Guideline for Choosing Non-Department of Education (Non-DOE) Venues for DOE Events

1. Purpose of this Guideline

The following guidelines may be used to secure a non-DOE facility for an event held by the DOE, including DOE conferences, seminars, sporting events, award ceremonies, etc.

2. Food Served at the Event

The two major costs when securing an outside venue are: use of the facility space and food (in addition to smaller, incidental costs such as use of equipment, etc.). If the facility operator allows food to be supplied by the DOE, then food served during the event should be procured in accordance with the DOE's *Procurement Policy and Procedures* or through the DOE's Office of School Food. If the facility operator does not permit the DOE to supply the food, then such costs will be included in the license agreement. If the venue will provide food and the cost of the food is greater than the cost of use of the facility, then you should refer the price negotiations to a Procurement Analyst ("PA") at the Division of Contracts and Purchasing ("DCP") to assist you in negotiating the cost of food for the event, so as to assure pricing is fair and reasonable.

3. Selecting the Facility

It is preferred that three bids be obtained and that you choose the facility that is the best value that meets your required criteria (whenever possible, the lowest priced facility meeting the requirements). To better enable preparation of bids, all facility operators should be provided with a specification that contains the following information as applicable, and they should be asked to provide pricing for each item as applicable.

- ✓ description of the event;
- ✓ date(s) of the event;
- ✓ number of people expected to attend;
- ✓ space and seating needs (e.g., tables in a single room to seat everyone, or tables in multiple rooms to hold a specified number of people each, etc.);
- ✓ special equipment needed (e.g., projector and screen, microphone and podium, etc.);

- ✓ number of meals to be served and description of meals (e.g., sandwiches, sodas/water and cookies for lunch), or a request for the vendor to supply pricing and options for meals;

- ✓ other requirements, as applicable.

In addition to specifying our needs, the facility operator should be asked to provide their requirements for use of the facility, such as any requirements they have for use of their personnel and equipment, hours of operation, etc. along with detailed pricing.

Whenever possible, you should select the lowest priced facility that meets your criteria. If you do not obtain three bids or you select a venue that is not the lowest priced facility, you should document in a memorandum to file the specific reasons why you selected the particular venue.

4. Documentation

A. Selection Process. You should create and retain a memorandum to file that documents your efforts, and you should retain any relevant documentation, such as written quotes. Your memo should include:

- ✓ names of all facilities from which bids were solicited and the bid prices submitted for each;

- ✓ name and price of the selected facility and the specific reason(s) for selecting that facility if it was not the lowest bid, or, if bids were not solicited, an explanation of why the facility was chosen;

- ✓ Outcome of any price analysis negotiations

Price Analysis. Whenever possible, you should try to negotiate the price with the facility operator, especially where three bids were not obtained. For agreements that exceed $100,000, a price analysis must be done by the Vendor Research and Price Analysis Unit in DCP.

Request for Authorization. The above-referenced documentation should be provided to the DCP Procurement Analyst and/or Office of Legal Services ("OLS") attorney that will be reviewing the file. All relevant documentation and a copy of the memorandum documenting the efforts to obtain the quotes should be sent along with the Request for Authorization template form, provided by DCP, along with the required information listed above in Section 2.

5. Approvals

License agreements less than $100,000 require approval by the Head of the Office or Principal[1] requesting the agreement. The Office or Principal requesting the agreement should send this approval along with the memorandum and documentation noted above in Section 2 to the DCP PA.

License agreements greater than $100,000 to not more than $250,000 must be approved by the Executive Director of the Division of Contracts and Purchasing.

License agreements greater than $250,000 must be approved by the Chancellor or her designee, Executive Director of DCP, and Head of the Office or Principal[2] requesting the agreement prior to submission to the Chancellor.

6. Written Contract, Insurance, VENDEX and Registration Not Required

You do not need a written contract or an insurance certificate naming the DOE as an additional insured to secure a non-DOE facility. In addition, you are not required to obtain Corporation Counsel approval, a background check on the facility operator, VENDEX forms, or registration with the Comptroller.

Instead, a Purchase Order may be used that references or otherwise includes the quote. To encumber funds, the Purchase Order must be entered in FMS. Please note, the documentation noted in Section 4 should be forwarded to DCP/OLS as well.

In the event the facility operator requires a document signed by both parties and the cost is greater than $100,000, please forward it to the Office of Legal Services for review. This document should reference and include a copy of the written quote along with the details outlined in #3 above and the total cost.

If the facility operator requests information pertaining to insurance coverage or indemnification, please submit and complete the attached form "Request for Self Insurance Letters." If you are holding an event for a school, please submit this form to the school's field counsel. Otherwise, the form should be submitted to the Office of Legal Services.

[1] Approval for the client should be obtained from the appropriate Deputy Chancellor (if the client's office reports directly to the Chancellor, then enter the highest ranked official in the client's office).
[2] *Ibid.*