade secrets;
- (c) establish reasonable charges for copying papers;
- (d) provide for transcription of sound recordings;
- (e) require public access to the record at the earliest possible time; and
- (f) not require that the record be complete or that the procurement award be made before inspection and copying are permitted.

SOURCE: GC § 6964.7 added by P.L. 18-044:20.