**Policies for Possible Inclusion in the**

**Local Contracting Manual**

rev 9-6-12

Additional Policies. In addition to the issues addressed in the Local Contracting Manual Template (Template), a JBE may include in its Local Contracting Manual any other policies relating to its procurement and contracting activities. The only limitation is that these policies cannot be inconsistent with the Judicial Branch Contracting Manual (JBCM) or applicable law. While a JBE may decide to include additional policies in its Local Contracting Manual, it is not obligated to do so.

Optional Policies. The JBCM references a number of policy topics that a JBE “should” or “may” address in its Local Contracting Manual. These policy topics are listed below. Because the inclusion of these policies is not mandatory, they are not included in the Template. While a JBE may decide to address some or all of these optional policy topics in its Local Contracting Manual, it is not obligated to do so.

Conditional Policies. The JBCM references certain policy topics that a JBE “must,” “should,” or “may” address in its Local Contracting Manual if the JBE decides to exercise certain discretionary authority. These topics are listed below. Because the inclusion of these policy topics is conditional, they are not included in the Template.

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| **JBCM Chapter and Section** | **Policy Topic** |
| Introduction, section 3 | If the presiding judge varies the court’s application of any nonmandatory business or accounting practice set forth in the JBCM, any variance should be documented in its Local Contracting Manual. |
| Introduction, section 8 | If a variation from a JBCM provision marked as “should” or “should not” affects many procurements, the JBE may note the variation in its Local Contracting Manual. |
| Chapter 1, section 1.1.C.2.c | The JBE may adopt in its Local Contracting Manual more stringent restrictions regarding the acceptance of gifts and gratuities.  |
| Chapter 1, section 1.2 | The JBE may include in its Local Contracting Manual information regarding normal lead times for different types of purchases. |
| Chapter 1, section 1.2 | The JBE may include in its Local Contracting Manual information regarding required approvals, both internal and external. |
| Chapter 1, section 1.2 | The JBE may include in its Local Contracting Manual information regarding certification of availability of funds. |
| Chapter 1, section 1.2 | The JBE may include in its Local Contracting Manual information regarding setting up and maintaining official procurement files (supplemental to the information in JBCM chapter 2). |
| Chapter 1, section 1.2 | The JBE may include in its Local Contracting Manual information regarding signature authorization. |
| Chapter 2, section 2.1.H | If the JBE uses a special negotiation process, the JBE must include procedures and guidelines regarding the process in its Local Contracting Manual.  |
| Chapter 2, section 2.3 | The JBE may adopt policies respecting the creation and contents of procurement files in its Local Contracting Manual. |
| Chapter 4, section 4.1.C.2 | The JBE may adopt a requirement in its Local Contracting Manual that certain personnel involved in procurement activities must sign confidentiality/conflict statements.  |
| Chapter 4, section 4.1.D.3 | If the JBE adopts an advertising period shorter than 10 days for certain small-value solicitations, the JBE should include details in its Local Contracting Manual. |
| Chapter 4, section 4.2.B.1 | If the JBE adopts a standard set of bidder instructions for use in its solicitations, the JBE should include those instructions in its Local Contracting Manual. |
| Chapter 4, section 4.2.B.6 | If the JBE adopts a policy limiting the acceptance of faxed bids to certain low-value procurements, or to solicitations conducted via telephone or e-mail, these limits should be included in its Local Contracting Manual.  |
| Chapter 4, section 4.3.1 | The JBE may adopt in its Local Contracting Manual a requirement that late bids be returned unopened to the applicable bidder. |
| Chapter 4, section 4.5 | The JBE may adopt in its Local Contracting Manual additional policies respecting reverse auctions. |
| Chapter 4A, step 4 | The JBE may adopt in its Local Contracting Manual a higher or lower threshold for the use of RFQs in procurements for non-IT goods.  |
| Chapter 4A, step 11.A | If the Approving Authority establishes a higher threshold amount for the award of contracts to the lowest responsible bidder, the JBE should document this higher threshold amount in its Local Contracting Manual. |
| Chapter 4B, step 5 | The JBE may adopt in its Local Contracting Manual a higher threshold for the use of RFQs in procurements for non-IT services. |
| Chapter 4C, step 4 | The JBE may adopt in its Local Contracting Manual a higher or lower threshold for the use of RFQs in procurements for IT goods and services. |
| Chapter 4C, step 14.C.3 | The JBE may specify in its Local Contracting Manual where the results of completed RFP evaluations will be published, if not on the JBE’s website.  |
| Chapter 5, section 5.1 | The JBE may specify in its Local Contracting Manual additional documentation or approvals required for non-competitively bid procurements under $5,000.  |
| Chapter 5, section 5.3 | The JBE may specify in its Local Contracting Manual additional documentation or approvals required for non-competitively bid purchases from governmental entities. |
| Chapter 5, section 5.4 | The JBE may specify in its Local Contracting Manual additional documentation or approvals required for non-competitively procured legal services. |
| Chapter 5, section 5.7 | The JBE may specify in its Local Contracting Manual additional documentation or approvals required for non-competitively procured non-IT services related to the development, maintenance, administration, or use of licensing or proficiency testing examinations. |
| Chapter 5, section 5.8 | The JBE may specify in its Local Contracting Manual additional documentation or approvals required for non-competitively procured subvention and local assistance contracts. |
| Chapter 5, section 5.9.A | The JBE may identify in its Local Contracting Manual the person who will act as the sole source approver. |
| Chapter 5, section 5.9.A | The JBE may in its Local Contracting Manual place restrictions on the use of sole source procurements or specify a form for sole source requests.  |
| Chapter 5, section 5.9.B | The JBE may in its Local Contracting Manual place restrictions on the use of repeat sole source authorizations or specify a form for use in repeat sole source authorizations.  |
| Chapter 6, section 6.2 step 4 | The JBE should consider setting a dollar limit in its Local Contracting Manual for the use of LPAs.  |
| Chapter 7, section 7.1 | The JBE should designate in its Local Contracting Manual a protest hearing officer and a protest appeals officer. |
| Chapter 7, section 7.2 | A JBE may adopt in its Local Contracting Manual thresholds for the acceptance of protests. |
| Chapter 7, section 7.3.G | The JBE may adopt in its Local Contracting Manual a different deadline for the filing of an appeal, provided it is not fewer than two court days.  |
| Chapter 7, section 7.4.B | The JBE may adopt in its Local Contracting Manual a 10 calendar day deadline for receipt of non-IT services award protests, so that it is consistent with the deadlines for non-IT goods and IT goods and services award protests. |
| Chapter 7, section 7.4.C | The JBE may include in its Local Contracting Manual a general waiver of the requirement, in protests of non-IT goods solicitations, that a bidder must assert it is the lowest responsible bidder meeting specifications. |
| Chapter 8, section 8.2.A | The JBE may adopt in its Local Contracting Manual limitations on the use of POs to purchase services. |
| Chapter 8, section 8.2.C | The JBE may adopt in its Local Contracting Manual a higher or lower threshold for the use of short form agreements.  |
| Chapter 8, section 8.4.B | The JBE should adopt a policy in its Local Contracting Manual describing the circumstances where legal review is required. In connection with such policy, the JBE should define “high risk activities.” |
| Chapter 9, section 9.2.B.3 | The JBE may adopt in its Local Contracting Manual purchase card per-transaction and per-day limits different from those specified in the JBCM.  |
| Chapter 11, section 11.2 | The JBE should establish a contract administration plan and include the plan in its Local Contracting Manual. |