



# UTAH VALLEY UNIVERSITY

## Policies and Procedures

|                           |  |                       |               |
|---------------------------|--|-----------------------|---------------|
| <b>POLICY TITLE</b>       | University Procurement                                     | <b>Policy Number</b>  | 241           |
| <b>Section</b>            | Financial Affairs and Development                          | <b>Approval Date</b>  | June 20, 2013 |
| <b>Subsection</b>         | Procurement  | <b>Effective Date</b> | June 20, 2013 |
| <b>Responsible Office</b> | Office of the Vice President of Finance and Administration |                       |               |

### 1.0 PURPOSE

1.1 As a public institution of higher education, Utah Valley University strives to be accountable in the use of public funds, to follow ethical practices, and to maintain impartiality and professionalism in its procurement processes. This policy specifies the University's general procurement policies and responsibilities that will ensure compliance with Board of Regents' policy, state code, and federal code.

### 2.0 REFERENCES

- 2.1 Utah Procurement Code, Utah Code Annotated, sections 63G-6a-101 et seq.
- 2.2 Utah Administrative Services Code, Utah Code Annotated, 63A-5-206 (2)(a) Construction
- 2.3 Utah Board of Regents' Policy R571 *Delegation of Purchasing Authority*
- 2.4 UVU Policy 114 *Conflict of Interest*
- 2.5 UVU Policy 242 *Solicitation and Award of Procurement Contracts*
- 2.6 UVU Policy 243 *Small Purchases*
- 2.7 UVU Policy 244 *Requisitions and Purchase Orders*
- 2.8 UVU Policy 245 *Receiving Goods and Services*

### 3.0 DEFINITIONS

**3.1 Advance Payments:** Payments made prior to the actual receipt and delivery of goods, services, or construction.

**3.2 Construction:** The process of building, renovating, altering, improving, repairing, or demolishing any University structure or building, major developmental work, or landscaping of University real property. It

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does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

**3.3 Contract:** Any University agreement for the procurement or disposal of goods, services, or construction.

**3.4 Goods:** Anything purchased other than services, construction, or real property.

**3.5 Noncompliant purchase:** A procurement transaction circumventing established procurement policies and procedures, including those outlined in University Policies 241 through 244.

**3.6 Procurement:** Buying, purchasing, renting, leasing or otherwise acquiring any goods, services, or construction. It also includes all functions that pertain to the obtaining of any goods, services, or construction, including description of requirements, selection process, solicitation of sources, preparation for soliciting sources, award of a contract, and all phases of contract administration.

**3.7 Purchasing Agent:** An individual duly authorized by the Chief Procurement Officer to perform procurement-related functions.

**3.8 Real property:** Land and its permanently affixed buildings or structures and related fixtures.

**3.9 Services:** The furnishing of labor, time, or effort by a vendor that does not involve the delivery of a specific end product, other than reports. It does not include employment agreements or collective bargaining agreements.

## 4.0 POLICY

**4.1** The President delegates authority over procurement activities to the Director of Procurement Services and designates the Director of Procurement Services as the Chief Procurement Officer for the University.

**4.2** All goods, services, and construction purchased by the University shall be procured in compliance with applicable statute, rules, guidelines, policies, and procedures, regardless of the funding source, including: state appropriated, federally appropriated, income generated, and funds from gifts, grants, and contracts.

**4.3** Procurement Services oversees the procurement of all goods, services, and construction required by the University and all its departments. Procurement Services: establishes operating processes and guidelines with which to locate and ensure adequate and continuing sources of goods, services, and construction, consistent with legal, budgetary, and delivery requirements of user departments; provides the necessary assistance to acquire such goods, services, and construction on a timely and economical basis; ensures compliance with all applicable state and federal laws and University policies, procedures, and guidelines during the procurement process; and provides assistance, consultation, and advice regarding all procurement needs of the University.



**4.4** A University employee involved in a procurement process must act in accordance with the University Procurement Services Code of Ethics and the ethical standards outlined in the Utah Procurement Code (63G-6a-2201, et seq.). Individuals who do not comply with University policies when placing procurement orders may become personally liable to the vendor for the contract price and may be subject to disciplinary action.

**4.5** Procurement activities shall be performed independent of any fundraising endeavors of the University.

**4.6** Operating units authorized in section 4.7 shall comply with applicable University policies and procedures and use substantially the same sound business practices in their purchasing activities as those followed by Procurement Services.

**4.7** The following operating units are delegated purchasing authority to solicit bids and issue purchase orders independent of Procurement Services, but in keeping with written policies found within each department and with maximum practicable competition in all such purchasing:

- 1) Library (books and periodicals only)
- 2) Bookstore (resale items only)
- 3) Dining Services (resale items only)
- 4) Events center (event-related goods/services and resale items only)
- 5) Other resale operations as approved by the Director of Procurement Services and the applicable vice president (resale items only)

**4.8** Advance payments may not be made except in certain cases as determined appropriate by Procurement Services.

## 5.0 PROCEDURES

### 5.1 Responsibilities of Procurement Services

**5.1.1** In discharging its responsibilities, Procurement Services may:

- 1) Initiate, conduct, and conclude solicitations and negotiations for the purchase of goods, services, and construction for the University.
- 2) Obligate the University for the purchase of goods, services, and construction.
- 3) Recommend changes in quality, quantity, or kind of material requisitioned and/or suggest appropriate alternatives.
- 4) Fill requisitions with goods of equal usability and quality that are currently available in the inventories of the University.

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5) Select qualified suppliers.

5.1.2 In order to avoid violating University policies and procedures, correspondence with vendors relating to the acquisition of goods, services, or construction shall be processed through Procurement Services during the period of time beginning when an individual knows, or should have known, that a solicitation for quotes, bids, or proposals must be completed and ending when a contract has been awarded.

**5.2 Limitations and Restrictions on Procurement**

5.2.1 The purchase of goods, services, or construction from faculty or staff shall be authorized only if (1) established Procurement Services processes are followed in compliance with the *Utah Public Officers' and Employees' Ethics Act* and University Policy 114 *Conflict of Interest* and (2) documented evidence that the purchase price is fair and reasonable exists.

5.2.2 Unless specifically approved in writing by the Purchasing Agent, orders or commitments for procurement by faculty or staff members are not binding on the University except as permitted by Policy 243 *Small Purchases* and the small-dollar purchase guidelines established by Procurement Services.

**5.3 Noncompliant Purchases**

5.3.1 A noncompliant purchase may be rescinded or nullified. Restocking fees may apply.

5.3.2 Documentation detailing the facts that gave rise to the noncompliant purchase, accompanied by the associated invoice and appropriate vice president's approval of payment for the non-compliant purchase, must be submitted to Procurement Services.

5.3.3 Individuals who make repeated noncompliant purchases may be subject to disciplinary action.

| POLICY HISTORY      |              |                    |
|---------------------|--------------|--------------------|
| Date of Last Action | Action Taken | Authorizing Entity |
|                     |              |                    |
|                     |              |                    |