



DEPARTMENT OF EDUCATION OFFICE OF THE SUPERINTENDENT

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JON J.P. FERNANDEZ
Superintendent of Education

STANDARD OPERATING PROCEDURES

SOP#: 200-030

I. SUBJECT **Procedures for Emergency Procurement**

II. INQUIRIES **Office of Supply Management ("Procurement Office")**

III. PURPOSE

Emergency Procurement can only be authorized by the Superintendent of Education (Chief Procurement Officer) when there exists a threat to public health, welfare, or safety in accordance with applicable local and federal statutes and regulations.

IV. APPLICABILITY

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

This SOP supersedes all previous SOPs 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 contained throughout this document must be consulted and carefully followed. A working knowledge of the prerequisites contained below will also be helpful.

- A. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, in particular, 2 CFR §§200.318-200.326
- B. USDOE Special Conditions issued annually in June
- C. Guam Code Annotated, Title 5, Division 1, Chapter 5, Guam Procurement Law
- D. Guam Administrative Rules and Regulations, Title 2, Division 4, Procurement Regulations

VI. KEY TERMS

The words defined are commonly used purchasing terms. The following terms are not intended to be legal definitions.

Declaration: Certificate of Emergency prepared for the signatures of the Superintendent and the Governor declaring the need for the emergency procurement.

Determination of Need ("DON"): A questionnaire required to be completed and submitted by the End User which justifies the requested procurement. (Appendix A-2)

Emergency: Means a condition posing an imminent threat to public health, welfare, or safety which could not have been foreseen through the use of reasonable and prudent management procedures, and which cannot be addressed by other procurement methods of source selection.

Emergency Timeline: Purchase Order will only be valid for thirty (30) days.

End User: A party (School/Division) that initiated the request for the purchase of goods, services, or construction.

End User Memorandum ("EUM"): A questionnaire required to be completed and submitted by the End User which further justifies the requested procurement and provides information that will be used by legal counsel to properly review and assess the process. (Appendix A-1)

Natural Disaster: Typhoons, earthquakes, flooding and other acts of God or occurrences that are beyond GDOE control.

Request for Quote: A request sent to potential vendors for pricing of goods, services, or construction based on the End User's needs.

Scope of Service/Work or Specification: A detailed description developed by the End User which includes the deliverables, services to be rendered, or work to be performed. The specification is a document which clearly, accurately, and completely describes the essential requirements of the goods or service being purchased. The specification is the basis of all offers and is the foundation for the contract.

VII. COMMODITY OR SERVICE AMOUNTS

Typically, emergency procedures are used for purchases over the small purchase threshold as emergency procedures will likely take more time, e.g., time needed to obtain Governor's approval on Declaration. The small purchase limit is \$25,000 and above for local and non-USDOE federally funded procurements, \$100,000 for construction, and \$150,000 for USDOE federally funded procurements.

Thresholds:

- A. Local Funds and Non USDOE Federal Funds: \$500 and below (1 quote required)
- B. Local Funds and Non USDOE Federal Funds: \$25,000 and below (3 quotes required)
- C. Local Funds and Non USDOE Federal Funds: \$25,000.01 and above (Formal Solicitation)
- D. USDOE Federal funds: \$150,000 and below (3 quotes required)
- E. USDOE Federal Funds: \$150,000.01 and above (Formal Solicitation)
- F. Construction Services: \$100,000 and below (3 quotes required)
- G. Construction Services: \$100,000.01 and above (Formal Solicitation)

VIII. STEP-BY-STEP EMERGENCY PROCUREMENT PROCESS

A. Step 1: End User Process

1. The End User will submit an internal memorandum to the Superintendent, the Supply Management Administrator ("SMA"), and Legal Counsel about the emergency. The SMA will consult with Legal Counsel and determine if the current situation is justifiable as an actual emergency. If it is agreed that it is an emergency pursuant to 5GCA § 5215, a determination letter will be prepared for the file and a copy provided to end user. If it is determined that an emergency does not exist, the End User will be notified to follow the appropriate procurement procedures.
2. Legal Counsel will prepare and the Superintendent will transmit a memorandum explaining the emergency and the Declaration for Emergency Procurement to the Governor of Guam requesting approval of the emergency procurement. A certified copy of the Declaration, i.e., Certificate of

Emergency, must be submitted to the Speaker of the Guam Legislature prior to the procurement award. A copy of the approved Declaration should also be provided to end user.

3. Once the Governor has signed the Declaration authorizing the emergency procurement and a copy made available to the Speaker, a requisition must be entered into the MUNIS system and released into workflow.
4. The End User must complete the following items listed below, attach said documents to the requisition on MUNIS, and submit a hard copy to the assigned buyer who will be handling the Emergency Procurement:
 - a. **End User Memorandum ("EUM") Form (Appendix A1)**
 - b. **Determination of Need ("DON") Form (Appendix A-2)**
 - c. **Detailed Scope of Service/Work/Specifications**
 - d. **Declaration signed by the Governor**
 - e. **Determination prepared by the SMA**

See SOP 200-037 on Requisition Entry for more details.

5. Once the procurement process has begun, the End User should refer all vendor inquiries to the buyer in charge.

B. Step 2: Buyer's Responsibility

1. Verify that the requisition has been entered into the MUNIS system.
2. Ensure that the **EUM, DON, Scope of Services/Work/Specifications, Declaration signed by the Governor, and Determination prepared by the SMA** have been completed and attached to requisition.
3. Ensure that the procurement file is complete by collecting documentation as required throughout the procurement process. See SOP 200-025 on Procedures for Maintaining the Procurement File for additional guidance.

C. Step 3: Preparing the Request for Quote ("RFQ")

The buyer responsible for preparing the RFQ (Appendix A-3) will input all the pertinent information onto the RFQ template utilizing the supporting documentation attached to requisition.

D. Step 4: Required Quotes:

1. After the buyer has completed the RFQ, it must be sent to **three (3) or more vendors who are able to provide the services or goods required.**
2. The assigned buyer must indicate a timeline (at least a three (3) work day turnaround) as to when the quotes must be submitted to GDOE.
3. Once all the quotes have been submitted, the assigned buyer must review the quotes to see which vendors meet the Department's requirements. The assigned buyer must consult with the End User on the selection of the lowest, most responsive and responsible vendor.
4. The assigned buyer will recommend the lowest quote from a responsive and responsible vendor to SMA for concurrence.
5. The assigned buyer must complete a Notification of Procurement (AG Form 012) if the emergency procurement is over \$500,000.00 (Appendix A-4). This form must be submitted to GDOE Legal counsel.

E. Step 5: Purchase Order

Once the vendor is selected, the assigned buyer will process the requisition and convert it into a purchase order for issuance to the successful vendor.

F. Step 6: Communication Log

The buyer must keep a communication log of all communications pertaining to the Emergency Procurement. This includes all written communications such as emails, facsimiles or memos between the department and vendor. See separate SOP-200-025, Procedures for Maintaining the Procurement File, for more information.

ALL COMMUNICATIONS REGARDING THE PROCUREMENT SHOULD ONLY BE HANDLED BY THE ASSIGNED BUYER. SHOULD A PROSPECTIVE VENDOR REQUIRE ANY TYPE OF INFORMATION, THE ASSIGNED BUYER MUST HANDLE IT.

G. Step 7: Next Steps

The Emergency Procurement is only good for 30 days. If additional goods or services are required by the End User, the End User should immediately begin the appropriate procurement process to obtain the additional goods or services before the end of the 30 day procurement period. If those required goods and services cannot be obtained by the time required and it is determine that an emergency continues to exist, these steps must be repeated until a more permanent solution is put in place.

IX. 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. Office of Supply Management (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 for initiating 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 our 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, and/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 shall take appropriate action.

F. Third Party Fiduciary (TPFA):

The TPFA is responsible for providing guidance, management leadership, and accountability of USDOE funded procurements. The TPFA has the final approval of the use of all US Department of Education Funds funded procurements.

X. 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 and including termination.

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

XI. CONTACT INFORMATION

The Office of Supply Management is located at:

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

TELEPHONE: (671) 475-0438
FAX: (671) 472-5001
EMAIL: procurement@gdoe.net
WEBSITE: www.gdoe.net/procurement

XII. APPENDIX A – PROCUREMENT FORMS

The following forms and samples are provided to assist in ensuring that the forms are filled out correctly and prevent unnecessary processing delays.

- A-1 End User Memorandum "EUM"
- A-2 Determination of Need "DON"
- A-3 Request for Quote "RFQ" Template
- A-4 Notification of Procurement over \$500,000.00 (AG Form 012)

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

XIII. INTERNAL CONTROL

The Supply Management Administrator and Buyer Supervisors are charged with ensuring the validity of these procedures and their compliance. The SMA will review each emergency procurement to ensure that the appropriate procedures have been followed and the appropriate documentation is in place. The Internal Audit Office ("IAO"), through its Management Internal Controls ("MIC") program, will periodically validate SOPs and recommend improvements where needed.

XIV. 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) on 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.

XV. REPORTS

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

- **Record of all Emergency Procurement:** This record must be kept for five years, made available for public inspection and must be submitted annually to the Legislature. The record includes each contractors name, amount and type of procurement, list of supplies, services or construction procured.

XVI. PENALTY

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

XVII. EFFECTIVE DATE

Upon date of approval and signature, unless otherwise noted.

XVIII. CHANGES

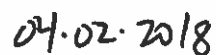
A formal review of this SOP should be conducted at least once every two years to determine if updates are necessary.

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

Approved by:



Carmen T. Charfauros
Supply Management Administrator



Date:



Taling M. Taitano
Deputy Superintendent of Finance and
Administrative Services



Date:



Jon J.P. Fernandez
Superintendent of Education



Date:

APPENDIX

A-1 THROUGH A-4

Appendix A-1

GDOE PROCUREMENT FORM – END USER MEMO – REVISED 11/2013

END USER MEMO

1. Has a written Determination of Need been completed? (5 GCA 5249) ☐ Y ☐ N ☐
a. By Whom? _____
2. Is the procurement for professional services? ☐ Y ☐ N ☐
(5 GCA 5216/2 GAR 3114)
a. What type of services? _____
b. Are the services available from existing GDOE personnel? ☐ Y ☐ N ☐
c. If not, has the need for services been explained in the written Determination of Need? ☐ Y ☐ N ☐
3. What will be the relationship between the vendor and GDOE? (examples: consultant, direct service provider) (2 GAR 3114)

4. Are there requirements in law or regulation regarding this procurement? ☐ Y ☐ N ☐
a. If yes, cite law or regulation: _____
b. Describe the requirement: _____

5. Are the services or products needed for more than one year? ☐ Y ☐ N ☐
(5 GCA 5237/2 GAR 3121)
a. If yes, for how long? _____
b. How was this determination made? _____

6. Who developed the specifications/scope of work for this solicitation?

-
- a. Were technical literature or manufacturer's brochures used in developing the specifications/scope of work? ☐ Y ☐ N ☐
- b. If yes, list the literature or brochures: _____

7. Is there a trade publication, website, or other method to publish the RFP/IFB to vendors who provide the services described in the solicitation? ☐ Y ☐ N ☐
- a. If yes, describe the method: _____

- b. Are there vendors known to be interested in performing the services or providing the product in the RFP/IFB? ☐ Y ☐ N ☐
- If yes, list the vendors: _____

8. Do the specifications include only essential functions required to meet GDOE's needs? (5 GCA 5268/2 GAR 4102) ☐ Y ☐ N ☐
9. Are the specifications/scope of work unduly restrictive? (5 GCA 5265) ☐ Y ☐ N ☐
10. Do the specifications/scope of work contain features peculiar to one provider? (5 GCA 5268/2 GAR 4106 & 4102) ☐ Y ☐ N ☐
11. Is this recommended for restricted competition or for sole source procurement? ☐ Y ☐ N ☐
- a. If yes, explain the need for restricted competition (5 GCA 5268/2 GAR 4106):
(example, grant specific/ govt – govt)

- b. If grant specific, is relevant grant narrative and approval attached ☐ Y ☐ N ☐

12. Do specifications/scope of work describe relevant technical requirements or desired performance? (5 GCA 5268/2GAR 4102&4109) ☐ Y N ☐
13. Do specifications/scope of work contain restrictions that do not affect performance? ☐ Y N ☐
14. Do specifications/scope of work permit maximum practicable competition? (5 GCA 5265/2 GAR 4102) ☐ Y N ☐
15. Is solicitation for a product that is biodegradable, reusable, recyclable, made from recycled material, or a combination of these qualities? (2 GAR 1102) ☐ Y N ☐
16. Is solicitation for concrete or asphalt paving, or construction/repair of highways? (5 GCA 5218) ☐ Y N ☐
17. Is solicitation for horticulture products? (5 GCA 5008) ☐ Y N ☐
18. Is solicitation for produce or fish from local farmers or fishermen? (5 GCA 5001) ☐ Y N ☐
19. Is solicitation for lease of equipment, supplies, or real property? (2 GAR 3119) ☐ Y N ☐
20. Is solicitation for an indefinite quantity? (2 GAR 3119/6101) ☐ Y N ☐
- a. If yes, why is an indefinite quantity needed? _____
- b. What is the approximate minimum quantity needed? _____
- c. Can product be broken into unit prices? ☐ Y N ☐
- d. Will the product be purchased over a specific period of time? (example: an indefinite quantity over six months or a year?) ☐ Y N ☐
- e. If yes, what period of time? _____

21. Were the specifications/scope of work developed by or in consultation with an existing GDOE vendor? (2 GAR 4103) ☐ Y ☐ N ☐

22. Do specifications/scope of work specify “brand name or equal”? (2 GAR 4103) ☐ Y ☐ N ☐

a. If yes, is there a written determination by GDOE Superintendent or SMA? ☐ Y ☐ N ☐

b. Are three or more different brands identified as “or equal”? ☐ Y ☐ N ☐

c. Do specifications/scope of work state that substantially equivalent products will be considered for award? ☐ Y ☐ N ☐

d. Do specifications/scope of work include the particular design, function, or performance characteristics required? ☐ Y ☐ N ☐

e. Do specifications/scope of work explain that use of brand name is for purpose of describing standard of quality, performance, and characteristics, and not to restrict competition? ☐ Y ☐ N ☐

23. Do specifications/scope of work specify a “brand name” product? (2 GAR 4103) ☐ Y ☐ N ☐

a. If yes, is there a written determination by GDOE Superintendent or SMA? ☐ Y ☐ N ☐

24. Are draft specifications or scope of work attached? ☐ Y ☐ N ☐

25. For IFB, is draft bid form attached? ☐ Y ☐ N ☐

COMPLETED BY:

Print Name

Title

Sign Name

Date

Appendix A-2

GDOE PROCUREMENT FORM – DETERMINATION OF NEED - REVISED 11/2013

RECORD OF PLANNING AND DETERMINATION OF NEED

1. Describe the need for the services or supplies to be procured:

2. Who determined the need for the services or supplies:

3. What is the funding source for this procurement:

4. Were the services or supplies requested and approved in a grant application/award:

☐ Y N ☐

- a. If yes, what grant application and year:

- b. When do grant funds expire?

5. Is this procurement mandated by statute or regulation?

☐ Y N ☐

- a. If yes, cite: _____

COMPLETED BY:

Print Name

Title

Sign Name

Date

Ref: 5 GCA § 50105 & 5249(e)

Appendix A-3



JON J. P. FERNANDEZ
Superintendent of Education

**DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT**

www.gdoe.net/procurement
500 Mariner Avenue
A-Building, Suite A-13
Barrigada, Guam 96913
Telephone: (671) 475-0438/Fax: (671) 472-5001
Email: procurement@gdoe.net



CARMEN T. CHARFAUROS
Supply Management Administrator

REQUEST FOR QUOTATION

Vendor: _____
Phone No.: _____ Fax: _____
Email: _____
Quoted On: _____
Quoted By: _____
(Print and Signature)

Date: April 2, 2018
Return To: Buyer's Name Here
Fax No.: (671) 472-5001
Tel No.: (671) 300-XXXX
Email: kobayson@gdoe.net

Estimate Delivery Time: _____
Quote Valid For: _____ Days

Requisition No.: 2018XXXX
Marked For: School / Division Here
Respond By: April 5, 2018, 3:00pm

Item No.	Item Description	Qty.	Unit	Unit Price	Total Price	Delivery Time

**ALL QUOTES MAY BE BRAND NAME OR EQUAL.
REFURBISHED ITEMS ARE NOT ACCEPTED.
THANK YOU!**

IMPORTANT: If you are unable to quote, please indicate so on this form. This does not commit Guam Department of Education to pay any costs incurred in the submission of this quotation or to contract for supplies or services. Supplies are of domestic origin unless otherwise indicated. Any representation to this Request for Quotation must be completed by the quoter.

The Purchase Order resulting from this Request for Quote will expire **90 days** from the issuance of the Purchase Order, unless specifically stated in this Request for Quote. If Purchase Order is issued, NO VARIATIONS in delivery, price, quality or specifications will be accepted without written consent from GDOE Procurement.

How is our service? Visit our website at www.gdoe.net/procurement to fill out our **Vendor Satisfaction Survey!**



Office of the Attorney General of Guam



NOTIFICATION OF PROCUREMENT OVER \$500,000

(FOR USE ONLY IF AGENCY HAS AN APPOINTED SAAG)

To: Office of the Attorney General

Attention: Deputy Attorney General, Solicitor Division

From: _____
[Agency Name]

Name of Attorney for Agency: _____

Type of Procurement: _____
[IFB, RFP, etc.]

Description of Procurement: _____

Project Number: _____

Funding Source: _____

ARRA: _____ Yes _____ No **If yes, federal agency:** _____

Procurement Officer (Print
Name)

Signature of Procurement Officer

Date: _____