

DIRECTORY OF POLICY STATEMENTS

Policy Number: II:02:00

Date: July 1986
Updated 2009**SUBJECT: Procurement Services Policies and Procedures****Original Policy:**

The basic objective of Buffalo State College's Procurement Services Department is to identify, select, and acquire needed material and service as economically as possible within accepted standards of quality and service. Although the purchasing process is a joint effort among the using department, Procurement Services Department, and vendor, the Procurement Services Department has the final authority to conduct and conclude negotiations concerning prices and condition, of sale. College commitments must be made by the Procurement Services Department in accordance with requisition /ordering procedure

In pursuing these objectives, it is the policy of Buffalo State College to take affirmative action to ensure that minority and women-owned business enterprises are given the opportunity to demonstrate their ability to provide the college with goods and services at competitive prices.

Buffalo State College being a publicly controlled institution must use purchasing procedure prescribed by statutes or government regulations. Included as part of the State of New York statutes is the Public Officers Law. Section 73, paragraphs 4 and 5 that pertain to business or professional activities by state employees in the purchasing of goods and services.

Section 73, paragraph 4 as stated:

"No officer or employee of a state agency, member of the legislative employee or firm association of which such person is a member, or corporation, ten per centum or more of the stock of which is owned or directly or indirectly by such person, shall sell any goods or services having value in excess of twenty-five dollars to any state agency unless pursuant to an award or contract let after public notice and competitive bidding. This subdivision shall not apply to the publications or notices in newspapers designated pursuant to law for such purpose and for which rates are fixed pursuant to law"

Section 73, Paragraph 5 as stated:

"No officer or employee of a state agency, member of the legislature or legislative employee shall, directly or indirectly, solicit, accept or receive any gift having a value of twenty-five dollars or more whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonable be inferred that the gift was intended a reward for any official

action on his part. So person shall, directly or indirectly, offer or make any such gift to an officer or employee of a state agency, member of the legislative employee under such circumstances”

In addition to any penalty contained in any other provision of law, any person knowingly and intentionally violates these provisions of Section 73, paragraph 4 and/or paragraph 5 shall be guilty of a misdemeanor.

Purchasing of Goods or Services

College commitments must be authorized by the Procurement Services Department or the Accounting Department (Travel). The practice of competitive bidding, whether formal (sealed bid.) or informal (written quotation.), not only tends to assure reasonable prices, but will guard against favoritism, improvidence, and fraud.

Purchasing Guidelines., Procedures and Authorization

ALL PURCHASE ORDERS MUST BE PLACED THROUGH THE COLLEGE PROCUREMENT SERVICES DEPARTMENT.

A. Purchase of materials, equipment and supplies including computer equipment printing, motor vehicle and contracting for service.

1. Purchases up to \$2,500 (\$5,000 from minority or Women Owned Business

Buffalo State College may purchase directly from a responsible vendor of its choice. While no competitive bidding is required, our purchasing department will take necessary steps and make appropriate reviews to ensure that prices are reasonable.

2. Purchases from \$2,501 up to \$5,000.

Buffalo State College must solicit a minimum of three (3) bids from responsible vendors offering such a commodity. The three (3) bids must be in the form of written quotation as authorized by our Purchasing Department.

3. Purchase in excess of \$5,000 but net exceeding \$20,000.

Our Procurement Services Department must solicit in writing a minimum of five (5) sealed bids from responsible vendors offering such a commodity. The purchase of printing items in excess of \$5,000 must have the prior review and approval of the State Comptroller before an award can be made.

4. Purchases in excess of \$20,000.

Purchase of materials, equipment and supplies including computer equipment and motor vehicles in excess of \$20,000 must have the prior review and approval of the State Comptroller before an award can be made. Our Procurement Services Department will coordinate all such purchases.

5. Purchase from Office of General Service Term Contract.

Buffalo State College may elect to purchase an item or items from an existing Office of General Services Term Contract without the need to solicit cooperative proposals regardless of the amount.

B. Guidelines for the procurement of consultant services

Contracting for consultant services follow the same procedures for authorizations for the purchasing of goods and materials with some additional areas that should be addressed by the college before commencing the contract process. The college should satisfy itself that:

1. the service cannot be performed within the agency itself, or by another state agency;
2. competitive proposals can be obtained for the service, to be provided;
3. the services can be adequately described so that prospective bidders can submit an intelligent proposal;
4. the desired end results will be obtained by the consultant within the desired time frame at a reasonable price;
5. firms are technically qualified, have adequate staff, and financial resources to complete the contract;
6. the firm has a satisfactory work record in past performances; and
7. there is no conflict of interest with regard to other work performance by the contractor or with the agency itself.

C. Honorarium Payments.

In accordance with the State Comptroller's rules, the honorarium procedure is to be used for payment for honorarium fees to lectures, guest speakers and performing artists.

The honorarium procedure cannot be used for consultant services. Particulars of this procedure can be obtained from our Accounting Office.

D. Travel Expenditures and Reimbursements.

Travel guidelines directives are issued by the Department of Audit and Control. Our

Accounting Office facilitates the travel program.

E. General.

1. Authority

In general, the purchasing procedures and guidelines herein are stated in Chapters 535-555 of the laws of 1985 that authorize the College to enter into contracts and make purchases in a more efficient and timely manner than in the past. This statutory authorization requires the University Board of Trustees to establish rules and regulations governing the procedures to be followed when entering into such contracts or making such purchases. This item carries out the obligations of the Trustees in accordance with the governing statute.

The regulations contained in this item attempt to strike a balance between the need to expedite college purchasing and the obligations to prudently manage the finances and affairs of the college. The regulations have, been shared and reviewed by the Office of General Service, and the Office of the State Comptroller.

2. Procedures Applicability

- a. These rules and regulations are promulgated pursuant to the authority vested in the State University of New York Board of Trustees in section 355 of the Education Law, as amended by Chapters 552—355 of the Laws of 1985. And shall apply to all purchases made by State-operated campus of State University and Central Administration of which Buffalo State College is a part.
- b. The conflict of interest and code of ethics provisions of Sections 73 and 74 of the Public Officers Law (included) shall apply to all purchasing activities under these rules and regulations.

3.. Objectives end Standards

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- a. It is the policy of Buffalo State College to take affirmative action to ensure that minority and woman-owned business enterprises are given the opportunity to demonstrate their ability to provide the college with goods and services at competitive prices.
- b. Every effort should be made to purchase from preferred courses such as the Division of Correctional Industries or the Department of Correctional Services, Industries for the Blind of New York State, Inc., and New York State Industries for the Handicapped, Inc., where the coats and delivery terms must the needs of the campus.
- c. The College's basic procurement objective is to secure the most appropriate

materials, supplies, equipment, services etc. at the lowest available price, consistent with quality requirements and delivery needs as will best promote the interests of New York State. Purchases may be made directly by a campus as provided herein or from any contractor pursuant to any contract for commodities let by the Office of General Services or any other State agency.

- d. The practice of competitive bidding, whether formal (sealed bids) or formal (written quotations), not only tends to assure reasonable prices, but will guard against favoritism, improvidence and fraud, Therefore, competitive proposals shall, to the extent practicable, as provided herein, be solicited and purchases shall be at the lowest available price consistent with quality requirements as best will promote the public interest.

Source of Information: Purchasing and Guidelines for the Flexibility Program of the State of New York, July 1986